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## **Rights and Recognition of Indigenous Language in Malaysia Education System: The Case of Orang Asli**

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### **ABSTRACT**

This paper focuses on the ‘survival’ of Orang Asli language in the mainstream education system in Malaysia. Since UNDRIP takes place in the social-political environment in Malaysia, UNDRIP outlines several guidelines such as self-determination, rights and equity for their language and cultural which should be given to the Indigenous people. This research is based on a case-study exploratory approach, using qualitative methods of collecting data and used in-depth interview with several people respondents who have worked as policy makers, educational academics and NGOs. The interviews were based on the principle of saturation in which the informants have been interviewed until no new ideas were emerging. The interviews were audiotaped, transcribed verbatim and checked for content based on discourse analysis. The findings revealed that every person has the right to express themselves in the language of their ancestors, not just in the language of convenience like what Malay language has become. Through supporting language revival, government of Malaysia can appreciate the significance of Orang Asli languages and recognises their importance to the Orang Asli and to Malaysia through education and constitution. This is an example on how the government gives the language rights and recognition to Indigenous people. Therefore, the government should provide funding and mechanism in realizing this matter by providing trained teachers who master the language of the Orang Asli so that the wish in the Article 14 can be fulfilled. Policy Education for Orang Asli must therefore be considered on the basis of recognition and understanding and promotion of human rights specifically the rights to language and cultural identity in which it can also contribute to the pluralist societies.

**Keyword:** Orang Asli, Language, Cultural, Rights, Recognition, Equity, Education

### **1. Introduction**

The United Nations International Decade (1995-2004) addressed some issues such as human rights, the environment, development, health, culture and education during the second session of the UN Permanent Forum on Indigenous Issues (United Nation, 2003). One of the aims of the Forum was the discrimination suffered by Indigenous peoples in the education system, the loss of Indigenous languages, the exclusion of Indigenous cultures and knowledge from the school curricula, and the need to promote the participation and contribution of Indigenous peoples in the development of culturally and linguistically appropriate educational programmes. For Malaysia context, ‘Indigenous people’ refers to ‘Orang Asli’, which is translated as ‘original peoples’ or ‘first peoples’ (Nicholas, 2000) with 18 ethnic subgroups generally

classified for official purposes under Negrito, Senoi and Proto-Malay (JAKOA, 2011). The other original people in Peninsular Malaysia are Malay and Sabah and Sarawak known as the 'native peoples' (Hood, 2004; Hassan, 1998). These are the different groups in Malaysia. For this reason the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) (UNDRIP, 2007) is created to give Indigenous peoples the right to determine their own education system. Article 14 states that, Indigenous peoples have the right to establish and control their educational systems and institutions and provide education in their own languages; in a manner appropriate to their cultural methods of teaching and learning. Moreover, Indigenous individuals, particularly children have the rights to all levels and forms of education of the state without any discrimination.

In Malaysia, the development of Orang Asli via education is significantly in line with the physical growth of infrastructural and modern agricultural methods introduced by the government in 1960 (Asnarulkhadi, Maria, Zahid, Mariani, & Hanina, 2007). The measures taken to improve the quality of the life of the Orang Asli and their education in particular, are not new. The government of Malaysia has introduced initiatives to integrate minority groups into the mainstream and this can be seen as a measure to fulfil social participation (Asnarulkhadi, 2005). In Malaysia, these initiatives constituted part of the Second Malaya Plan (1961-1965) until the Tenth Malaysia Plan (2011-2015). However, the curriculum is developed and modelled on mainstream curricula without taking any account of the Orang Asli language and cultural issues (Mohd Roslan, 2014, 2015). However these cultural issues are not incorporated in the educational process in which it can actually help to preserve the culture or even apply the knowledge in the classroom setting.

The integration of minority groups into the mainstream curricula is based on policies created by the government with the intention to provide the best education for the Indigenous people. However, the efforts and policies established by the government to increase education among the Orang Asli has resulted in vain as studies showed that these efforts do not provide the best education for them (Hasmah, 2013; Hassan, 2009; Mohd Roslan, 2014; Nicholas, 2006). In terms of education, Orang Asli communities are still far behind compared to the mainstream society (Hasmah, 2013; Hassan, 1997, 2009; Mohd Roslan, 2014; Nicholas, 2006; O. Omar, 2004). For almost 55 years of mainstream education for the Orang Asli, the education issues for Indigenous groups have not been resolved (Mohd Roslan, 2014, 2015). This lack of progress in education begs the question: is the education policy made by the government today more beneficial to the mainstream society than to the Orang Asli community? This question remains important because the Orang Asli are still behind in terms of educational achievement (see the report of Department of Orang Asli Development, 2011; Mohd Roslan, 2015)

The mainstream education system is rejected by the Orang Asli in Malaysia (Mohd Roslan, 2013, 2015; Nicholas, 2006). This situation is often characterized by a lack of access to an education that respects the diverse cultures and languages of the Orang Asli (Mohd Roslan, 2015). Despite of this evidence, the government in Malaysia seems to ignore the issues raised by the Orang Asli and continues to impose a mainstream education system on them (see the report of SUHAKAM, 2011a; SUHAKAM, 2011b, 2012).

Therefore, my argument is that the rights and recognition of Orang Asli language in education system should be based on minimum standards promoted by the United Nations Declaration on The Right of Indigenous peoples (UNDRIP), which states in Article 14 (1) that “Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning” (UNDRIP, 2007, p. 7). Therefore this paper focuses on the ‘survival’ of Orang Asli language in the mainstream education system in Malaysia and also the inspiration among the Orang Asli in terms of recognition of Indigenous language in Education system in Malaysia.

## **2. Indigenous Language in Education System for Orang Asli: The UNDRIP and Constitutional of Malaysia**

In pledging to pursue in the spirit of partnership and mutual respect, international communities, including Malaysia should reflect on the contemporary standard made by UNDRIP. This is supported in preambular para. 24 which clearly mentions about this pledge made by the UNDRIP and UN General Assembly. Hypothetically, the UNDRIP lays out a ‘roadmap for future realisation of Indigenous rights’ (Gilbert & Doyle, 2011, p. 327). Malaysia, which is the member of the UN and the UN Human Rights Council protects human rights under arts 1(3), 13(1)(b), 55(c), 56, 62(2) and 76(c) of the Charter of the United Nations (UN Charter). As for these provisions, art 56 of the UN Charter member states that ‘to take joint and separate cooperation with the organization’ for the protection and promotion of human rights and the fundamental freedoms under art 55. As a member of the Human Rights Council, Malaysia is further compelled to ‘uphold the highest standards in the promotion and protection of human rights’ (United Nation, 2006 para 9).

In Malaysia, the UNDRIP is in favour. The Malaysian national human rights institution; SUHAKAM has cited the UNDRIP as a standard reference in their respective calls for the protection of the Orang Asli education rights. There are three international instruments that specifically address guaranteed Indigenous rights and educational rights to indigenous peoples and indigenous children besides UNDRIP. They are International Labour Organization (ILO) Convention 169 Concerning Indigenous and Tribal Peoples in Independent Countries (ILO 169) Communication (Article 26, Article 27 (1), (2), (3), Article 28 (1), (2), (3), Article 29(1), (2) and Article 31), which make reference to the UN Convention on the Rights of the Child (CRC) (Article 2, Article 28, Article 29 and Article 30) and the UN Universal Declaration of Human Rights (UDHR) (Article 26 (1) and Article 29 (2)). All international allocations indicate that education is important and should be prepared by taking into account things like culture, the practice of their own language without being discriminated and the community’s way of life. The access to education is human right and education has the power to change which is why Malaysia should take the international standard as a guideline in implementing and making the education policy to the Orang Asli.

Based on A. H. Omar (1982) states that language planning in Malaysia began in 1956. The Report of the Education Committee was concerned with education in general and specifically the policies governing the uses of English, Malay, Tamil and Chinese. According to A. H. Omar (1982, p. 33), it “paved the way for the education system of Malaysia to transform into one that was national in nature”. She argued that, “people

speaking a common language acquire through this language a feeling of unity and a common identity” (A. H. Omar, 1982, p. 34).

After Malaysia became independent in 1957, the National Language Policy was drafted in Article 152 of the Constitution. This policy established Malay as the only national language with the purpose of developing national unity and identity. This policy also wrote in a provision for the mother tongues of the numerous other languages. In Section 2 of the Malaysian Education Act 1966 provides, under the national school and national secondary school, the possibility for the teaching of Indigenous languages if it is reasonable and practicable to do so and if the parents of at least 15 pupils in the school so request. While this policy has enabled the teaching of two Indigenous languages, namely Kadazandusun and Iban in Sabah and Sarawak respectively, there have been countless other calls for the government to allocate more efforts and resources to allow the teaching of more indigenous languages and that ‘reasonable and practicable’ should not become a barrier for such implementation.

Based on the report from SUHAKAM (2011b), the 3Rs (reading, writing, arithmetic) is still a major concern for Orang Asli children and apparently form the majority of ‘hard-core illiterate’ children in the Ministry of Education's Literacy and Numeracy Screening Programme. This is evidence to show that Orang Asli children still not good in language proficiency. Therefore, based on the UNDRIP, I argue that government should except for the teaching of bilingual education in schools. This is because the National Education Act does not have much opening for a more inclusive curriculum that would strengthen the recognition of Indigenous Peoples or their ways of learning.

### **3. Methodology**

This research is based on a case-study exploratory approach, using qualitative methods of collecting data. To undertake this research, I conducted in-depth interviews with several respondents who have worked as policy makers to obtain information about the planning stage. I also included the views of educational academics, school teachers and Indigenous people and their involvement in the formulation of education policy. NGOs and expert educational bodies were involved in this study to make it balanced and comprehensive. The number of respondents depended on the information that was received until ‘saturation point’ was reached. The interview results were recorded, transcribed verbatim and analyzed based on discourse analysis technique. The discourse analysis are based on the minimum standard guidelines outlined by the UNDRIP. Since the UNDRIP works in a social-political environment in Malaysia to care for Indigenous people, it has outlined several guidelines such as self-determination, rights and equity, which should be given to Indigenous people. All names used in this paper are pseudonyms, in order to protect the respondent’s identity.

### **4. Rights and Recognition Indigenous Language: The Orang Asli**

Indigenous language education is important issue raised by the most of the respondents. Respect for their language is inherited by Indigenous people from past generations.

Most of the respondents thought that education should be delivered in their own language, which would make the learning process easier to understand. Salleh simply says:

*Salleh: The issue regarding language is a very important issue. There is a need for a special stream for the Orang Asli to use their own language in the education system. This is because knowledge can be conveyed much more easily to them and lead to better understanding among the Orang Asli. Another reason is they are much attached to their tradition and their language.*

It follows that the specific collective rights of Indigenous people, such as the recognition of native title and the maintenance of cultural practices and Indigenous languages, should be preserved. According to UNDRIP, Indigenous linguistic identity is a right which should be granted, according to Articles 13 (1), 14 (1), (3) and 16 (1). This has not been fully granted.

Other respondents claimed that the Malaysian government was not enthusiastic about introducing Orang Asli languages into Indigenous education. One option they would consider is to offer those languages as elective subjects for students. Rosli confirmed that,

*Rosli: Orang Asli students were not given the means to access their own language. They didn't use their own language during teaching and learning. There were languages like Temuan and Semai, which were taught in school. However, these languages were elective subjects that can be chosen by the students.*

In recognition of the importance of Indigenous language in Orang Asli education, a proposal has been made to the Ministry of Education to establish a bilingual approach. Musa, a senior academic, related that.

*Musa: ...we had given a suggestion to the Ministry of Education to establish a bilingual approach. However, the response was not overwhelming. A lot of excuses were given such as preparation of teachers to be trained to teach using their mother tongue language. Further, there are only a few teachers from the Orang Asli that can contribute to that establishment.*

These interview extracts demonstrate that substantive rights to Indigenous language were absent from education policy. The government should implement bilingual education to ensure that the Orang Asli obtain their rights and the recognition of language in accordance with Article 14 of UNDRIP (UNDRIP, 2007, p. 7), which provides that the government should provide an education system which uses Indigenous languages in teaching and learning.

However, the government perspective is that the use of *Bahasa Melayu*, used in other Malaysian schools, is most suitable for indigenous education. Ahmad, a senior administrator, explained that Orang Asli students had the option to choose language subjects as elective courses, which indicates that the government is responding to their demands.

*Ahmad: Language uniformity in the education system—that uses Bahasa Melayu as a medium—is the most suitable way, which is in*

*line with the education philosophy of the nation. Therefore, on the basis of concerns regarding the language issue, the government has come out with an option of "elective language" if there are students who are interested in learning Orang Asli language. However, in terms of usage of the language as a medium during teaching and learning, it will not be effective as the uniformity of the language has to be done in line with the current situation.*

Therefore, language is one of the contested issues between the Orang Asli and the Malaysian state. Although there was much discussion about the government's plans, the importance of the Orang Asli language and its use in Indigenous education was not a priority. Regardless of race and religion, the government of Malaysia seems to uphold the principles that are stated in national education policies, especially the significance of *Bahasa Malaysia* in teaching and learning. This situation contradicts Article 14 of UNDRIP, which provides that governments should provide education in Indigenous languages.

Thus language is an issue of intellectual sovereignty and heritage (Mohd Roslan, 2015). I argues that language is an important sign of identity. Indigenous language should be preserved through recognition in the education system, in line with UNDRIP. This represents a substantive right and a recognition of language, as outlined in UNDRIP.

Feedback from respondents demonstrates that Orang Asli are not satisfied with their treatment. They have many concerns that need to be heard by their governments especially focus on language. However, national policies and development are considered a higher priority, rather than community demands, notwithstanding that they are the Orang Asli in Malaysia.

The Orang Asli are still using Malay and English language and the structure from the mainstream curriculum as a teaching medium and sources in the education system (Mohd Roslan, 2015). Therefore, Orang Asli are still given the full opportunity to create a curriculum and education orientation which is based on the culture through the implementation of the language and culture in their education system. Malaysia owes it to the Orang Asli to support the maintenance and revival of their cultural heritage, in this instance, through language revival. To quote Nelson Mandela, 'if you talk to a man in a language he understands, that goes to his head. If you talk to him in his language, that goes to his heart' (cited from Zuckermann, Shakuto-Neoh, & Quer, 2014, p. 57). According to the international law of Indigenous people human rights, Article 14 (3) states that, 'states shall, in conjunction with Indigenous people, take effective measures, in order for Indigenous individuals, particularly children, including those living outside communities, to have access, when possible, to an education in their own cultural setting and provide in their own language' (UNDRIP, 2007, p. 7). Thus every person has the right to express themselves in the language of their ancestors, not just in the language of convenience like what Malay language has become.

Through supporting language revival, government of Malaysia can appreciate the significance of Orang Asli languages and recognises their importance to the Orang Asli and to Malaysia through education and constitution. Government can then amend

some small parts of the wrongs against the original inhabitants of this country and support the wishes of their ancestors with the help of linguistic knowledge. For example, New Zealand (Maori Language Act 1987 in Human Rights Commission (New Zealand) 2008), South Africa (Chapter 1 Sec. 6 in Constitution Republic of South Africa), Norway (Sami Language Act 1990) and Peru (Peru enacted Decree No. 21 recognizing Quechua as an official language) are significant examples of language preservation and restoration for Indigenous people in their countries by making the aboriginal peoples' languages as official language along with other languages in their countries. This is an example on how the government gives the language rights and recognition to Indigenous people. Language equity and rights are not just by providing the subject *Bahasa*, it is more than that. It is to elevate *Bahasa Orang Asli* in the education system. *Bahasa Orang Asli* should be the language of knowledge and language of instruction for the Orang Asli schools. Based on (Zuckermann (2012)) [ENREF 49](#) '...emphasis often seems to be more on land than language but while compensation can be given for land, that is not possible for the loss of a language...when a language is lost, people also lost their intellectual sovereignty and their culture'. Therefore, the government should provide funding and mechanism in realizing this matter by providing trained teachers who master the language of the Orang Asli so that the wish in the Article 14 can be fulfilled.

### 5. Conclusion

Orang Asli rights and recognition of Indigenous language must be clarified in the education system through the requirements and also the educational model so that they are not isolated from the existing education system. Therefore, full involvement of the Orang Asli is necessary in terms of the management, administration, and the delivery of the mainstream education, so that the education system operates more inclusively towards the curriculum development in line with the UNDRIP. Therefore, the government should provide funding and mechanism in realizing this matter by providing trained teachers who master the language of the Orang Asli so that the wish in the Article 14 can be fulfilled. Policy Education for Orang Asli must therefore be considered on the basis of recognition and understanding and promotion of human rights specifically the rights to language and cultural identity in which it can also contribute to the pluralist societies.

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