

FOREST RESERVE AS AN INCLUSIVE OR EXCLUSIVE SPACE? ENGAGING ORANG ASLI AS STAKEHOLDER IN PROTECTED AREA MANAGEMENT

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Submitted January 2019; accepted April 2019

Contradictions between community practices and governance in resource use within forest reserves can only be resolved using an inclusive approach for effective management and sustainable use of natural resource. Using a case study in Peninsular Malaysia, we argue that effective natural resource management requires the authorities to consider indigenous participation and the incorporation of indigenous knowledge. This helps to improve the management of protected areas. Indigenous knowledge of natural resources and landscape represents the close relationship between indigenous communities and their natural surroundings. Therefore, it is crucial to acknowledge them as the main stakeholders in managing protected areas. Experts and policymakers need to adopt a holistic approach by recognising the existence of multi-stakeholders in protected areas and addressing their diverse needs. When framing appropriate policies and management plans for protected areas, indigenous knowledge and the pressures which shape the way they utilise natural resources should be acknowledged and considered. Here we echo the core concepts of the participatory approach by recognising indigenous claims to rights, empowering them and listening to their needs for an inclusive approach to the management of protected areas.

Keywords: Indigenous community, Peninsular Malaysia, inclusivity, natural resources, exploitation

INTRODUCTION

In Peninsular Malaysia, forest reserves located within protected areas are managed by different government agencies, e.g. Federal Department of Wildlife and National Parks, Johore National Parks Corporation, Perak State Parks Corporation and state forestry departments. Yet, the indigenous communities residing in forest reserves often face the consequences of environmental degradation due to deforestation and encroachment of their customary land, and are never involved in the management of the protected areas by the state government (Suaram 2017). Problems with managing protected areas in Peninsular Malaysia often involve unsustainable logging in forest reserves, which consequently opens up roads leading deep into the forest allowing or making accessible for indigenous communities and others to harvest non-timber forest products

(NTFP) (Yusof 2002). Access alone however does not drive illegal trade. Increasing demand for NTFP encourages illegal encroachment into forest reserves and poaching. The lack of participation and commitment from the indigenous communities poses several challenges in the management of protected area. Hence, engaging with communities as partners in managing natural resources works in the interest of conservation and it helps address gaps in government surveillance over activities in such landscapes.

The three main groups of the indigenous community in Peninsular Malaysia (hereby known as Orang Asli) are divided into 19 subgroups with two distinct linguistic categories (Table 1). In 1991, the population of Orang Asli was estimated to be 98,494 but has increased to

Table 1 Division and distribution of Orang Asli in Peninsular Malaysia

Major group	Subgroup	Traditional distribution	Language group
Semang-Negrito	Bateq	Kelantan, Pahang	Austro-Asiatic
	Jahai	Perak, Kelantan	
	Kensiu	Kedah	
	Kintak	Kedah	
	Lanoh	Perak, Kelantan	
	Mendriq	Perak, Kelantan, Pahang	
Senoi	Che Wong	Pahang	Austronesia
	Jah Hut	Pahang	
	Mah Meri	Selangor	
	Semai	Perak, Pahang, Selangor	
	Semaq Beri	Pahang, Terengganu	
	Temiar	Perak, Kelantan	
Proto-Malay	Jakun	Pahang, Johore	Austronesia
	Orang Kanak	Johore	
	Orang Kuala	Johore	
	Orang Seletar	Johore	
	Semelai	Pahang, Negeri Sembilan	
	Temoq	Pahang, Johore	
	Temuan	Selangor, Negeri Sembilan Melaka, Johore, Pahang	

178,197 in 2018 (Ministry of Rural Development Malaysia 2018). Traditionally, the Orang Asli had settlements in all states with the exception of Perlis and Penang but they are now distributed throughout the country due to employment and mobility. About 80% of the Orang Asli are categorised as rural community living within or below the RM530 (1USD ~ RM4.13) poverty line (Masron et al. 2013).

Generally, development policies protect the interest of the government while marginalising the Orang Asli. The 1950s and 1960s programmes for Orang Asli were mainly designed in response to the Malayan Emergency (1948–1960), which included setting up the Department of Aborigines, enacting the Aboriginal Peoples Act 134 (1954), and introducing the 1961 Statement of Policy Regarding the Long Term Administration of the Aboriginal Peoples in the Federation of Malaya. However, by the 1970's and 1980s, the government had instituted programmes aimed at promoting Orang Asli development through planned interventions; an example is the establishment of the regroupment schemes that were premised on the Federal Land Development Authority

scheme (Carey 1976, Leary 1995, Nicholas 2000). While the underlying motivation for policies between the 1950s and 1980s remained national security, the focus in the implementation shifted towards economic development. By the 1990s the approach for Orang Asli development shifted once more, from a single agency approach to managing Orang Asli affairs, namely, through the Department of Orang Asli Affairs to a multi-agency approach. Although the focus remains to improve the overall well-being of the Orang Asli, some have observed the inclusion of privatisation as a tool for development (Nicholas 2000). Development over the last few decades have brought the Orang Asli into direct contest with the state and corporations over rights to their customary land. For most parts, the Orang Asli comply with government directives and allow their customary land to be exploited for logging, mining, agriculture and construction, whether for housing estates, roads or dams. In the past, the Orang Asli would often have simply moved away. Today however, due to scarcity of land, such non-confrontational strategies are less likely to happen. Instead the Orang Asli

have turned to public channels such as protests, setting up blockades, going to the media and finding redress through legal representation. The recent blockades by the Temiar communities in Gua Musang, Kelantan are cases in point and will be included in our discussion on emerging challenges.

Top-down decision-making practices which are exclusive to the government not only deny the Orang Asli of their rights as indigenous peoples, but are also not sustainable (Aziz et al. 2013). Using a case study from the United Nations Development Programme (UNDP) project in Pekan, Pahang we discuss the importance of engaging with indigenous communities as partners as well as acknowledging and incorporating indigenous knowledge, beliefs and practices into policies and conservation practices. We will show that partnership with Orang Asli communities in natural resource management is an important strategy in ensuring sustainability of protected areas.

MATERIALS AND METHODS

Case study—background

The case study was part of a project conducted in 2005 titled ‘Conservation and sustainable use of tropical peat swamp forests and associated wetlands ecosystems’, commissioned by the UNDP Global Environment Facility (GEF). The objective of the UNDP–GEF project in the South-East Pahang Peat Swamp Forest (SEPPSF) was to develop and implement an Integrated Management Plan (IMP). The IMP is a document aimed at supporting the implementation of conservation and the sustainable use of the SEPPSF from the perspectives of stakeholders. The IMP was developed using an evident-based approach and incorporated views from the government, private sector and indigenous communities. To achieve the objective, a study was commissioned to understand how the indigenous communities utilise NTFPs within the landscape. Findings from the study were incorporated into the IMP. Although the study has ended more than 10 years ago, the community partnership in natural resource management was not implemented. Thus, the argument for the recognition and participation of indigenous community in management of

protected area remains relevant in Peninsular Malaysia.

The research area is located in SEPPSF in the district of Pekan. The SEPPSF covers 60% of the remaining peat swamp in Peninsular Malaysia, of which 40% is located within four forest reserves, namely, Pekan, Nenasi, Kedondong and Resak. The Bebar and Merchong Rivers which transverse the forest reserves are important sources of livelihood for the Orang Asli. Threats to the SEPPSF include logging activities, land conversion, fire, spread of invasive species, water pollution and alteration of hydrological regime.

The indigenous minority communities in Pekan—a general profile

The Department of Orang Asli Development recorded 57 families as living above the poverty line (monthly earnings \geq RM1201) while 2061 families were either poor (between RM264.50 and RM529) or hardcore poor (\leq RM264.50). The remaining 491 families were categorised as potentially poor (~RM530). Of the 31 villages in the research area, half did not have access to piped water, 8 villages did not have electricity and 10 villages did not have roads. Almost all villages did not have flush toilets in the houses and proper waste disposal management system. Most villages were within reach of local schools and health facilities. Employment opportunities and income distribution varied between and within villages with more than two-thirds of the overall population were self-employed (UNDP/GEF 2003). About 37% of the population were forest product gatherers, 15% were either farmers or plantation workers, 10% were fisherman, less than 10% worked in commercial logging companies and the remaining population work in trading, factory and office as contract labour or with family. The majority of the population depended on a few working members of the household. The working age was between 15 and 65 years old. Without adequate formal education, their opportunities for economic livelihood were limited. The Orang Asli in Pekan collected NTFPs as a source of income and for personal consumption. The commodification of NTFP and the participation of the Orang Asli in this trade were mainly driven by market demand, existence of middlemen and availability of transportation (UNDP/GEF 2003).

Methodology

The indigenous community in this case study refers to the Jakun, a subethnic group of the Proto-Malay (Table 1). A qualitative approach was used, involving iterative data collection and analyses. In-depth interviews, focus group discussions, informal interviews and observations were used, which allowed us to change questions and directions of the interviews as new information appears. Verbal consent was obtained from the respondents prior to the activities which were carried out in accordance to the principles of ethics. The study aimed to explore three themes—firstly, to understand the utilisation of natural resources by the Orang Asli communities living within the SEPPSF; secondly, to explore the role played by women in this context; and thirdly, to appreciate local views towards conservation. We focused on three groups, namely, (1) NTFP collectors in a regroupment scheme in Runchang (RPS Runchang), (2) NTFP collectors from Kampung (Kg.) Sekukuh, and (3) roadside stalls set up by the Orang Asli living within the peat swamp and coastal areas, which sell NTFPs along the road between Pekan and Rompin and the Tun Abdul Razak highway.

In-depth interviews and focus group discussions were conducted with a group of Orang Asli who collected and traded in rattan and river fishes in RPS Runchang, while informal interviews and general observation were conducted among those who resided within the peat swamp landscape close to RPS Runchang. Of the groups interviewed during the study, RPS Runchang was the most organised settlement and had an administrative centre, a primary school, three pre-schools, a few sundry shops, a clinic, as well as rubber and oil palm plantations. Most of the roadside stall owners interviewed were from Kg. Simpai, which is a smaller scale version of RPS Runchang. Kg. Simpai also had development opportunities including housing schemes and an upcoming oil palm mini-estate as part of a livelihood programme. However, we were made to understand that not everyone in the settlement benefitted equally from the opportunities offered. Kg. Sekukuh is a small village with limited infrastructure facilities and the newly built houses were arranged linearly with a bridge linking the village to older houses at the other side near their burial ground (they have since been resettled). The third group comprised

individuals from different villages that existed within the SEPPSF, who established stalls along the main road to sell NTFPs. The individuals also built temporary settlements near these stalls to monitor their businesses.

RESULTS AND DISCUSSION

Commercial exploitation of the NTFP

We found that the communities who utilise NTFP for commercial purposes often engaged customers either directly through roadside stalls or indirectly through middlemen whom the communities have established long-term relationship with. The middlemen often ordered rattan, tapah catfish and mangrove crabs from the Orang Asli and sometimes provide assistance to them, for example, by providing motorboats, weighing scales and storage boxes. The roadside stalls mainly sold NTFPs harvested from forests nearby, though some products came from other places (e.g. Lake Chini). Roadside stalls near the coastal road sold clams and other aquatic resources, while stalls further inland along the highway sold wild plants for medicinal and decorative purposes, birds and mammals.

Although contract labour (e.g. working with logging operators, road construction crew) provided higher and stable income (i.e. ~RM800 a month), limited job opportunities forced the respondents to harvest NTFP for their livelihood. A group of male respondents in their 40s added that it was difficult to work as contract labourers with logging companies due to their age and therefore, collecting rattan and fishing at the Bebar River were their only options. A few respondents said they earned RM150–500 monthly from selling rattan and crabs depending on the season and weather.

In Kg. Sekukuh, men and women with ages ranging from 13–40s collected crabs and mollusks for a living apart from making cigarette rolls from nipah leaves. Job opportunity was limited and only a few have been hired for short-term contract labour.

Those who operate roadside stalls also reflect the diversity and opportunistic nature of the economy. For example, there were specialised groups trading in forest birds. They set up their stalls and often keep the birds in plain sight for potential customers. More exotic birds were kept further away under their bamboo huts or

in the bushes nearby. In other stalls, women sold decorative and medicinal plants supplied by their husbands who collected the plants during their free time in logging camps. The additional income was used for their children's schooling expenses. The Orang Asli community also hunt, fish or set traps to capture wild animals for food. They also collected wild fruits and plants to supplement their diet.

Utilisation of NTFP by Orang Asli women

In RPS Runchang, women said their involvement in the utilisation of NTFP was mainly to assist their husbands. The women processed rattan and caught baits for their husbands to fish. Rattan was collected in the forest by the men and sometimes women and brought back to a collection point. Here, members from the family would come together to help strip the rattan of their thorns and outer layer. The rattan are then left to dry. Once dried, they are cut to size and tied in a bunch and sold to the middlemen. Some of the Jakun men from the area would act as supervisors, organising labour and buying from other villagers and then selling it wholesale to the middlemen. Women often travel into the peat swamp forest to fish. At roadside stalls, it was observed that women dealt with customers actively and mostly are the stall operators. Men harvested the NTFP while women processed, e.g. herbal concoctions, nurtured orchids and birds and traded the products.

How do Orang Asli perceive conservation of peat swamp?

While many respondents agreed that it was important to conserve the peat swamp, several doubted the effectiveness in regulating access and utilisation of the peat swamps. Generally, the Orang Asli were unable or felt disempowered to restrict entry or use of natural resources by outsiders. They also mentioned that their villages were entry points for logging activities along the Bebar River. The villagers who harvest NTFP from the river added that the construction of river canals as access for logging activities have dried up the peat swamp and consequently caused the peat to be prone to fire. One elder mentioned that he did not remember a peat swamp fire in the past. Several respondents claimed that some villagers from nearby settlements and outsiders

use chemical poison to fish in the Bebar River. Traditionally, the Orang Asli used a local plant poison (tuba) to fish. However, this was strictly regulated by custom in which they could do it once a year and only along the smaller streams so as not to affect the resources of villagers living further downstream. Furthermore, they claim that tuba often stunned or incapacitated the fishes whereas chemical poisons introduced by outside middlemen killed a lot of fish, depleting supply for weeks to come.

The respondents also observed that as the population grew, more people harvest the same limited resources, making it more difficult for everyone to harvest enough for a living. This was made worse with the disempowerment of indigenous institutions such as their traditional leadership that used to impose customary laws to regulate resource use in the area.

Women and men in Kg. Sekukuh supplemented their income by making cigarette rolls out of nipah leaves, selling them at RM2.50 per kg. Although they admitted to harvesting a large quantity of nipah leaves for this reason, they said there were still abundant nipah plants near the village. Orang Asli in RPS Runchang who collected rattan claimed that the harvesting was sustainable, adding that they had collected about 4000 pieces of rattan recently to sell at RM0.50 per piece. To ensure sustainability of their rattan harvest, the respondents informed that when they were harvesting in an area, they would make sure they left enough rattan vines intact to regenerate before moving on to another area. They however complained about dwindling access to rattan due to destruction of larger trees as well as from overharvesting by unscrupulous members of their own community. Harvesting should take into account the girth of the rattan, type and length, as well as leaving behind rattan vines for their successive and viable growth. Rattan was harvested in different locations by rotation to ensure that there was enough to harvest in areas which did not require them to walk for very long. Their practices were meant to be sustainable and practical. However, they admitted that market demands and logging were making the job of harvesting rattan harder.

Emerging issues

The barriers to implementation of sustainable development and harvesting of natural

resources plan in SEPPSF were: (1) agricultural development nearby such as the expansion of oil palm plantations and watermelon farms, (2) lack of alternative economic opportunities for the Orang Asli due to their limited education, (3) high demands for specific resources (i.e. plants, fishes and bush meat), and (4) unregulated access by outsiders who hunt and fish in the area. In management of natural resources the state government needs to consider the Orang Asli's socioeconomic needs when addressing economic interests such as giving licences for logging, mining and converting forest reserves into oil palm estates. To ensure an effective and inclusive management of protected area, the state government must recognise the historic presence of Orang Asli in the area, their rights to their ancestral land and their role as stakeholders (Nicholas 2002). The community must be engaged in mutual respect, creating spaces for dialogue and taking measures that empower the Orang Asli (i.e. developing infrastructures, building capacity, providing funding, developing market network). Yet this also requires developing legal capacity to protect the rights of the Orang Asli. Recognition of land rights and indigenous knowledge must be clearly addressed in the existing laws concerning the rights of Orang Asli in ancestral lands, customs and utilisation of natural resources.

Conservation efforts often include ancestral land belonging to the Orang Asli and, oftentimes, management of protected area involves managing people. Inclusive management of protected area requires the decentralisation of authoritative bureaucracy and the recognition of Orang Asli as stakeholders, their indigenous knowledge as intellectual property, their legal and customary rights as well as their autonomy over their ancestral land (Nicholas 2002, Chopil 2004). Providing alternative livelihood programmes to the Orang Asli to improve their socioeconomic conditions can mitigate the pressure of harvesting limited natural resources.

Protecting indigenous rights: the Orang Asli blockade in Gua Musang

On 28 November 2016, 47 Orang Asli were arrested by the Kelantan Forestry Department but were released two days later (Anonymous 2016, Suaram 2017). The blockade and huts that they built at Simpang Petei and entry route to Pos

Bihai were dismantled but were rebuilt two weeks later. The Secretary for the Network of Orang Asli Villages in Peninsula Malaysia, Mustafa Along, stressed that they will continue to defend their land for the Temiar communities living there and the remaining forests against logging. Logging has caused a massive flood before and the Secretary did not want the incident repeated. By defending their customary rights, the Orang Asli believe that other people would also benefit from their custodial role. Other Orang Asli communities elsewhere also feel that their way of protecting nature ensures the rest of society remains safe.

In Pos Belatim, also in Gua Musang, Kelantan, the court ruled in the favour of the Temiar community, declaring that the Orang Asli were the official owners of the 1300-ha customary land and ordered the state government to gazette the land as aboriginal land (Abdullah 2017). The following year, there were plans to establish monocultural durian plantations in Gua Musang to cater for the export demand of Musang King (a popular variety of durian) to China. The Temiar community requested for a dialogue but the plantation owners destroyed their blockade using chainsaws (Anand 2018). Several weeks later, the Orang Asli rebuilt more blockades and pleaded for the federal government to intervene (Lah 2018, Anonymous 2018). Their fight to defend their ancestral land continues.

Conflicts and court cases involving Orang Asli are becoming more common today. As Orang Asli communities are unable to find non-confrontational ways to mitigate conflict, they are faced with taking measures to address their grievances. For them, a blockade is an invitation to dialogue. When blockade fails, the community often turns to the media or legal system. The recommendations below argue for the government to take a reconciliatory approach and, more broadly, adopt the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in protected area management (UN 2007). Specifically, we discuss the recommendations in terms of approach to natural resource management as part of the more broadly themed protected area management and indigenous rights.

The approach to natural resource management should be inclusive, i.e. involving participation of the Orang Asli and incorporates indigenous knowledge. Challenges faced by Orang Asli

communities dependent on natural resources as discussed here include (1) lack of inclusion of Orang Asli in the management process of protected areas, (2) poverty and (3) contestation over rights and access to natural resources.

Our first recommendation is that the government recognises Orang Asli as indigenous peoples and that they have claims to their customary land. There are several ways the government can institute recognition. A useful point to begin institutional reforms is to take into account the 18 recommendations by the Human Rights Commission of Malaysia (SUHAKAM 2013). The recommendations were the result of the national enquiry into the Land Rights of Indigenous Peoples in Malaysia and echoes the UNDRIP, which Malaysia has ratified. Among other things, the recommendations include recognising Orang Asli rights to customary land and calls on the government to include Orang Asli in forest management, to implement the Free, Prior Informed Consent (FPIC), to develop community friendly and sustainable policies, as well as to create a National Commission for the indigenous peoples.

We also recommend that the authorities adapt Articles 8, 9, 10, 20, 25, 26, 27, 29, 31, 32, 40, 88 and 119 of the UNDRIP. These articles cover a range of broad themes: (1) rights of indigenous people to their customary land, (2) indigenous institutions and cultures, (3) relationship between spirituality and natural resources, (4) decision making process and self-representation, (5) force removal or relocation of communities, (6) FPIC, and (7) fair and transparent process to address concerns of indigenous peoples and to ensure they have rights to participate in the process.

The third recommendation is to recognise how poverty and market demands are possible pressures which can adversely impact how the Orang Asli use the natural landscape. Any initiatives which can affect the Orang Asli should firstly require the authorities to comply with the FPIC and ensure that the Orang Asli community living within the landscapes is not marginalised. Echoing Articles 27 and 40, the state should ensure that the Orang Asli rights are not infringed and they can represent themselves and participate in any decision-making processes over matters that can affect their livelihood and way of life.

The fourth recommendation is that the authorities recognise and appreciate Orang

Asli knowledge as practical and applicable in managing the natural landscape and resources. Finally, the authorities must recognise that many Orang Asli communities remain highly dependent on their natural resources for their social organisation, spirituality and livelihood. Thus, an immediate recourse is to re-examine the biodiversity policy and to consult the Orang Asli as a community following the FPIC. Only then can we capture the nuance of how different segments of the community exploit and appreciate the natural resources.

CONCLUSIONS

In this paper, we began by framing the inclusion of Orang Asli in protected area management as part of the sustainable discourse on natural resource management. The paper then moves towards arguing for indigenous participation as reflected in the UNDRIP. The inclusion of Orang Asli in the management of protected area can benefit sustainable development goals. State parks and forest reserves should not deny them this rights as enshrined in the UNDRIP.

Orang Asli in the SEPPSF exploited the natural resources which later found commercial demands. Thus, indigenous knowledge, access and market forces are key drivers in the local economic strategies for a sustained livelihood. Any policy or strategy in managing natural resources within protected areas needs to recognise the potential impact on the Orang Asli community. As demand for natural resources increases and land becomes scarce, it is only inevitable that state interests come into conflict with the Orang Asli. We recommend that the government adapt key principles from the UNDRIP in designing and implementing an inclusive approach to addressing the grievances of the Orang Asli.

The process in developing an inclusive framework in protected area management should be founded on consultation and partnership. The case study, focusing on the utilisation of NTFPs by the Orang Asli in SEPPSF is an example of an inclusive process where community-based participatory research was applied to the IMP. The IMP for the SEPPSF is a demonstration that an inclusive framework in collaboration with government is possible in developing multi-stakeholders' sustainable strategies in natural resource management. The effective implementation of the IMP however remains to

be seen. Thus, while the process of developing an inclusive strategy in sustainable resource management is technical, the implementation will require the devolution of power and the recognition of indigenous peoples as partners in the management of natural resources and protected areas. In short, the implementation will require political will. These institutional reforms are, however, necessary to move forward and benefit both the state and Orang Asli.

ACKNOWLEDGEMENTS

The case study was part of the FRIM–UNDP/GEF Peat Swamp Forest Project (MAL/99/G31) in collaboration with the Pahang Forestry Department. The work was also funded by a research grant (RPO42B-17HNE) from Universiti Malaya.

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