



Press Release:

## **Minister YB Waytha Moorthy Receives Memorandum to Reform the Aboriginal Peoples' Act 1954 from Pusat KOMAS, Malaysia Bar and Orang Asli Community**

The plight of the Orang Asli has long been a focus of Malaysians for decades. The Aboriginal Peoples Act 1954 ("APA") was created to protect the community yet contains provisions that are outdated and may not be applicable nor effective in the contemporary Malaysia today. The APA conferred extraordinary governmental power to control most, if not all, material aspects of Orang Asli lives for the sake of their protection. Such provisions, which may have been relevant for security reasons during the Malayan Emergency and when the Orang Asli community generally lacked mainstream administrative capacity, are now outmoded. These provisions continue to restraint the lives of the Orang Asli as they are still very much controlled by Orang Asli Development Department (JAKOA) as well as other state powers.

Pusat KOMAS and the Malaysian Bar Council Committee on Orang Asli Rights ("COAR") held a Roundtable Discussion ("RTD") to discuss the continued relevance of the Aboriginal Peoples Act 1954 ("APA") in terms of Orang Asli rights and the wide powers the APA confers on the State over the Orang Asli on 18<sup>th</sup> April 2019; and 22 representatives from the Orang Asli community, Orang Asli organisations, relevant non-governmental organisations, academics, Bar Council and the Human Rights Commission of Malaysia ("SUHAKAM") participated in the RTD., which has now been articulated in the joint-memorandum.

The joint memorandum was submitted to the Minister today, calls upon the government:

- To increase Orang Asli empowerment and self-determination within the current administrative framework and facilitate the transition of JAKOA from an administrative agency to a service agency.
- To review the current preamble in the current APA to include findings from the 136 OA convention resolutions, UNDRIP principles, international best practices on indigenous and human rights and defined by statute and elaborated by regulations made after prior and effective consultation with the Orang Asli community.
- To obtain approval from the Malaysian Cabinet to form a working group consisting of Government and relevant independent experts on the Orang Asli and community representatives to study, review and recommend specific amendments to the laws concerning Orang Asli as outlined above or other amendments as deemed fit.

It is hoped that the government can restore the dignity of the Orang Asli as an indigenous people with inalienable rights, in order to address the on-going marginalization of the community. The amendments in the APA is a necessary first step of the Government to overcome the many issues experienced by the Orang Asli communities. We hope this move can be done quickly as it is long overdue, while considering the National Inquiry recommendations that has been accepted by the previous and the new Government.

We, Pusat Kommas, the Malaysian Bar and the Orang Asli community representatives of JKOASM (Jaringan Kampung Orang Asli Semenanjung Malaysia) and JOAS (Jaringan Orang Asal SeMalaysia)

met the Minister and had a deep discussion on the memorandum and want to thank the Minister for receiving the memorandum and promising to study it further with follow up measures.

*Press Release Prepared: Pusat KOMAS & Jaringan Kampung Orang Asli Semenanjung Malaysia*

*Date: 27<sup>th</sup> June 2019*

Photos:



From Left to Right: Addy Samsudin (Pusat KOMAS), Dolah Tekoi (Jaringan Kampung Orang Asli Semenanjung Malaysia), Bah Tony William Hunts (Malaysia Bar Council), Faribel Maglin (Pusat KOMAS), Jerald Joseph (Pusat KOMAS), Minister YB Waytha Moorth, Roger Chan (Malaysia Bar Council), Dr Yogeswaran Subramaniam (Malaysia Bar Council), Tijah Yok Chopil (Jaringan Kampung Orang Asli Semenanjung Malaysia), Yusri Ah Hon (Jaringan Orang Asal SeMalaysia)

