



universität
wien

MASTER THESIS

Titel der Master Thesis / Title of the Master's Thesis

„From “first peoples” to Malay: the Islamisation of the
Orang Asli in Malaysia“

verfasst von / submitted by

Pierre Auzerau

angestrebter akademischer Grad / in partial fulfilment of the requirements for the degree of
Master of Arts (MA)

Wien, 2021 / Vienna 2021

Studienkennzahl lt. Studienblatt /
Postgraduate programme code as it appears on
the student record sheet:

UA 992 884

Universitätslehrgang lt. Studienblatt /
Postgraduate programme as it appears on
the student record sheet:

Master of Arts in Human Rights

Betreut von / Supervisor:

ao. Univ.-Prof. i.R. Dr. René Kuppe

Acknowledgements

I wish to express my sincere appreciation to Dr. René Kuppe for helping me combine my commitment to indigenous peoples' rights with my passion for Malaysia. Without his guidance and valuable advice, this thesis would not have been possible. Despite the Covid-19 pandemic, he encouraged me to reach out to the Orang Asli to give them a voice on an issue that is still under-documented, namely their forced conversion to Islam. The 10 participants, who identify themselves with different Orang Asli communities, provided data that are not reported in existing publications. I know what they risk by openly criticising the Malaysian government's Islamisation policy, so I warmly thank them for their trust, which I will respect.

This thesis would not exist without the encouragement and support of Anne-Laurence Hamer, thanks to whom I persevered to find research participants. Her involvement goes beyond her meticulous comments as she took her valuable time to produce all the charts and tables contained in this work.

Furthermore, I would like to acknowledge the academic and teaching staff of the Vienna Master of Human Rights (VMHR), especially Manfred Nowak, Marijana Grandits and Walter Suntinger. I could not mention all the names of the lecturers to be thanked, but the whole Master's programme contributed to forge my interest as well as my capacity for analysis in the field of human rights.

Finally, I would like to express my gratitude to all my VMHR colleagues, with whom I shared moments of both joy and intense pressure. Our passionate and lively debates have also been one of the driving forces behind my professional and personal growth.

TABLE OF CONTENTS

Acknowledgements	i
List of Figures.....	v
List of Tables	vi
List of Abbreviations and Acronyms.....	vii
Chapter 1: Introduction.....	1
1.1 Introduction	1
1.2 Background.....	2
1.2.1 The Orang Asli.....	2
1.2.2 The Aboriginal Peoples Act, 1954 (Revised, 1974)	4
1.2.3 Islamisation.....	6
1.3 Relevance.....	6
1.3 Purpose and Scope of the Research.....	7
1.4 Structure of the Thesis	9
Chapter 2: Literature Review.....	11
2.1 Introduction.....	11
2.2 Islamisation as Forced Conversion	11
2.3 The Status of the Orang Asli.....	14
2.4 The Islamisation of the Orang Asli in Current Literature.....	15
2.5 The Right to Self-determination of the Orang Asli	17
2.6 Conclusion	20
Chapter 3: Theoretical Framework.....	21
3.1 Introduction	21
3.2 The Right to Self-determination According to Cassese.....	21
3.3 Conclusion	24
Chapter 4: Methodology	25
4.1 Research Design	25
4.2 Data Collection	26

4.2.1 Semi-structured Questionnaire	26
4.2.2 Participants	27
4.2.3 Ethical Concerns and Interviews	29
4.3 Thematic Analysis	30
4.4 Limitations.....	31
4.5 Reliability and Validity	33
Chapter 5: Findings	35
5.1 Introduction	35
5.2 Political Status	39
5.2.1 Identity Documents.....	39
5.2.2 Muslim Leaders	44
5.3 Social Development.....	49
5.4 Economic Development	55
5.5 Cultural Development.....	60
5.5.1 Funeral Practices.....	66
5.5.2 Transmission of Islam in Orang Asli Families	69
5.5.3 Right to Lands	73
5.5.4 Right to Health.....	75
Chapter 6: Conclusion	78
Bibliography	82
Table of Cases.....	89
Table of Legislations.....	90
Appendices	91
Appendix A: Abstract	91
Appendix B: Zusammenfassung.....	92
Appendix C: Semi-structured Questionnaire.....	93
Appendix D: Transcript of Participant A's Interview	94
Appendix E: Transcript of Participant B's Interview	95

Appendix F: Transcript of Participant C's Interview	96
Appendix G: Transcript of Participant D's Interview	97
Appendix H: Transcript of Participant E's Interview	98
Appendix I: Transcript of Participant F's Interview	99
Appendix J: Transcript of Participant G's Interview	100
Appendix K: Transcript of Participant H's Interview	101
Appendix L: Transcript of Participant I's Interview	102
Appendix M: Transcript of Participant J's Interview	103

List of Figures

Figure 1. Orang Asli Subgroups	3
Figure 2. Map of Orang Asli Subgroups Distribution in Peninsular Malaysia.....	4
Figure 3. Snowball Sampling	29
Figure 4. Final Thematic Map	38

List of Tables

Table of Respondents.....	27
---------------------------	----

List of Abbreviations and Acronyms

APA	Aboriginal Peoples Act, 1954 (Revised, 1974)
CESCR	International Covenant on Economic, Social and Cultural Rights
CRC	Convention on the Rights of the Child
C169	Indigenous and Tribal Peoples Convention, 1989
ICCPR	International Covenant on Civil and Political Rights
IWGIA	International Work Group for Indigenous Affairs
JAKIM	Department of Islamic Development Malaysia
JAKOA	Department of Orang Asli Development
Maik	The Kelantan Islamic Religious and Malay Customs Council
MP	Member of Parliament
NGO	Non-governmental organisation
NRD	National Registration Department
PAS	Malaysian Islamic Party
SNS	Social Networking Service
UDHR	Universal Declaration of Human Rights
UMNO	United Malays National Organisation
UNDRIP	The United Nations Declaration on the Rights of Indigenous Peoples

Chapter 1: Introduction

1.1 Introduction

In Malaysia, forced conversion threatens the Orang Asli — this term, which means “first peoples”, in Malay, encompasses all indigenous peoples living in Peninsular Malaysia. According to a report published in 2019, the Kelantan Islamic Religious and Malay Customs Council (Maik) intends to convert the entire population of Orang Asli to Islam by 2049.¹ This Islamisation policy, which is rooted in British colonisation, aims to integrate the Orang Asli into the main ethnic group, namely the Malays. Because of this forced conversion, they struggle to maintain their traditional world views. The “first peoples” have diverse traditional beliefs, which shape the customs and traditions of their communities. In virtue of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), their ways of life are protected by the right to self-determination, i.e. “they freely determine their political status and freely pursue their economic, social and cultural development”.² Despite this right, anthropologist Kirk Endicott asserts that the future of these indigenous peoples' customs lies at the intersection of three different paths: the first consists of maintaining the customs of their ancestors, the second is traced by the Malaysian government via forced assimilation into the Malay ethnic group, and the third is the appeal of Christianisation as a means of escaping Islamisation.³ Indeed, the “first peoples” are increasingly targeted by missionaries since Malaysia's independence in 1957, thereby eroding their diverse culture. Thus, I believe that it is essential to study how does the Islamisation of the Orang Asli by the Malaysian government undermine their right to self-determination?

¹ Y. Palansamy, ‘Report: Kelantan religious council aims to convert Orang Asli to Islam within 30 years’, Malay Mail, 21 June 2019, <https://www.malaymail.com/news/malaysia/2019/06/21/report-kelantan-religious-council-aims-to-convert-orang-asli-to-islam-within/1764332>, (accessed 16 March 2021).

² The United Nations Declaration on the Rights of Indigenous Peoples (adopted 13 September 2007), Article 3.

³ K. Endicott, *Malaysia's Original People: Past, Present and Future of the Orang Asli*, Singapore, NUS Press, 2015, p. 264.

Before engaging this question, background information will be provided to contextualise the research. Then, I will explain the relevance of this thesis, detailing why new data are necessary on this topic. Lastly, I will detail the objectives of this work prior to outlining its structure.

1.2 Background

Malaysia is a federal constitutional monarchy located in Southeast Asia, whose territory is divided between the peninsula and East Malaysia. This geographical bipolarity is the result of European colonisation which began in the 18th century with the East India Company. The British have had a major influence in the country's history as they have contributed to shaping today's Malaysian society. In particular, they created the distinction between the Malays, referred to as the “natives” and the indigenous peoples, considered as the “aborigines”.⁴ The latter were then officially designated as Orang Asli in 1966, by the Malaysian government.⁵

1.2.1 The Orang Asli

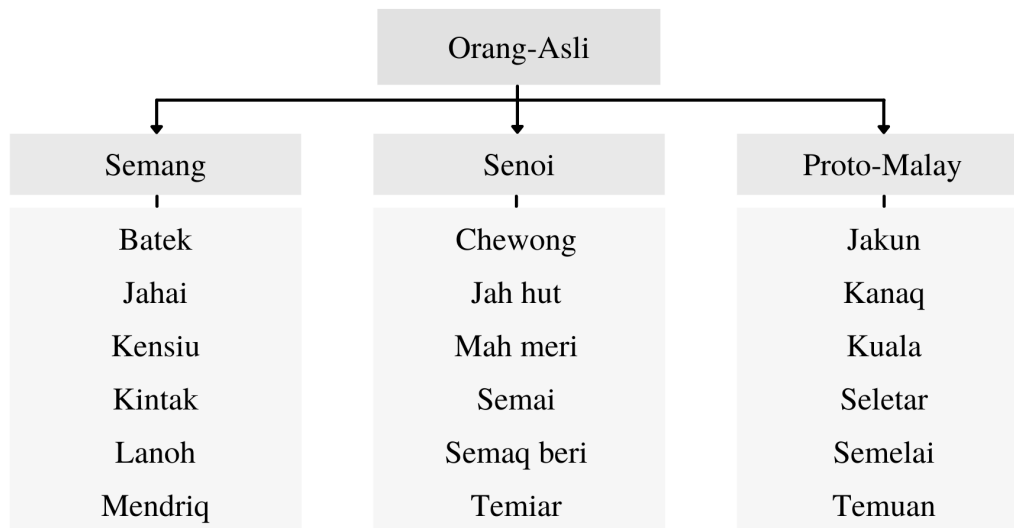
The indigenous peoples of Malaysia (Orang Asal, literally the “original people” in Malay) are commonly categorised between the natives of Sabah and Sarawak, the Malaysian states located in Borneo, and the Orang Asli of Peninsular Malaysia. This dichotomy is simplistic as Orang Asli is a collective appellation that encompasses 18 subgroups within three distinct groups (see Figure 1 below): the Proto Malay (or Aboriginal Malay), the Semang (or Negrito) and the Senoi. Previously, the Orang Asli were divided into 19 subgroups, but the Temoq people was incorporated into the Jakun, for bureaucratic reasons.⁶

⁴ M. Bin Salleh, *An examination of development planning among the rural Orang Asli of west Malaysia*. Doctoral Thesis, University of Bath, 1990, p. 30, <https://ethos.bl.uk/OrderDetails.do?uin=uk.bl.ethos.280515>, (accessed 28 April 2021).

⁵ *ibid.*, p. 31.

⁶ C. Nicholas, *The Orang Asli and the Contest for Resources. Indigenous Politics, Development and Identity in Peninsular Malaysia*, Subang Jaya and Copenhagen, Center for Orang Asli Concerns & IWGIA, 2000, p. 14.

Figure 1. Orang Asli Subgroups



Source: Center for Orang Asli Concerns

©Anne-Laurence Hamer

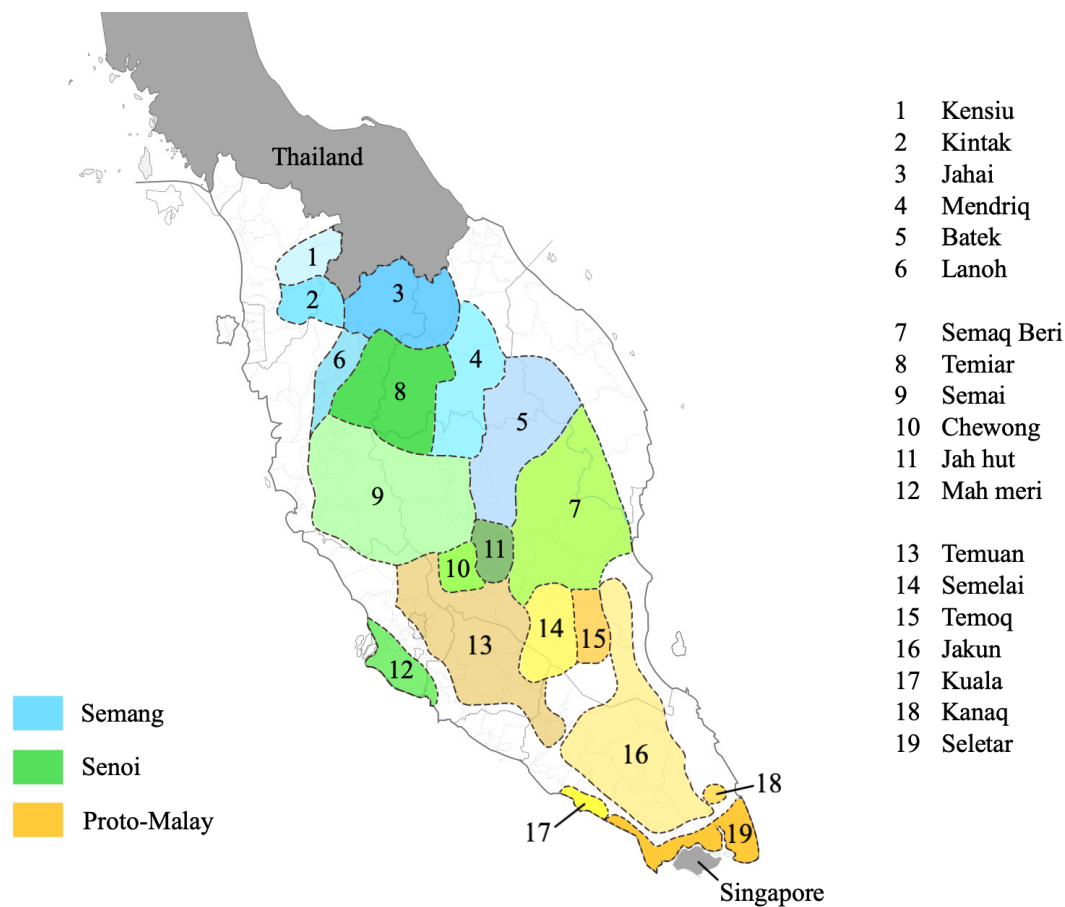
According to data from the International Work Group for Indigenous Affairs (IWGIA), they “represent around 210,000 people or 0.7% of the population of Peninsular Malaysia”.⁷ This proportion contrasts with their great diversity, as each subgroup comprises different communities with distinct beliefs, cultures and languages. While a few are still semi-nomadic, most have sedentary lifestyles. Some are fishermen who live in coastal villages while others are hunter-gatherers who reside near or in the forest (See Figure 2 below). This heterogeneity has been studied by researchers, who have discovered that the “first peoples” arrived in the peninsula in “waves”, from various horizons and over different periods, thousands of years ago.⁸ Nowadays, they share a common trait, endemic poverty, as almost all Orang Asli households are among the poorest Malaysians.⁹

⁷ ‘Indigenous Peoples in Malaysia’, IWGIA, <https://www.iwgia.org/en/malaysia.html>, (accessed 29 April 2021).

⁸ H. NurWaliyuddin, M. Norazmi, H. Edinur et al., ‘Ancient Genetic Signatures of Orang Asli Revealed by Killer Immunoglobulin-Like Receptor Gene Polymorphisms’, *Plos ONE*, vol. 10, no. 11, p. 3, (accessed 29 April 2021).

⁹ SL. Wong, ‘Orang Asli and Poverty’, Macaranga, 4 August 2020, <http://www.macaranga.org/orang-asli-and-poverty/>, (accessed 29 April 2021).

Figure 2. Map of Orang Asli Subgroups Distribution in Peninsular Malaysia



Source: Center for Orang Asli Concerns

© Anne-Laurence Hamer

1.2.2 The Aboriginal Peoples Act, 1954 (Revised, 1974)

In East Malaysia, indigenous peoples are ruled by the British common law introduced during colonisation, which recognises their customary land rights. In the west, the Orang Asli are governed by the Aboriginal Peoples Act 1974 (APA), descended from the Aboriginal Peoples Act 1954, drafted when the British were facing communist insurgencies in Malaysia. This form of “wardship” was intended to “protect” the Orang Asli from communist ideology.¹⁰ Since independence, the extensive powers conferred by the APA have been used by the Malaysian government — the indigenous rights

¹⁰ R. Idrus, ‘The discourse of protection and the Orang Asli in Malaysia’, *Kajian Malaysia*, vol. 29, no. 1, 2011, pp. 63-65, (accessed 30 April 2021).

enshrined in this legal framework are weaker than those enjoyed by the natives of Sabah and Sarawak. The 19 sections of the document are regularly criticised as having many flaws, particularly with regard to the political participation of the Orang Asli and their rights to lands, territories and resources.¹¹

Section 3, especially, is relevant to this research as it defines who is an Orang Asli:

(1) In this Act an aborigine is -

(a) any person whose male parent is or was, a member of an aboriginal ethnic group, who speaks an aboriginal language and habitually follows an aboriginal way of life and aboriginal customs and beliefs, and includes a descendant through males of such persons;

(b) any person of any race adopted when an infant by aborigines who has been brought up as an aborigine, habitually speaks an aboriginal language, habitually follows an aboriginal way of life and aboriginal customs and beliefs and is a member of an aboriginal community; or

(c) the child of any union between an aboriginal female and a male of another race, provided that the child habitually speaks an aboriginal language, habitually follows an aboriginal way of life and aboriginal customs and beliefs and remains a member of an aboriginal community.

(2) Any aborigine who by reason of conversion to any religion or for any other reason ceases to adhere to aboriginal beliefs but who continues to follow an aboriginal way of life and aboriginal customs or speaks an aboriginal language shall not be deemed to have ceased to be an aborigine by reason only of practising that religion.

(3) Any question whether any person is or is not an aborigine shall be decided by the Minister.¹²

¹¹ M. Sayuti Hassan and R. Nordin, 'Political Participation of Aboriginal People (*Orang Asli*) in Peninsular Malaysia: Examining the Compatibility of the Aboriginal Peoples Act 1954 with Undrip Standards', *International Journal on Minority and Group Rights*, 2020, pp. 15-20, (accessed 19 March 2021).

¹² Aboriginal Peoples Act 1954 (Revised 1974), Section 3.

1.2.3 Islamisation

The paternalism towards the Orang Asli is today embodied in the Department of Orang Asli Development (*Jabatan Kemajuan Orang Asli*, JAKOA), founded at the same time as the APA. After Malaysian's independence in 1957, this government body (which was renamed several times depending on British or Malaysian policies) was reluctant to support Islamic missionaries.¹³ The 1980s were a watershed decade as the sudden economic growth led to a resurgence of Islamic movements, which gained a dominant place in the Malaysian political landscape.¹⁴ JAKOA embraced this ideological transition with the clear objective of assimilating the Orang Asli into the Malay community by converting them to Islam. This commitment was formalised in a report published in 1983 by the Department of Orang Asli Development. Through this document, JAKOA expressed its support for “the Islamisation of the whole Orang Asli community and the integration/assimilation of the Orang Asli with the Malays”.¹⁵ Since then, the pressure on Orang Asli communities has only intensified, as the current Maik's objective indicates.

1.3 Relevance

Various scientific articles report the experiences of Orang Asli who have been Islamised. However, these publications, discussed at length in the literature review, do not assess the consequences of Islamisation on the Orang Asli. This is due to a lack of analysis of this phenomenon from a human rights lens, whereas forced assimilation (regardless of its nature) is explicitly proscribed by Article 8 of the UNDRIP. Beyond a clear violation of the Orang Asli's “right to freedom of thought, conscience and religion” enshrined in the Universal Declaration of Human Rights (UDHR),

¹³ T. Nobuta, ‘Islamization Policy toward the Orang Asli in Malaysia’, *Bulletin of the National Museum of Ethnology*, vol. 31, no. 4, p. 486, (accessed 5 April 2021).

¹⁴ J. Kwame Sundaram and A. Shabery, ‘The Politics of Malaysia's Islamic Resurgence’, *Third World Quarterly*, vol. 10, no. 2, 1988, p. 844, (accessed 30 April 2021).

¹⁵ JHOEA, *Strategi Perkembangan Ugama Islam Di Kalangan Masyarakat Orang Asli*, 1983, p. 2, cited in A. Nah, ‘Negotiating indigenous identity in postcolonial Malaysia: Beyond being 'not quite/not Malay’’, *Social Identities*, vol. 9, no. 4, 2003, p. 18, (accessed 30 April 2021).

Islamisation has wider implications for indigenous peoples.¹⁶ It is one of the major constraints on the Orang Asli's ability to fully exercise their right to self-determination. As a result of this policy, the “first peoples” cannot develop freely as their communities are forced to abandon their traditional beliefs. These world views are fundamental to the preservation of their cultural identity. From birth to death and throughout their lives, religious practices shape their ways of life. When they are forced to convert to Islam Orang Asli become subject to the jurisdiction of the Syariah (Sharia) Courts, which have authority over precise matters, such as family law or religious practices.¹⁷ While Islamic law applies to Muslims, the rest of the Malaysian population is subject to common law. For the “first peoples”, this legal pluralism implies many issues for those who have been converted. For instance, when Muslim Orang Asli pass away, Islamic law imposes funeral rites that are inconsistent with their indigenous spirituality. This is not an isolated case as some of the laws enforced by the Syariah Courts are in contradiction with the APA.

1.3 Purpose and Scope of the Research

This study aims to assess the impacts of Islamisation on the Orang Asli in the light of human rights standards. More precisely, it revolves around a central research question:

How does the Islamisation of the Orang Asli by the Malaysian government undermine their right to self-determination?

In this context, Islamisation refers to the adoption of Islam in a coercive manner with the aim of assimilating the Orang Asli into the Malay ethnic group. This objective was explicitly stated by JAKOA in his 1983 report. In the following pages, “forced conversion” and “(forced) assimilation” will be used to refer to Islamisation, since this

¹⁶ Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III) (UDHR), Article 18.

¹⁷ M.B. Hooker, ‘The Orang Asli and the Laws of Malaysia: With Special Reference to Land’, *Akademika*, vol. 48, 1996, pp. 41-42, (accessed 20 March 2021).

process involves not only a change of religion but also the adoption of a new way of life. The term “forced” implies duress rather than violence. In Islam, when one desires to become a Muslim, the Shahada, the Islamic vow, must be recited. In Malaysia, it is common for Orang Asli to be converted without uttering this oath. Alternatively, they pronounce the Shahada because they have no other choice to improve their living conditions. Others may convert in a dedicated and sincere way. The arguments developed here do not question their faith.

Due to Malaysia’s lack of ratification of relevant treaties, this master's thesis will refer to the United Nations Declaration on the Rights of Indigenous Peoples, adopted on 13 September 2007. This non-binding international instrument has been adopted by 144 countries, including Malaysia. The UNDRIP signatory states have committed themselves to recognise, protect and promote the indigenous rights articulated in the 46 articles of the UNDRIP. The Islamisation of the Orang Asli breaches many of these rights. In particular, this research focuses on their right to self-determination, which is “a fundamental condition for the enjoyment of all other human rights of indigenous peoples, be they civil, political, economic, social or cultural”.¹⁸ Following this premise, semi-structured interviews were conducted with Orang Asli to determine how their right to self-determination is jeopardised by Islamisation. By analysing these qualitative data, the purpose is not only to identify the different aspects of the right to self-determination (political, economic, social or cultural) that are undermined by forced conversion, but also to provide concrete evidence. What customs and traditions can no longer be practiced? Why does this prevent the Orang Asli from developing as they please? The interviewees' voices will provide answers to these subsidiary questions.

¹⁸ J. Henriksen, ‘The Right of Self-Determination: Indigenous Peoples versus States’, in M. Scheinin and P. Aikio (eds.), *Operationalizing the Right of Indigenous Peoples to Self-determination*, Turku, *Institute for Human Rights, Åbo Akademi University*, 2000, cited in F. Panzironi, *Indigenous Peoples' Right to Self-Determination and Development Policy*. Doctoral Thesis, University of Sydney, 2006, p. 97, <https://core.ac.uk/download/pdf/41230579.pdf>, (accessed 14 April 2021).

1.4 Structure of the Thesis

Initially, it will be necessary to consider previous work that focuses on the Islamisation of the Orang Asli in Malaysia. Even if, in terms of human rights, few publications address this topic, some anthropologists provide valuable insights into this phenomenon. The literature review will analyse the debates raised by the key terms of this master's thesis, such as “Islamisation” or “forced conversion”. The right to self-determination, notably, will be at the forefront of discussions. There are several opposing schools of thought on the understanding of this human right, enshrined in international law. One conception, in particular, will be used to address the Islamisation of the Orang Asli. Antonio Cassese's vision of the right to self-determination will be described in the Theoretical Framework. This approach is elaborated in his major work published in 1995, *Self-Determination of Peoples. A Legal Reappraisal*. Chapter 3 will relate his conception of the right to self-determination to the forced conversion of the Orang Asli, in order to understand the consequences of Islamisation on their development as indigenous peoples.

The following chapter will then describe the methodology, i.e. the means used to collect and analyse the data. This description will be very detailed as it will justify all the choices related to the qualitative study, such as the sampling method, and will describe the circumstances under which the 10 research participants were interviewed. The choice to use a deductive thematic analysis will be justified and the steps involved, from the transcription of the interviews to the coding, will be accurately reported. Based on Antonio Cassese's theory, four themes emerged from the Orang Asli interviews: “Political Status”, “Economic Development”, “Social Development” and “Cultural Development”. They will form the basis of Chapter 5, which will present and analyse the findings. Relevant quotes from the interviewees will be included in this section, which will be discussed through the lens of UNDRIP. Occasionally, the UDHR will also be referred to, as it is another soft law instrument, i.e. not legally binding.

Finally, the last chapter will review the findings to clearly answer the research question. A large amount of data will have been presented and discussed in the previous section. The conclusion will synthesise all this knowledge in a coherent way to demonstrate its contribution to indigenous rights research.

Chapter 2: Literature Review

2.1 Introduction

This literature review will lay the foundation for this study by analysing existing knowledge about the research problem. Books and journal articles will be critically evaluated to identify the various debates and gaps in the field. To begin with, two main definitions of Islamisation will be confronted, with the aim of shedding light on this multifaceted term. Then, the Islamisation of the Orang Asli will be discussed in relation to theories on the assimilation of indigenous peoples. This will contribute to understanding why the Islamisation of the “first peoples” lacks a human rights approach. Thereafter, a reflection on the legal status of the Orang Asli will be conducted before analysing fieldwork that relates their experience of Islamisation, in order to position this study vis-à-vis current research. Finally, emphasis will be laid on the right to self-determination, which is subject to multiple interpretations.

2.2 Islamisation as Forced Conversion

Forced conversion is not a recent phenomenon. For centuries, the major monotheistic religions have spread their faiths around the world. History books recount the expansion of Christianity through the Crusades or more recently, the assimilation of Native Americans. When it comes to Islamisation, this complex term is frequently mentioned in connection with the Arab conquests. While Nehemia Levtzion and Richard Bulliet are two references who have contributed to new knowledge in this field, the definition of Islamisation remains elusive.¹⁹ From a historical perspective, most scholars mention Islamisation to refer to a sincere conversion to Islam. Without denying the use of force involved in the Arab conquests, the British historian Peacock moderates the role of

¹⁹ D. DeWeese, *Islamization and Native Religion in the Golden Horde: Baba Tŷkles and Conversion to Islam in Historical and Epic Tradition*, University Park, Penn State University Press, 2010, p. 17.

forced conversion.²⁰ Nowadays, it is commonly accepted that Islam was not “spread by the sword”. Instead, the Muslim conquerors were more interested in military domination than in religious assimilation.²¹ Conversely, Islamisation is also defined by the intention to pursue a policy of forced conversion. After Cameroon's independence in 1960, former president Ahmadou Babatoura Ahidjo led a campaign of Islamisation that resulted in the massacre of members of the Catholic clergy and the conversion of Christians.²²

Indigenous peoples have always been particularly subject to this forced assimilation. Their way of life, often characterised as primitive, needed to be educated or civilised. This thinking was common among settlers who believed that indigenous peoples should either adopt the culture of the dominant group or disappear.²³ Despite a growing visibility of indigenous rights in the 1980s, this view was shared by many anthropologists until recently.²⁴ They expected these populations to succumb to the benefits of industrialisation. Over the generations, indigenous peoples would be inevitably acculturated by the adoption of modern tools and modes of living. Nowadays, this “inevitability argument” is refuted by another school of thought, led by John Bodley. While indigenous communities have evolved in ever-changing environments, they have been able to preserve the same culture for millennia. Faced with this fact, the anthropologist asserts that assimilation does not result from the will of indigenous peoples but from policies undertaken by the majority groups.²⁵ In Malaysia, the

²⁰ A. Peacock, *Islamisation: Comparative Perspectives from History*, Edinburgh, Edinburgh University Press, 2017, p. 5.

²¹ I. Lapidus, *A History of Islamic Societies*, Cambridge, Cambridge University Press, 2002, p. 198.

²² M. Lasseur, ‘Cameroun : Les nouveaux territoires de Dieu’, *Afrique contemporaine*, vol. 3, no. 215, p. 100, (accessed 26 April 2021).

²³ H. Merivale, *Lectures on Colonization and Colonies, Volume 2*, London, Longman, Orme, Brown, Green, and Longmans, 1842, p. 180.

²⁴ J. Bodley, *Cultural Anthropology: Tribes, States, and the Global System*, Lanham, Rowman Altamira, 2011, p. 484.

²⁵ C. Germont-Duret, ‘Tradition and modernity: an obsolete dichotomy? Binary thinking, indigenous peoples and normalisation’, *Third World Quarterly*, vol. 37, no. 9, 2016, p. 1539, (accessed 31 March 2021).

islamisation of the Orang Asli seems to support his words. To this day, the “first peoples” have succeeded in maintaining their traditional world views for thousands of years. Henceforth, forced conversion initiated by the British during colonisation is accelerated by the Malaysian government's ambition to convert all the Orang Asli within 30 years.²⁶ In view of this objective, some speak of cultural genocide. A term absent from international law that would be justified in the case of forced assimilation. The thinkers who advocate this theory illustrate their claims with the Christianisation of certain indigenous tribes in America. According to them, Christian missionaries are complicit in the genocide of Native Americans or indigenous peoples in Latin America because they participated in their assimilation via religious teaching. This work on the Islamisation of the Orang Asli is not intended to corroborate their ideas. Nevertheless, their position provides some explanation for the lack of literature on this master's thesis subject. Forced assimilation is often overlooked because of the lack of physical violence involved.²⁷ The main focus of social scientists and human rights organisations has been on the rights to land, territories and resources of the “first peoples”. With good reason, since the development of the Orang Asli largely depends on the land they inhabit. When their rights to land, territories and resources are infringed, the first scars on the environment and their right to self-determination are immediately visible. In contrast, research on cultural genocide indicates that assimilation is a more “subtle” human rights violation, which operates through several prisms, such as education.²⁸ The religious conversion of an entire population is a longer process, with gradual consequences — which may explain why they are poorly documented in the case of the Orang Asli.

²⁶ Nobuta, p. 483.

²⁷ L. Kingston, ‘The Destruction of Identity: Cultural Genocide and Indigenous Peoples’, *Journal of Human Rights*, vol. 14, no. 1, 2015, p. 79 (accessed 1 April 2021).

²⁸ Kingston, p. 68.

2.3 The Status of the Orang Asli

The Islamisation of the “first peoples” is proscribed by Article 8 of the UNDRIP which states that “indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture”.²⁹ The literature addressing this phenomenon omits such a human rights perspective. Nonetheless, it reflects on positive discrimination in Malaysia, which is crucial to understand if this master's thesis is to discuss the consequences of Islamisation on their right to self-determination. In a nutshell, more than a dozen affirmative action policies have succeeded one after the other since the early 1970s in order to favour Malays and indigenous peoples, hit by poverty due to British domination.³⁰ More specifically, these plans are expected to benefit the *Bumiputra* (“sons of the soil”), a political term that has no legal definition. This race-based affirmative action is increasingly criticised by observers.³¹ Among the many shortcomings, fieldwork reveals that the Orang Asli do not enjoy the same *Bumiputra* benefits as the Malays because they do not practice Islam.³² Thus, Islamisation is presented to the “first peoples” as the only way to raise their standard of living by Muslim missionaries. This support is provided in several forms, as described below. These *Bumiputra* privileges are rooted in Article 153 of the Malaysian Constitution, designed to “safeguard the special position of Malays and natives of Sabah and Sarawak”.³³ Each of these two groups is given constitutional recognition — the first under Article 160 and the second via Article 161A. As for the Orang Asli, their status is controversial within the scientific community. While the APA defines what characterises the “first peoples”, one approach asserts that Article 8(5)(c) of the Malaysian

²⁹ The United Nations Declaration on the Rights of Indigenous Peoples (adopted 13 September 2007), Article 8.

³⁰ D. Zainuddin, ‘MySay: A new economic policy for a new Malaysia’, The Edge Markets, 13 August 2019, <https://www.theedgemarkets.com/article/mysay-new-economic-policy-new-malaysia>, (accessed 28 April 2021).

³¹ P. Jha, ‘Can New Malaysia Move Beyond Old Race Divides?’, The Diplomat, 14 August 2019, <https://thediplomat.com/2019/08/can-new-malaysia-move-beyond-old-race-divides/>, (accessed 5 April 2021).

³² Nobuta, p. 487.

³³ Malaysian Constitution, PART XII, Article 153.

constitution legalises affirmative action for this population on a par with *Bumiputra* advantages.³⁴ Apart from the field of education, which is not included in this policy, they consider that the indigenous peoples of the Peninsula have the same rights as the Malays. Conversely, certain scholars point out that the state has no obligation to implement this constitutional mechanism in support of the “first peoples” — while the government has an obligation to safeguard the special position of the Malays and natives of Sabah and Sarawak.³⁵ The same researchers emphasise that this lack of constitutional protection is accompanied by another legal loophole, i.e. the Federal Constitution empowers the government to legislate for the “well-being” of the Orang Asli.³⁶ A paradox that the Malaysian state seems to exploit: while they are trapped in extreme poverty, their only escape is conversion to Islam.

2.4 The Islamisation of the Orang Asli in Current Literature

Although JAKOA has no official mandate, this government body — headed by Malays — supports “the Islamic missionaries who are mostly governmental agents”.³⁷ These *dakwah* activities (a Malaysian term derived from the Arabic word *da'wah*, referring to the work of missionaries), are documented by a few anthropologists. They address the methods used by the missionaries as well as the government's motives for assimilating the Orang Asli. Some report financial grants to individuals who convert to Islam, others material donations such as houses. This is coupled with the promise of better opportunities for Muslim Orang Asli in areas such as jobs, health or education. Alongside the missionaries, different methods of forced conversion are mentioned, notably in schools. For instance, Professor Toshihiro Nobuta describes some cases of Orang Asli students who were granted scholarships on condition that they were

³⁴ M. Sayuti Hassan and R. Nordin, p. 13.

³⁵ Subramaniam, p. 79.

³⁶ *ibid.*, pp. 78-79.

³⁷ M. Arabestani and J. Edo, ‘The Semai's response to missionary work: From resistance to compliance’, *Anthropological Notebooks*, vol. 17, no. 3, 2011, pp. 14-15, (accessed 18 March 2021).

Muslims.³⁸ In other situations, Orang Asli children are subjected to Islamic education against the will of their parents.

Part of the Malay population, especially Muslim devotees, are fuelling this Islamisation policy. They consider the Orang Asli as “incomplete” and Islam as the only way to make them evolve.³⁹ In spite of these ideologies, commentators believe that the government's main motivation is the “Malayisation” of the Orang Asli, meaning their integration into the Malay ethnic group. This forced assimilation primarily targets the indigenous people of Peninsular Malaysia — although the inherent rights of the natives of Sabah and Sarawak are also being violated by the Malaysian government and other third parties. This distinction is due to the narrative of Malay elites. Since the country's independence, they have justified the privileges of the majority ethnic group by their “indigeneity” — even if the Malays are “indigenous to Malaysia”, they are not considered indigenous peoples.⁴⁰ In the political discourse, the Malays are the only indigenous peoples in Peninsular Malaysia. This idea legitimises the distinction between them and others ethnic groups, notably Indians and Chinese, whose presence is thought to be solely the result of immigration during British colonisation. In the face of these arguments, the existence of the Orang Asli as undeniable indigenous peoples of Peninsular Malaysia undermines Malay “indigeneity”.⁴¹ Their forced conversion serves a Muslim elite by establishing the indigenous character of the Malays. Otherwise, the recognition of the Orang Asli as an exclusive indigenous group would threaten the special position of the Malays, along with their privileges.⁴² As a result, the “first

³⁸ Nobuta, pp. 489-490.

³⁹ G. Benjamin, ‘On Being Tribal in the Malay World’, in G. Benjamin and C. Chou (eds.), *Tribal Communities in the Malay World: Historical, Cultural and Social Perspectives*, Singapore, ISEAS, 2002, p. 51.

⁴⁰ C. Nicholas, ‘The Indigenous World 2021: Malaysia’, IWGIA, 18 March 2021, <https://www.iwgia.org/en/malaysia/4231-iw-2021-malaysia.html>, (accessed 29 April 2021).

⁴¹ A. Nah, ‘(Re)Mapping Indigenous ‘Race’/Place in Postcolonial Peninsular Malaysia’, *Geografiska Annaler. Series B, Human Geography*, vol. 88, no. 3, 2006, p. 287, (accessed 7 April 2021).

⁴² Subramaniam, p. 84.

peoples” are being assimilated into the Malay ethnicity. Islamisation is at the core of this process as Article 160 of the Malaysian constitution defines a Malay as a person who adheres to Malay customs and practices Islam, the official religion of Malaysia.

Beyond the question of identity, other social scientists stress the economic reasons that incite the government to assimilate the Orang Asli. Rather than caring for their welfare and maintaining their traditions, JAKOA is Islamising the “first peoples” in order to raise their standard of living. Consequently, the new Malays are becoming dependent on the economic and material incentives offered by the government. Gradually, this new way of life is forcing the “first peoples” to abandon their culture. This “Malayisation” mainly benefits the state, which can more easily appropriate their land if the Orang Asli communities no longer have a spiritual attachment to their territories — in the long term, assimilation is a more subtle alternative to forced resettlement.⁴³ These relocations are the main focus of scholars and non-governmental organisations (NGOs) when the right to self-determination of the “first peoples” is discussed. They reiterate that the rights to lands, territories and resources of indigenous peoples is essential to their development.

2.5 The Right to Self-determination of the Orang Asli

The legal literature provides initial insights into the consequences of Islamisation on the right to self-determination of the Orang Asli. This inherent right is enshrined in Article 3 of the UNDRIP, which guarantees that indigenous peoples “freely determine their political status and freely pursue their economic, social and cultural development”.⁴⁴ The wording is similar to Article 1 (1) of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (CESCR). When these two treaties were drafted, a debate emerged between internal and external self-determination. The former concerns the right of

⁴³ Nicholas, 2000, p. 102.

⁴⁴ The United Nations Declaration on the Rights of Indigenous Peoples (adopted 13 September 2007), Article 3.

people to pursue their own economic, social and cultural development within the borders of an existing state, while negotiating their political status with it. Whereas the latter assumes that a group can define its own political status, which implies the right to be integrated into another state or to become independent. When drafting the rights of indigenous peoples, this confusion was clarified with Article 4 of the UNDRIP which states that they “have the right to autonomy or self-government in matters relating to their internal and local affairs”.⁴⁵ In other words, the declaration's approach promotes internal self-determination rather than a right to independence. In Malaysia, the Orang Asli do not exercise this right to autonomy or self-government. Rather than granting them such political rights, the government uses the Islamisation of the “first peoples” as a means of increasing the number of Malay electors.⁴⁶

Another issue exemplifies the controversial nature of the right to self-determination. Some commentators assume that this right should be considered as a collective right. Joesph Raz is a prominent philosopher of this thought. He conceives of the right to self-determination as a “collective good” that is collectively possessed.⁴⁷ A single person cannot be entitled to it. For this right to exist, the interests of those who will benefit from it as well as those who will be subject to the duty to respect it must be taken into account. Inversely, other academics hold that the right to self-determination is possessed by individuals, while being exercised by a group.⁴⁸ Whether individual or collective,

⁴⁵ The United Nations Declaration on the Rights of Indigenous Peoples (adopted 13 September 2007), Article 4.

⁴⁶ K. Endicott and R. Dentan, ‘Into the mainstream or into the backwater? Malaysian assimilation of Orang Asli’, in C. Duncan (eds.), *Civilizing the Margins: Southeast Asian Government Policies for the Development of Minorities*, Singapore, NUS Press, 2008, p. 30.

⁴⁷ J. Raz, *The Morality of Freedom*, Oxford, Oxford University Press, 1986, pp. 208-209.

⁴⁸ D. Philpott, ‘In Defense of Self-Determination’, *The University of Chicago Press*, vol. 105, no. 2, p. 369, (accessed 27 April 2021).

those who comment on the right to self-determination of the Orang Asli do not address Islamisation.⁴⁹

Halfway between these two philosophies, one thought suggests that the wording of Article 3 of the UNDRIP, which mentions “by virtue of that right”, implies that the right to self-determination is the backbone of other human rights.⁵⁰ This means that individual rights can be linked to the collective right to self-determination. The analysis of the ICCPR and the CESCR confirms this hypothesis. First, the Committee on Economic, Social and Cultural Rights (the body of 18 experts who monitor the implementation of the CESCR), estimates that the violation of human rights can prevent a people from disposing of its right to self-determination.⁵¹ Second, the Human Rights Committee, which monitors the implementation of the ICCPR, articulates the interdependence between the right to self-determination and Article 27 of the ICCPR, which safeguards the cultural rights of minorities with respect to their culture, religion and language.⁵² As opposed to the right to self-determination, which is a collective right, Article 27 encompasses individual rights. This dichotomy is fundamental to assessing the consequences of the forced conversion of the “first peoples”. When missionaries convert Orang Asli to Islam, the process begins with the individual before affecting the community. The new followers are forced to abandon their traditional world views and customs specific to their indigenous culture, including the consumption of certain foods or a semi-nomadic lifestyle. Such human rights violations at the individual level can undermine the collective right to self-determination of the Orang Asli.

⁴⁹ R. Nordin and M.A. Witbrodt, ‘Self-determination of Indigenous Peoples: The Case of Orang Asli’, *Asia Pacific Law Review*, vol. 20, no. 2, 2012, pp. 189-210, (accessed 15 April 2021).

⁵⁰ F. Panzironi, *Indigenous Peoples' Right to Self-Determination and Development Policy*. Doctoral Thesis, University of Sydney, 2006, p. 97, <https://core.ac.uk/download/pdf/41230579.pdf>, (accessed 14 April 2021).

⁵¹ J. Gilbert, *Indigenous Peoples' Land Rights Under International Law: From Victims to Actors. Second Revised Edition*, Leiden, Brill Nijhoff, p. 232.

⁵² UN Human Rights Committee, *Apirana Mahuika et al. v. New Zealand*, Communication No. 547/1993, views of 27 October 2000, para. 9.2.

2.6 Conclusion

This literature review constitutes a groundwork for understanding the debates that revolve around this research question: how does the Islamisation of the Orang Asli by the Malaysian government undermine their right to self-determination? The writings on Islamisation indicate that the term more frequently refers to a genuine conversion, which is not the case in Malaysia. This forced conversion is of particular interest to anthropologists, who describe how and why the Orang Asli are Islamised. The consequences of this practice are not assessed from a human rights perspective. One explanation is that the consequences of forced assimilation are not immediately visible in the Orang Asli community. Yet, the contrasting theories on the right to self-determination developed in this chapter indicate that forced conversion impacts on multiple Orang Asli rights. Such a reading of Article 3 of the UNDRIP should be detailed in the theoretical framework before analysing the qualitative data collected from Orang Asli individuals.

Chapter 3: Theoretical Framework

3.1 Introduction

A number of theorists doubt the role of the theoretical framework. They maintain that a single theory cannot support a data analysis, or that a researcher's arguments are sometimes wrongly extrapolated.⁵³ When it comes to the right to self-determination, the literature review has pointed out the controversies surrounding this cardinal principle of international law. Accordingly, data on the development of the Orang Asli can only be analysed within a specific scope. The UNDRIP lays the foundation for this theoretical framework as it determines that indigenous peoples have a right of internal self-determination. A proponent of this thinking, the international lawyer Antonio Cassese, provides a lens through which to examine the forced conversion of the “first peoples”.

3.2 The Right to Self-determination According to Cassese

Similarly to the Human Rights Committee, Antonio Cassese considers the right to self-determination in conjunction with other rights enshrined in the ICCPR. The Italian jurist defines internal self-determination as a “manifestation” of all human rights set out by the Covenant.⁵⁴ Although Malaysia has not ratified the ICCPR, Cassese’s vision is appropriate for understanding the research question:

Plainly self-determination is the summa or synthesis of individual human rights because a people really enjoys self-determination only when the rights and freedoms of all individuals making up that people are fully respected.⁵⁵

⁵³ F. Lester, ‘Theories of Mathematics Education’, *ZDM*, vol. 37, no. 6, 2005, p. 459, (accessed 7 May 2021).

⁵⁴ A. Cassese, *Self-Determination of Peoples. A Legal Reappraisal*, Cambridge, Cambridge University Press, 1995, p. 53.

⁵⁵ *ibid.*, p. 337.

The international law scholar does not define the peoples who, in this passage, hold the right to self-determination. This issue, which may seem anecdotal, has been a source of debate since the drafting of the ICCPR and the CESCR.⁵⁶ While Cassese includes racial and religious groups as subjects of the right of internal self-determination, he does not provide clear guidance on what characterises the bearers of such a right in his seminal book *Self-Determination of Peoples. A Legal Reappraisal*. Although the Orang Asli share similar beliefs within each community, they are not religious groups but indigenous peoples. Indeed, there is no formal definition of indigenous peoples in international law. Still, the Indigenous and Tribal Peoples Convention, 1989 (C169) established a set of objective and subjective criteria for identifying indigenous peoples as distinct peoples. According to this legally binding document, they are the descendants of “populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries” and they “retain some or all of their own social, economic, cultural and political institutions”.⁵⁷ As for the subjective criterion of the C169, self-identification with an indigenous people, this is at the core of the data collection conducted among the Orang Asli. In a landmark study published in the 1980s, the Ecuadorian José R. Martínez Cobo, former Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, elaborated on this point:

On an individual basis, an indigenous person is one who belongs to these indigenous populations through self-identification as indigenous (group consciousness) and is recognized and accepted by these populations as one of its members (acceptance by the group).⁵⁸

⁵⁶ R. Bauböck, ‘Paradoxes of self-determination and the right to self-government’, *IWE Working Papers*, no. 42, 2004, pp. 3-4, (accessed 11 May 2021).

⁵⁷ Indigenous and Tribal Peoples Convention, 1989 (adopted 27 June 1989, entered into force 5 September 1991), 1650 UNTS 383, Article 1 (1b).

⁵⁸ UN Human Rights Council, ‘Report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities’ (March 1987), José R. Martínez Cobo, UN doc E/CN.4/Sub.2/1986/7/Add.4, p. 29.

Given the historical and geographical framework presented in the Introduction, the Orang Asli are indisputably the indigenous peoples of Peninsular Malaysia. Returning to Cassese's theory, each of their communities therefore represents a people, who is entitled to the right to internal self-determination. As long as their development does not interfere with Malaysia's territorial integrity, they should be empowered to administer their economic, religious or political affairs as they see fit.⁵⁹ Since human rights are interdependent and interrelated, Antonio Cassese considers that their right to self-determination cannot be exercised if individual rights are infringed. These human rights are subsumed under each aspect of the right to self-determination.⁶⁰ When one of them is violated, it has an impact on the political, economic, social or cultural development of the people affected, in this case the Orang Asli communities. Looking at the UNDRIP, forced conversion infringes many of the Orang Asli's human rights, both collective and individual. One could argue that this international instrument was drafted after the publication of Antonio Cassese in 1995. In response to these concerns, some contend that his conception of the internal self-determination was similar to ongoing demands for self-determination emanating from indigenous peoples, as Cassese believed that this human right was not only relevant to colonised states, but also to peoples within independent countries.⁶¹ This interpretation of the right to self-determination as a “continuous process” is consistent with the current situation of the Orang Asli.⁶² Although Malaysia declared its independence more than half a century ago, the indigenous peoples of the peninsula are still denied their right to self-determination.

⁵⁹ The United Nations Declaration on the Rights of Indigenous Peoples (adopted 13 September 2007), Article 46.

⁶⁰ A. Cassese, ‘The Self-Determination of Peoples’, in L. Henkin (eds.), *The International Bill of Rights : the Covenant on Civil and Political Rights*, New York, Columbia University Press, 1981, pp. 92-98, cited in F. Panzironi, *Indigenous Peoples' Right to Self-Determination and Development Policy*. Doctoral Thesis, University of Sydney, 2006, p. 97, <https://core.ac.uk/download/pdf/41230579.pdf>, (accessed 14 April 2021).

⁶¹ S. Young, *The Legal Performativity of Indigenous Peoples' Free Prior and Informed Consent*. Doctoral Thesis, The University of New South Wales, 2018, p. 68, <http://unsworks.unsw.edu.au/fapi/datastream/unsworks:51399/SOURCE2?view=true>, (accessed 11 May 2021).

⁶² Cassese, 1995, p. 302.

This contravenes the idea, advocated by Cassese, that the right to self-determination is a case of *jus cogens* (or peremptory norm), alongside the prohibition of genocide, slavery, or torture.⁶³ Albeit contested by another school of thought, this view is shared by a number of thinkers such as Héctor Gros Espiell, former Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, who expressed that “no one can challenge the fact that, in the light of contemporary international realities, the principle of self-determination necessarily possesses the character of *jus cogens*”.⁶⁴ Whether they consent to it or not, States are bound by *jus cogens*, thereby excluding any derogation through international treaties.

3.3 Conclusion

Having established Antonio Cassese's theory, no human right of Orang Asli individuals should be denied for the right to self-determination of their communities to be fully experienced. This vision guided the deductive thematic analysis of the qualitative data collected. Since each dimension of the right to self-determination “refers to a different set of provisions” of the ICCPR and the CESCPR, themes and codes emerged from the interview transcripts, based on the political, economic, social and cultural aspects of this collective right.⁶⁵

⁶³ A. Orakhelashvili, ‘The Impact of Peremptory Norms on the Interpretation and Application of United Nations Security Council Resolutions’, *The European Journal of International Law*, vol. 16, no. 1, 2005, p. 64, (accessed 12 May 2021).

⁶⁴ UN Human Rights Council, ‘Report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities’ (1980), Héctor Gros Espiell, UN doc E/CN.4/Sub.2/405/Rev.1, p. 12.

⁶⁵ Cassese, ‘The Self-Determination of Peoples’, cited in F. Panzironi, *Indigenous Peoples' Right to Self-Determination and Development Policy*, p. 97.

Chapter 4: Methodology

4.1 Research Design

The purpose of this exploratory research was to provide new data on an under-researched topic, namely the Islamisation of the Orang Asli. This approach was different from previous studies as it was conducted through a human rights prism. As explained previously, the few publications documenting this phenomenon did not answer the research question. Nevertheless, these anthropological findings demonstrated that there were “first peoples” who were inclined to share their personal experience of the Malaysian government's Islamisation policy. This criterion was essential for this master's thesis as I intended to collect qualitative data to give voice to the Orang Asli.

Participants were recruited through the use of a non-probability sampling. Considering a number of issues described in a subsequent section, only Orang Asli who could speak English and were present on Facebook were included in the sampling frame. There were no criteria of age, religion or gender, nor were there any Orang Asli subgroups targeted, as I considered that the inclusion of these characteristics could reflect different experiences of Islamisation. Whether they were “legally” Muslims or not, the only prerequisite was that each individual identified herself/himself with an Orang Asli community and that this community accepted her/him into the group, as detailed in the ILO Convention No. 169 or by Martinez Cobo. As reported by some participants, their world views are not recorded in writing. Therefore, I opted for one-on-one interviews because they provide “far richer detail about personal experiences” than focus group interviews.⁶⁶ Based on a semi-structured questionnaire, their knowledge gave “meaning” to the right to self-determination.⁶⁷ These data were then analysed through a

⁶⁶ G. Gaskell, ‘Individual and group interviewing’, in M. Bauer and G. Gaskell (eds.), *Qualitative Researching with Text, Image and Sound: A Practical Handbook for Social Research*, Thousand Oaks, SAGE, 2000, p. 48.

⁶⁷ A. Bryman, *Social Research Methods*, Oxford, Oxford University Press, 2015, pp. 392-393.

deductive thematic analysis, to identify how Islamisation impedes their development as indigenous peoples.

4.2 Data Collection

This study was conducted between April and May 2021 among Orang Asli who have a Facebook profile and are fluent in English. I employed snowball sampling, which was more appropriate for collecting such primary data as I was studying indigenous peoples, a hidden population that is often difficult to reach.⁶⁸ This was compounded by the Covid-19 pandemic, which rendered data collection in the field impossible. This challenge was overcome by Orang Asli's strong presence on social networks, especially Facebook. With 2.8 billion active users in 2020, this Social Networking Service (SNS) was deemed appropriate for a non-probability sampling method.⁶⁹ Social scientists have identified multiple features of Facebook that make this SNS an effective sampling frame.⁷⁰ The digital aspect of the data collection was a lever to interact with indigenous people from different tribes, instead of focusing on one community. This was important to some participants, who accepted to be interviewed on condition that different subgroups were represented in the study. They were concerned about reprisals against Orang Asli communities if all interviewees belonged to the same subgroup.

4.2.1 Semi-structured Questionnaire

Prior to data collection, I had prepared a semi-structured questionnaire (see Appendix A) to guide the interviews, while allowing room for a dialogue to take place between the

⁶⁸ R. Atkinson and J. Flint, 'Accessing Hidden and Hard-to-Reach Populations: Snowball Research Strategies', *Social Research Update*, vol. 33, 2001, (accessed 19 January 2021).

⁶⁹ 'Facebook Reports Fourth Quarter and Full Year 2020 Results', Facebook, 27 January 2021, <https://investor.fb.com/investor-news/press-release-details/2021/Facebook-Reports-Fourth-Quarter-and-Full-Year-2020-Results/default.aspx>, (accessed 6 May 2021).

⁷⁰ C. Brickman Bhutta, 'Not by the Book: Facebook as a Sampling Frame', *Sociological Methods & Research*, vol. 41, no. 1, 2012, pp. 61-61, (accessed 6 May 2021).

interviewee and myself.⁷¹ The questions were based on the four pillars of the right to self-determination, as detailed in Article 3 of the UNDRIP, which encompasses the political, economic, cultural and social development of indigenous peoples. I am aware that this questionnaire structure implies a certain bias in my research.⁷² Yet, in an attempt to be objective, the construction of the questions was inspired by the different forms of development of the right to self-determination outlined in international law.

4.2.2 Participants

As part of this qualitative research, 10 Orang Asli individuals were interviewed, including as many men as women (see Table of Respondents below). Due to the sensitivity of the topic, the anonymity of the participants was preserved. Each respondent was labelled with a letter, which has been used to refer to them throughout this master's thesis. The table of respondents provides information that could influence their experience of Islamisation: their gender, age, the Orang Asli subgroup they identify with and whether they were forcibly converted to Islam.

Table of Respondents

Letter assigned	Age	Converted to Islam	Gender	Orang Asli subgroup
<u>Participant A</u>	36	No	Male	Temuan
<u>Participant B</u>	40	No	Male	Semai
<u>Participant C</u>	47	No	Male	Jakun
<u>Participant D</u>	33	No	Female	Temiar
<u>Participant E</u>	25	No	Female	Jakun

⁷¹ M. Kovach, 'Conversational Method in Indigenous Research', *First Peoples Child & Family Review*, vol. 5, no. 1, 2010, p. 45, (accessed 21 March 2021).

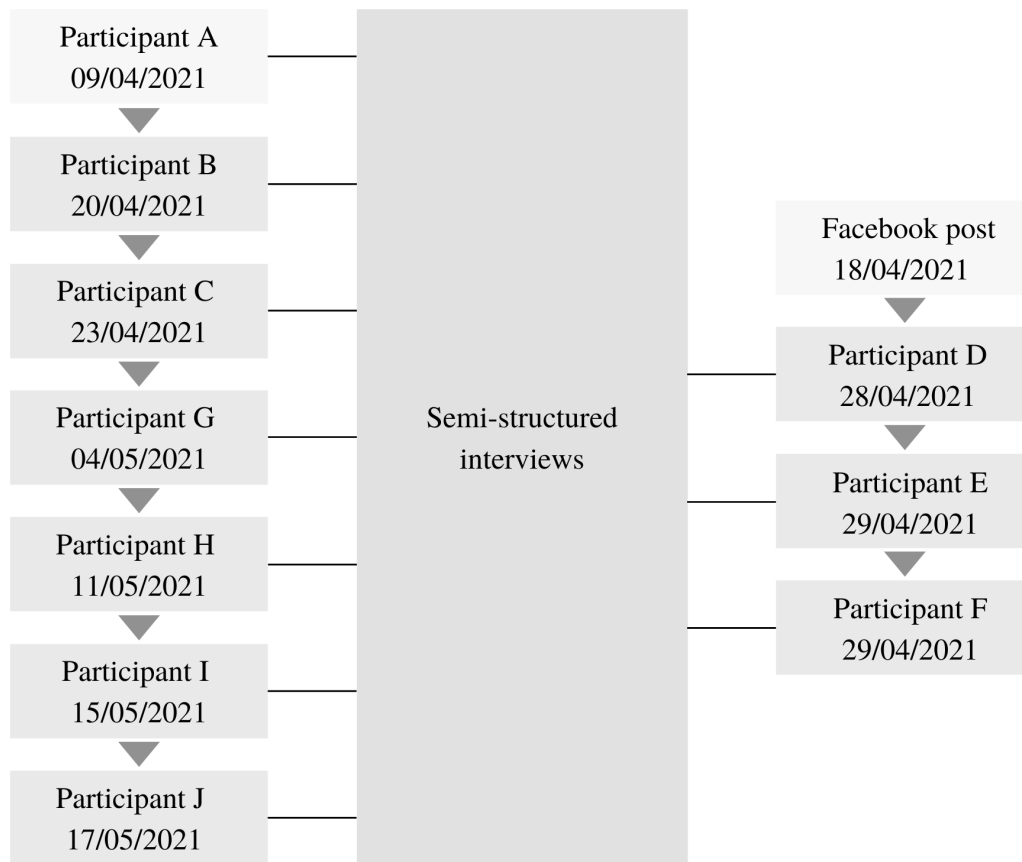
⁷² D. Fields and Y. Kafai, 'A Connective Ethnography of Peer Knowledge Sharing and Diffusion in a Tween Virtual World', *International Journal of Computer Supported Collaborative Learning*, vol. 1, no. 4, 2009, cited in P. Fusch, G. Fusch and L. Ness, 'How to Conduct a Mini-Ethnographic Case Study: A Guide for Novice Researchers', *The Qualitative Report*, vol. 22, no. 3, 2017, p. 927, (accessed 22 April 2021).

Letter assigned	Age	Converted to Islam	Gender	Orang Asli subgroup
<u>Participant F</u>	25	No	Female	Jakun
<u>Participant G</u>	34	Yes	Male	Temiar
<u>Participant H</u>	36	Yes	Male	Mah meri
<u>Participant I</u>	28	No	Female	Semaq beri
<u>Participant J</u>	33	Yes	Female	Temuan

Once Participant A was identified, he was able to refer me to other units and so on, until data saturation — although the concept of saturation is controversial, the absence of new data and new themes in the latest interviews justified this sample size.⁷³ Most interviews were obtained via the first participant, with whom I made direct contact as I knew his opinion on the Islamisation of the Orang Asli. Amongst the respondents, adults between 25 and 50 years old were the primary source of information — this over-representation is commented on below, in the challenges section. In an effort to get more diverse respondents (in terms of age and gender), on 18 April 2021 I posted a message in English on two different Facebook groups: the first on “Member Orang Asli Se Facebook”, which had over 18,000 members, and the second on “FACEBOOK ORANG ASLI”, which had almost 20,000 members. This post explained the main lines of my research and my interest in collecting data from the “first peoples”. Considering the diversity of Orang Asli communities present on these Facebook groups, this message mentioned my interest in their traditional beliefs and human rights rather than Islamisation. As a result, I managed to get three interviews with Orang Asli women. As for my numerous requests to local NGOs to support me in collecting testimonies, they remained unanswered.

⁷³ P. Fusch and L. Ness, ‘Are We There Yet? Data Saturation in Qualitative Research’, *The Qualitative Report*, vol. 20, no. 9, 2015, p. 1409, (accessed 22 April 2021).

Figure 3. Snowball Sampling



© Anne-Laurence Hamer

4.2.3 Ethical Concerns and Interviews

All participants gave their prior consent to participate in this research. They were given clear and detailed information about the objectives of this thesis as well as how their data would be used. In the interests of ethics, they were notified that their contribution was anonymous and that they had the right to withdraw their participation at any time. Out of respect for the Orang Asli respondents, I have consulted many handbooks on semi-structured interviews because Islamisation is a very sensitive subject. In accordance with certain guidelines, I ensured that a climate of trust was established by

introducing the questionnaire with subjects other than forced conversion, such as the place of living or the customs of the interviewee.⁷⁴

Despite the border closures caused by the Covid-19 pandemic, I attached great value to seeing each individual I met during this qualitative research. With the agreement of the participants, all interviews were conducted with the camera on. On average, our discussions lasted between 10 and 110 minutes. Body language was an essential component of data collection as it enabled me to assess whether respondents were comfortable with the questions being asked.⁷⁵ I could be attentive to all these details because each interview was recorded, with the prior permission of the person concerned. I noticed that this visual aspect gave confidence to the interviewees, some of whom were eager to show me their personal space. I could not determine whether this visual information contributed to this, but others brought me into their intimacy, telling me personal stories related to their beliefs or to deceased people. These verbal data have been transcribed in their entirety, but due to their large volume, only the most relevant statements from each participant have been included in the appendices.

4.3 Thematic Analysis

The qualitative data collected were analysed using a thematic analysis. This approach, which was developed for psychological research, was a means of identifying themes from the mass of information provided by the participants. In line with the Braun and Clarke guidelines, the recordings of the interviews were transcribed, before familiarising myself with the data by reading the transcripts several times.⁷⁶

⁷⁴ W. Adams, 'Conducting Semi-Structured Interviews', in J. Wholey, H. Hatry, and K. Newcomer (eds.), *Handbook of Practical Program Evaluation*, San Francisco, Jossey-Bass, 2015, p. 498.

⁷⁵ K. Kariippanon and K. Senior, 'Engagement and Qualitative Interviewing: An Ethnographic Study of the Use of Social Media and Mobile Phones Among Remote Indigenous Youth', *SAGE Research Methods Cases*, pp. 9-10, (accessed 21 April 2021).

⁷⁶ V. Braun and V. Clarke, 'Using thematic analysis in psychology', *Qualitative Research in Psychology*, vol. 3, no. 2, 2006, p. 87, (accessed 6 May 2021).

From this raw data, I extracted the semantic content, i.e. the sentences that expressed distinct ideas, to which I associated codes. These labels were generated by manually coding the 10 interviews, highlighting the ideas conveyed in the transcripts with different colours. In total, 137 codes emerged from this process. For the next phase, the theoretical framework provided me with a predefined idea of the themes that would emerge from the codes. Since I was coding for a “specific research question”, the deductive (or theoretical) approach was more suitable for this thematic analysis.⁷⁷ According to Cassese's approach, I expected to find individual human rights violations that would prevent the proper development, be it political or cultural, of the Orang Asli. Following this theory-driven approach, I combined similar codes to generate themes. First, I produced a preliminary thematic map composed of themes and sub-themes including all the data extracted from the transcripts. Second, I reviewed this preliminary work by reconsidering all the codes and themes. The final thematic map, presented in the next chapter (see Figure 4 below), includes four themes: “Political Status”, “Economic Development”, “Social Development” and “Cultural Development”. Due to the large amount of diverse information, some of these themes include sub-themes. These findings will then be analysed in Chapter 6, using the UNDRIP.

4.4 Limitations

Since this research is exploratory in nature, the findings must be read in the light of certain limitations described herein. Although the sample size cannot adequately represent all Orang Asli, these preliminary insights provide a basis for future studies, including fieldwork and focus group interviews within different communities to promote exchange and deepen the collective experience of Islamisation.

When indigenous research is conducted, one could argue that the use of the local language is fundamental to produce reliable results.⁷⁸ I concur with this assumption

⁷⁷ *ibid.*, p. 84.

⁷⁸ B. Chilisa, *Indigenous Research Methodologies*, Thousand Oaks, SAGE, 2012, p. 58.

since terms referring to traditional customs or beliefs are not translatable.⁷⁹ Indigenous people who share this knowledge are more likely to do so when their interlocutor speaks their language or is present in the field, if there is a translator.

Since I am not fluent in Malay, all my interviews were held in English. Although they remain a minority, a growing population of Orang Asli can speak English. The challenge was rather to find those who had both a basic knowledge of the language and the desire to share their experience. I considered hiring a translator but various issues dissuaded me. One reason was financial. The others were practical and ethical as the interviewees were not from the same community, I could not change translators for each interview. Otherwise, if I had worked with the same translator I could not have expected the participants to confide in two strangers. Under different circumstances, I could have worked with a local translator and focused my research on one community, but the Covid-19 pandemic left me no choice. A hypothetical field mission was impossible because of the closure of Malaysia's borders. As of April 2021, even local anthropologists avoid visiting Orang Asli communities to protect them from contamination.

Besides their command of English, I was dependent on the respondents' access to the internet. The correlation between these two factors explain the over-representation of adults aged between 25 and 50. Children and elderly people were more difficult to reach. Either they were not on social networks or we could not communicate in the same language. For this reason, the digitisation of the data collection had its limitations. Although new technologies were an undeniable asset in coping with the pandemic, it was challenging to develop trust-based relationships prior to the the interviews.

⁷⁹ M. Arabestani and J. Edo, pp. 8-10.

4.5 Reliability and Validity

The validity criteria for qualitative studies have evolved over time, in line with the changing positions of researchers.⁸⁰ This notion is of particular importance for qualitative research since the subjectivity of the scientist can interfere with the data. Taking into account the challenges mentioned above, the most appropriate sampling method was used for this work. The population was clearly defined and all questions of the semi-structured questionnaire were asked to all participants. The interview conditions were identical for each interviewee so as not to influence their answers. Despite the time limit, the data collection only stopped when saturation was reached.

“Credibility, authenticity, criticality, and integrity” were key aspects of the data analysis.⁸¹ This means that the participants' words have been conscientiously transcribed, with the aim of relating their experiences as accurately as possible. The themes and sub-themes presented in the following chapter were defined on the basis of interviews with 10 participants. The consistency of their responses was essential to judge the reliability of the data collected. Such stability is considered one of the prerequisites by Lincoln and Guba to establish the “trustworthiness” of a research.⁸² Certainly, a larger sample size (including individuals from other communities and of different ages, for instance) is needed to generalise the analysis of these data to all the Orang Asli. For these upcoming studies, a “thick description” of the research context is provided in this thesis, because “an inquirer cannot know all the contexts to which someone may wish to transfer working hypotheses”.⁸³ In the same line, Cronbach proposes to reverse the principle of generalisation. The American psychologist suggests

⁸⁰ C. Emden and M. Sandelowski, ‘The good, the bad and the relative, part one: Conceptions of goodness in qualitative research’, *International Journal of Nursing Practice*, vol. 4, 1998, p. 207, (accessed 28 May 2021).

⁸¹ R. Whittemore and S. Chase and C.L. Mandle, ‘Pearls, pith, and provocation: Validity in qualitative research’, *Qualitative Health Research*, vol. 11, no. 4, 2001, pp. 529-531, (accessed 28 May 2021).

⁸² Y. Lincoln and E. Guba, *Naturalistic Inquiry*, Thousand Oaks, SAGE, 1985 p. 359.

⁸³ *ibid.*, pp. 124-125.

that detailed information is given on the variables that were controlled as well as those that were not at the time of data collection.⁸⁴ Generalisation comes after several studies have been carried out.

⁸⁴ L. Cronbach, 'Beyond the Two Disciplines of Scientific Psychology', *American Psychologist*, vol. 30, no. 2, pp. 124-125, (accessed 28 May 2021).

Chapter 5:

Findings

5.1 Introduction

In this chapter, all the data obtained through the 10 interviews are presented and analysed in detail, in the light of the UNDRIP. As stated above, participants were recruited via snowball sampling to answer this research question: how does the Islamisation of the Orang Asli by the Malaysian government undermine their right to self-determination? The experiences shared by the interviewees confirm previous publications stating that JAKOA contributes to the forced conversion of the “first peoples” to Islam.

Islamisation is promoted and authorised by the government, via JAKOA. Part of their work is to develop the Orang Asli but another part of their activities is to cooperate with JAKIM (Department of Islamic Development Malaysia) to Islamise our communities.⁸⁵

Furthermore, it appears that the Malaysian government uses other means, which are not referenced in the literature, to convert the “first peoples”. For instance, in institutions that offer programmes on Islamic studies (including public universities), certain students take part in the Islamisation of the Orang Asli. Participants report on students who, as part of their courses, are required to visit Orang Asli villages to convert people who still practice their traditional beliefs. These world views, which will be detailed when specific instances are discussed, differ from one community to another. Some worship several gods while others believe in a single god, such as the Semai, who refer to *Jenang* as the only superior force. Even today, these communities are targeted by foreign missionaries who come to profess Christianity or the Bahá’í faith, a relatively

⁸⁵ Interview with Participant B, 20 April 2021.

new religion dating from the 19th century. These religious envoys employ similar techniques to Islamic missionaries, such as offering financial and food in return for conversion. Instead of rendering the Orang Asli less dependent on these aid offered by missionaries, all participants agreed that the Malaysian government, through the proselytisation of Islam, exerts the greatest pressure on their communities.

Islamisation means imposing a belief system on us that is contrary to our identity. Several religions try to proselytise us, such as Christianity, but Islam remains the most important because it is carried out by the government.⁸⁶

All the participants have already experienced Islamisation on multiple occasions, such as Participant A or Participant I, who “have been approached many times by Islamic missionaries”.⁸⁷ Among them, the majority has not been Islamised, which does not prevent them from being familiar with this human right violation. Several members of their communities (this proportion varies from one participant to another) have been forcibly converted to Islam. Participant A's cousin converted to get more financial support. The same applies to one of Participant F's aunts, while her other aunt had to convert as she married a Muslim — this issue will be elaborated in the “Cultural Development” theme. As for the other participants, they have been Islamised but retain their world views and continue to identify themselves with their Orang Asli communities. Participant H was converted in 2001 and is therefore “officially a Muslim”, although he still adheres to the traditional beliefs of his tribe.⁸⁸ Similarly, Participant J became a Muslim in 2017: “I still believe in spirits but I have been told that I only have one god left, Allah, who is supposed to be the origin of everything around us”.⁸⁹ Accordingly, when these participants are in public, they follow the rules of

⁸⁶ Interview with Participant D, 28 April 2021.

⁸⁷ Interview with Participant A, 9 April 2021.

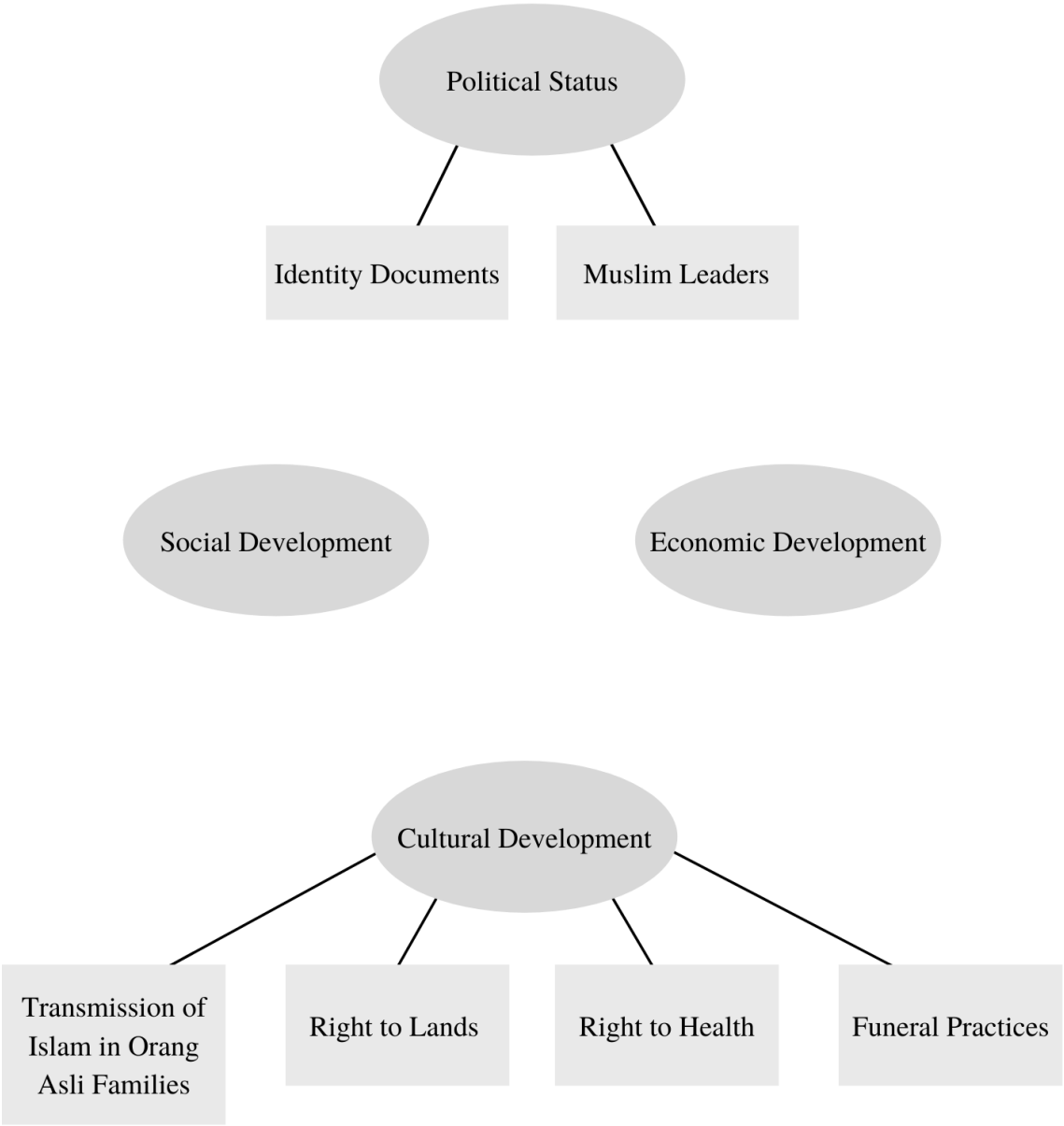
⁸⁸ Interview with Participant H, 11 May 2021.

⁸⁹ Interview with Participant J, 17 May 2021.

Islam so as not to be sanctioned by the authorities. At the same time, they secretly maintain their traditional beliefs. According to the data collected, this duality is not durable for their well-being: “Islam may be good but not for us Orang Asli. When I was converted by missionaries, Islam had a terrible impact on my development as an indigenous person”.⁹⁰ These consequences — and those shared by the other interviewees — on the right to self-determination of the Orang Asli are divided into four themes: “Political Status”, “Economic Development”, “Social Development” and “Cultural Development”.

⁹⁰ Interview with Participant G, 4 May 2021.

Figure 4. Final Thematic Map



© Anne-Laurence Hamer

5.2 Political Status

“There is no separation between the Mosque and the state, which makes Islam very political in Malaysia.”⁹¹ My data bear out Endicott's findings that Islamisation is a means of increasing the electorate for the Malay parties. This politicisation of the official religion has political repercussions on the Orang Asli. It begins with the violation of human rights at the individual level, then spills over to the Orang Asli communities.

5.2.1 Identity Documents

In theory, Article 11 of the Malaysian constitution ensures that “every person has the right to profess and practice his religion”.⁹² However, all participants agree that it is virtually impossible to abandon Islam in Malaysia. This is a highly complex process as most Orang Asli who have been forcibly converted to Islam have signed a contract that stipulates that he or she has become a new person. Depending on the laws of each territory of this federal state, apostasy is a criminal offence punishable by a fine or even a prison sentence. Such a violation of Article 18 of the UDHR, which recalls that everyone has the “freedom to change his religion or belief”, is pivotal to understanding how Islamisation hinders the development of the Orang Asli as indigenous peoples.⁹³ Those who have been converted obtain new identity documents because this new faith must be “engraved” on their identity card (called “MyKad”) via the words “Warganegara Islam”, which means “Muslim Citizen” in Malay.⁹⁴ Regardless of their religion, all other people who do not practice Islam are either “Warganegara Perempuan” (“Female Citizen”) or “Warganegara Lelaki” (“Male Citizen”). In Malaysia, nationals receive these cards at the age of 12. In some communities, Orang

⁹¹ Interview with Participant D, 28 April 2021.

⁹² Malaysian Constitution, PART II, Article 11.

⁹³ Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III) (UDHR), Article 18.

⁹⁴ Interview with Participant A, 9 April 2021.

Asli children are issued MyKad with the mention “Warganegara Islam” by the National Registration Department (NRD) even though no one in their family is Muslim. This practice is contrary to Article 33 (1) of the UNDRIP, which articulates that “indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions”.⁹⁵ Despite Malaysia's signature on this document, the Orang Asli do not enjoy this human right because of Islamisation. “Warganegara Islam” involves a multitude of changes in their personal development.

Those who have been converted must change their name to one that is more consistent with Islam, such as “Adbullah”. Only those who have a lot of money and can afford a good lawyer manage to keep their birth name. For the rest, i.e. the majority of Orang Asli, they have to adopt a new name.⁹⁶

According to the interviewees, “Abdullah” (“servant of God”, in Arabic) is the surname that is commonly attributed to “first peoples” who have been converted to Islam. This new family name replaces their patronymic, which is always the father's in Orang Asli families. Two participants told the story of a *kampung* (a village), where all inhabitants have been given new surnames following a mass conversion — at their request, the location and other specific information identifying this community will remain confidential. The missionaries first approached the Tok Batin (title of the leader of an Orang Asli community) to offer him a trip to the city to attend a free course on Islam, which he accepted. After the lecture, the missionaries asked him if he wanted to convert to Islam. The community leader did not respond, explaining that he had to consult his people before making a decision. Later, these missionaries returned to the *kampung* to invite him to a new Islamic course, which he again accepted. Before the trip was over, they became more hostile, warning him that he should now convert to Islam. When the

⁹⁵ The United Nations Declaration on the Rights of Indigenous Peoples (adopted 13 September 2007), Article 33.

⁹⁶ Interview with Participant A, 9 April 2021.

missionaries escorted the Tok Batin back to the village, they threatened the community members that if they did not convert to Islam, they would be expelled from their land and that if they did not leave, their houses would be destroyed by bulldozers. As a result, all the inhabitants of the *kampung* converted to Islam. None recited the Shahada, as is the norm for becoming a Muslim. Instead, the missionaries gathered the Orang Asli to inform them that from that day on they had to follow the precepts of Islam. Shortly afterwards, officers of the National Registration Department (NRD) came to formalise this conversion by providing them with new identity documents with the words “Warganegara Islam”. The surnames of all Orang Asli in this community became “bin” or “binti” (meaning “son of” or “daughter of”, in Arabic) Abdullah, which is the standard name for converts in Malaysia. This new identity is derived from the Malay name construction, whereby the last name indicates the first name of the father, preceded by “bin” or “binti”. “Many Muslim Orang Asli have MyKad similar to those of the Malays, while most do not consider themselves Muslim.”⁹⁷ In the community affected by the mass conversion, the “first peoples” were not aware of this misdeed because at that time they were all illiterate, whereas in these cases the state must take the necessary measures “to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings”.⁹⁸ The villagers found out later that they were Muslims, when some of them learned to read. Based on the data collected, these practices of the Malaysian government are still in place. In some cases, this “arbitrary interference” with their “privacy” goes even further.⁹⁹ Participant I confirms that it is common for the father's name to disappear in favour of a Muslim name, such as “Abdullah”, while adding that this change sometimes even concerns the first name, as one of her acquaintances who was forcibly converted is now named Fatimah. Yet, the UNDRIP specifies that indigenous people have the right to “retain

⁹⁷ Interview with Participant I, 15 May 2021.

⁹⁸ Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III) (UDHR), Article 13.

⁹⁹ Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III) (UDHR), Article 12.

their own names for communities, places and persons”.¹⁰⁰ Due to their name change, participants who are legally Muslim share the feeling of having lost their identity. Although they still identify with their Orang Asli community, their identity card denies their world views by labelling them with a religion they do not believe in.

This state-imposed change of identity appears to be a source of confusion for the “first peoples”. The data suggest that participants do not have a clear idea of the legal status of Muslim Orang Asli in the Malaysian society. For Participant A, they are not protected by the APA anymore as they no longer have Orang Asli names and have to give up their “aboriginal way of life” — this aspect will be detailed at a later stage, under the theme “Cultural Development”.¹⁰¹ Conversely, Participant I asserts that they still meet the APA criteria if the identity card specifies that they are Orang Asli, regardless of the wording “Warganegara Islam”. Despite these differences, the participants who maintain their world views share a strong opinion on the distinction between the Orang Asli and the Malay ethnic group:

When Orang Asli are converted to Islam, they do not automatically become Malays, but this opens the door to the adoption of Malay customs through religion. Gradually, the Muslim Orang Asli become closer to the Malays in order to be assimilated. Still, we remain fundamentally opposed to the Malays. They are urban, while we are rural. We are passive and like to share, while the Malays are aggressive and greedy. There is a real dichotomy between us, and using Islam to assimilate us is completely at odds with our way of life. ¹⁰²

¹⁰⁰ The United Nations Declaration on the Rights of Indigenous Peoples (adopted 13 September 2007), Article 13.

¹⁰¹ Aboriginal Peoples Act 1954 (Revised 1974), Section 2.

¹⁰² Interview with Participant C, 23 April 2021.

This sentiment is more contrasted for the Muslim participants. Although they identify themselves with the Orang Asli, they consider that they are now part of the *Bumiputra*, which would be “the first step towards assimilation into the Malay ethnic group” — all Orang Asli should enjoy *Bumiputra* privileges but the reality is that non-Muslim participants do not recognise themselves in this term as they do not receive any benefits.¹⁰³ This new identification with the *Bumiputra* seems to create a form of stress. They appear to be in conflict between the Malays, with whom they do not want to identify, and the Orang Asli, with whom they must abandon certain practices because of Islam. Some Muslim Orang Asli continue to maintain their lifestyle, regardless of the words “Warganegara Islam”, but others come to embrace the precepts of Islam because they eventually adhere to it. Religion presents an opportunity to gain a more valued status in the Malaysian society:

We are treated as a sub-race by the Malaysian government but also by the Malaysians because they don't know anything about us. They don't learn our history so they are totally ignorant about our culture. Most of them are not aware of the Islamisation policy because they don't interact with us. Therefore, for an Orang Asli person, being assimilated into the Malay ethnicity through Islam can bring a form of recognition and power.¹⁰⁴

Since the ethnic question still dominates Malaysian politics, assimilation may influence the political views of the “first peoples”. Participant D knows of Orang Asli who vote for the Parti Islam Se-Malaysia (Malaysian Islamic Party or PAS, in Malay), a conservative Muslim party supported largely by Malays.¹⁰⁵ This support from Muslim Orang Asli for traditionally Malay parties is not uncommon according to the

¹⁰³ Interview with Participant A, 9 April 2021.

¹⁰⁴ Interview with Participant D, 28 April 2021.

¹⁰⁵ A. Gnanasagaran, ‘UMNO and PAS: A forced political marriage?’, The ASEAN Post, 20 December 2018, <https://theaseanpost.com/article/umno-and-pas-forced-political-marriage>, (accessed 4 June 2021).

participants. The first ever Orang Asli Member of Parliament (MP), Ramli Mohd Nor, who was elected in the 2019 Cameron Highlands by-election, illustrates this paradox. The (Muslim) representative, who did not accept an interview, is a member of UMNO (The United Malays National Organisation), a conservative Malay party which is part of the Barisan Nasional (National Front) coalition, in power for over 60 years after the country's independence.

As for those who have identity papers with the mention “Warganegara Islam” but do not affiliate with Malay parties, participants suggest that Malay candidates pressurise them to vote for their parties. When elections are held, Malays candidates visit communities to sway their opinion.¹⁰⁶ If the Muslim Orang Asli dare to vote for parties other than the Malays, therefore unfaithful to Islam, they will be punished by Allah. While these threats have no effect on some of them, those who have embraced Islam follow their lead, as do the Orang Asli who are afraid of losing their benefits. In addition to being a violation of the right to freely choose their representatives, the weight of Orang Asli Muslim votes can influence the outcome of elections in states where the vote is close, at the risk of voting for a party that does not support the interests of Orang Asli communities.

5.2.2 Muslim Leaders

This fragmentation between the Muslim Orang Asli and those who remain attached to their traditional beliefs disrupts the political control of Orang Asli communities, which is already fragile due to their dependence on JAKOA. Each community is represented by a Tok Batin, who acts as a link between the “first peoples” and the authorities. He has a central role for which he receives a salary from the Malaysian government. His activities include, inter alia, organising the cultural life and celebrating weddings as well as funerals. Another important task is the distribution of *bantuan* (in Malay, the aid provided by the government to the Orang Asli). JAKOA gives the *bantuan* of each community to its Tok Batin, who then redistributes it among the members.

¹⁰⁶ Interview with Participant A, 9 April 2021.

A leader can be elected in two ways: either the title is inherited or he is chosen by the community. In the event of inheritance, the powers of the Tok Batin can only be passed on to his son, with the approval of the whole *kampung*. If some of the inhabitants of the village disagree with the inheritance of this title, a new Tok Batin is elected by a show of hands. In principle, the members of each community — those who vote are people aged 21 and over — are supposed to have the choice to select their leader, before he is approved by JAKOA. If the Tok Batin is endorsed by the Department of Orang Asli Development, this means that he is recognised as the official leader. However, the findings reveal that the process is often reversed, i.e. JAKOA proposes a leader to the community, which must then give its approval:

JAKOA chooses the leader of each community, who must then collectively endorse the chosen Tok Batin. Once elected, the leader signs a contract with JAKOA and must swear to uphold it. If he does not honour it and tries to fight, the Tok Batin will have to step down and his name will be blacklisted from the Tok Batin candidates. Among these demands is the favouring of Muslim Orang Asli. Since the leader receives a monthly commission from JAKOA, he must follow their rules.¹⁰⁷

In *kampung* where the Orang Asli who practice Islam remain a minority, Muslim candidates for Tok Batin proposed by JAKOA “are rejected as they weaken the leadership of the community”.¹⁰⁸ Participant B has suffered from Islamisation since birth. When he was still a child, missionaries came to his home to profess Islam, the benefits of which his parents always refused to accept. Now this religion is not widespread in his community because the leadership has become stronger. Foreigners who come to their *kampung* must first consult the Tok Batin, to avoid missionaries, whether they are Christians or Muslims. This experience seems to confirm that

¹⁰⁷ Interview with Participant I, 15 May 2021.

¹⁰⁸ Interview with Participant B, 20 April 2021.

community leaders are key people in the fight against Islamisation. Similarly, the inhabitants of the village where Participant J lives would never vote for an Orang Asli who has been converted, to become their leader. They fear that a Muslim Tok Batin would profess Islam to the villagers. Hence, they limit this position to the inhabitants who still practice their traditional beliefs and are not subject to Syariah law in order to maintain their culture. This decision prevents all Orang Asli whose MyKad indicates that they are “Warganegara Islam”, from being eligible for the position of Tok Batin. Indirectly, Islamisation creates a form of discrimination between members of this community, where those who still practice their traditional beliefs prevent Muslim individuals from developing politically. In this case, Malaysia is not taking all appropriate measures to “eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society”.¹⁰⁹ Because of Islamisation, this Orang Asli community is not able to freely choose its leader. It is forced to restrict Tok Batin's position to those whose identity documents indicate that they are not Muslim. One can then legitimately ask what will happen if they all end up being converted in one way or another. The data collected does not answer this question, but participants describe other communities where the leadership is not as strong as that of Participant J. Many *kampung* are weakened by decades of forced conversion, thereby increasing the number of people who voluntarily follow the precepts of Islam. As a result, in some communities, “it is a requirement to practice Islam to become a leader” because a large part of the village population supports the Muslim candidate proposed by JAKOA.¹¹⁰ A Tok Batin may be Muslim, but when he is, it can be a problem for the Orang Asli in the community who still practice their traditional beliefs. Sometimes the Muslim leader does not distribute the *bantuan* equally between the Muslim Orang Asli and other members of the village. “Some of us do not receive financial and food aid, or electricity supply because the Tok

¹⁰⁹ The United Nations Declaration on the Rights of Indigenous Peoples (adopted 13 September 2007), Article 15.

¹¹⁰ Interview with Participant E, 29 April 2021.

Batin is Muslim and show favouritism towards those who practice Islam.”¹¹¹ According to the evidence, JAKOA is trying to prioritise the appointment of Muslim Tok Batin to influence members of their *kampung* to convert. While these leaders are primarily concerned with the welfare of their community, some are facing pressure from JAKOA and a growing population of Muslim Orang Asli who are demanding to receive their benefits. More data is needed to judge whether this phenomenon affects other communities than those studied in this research.

The experiences shared by the participants seem to confirm that Islamisation interferes with the internal self-determination of Orang Asli communities. Under Article 4 of the UNDRIP, indigenous peoples “have the right to autonomy or self-government in matters relating to their internal and local affairs”.¹¹² This indigenous right is fundamental for them to maintain their political institutions. Instead of respecting it, the Malaysian government meddles in their local affairs by influencing the selection of Orang Asli community representatives, through JAKOA. In the participants' *kampung* where this interference was observed, the “first peoples” report a decline in the confidence of those who continue to hold their traditional beliefs towards their Tok Batin. This lack of trust in their leaders seems to be caused by forced conversion, which destabilises the political structures of communities. The “first peoples” expect a Tok Batin to help and protect them because they are Orang Asli, not because of their world views. If leaders favour members of their communities because they are Muslim, they no longer represent the Orang Asli of their *kampung* but the government's interests. At the individual level, this results in discrimination against Orang Asli who want to retain their world views, “based on their indigenous origin or identity”.¹¹³ Because they do not practice Islam, the Malaysian government is limiting the aid they receive, despite their already precarious

¹¹¹ Interview with Participant I, 15 May 2021.

¹¹² The United Nations Declaration on the Rights of Indigenous Peoples (adopted 13 September 2007), Article 4.

¹¹³ The United Nations Declaration on the Rights of Indigenous Peoples (adopted 13 September 2007), Article 2.

situation. At the community level, this can lead to “chaos”.¹¹⁴ Participant J reports that in a neighbouring village, the *kampung* members can no longer agree on decisions for their community — the consequences will be discussed in the presentation of the next theme, “Social Development”. According to her, after a Muslim Tok Batin was appointed, other members of the village converted to Islam, to the extent that social cohesion was fragmented. As explained earlier, leaders occupy a pivotal position in Orang Asli communities. They organise the cultural life and speak out for the “first peoples”, for instance when their rights to lands, territories and resources are violated. When Islamisation eventually influences a community's political choice, it can impact on other aspects of its development.

¹¹⁴ Interview with Participant I, 15 May 2021.

5.3 Social Development

When discussing the previous theme, it appeared that Islamisation is eroding the social cohesion of Orang Asli communities by weakening their political structures. The experience of Participant J was highlighted, who mentions a large-scale conversion in a village not far from her own, following the appointment of a Muslim Tok Batin. The *kampung* is located in a forest reserve, where the inhabitants who still practice their traditional beliefs are fighting against a renewable energy project (commissioned by the Malaysian government), to be erected on their land.

So many Orang Asli have changed their religion that different groups have formed within the community, to the extent that they can no longer agree on a strategy to protect their land. There are the Muslims, some of whom have been chased out of the village because there were too many of them, the Christians, who have converted to escape from Islam, and the others, who manage to maintain their traditional beliefs. It is very complicated for this community to come to an agreement to live in harmony.¹¹⁵

The situation in this village seems to confirm Endicott's claim that Christianity is considered by some Orang Asli as an alternative to Islamisation. According to Participant B, the Malaysian government distinguishes between traditional beliefs and “organised” religions, such as Islam or Christianity.¹¹⁶ Participant F confirms that her community has no religion as such, which motivates the state “to address this lack of religion” via Islamisation.¹¹⁷ On the one hand, Article 12 of the UNDRIP protects their world views by stating that “indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies”. On the other hand, several legally binding documents and soft law instruments underline

¹¹⁵ Interview with Participant J, 17 May 2021.

¹¹⁶ Interview with Participant B, 20 April 2021.

¹¹⁷ Interview with Participant F, 29 April 2021.

that “no one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice”, whether an individual has a religion or not.¹¹⁸

Looking back at social development, it appears that Islamisation is fragmenting the unity of Orang Asli communities. Their traditional beliefs are the cement that maintains their community spirit intact. The social implosion of an Orang Asli community — which in this case renders them unable to protect their land rights — reported by Participant J is not told by other interviewees. If they do not describe such disruptive situations, they all mention social fractures within families and, more widely, within communities, linked to forced conversion:

In our community, families are disrupted because of Islamisation, mostly when parents continue to believe in their traditional beliefs while their children are converted to Islam, who sometimes end up abandoning their world views.¹¹⁹

The forced conversion of children is achieved through education, which is a fundamental social right. Three participants concur that only Muslim children are required to attend Islam classes, starting in primary school: “the children of Orang Asli who are Muslims have extra lessons on Islam. They are in the same schools as the other Orang Asli children, but in different classes”.¹²⁰ Those who are not Muslim must take moral studies. In both cases, there is no option for other religions, nor for studying the traditional beliefs of the Orang Asli, although they should “have the right to establish and control their educational systems”.¹²¹ While the government does not recognise these world views, all the research participants share the same frustration, meaning that their history and traditional beliefs are not taught in Malaysian schools. Instead of

¹¹⁸ United Nations General Assembly Res 36/55, 25 November 1981.

¹¹⁹ Interview with Participant C, 23 April 2021.

¹²⁰ Interview with Participant A, 9 April 2021.

¹²¹ The United Nations Declaration on the Rights of Indigenous Peoples (adopted 13 September 2007), Article 14.

promoting their culture, the state exposes Orang Asli children to Islamic teaching. Participant C reveals that in his village a mosque has been built, without the consent of the whole community. Since its inauguration, a mullah (the title of a person who teaches Islam) has been instructing the children of the community in the precepts of Islam. He offers them sweets to motivate them to return to his classes. The interviewee could not say whether the government is the sponsor of this mosque. In the absence of direct responsibility, Malaysia has nevertheless committed to the UNDRIP, which requires signatories to taking the necessary measures to prevent “any form of forced assimilation or integration”.¹²²

When Orang Asli children eventually embrace Islam, participants tell of damaged family relationships. Participant H was initially rejected by his family, before they changed their minds, as they also converted to Islam for financial reasons. As for Participant J:

At first, when I was converted, it was difficult for my parents to accept this new status. Now they understand that I haven't changed my lifestyle so they are still in the process of accepting my change of religion.

Young Orang Asli who move to the city are no less exposed to Islamisation. For those who integrate universities or boarding schools, they are mostly in contact with Malay children, who are predominant. Although “indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination”, findings indicate that Orang Asli students are under pressure from universities that promote and encourage the spread of Islam.¹²³ Participant H became a Muslim when he was only 16 years old, to avoid discrimination from other children and Malay teachers in his boarding school. Participant C confirms that “there are many Orang Asli children

¹²² The United Nations Declaration on the Rights of Indigenous Peoples (adopted 13 September 2007), Article 8.

¹²³ The United Nations Declaration on the Rights of Indigenous Peoples (adopted 13 September 2007), Article 14.

in boarding schools who convert to Islam to avoid being victimised. Because they do not practice Islam and other young people have no knowledge of their traditional beliefs, Orang Asli are often bullied by other children”.¹²⁴ Two participants suggest that the lack of connection to their traditional beliefs in schools means that young people are more likely to be influenced, especially in an environment where they are alone and vulnerable such as universities or boarding schools. Participant J's experience seems to confirm their views. Despite her conversion to Islam, she maintains the link with her traditional beliefs thanks to her family, with whom she lives. Conversely, more and more Orang Asli who go to study in the city become sincere adherents of Islam. Ultimately, certain children do not want to return to their community because their home is at odds with their religion: “some blame us for not praying like the traditional religions do. Others say that we live in a dirty place because dogs and pigs walk around freely”.¹²⁵ Traditionally, dogs are considered *haram* (forbidden by Islamic law, in Arabic) so conservative Muslims who voluntarily adhere to Islam must wash their hands ritually if they touch them — for other Muslims, it is enough not to touch their mucous membranes. This issue illustrates the gap between Muslim Orang Asli and the rest of their community, with whom they can no longer relate. Instead of investing in Orang Asli cultural promotion or social inclusion, the Malaysian government encourages the splintering of Orang Asli communities through Islamisation:

About half of my community has genuinely converted to Islam. Conflicts arise mostly between generations as most converts are the younger ones. Older people find it difficult to accept that their children or grandchildren converted to Islam so there are confrontations.¹²⁶

¹²⁴ Interview with Participant D, 28 April 2021.

¹²⁵ Interview with Participant C, 23 April 2021.

¹²⁶ Interview with Participant I, 15 May 2021.

As a result of Islamisation, 5 of the 10 research participants state that half of the Muslim Orang Asli remain in the community while the other half eventually leave the *kampung* — additional qualitative data from these villages would be necessary to reinforce their claims. According to them, among those who remain, some are Muslim in name but still participate in the cultural life of the community, such as ceremonies. Others, who sincerely embraced Islam, remain in their villages because the financial and material support promised by the missionaries is not forthcoming. As a result, they have to stay with the other Orang Asli while trying to live with the other inhabitants of the village, but with new constraints imposed by Islam. All the participants have the same opinion on this cohabitation: “new Muslims who do not move to the city get along well with other Orang Asli” but “sometimes conflicts arise as the lifestyles are too far apart within the same community”.¹²⁷ In other words the community spirit has disappeared between these groups, which is the basis of indigenous peoples.

In general, there is no conflict between the Muslims and the Orang Asli who still practice their traditional beliefs but there is a kind of rift between us. Sometimes the Muslims, under pressure from missionaries, want to build mosques to encourage other members to convert. At this point, the inhabitants of the village start to complain.¹²⁸

Those who move away from their *kampung* do so for a variety of reasons, such as the promise of a more comfortable life in the city now that they are Muslims, or a way of life that has become incompatible with that of other Orang Asli — this is discussed in more detail under the theme “Cultural Development”. This is what happened to Participant G, who seems to be torn between the desire to respect Syariah law for fear of being punished and the need to perpetuate his traditional beliefs: “when I was converted, my family and friends were not happy. It created a lot of tension in my

¹²⁷ Interview with Participant E, 29 April 2021.

¹²⁸ Interview with Participant A, 9 April 2021.

community so I moved away”. Those who leave de facto give up their land, making it more convenient for the government to take it over. This is consistent with Kingston's view, reported in the Literature Review, that assimilation is a more “subtle” way of violating human rights than forced evictions.¹²⁹ Islamisation is pushing many Orang Asli to live outside their community, either because they decide to or because they are forced to by other inhabitants. In such cases, it seems unlikely that they will be able to invoke Article 10 of the UNDRIP, which states that “indigenous peoples shall not be forcibly removed from their lands or territories”.¹³⁰

¹²⁹ Kingston, p. 68.

¹³⁰ The United Nations Declaration on the Rights of Indigenous Peoples (adopted 13 September 2007), Article 10.

5.4 Economic Development

As mentioned above, the Department of Orang Asli Development offers economic and material benefits to Islamic converts. This preferential treatment by JAKOA is cited by several anthropologists, such as Nobuta, who reports that the Muslim Orang Asli have “better housing (including water and electricity supplies), income-earning opportunities, education, health, and transportation facilities” than the other “first peoples”.¹³¹ Whether officially Muslim or not, all participants confirm these findings and provide specific examples: “missionaries who come to profess Islam promise financial support to the Orang Asli. Those who are below the poverty line are guaranteed remuneration if they become Muslims”.¹³² Participant A is more specific as he explains that Islamic missionaries offer a monthly salary to the Orang Asli to convince them to convert. Those who are already Muslims are offered additional financial support, “as a bonus”, if they succeed in converting other Orang Asli to Islam.¹³³ Participant A has a family member who has been earning 400 Ringgit per month (about 80 euros) since he converted. Although Participant’s A relative still firmly believes in his traditional beliefs, he wanted to become a Muslim because he needed the money to take care of his children: “in reality, he does not even practice, but like many Orang Asli he pretends to follow the precepts of Islam to avoid being fined by the police” — this surveillance, which is contrary to Article 7 of the UNDRIP, will be detailed in the next theme.¹³⁴ Nevertheless, this research also found that JAKOA does not always honour its economic commitments — these facts are not reported in other publications. As reported by three participants, the promise of additional economic opportunities is sometimes simply an argument to convert the Orang Asli to Islam. When some succumb to the promises of the missionaries, part of the new Muslims never get these benefits.

¹³¹ Nobuta, p. 487.

¹³² Interview with Participant B, 20 April 2021.

¹³³ Interview with Participant A, 9 April 2021.

¹³⁴ Interview with Participant A, 9 April 2021.

Many of those who convert to Islam do not adopt this religion sincerely. They do so under pressure, through the lure of a better life via the acquisition of money, a house, gifts of electricity or water. Muslim Orang Asli are more likely to get a job and have a higher rank in the Malaysian society. When Orang Asli convert to Islam, they want the benefits they were promised. However, these promises are not kept by the government.¹³⁵

I know of one village that was completely converted because they were offered money and food aid. This aid was conditional on their conversion to Islam. Obviously, they agreed because at that time they needed food and support from the government. But they did not realise how Islamisation was a trap set by the authorities. When this village converted, the food aid stopped, and that's when they realised it was a trap.¹³⁶

Are these isolated cases or a widespread practice? Further data is needed to consolidate these findings as two of the Muslim participants received the incentives they were promised by the missionaries. They explain that they had no other option than to convert to Islam if they wanted to evolve in the Malaysian society. Since his conversion, Participant H has worked in town : “I left the village because, thanks to my practice of Islam, I had more interesting professional opportunities than my brothers in the community where I lived”.¹³⁷ The same is true for Participant J who, although she continues to practice the traditional beliefs of her community when visiting her parents, she has decided to live outside her *kampung* for professional reasons:

¹³⁵ Interview with Participant I, 15 May 2021.

¹³⁶ Interview with Participant A, 9 April 2021.

¹³⁷ Interview with Participant H, 11 May 2021.

It is very difficult to move forward in the Malaysian society because JAKOA does not help us. We can only rely on lawyers and NGOs. I could never have succeeded in my professional career if I had not become a Muslim because for the Malays, we are the smallest germ to be assimilated. I'm not saying that moving forward is about embracing Islam but I think moving forward is about integrating with the Malays. I am aware that I am not advancing my community but on a personal level, I can do all the things that other ethnicities can do, because I am a Muslim.¹³⁸

Those who become Muslims to obtain better job opportunities, such as Participant H or Participant J, seem to be driven to leave their community to find work, accessible through their new religion. Their children will have better access to education and therefore better economic opportunities, which may seem virtuous. However, it is likely that these children will sincerely adhere to Islam as their parents are Muslims and their connection to their traditional beliefs will be weaker, as they will not have grown up in their community. Do these Orang Asli freely choose their economic development or do they deliberately allow themselves to be assimilated so that their families no longer live in poverty? As it stand, the “improvement of their economic and social conditions” is conditional on their conversion to Islam.¹³⁹ For Participant G, who is aware that in the long run his “family's cultural heritage will be lost to Islam”, the decision to become a Muslim was motivated by the desire to offer better economic prospects for his children: “I want them to have a bright future and this is only possible if they practice Islam and eventually blend in with the Malays”.¹⁴⁰ Because of Islamisation, Participant G found himself in a situation where he had to choose between the survival of his family or his traditional beliefs. Further interviews would be essential to determine whether his

¹³⁸ Interview with Participant J, 17 May 2021.

¹³⁹ The United Nations Declaration on the Rights of Indigenous Peoples (adopted 13 September 2007), Article 21.

¹⁴⁰ Interview with Participant G, 4 May 2021.

experience applies to a wider population of Muslim Orang Asli, who would voluntarily convert to Islam due to lack of prospects. According to Article 5 of the UNDRIP, the “first peoples” should have the “right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose,” in the Malaysian economic life.¹⁴¹ In other words, the economic development of the Orang Asli should not be at the expense of their world views.

According to Article 23 of the UNDRIP, the different Orang Asli communities should “have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them”.¹⁴² Consequently, if the government wishes to provide economic support to the Orang Asli, it must be done in cooperation with their institutions so as not to risk undermining the stability of their communities. Far from being a development programme, Islamisation is presented to the “first peoples” as the only way to develop economically. The problem of this policy is that the economic development of Orang Asli individuals does not benefit the communities they identify with. The prospect of a more comfortable life seems to be JAKOA's main argument for converting the “first peoples” to Islam. It is therefore in the government's interest to ensure that the Orang Asli communities do not develop economically. To achieve this, the “first peoples” remain marginalised, including the children. Since they are the next generation, according to Participant J, JAKOA subjects free education to the practice of Islam: “in my time, schooling — from primary to secondary — was free for the Orang Asli. Nowadays, many communities have to pay fees for the education of their children”.¹⁴³ This research could not measure the extent of this problem, but this practice is a serious violation of Article 28 of the Convention

¹⁴¹ The United Nations Declaration on the Rights of Indigenous Peoples (adopted 13 September 2007), Article 5.

¹⁴² The United Nations Declaration on the Rights of Indigenous Peoples (adopted 13 September 2007), Article 23.

¹⁴³ Interview with Participant J, 17 May 2021.

on the Rights of the Child (CRC), which states that under the right to education of children, state parties must “make primary education compulsory and available free to all”.¹⁴⁴ This legally binding document is one of the few international treaties that has been ratified by Malaysia. As such, the state may be held responsible by law if it makes primary education of Orang Asli fee-based. Currently, many parents do not want to send their children to school: “I think it’s mainly due to the lack of money as they need the children at home to help them, so they don’t encourage them to study”.¹⁴⁵ Families for whom it would be impossible to pay for their children’s education, as in the case of Participant G who might not have converted if he had already had access to the benefits he has enjoyed since becoming a Muslim — this hypothesis must be verified through interviews with Muslim Orang Asli who converted voluntarily. Since his conversion to Islam, his community is still precarious, but Muslim Orang Asli from his *kampung* have raised their standard of living by succumbing to the policy of Islamisation.

¹⁴⁴ Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3, Article 28.

¹⁴⁵ Interview with Participant H, 11 May 2021.

5.5 Cultural Development

Among all the themes, the cultural development of the Orang Asli was the one that appeared to be most impacted by Islamisation. During the interviews, the research participants elaborated at length on their cultural life, both as individuals and as communities, because “Islam prohibits or interferes with many practices of the Orang Asli, which are necessary to enjoy their traditional beliefs”.¹⁴⁶ As a result, the participants all agree that many Muslim Orang Asli want to abandon Islam because they cannot combine their indigenous way of life with the constraints of this religion. Participant A asserts that in nomadic or semi-nomadic communities, if an Orang Asli is converted to Islam, he/she must give up this way of life: “the Malaysian state will provide enough food, money, salary or a house to make these Orang Asli settle down”.¹⁴⁷ Additional data, collected from nomadic or semi-nomadic “first peoples” could confirm and feed his words. The 10 interviews conducted as part of this research are those of sedentary Orang Asli, that is, the majority of indigenous peoples in Peninsular Malaysia. Nine of them worship only one god, such as participant B's community, which reveres *Jenang*, their creator: “We think our God is loving because he created everything around us. We don't think he wants to punish us and send us to hell”.¹⁴⁸ This belief involves practices, which are not written down in a textbook, i.e. there are no rules that dictate whether the Orang Asli of this community should pray every day or every month.

It is more about values that are passed on from generation to generation and that apply in our daily lives. By virtue of these world views, we have a special attachment to our land and to the human being. When a person is born or when a person dies, we have special practices. The same applies if I simply leave my community for several days. When we have to kill an animal to eat it, gather

¹⁴⁶ Interview with Participant A, 9 April 2021.

¹⁴⁷ Interview with Participant A, 9 April 2021.

¹⁴⁸ Interview with Participant B, 20 April 2021.

plants, build a house in the jungle or open a land for harvesting, there are practices that we have to respect in relation to our beliefs.¹⁴⁹

This spirituality of the monotheistic Orang Asli is manifested through the veneration of a god but also in their relationship with spirits: “In my community, we believe in the presence of different spirits living in the forest or in the ocean, which we commemorate in ceremonies”.¹⁵⁰ The “first peoples” distinguish between the spirits of human beings and others, such as the *Penunggu*, who watch over nature. Participant I explains that they are protecting a particular place. Anything taken from the forest — whether it is water or a flower — must first be granted by the *Penunggu* who inhabit the place concerned: “to ask, one must first introduce oneself and then explain the reasons for the need. If it is justified, the *Penunggu* will accept”.¹⁵¹ Conversely, if someone harvests an element of nature without the permission of this spirit or damages the area, the *Penunggu* will harm the offender. “Religion such as Islam do not allow us to practice these world views because they consider that we are praying a power other than the only god recognised by Muslims.”¹⁵² This serious violation of UNDRIP, which defines that “indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions”, is reported by all interviewees, including Participant H, who believes in several gods: the plants, the sea, the trees or the forest each have a god, according to the traditional beliefs of his community.¹⁵³ Because of Islam, which he accepted for the reasons mentioned above, he is no longer allowed to manifest his faith in these various gods. Most of the prayers that he practices are individual, that is to say that they are done in an internal way, during his interactions with nature. These are

¹⁴⁹ Interview with Participant B, 20 April 2021.

¹⁵⁰ Interview with Participant E, 29 April 2021.

¹⁵¹ Interview with Participant I, 15 May 2021.

¹⁵² Interview with Participant C, 23 April 2021.

¹⁵³ The United Nations Declaration on the Rights of Indigenous Peoples (adopted 13 September 2007), Article 12.

easy to perpetuate despite its status of “Warganegara Islam”. In parallel, the members of his *kampung* are also careful to maintain strong links between themselves, but also with their gods and their ancestors, via the annual celebration Hari Moyang (which means ancestors’ day). Since becoming a Muslim, Participant H's participation in this gathering is no longer possible. If it is not forbidden by the other members of his community, he is afraid of reprisals from the police.

Before I converted to Islam, I was able to take part in Hari Moyang, the annual ritual during which my community thanks the gods and the spirits with offerings. Now I have the right to believe in only one god, Allah.¹⁵⁴

Hari Moyang is a very important event for the whole community. The day and time of this celebration changes every year. They are set by the Tok Batin, or rather by the spirits who tell him the right time in his dreams. When the date is known, each family in the village builds a ritual platform, intended for offerings to the gods, such as oranges or cigarettes. On the eve of Hari Moyang, candles and incense are placed around these platforms, and fires are lit nearby before praying and thanking the gods. The next day, the Orang Asli of the village go to the Rumah Moyang (the house of spirit), where drinks and food are stored as offerings to the spirits. A ritual is performed with the shaman, who blesses them before the Tok Batin holds a ceremony. Afterwards, the Tarian Jo'oh is performed, a traditional dance that is aimed at praying and thanking the gods. This performance is famous in Malaysia, because of the masks that the men wear during the dance, as well as the women's outfit, which is made of tree bark. “This ceremony was the only prayer of the year, whereas now I have to do the five daily prayers”, notes Participant H.¹⁵⁵ Such gathering is an essential moment for the cultural development of the inhabitants of his community since they can communicate with the gods and receive the blessing of their shaman. It is also an important time for socialising

¹⁵⁴ Interview with Participant H, 11 May 2021.

¹⁵⁵ Interview with Participant H, 11 May 2021.

as they pray, drink and eat together for two days. By preventing himself from participating in Hari Moyang, Participant H not only restricts his relationships with the spirits and gods he worships, but also deprives himself of the communal aspect of his traditional beliefs. This deprivation is caused by Islam, which imposes a new way of life on the Orang Asli that is not compatible with their culture. Even if Participant H took the risk of celebrating Hari Moyang, he would face other prohibitions, imposed by Islam. For instance, pork is a meal that is traditionally served on occasions such as ancestors' day. A food that he is no longer allowed to eat as he is a Muslim. This restriction is less problematic for him as he comes from a fishing village. For the communities that live from hunting, i.e. the majority of the Orang Asli, this issue is not only about their traditions, but also about their social well-being and survival, since they sometimes have no other choice but to feed themselves with what they find in the forest, including snakes and monkeys.

These conversions are a threat to our culture. A Muslim Orang Asli can no longer eat traditional food such as wild boar, which is a very important meal for our community. When there is a harvest festival, a gathering or a wedding, pork is one of the main foods we eat. Orang Asli who become Muslims usually stop participating in these events. They prefer to avoid crossing the border of what is forbidden by Islam in terms of diet.¹⁵⁶

All participants are concerned about having to change their diet. Islam represents a real “culture shock” for the Orang Asli who are not Muslims, because from one day to the next some of their neighbours can no longer participate in “religious gatherings either because there is alcohol or because there is pork or the meat is not halal”.¹⁵⁷ The “first peoples” do not slaughter animals according to the dhabiha ritual, which makes the Muslim Orang Asli face reprisals if they wish to participate in the cultural life of their

¹⁵⁶ Interview with Participant B, 20 April 2021.

¹⁵⁷ Interview with Participant I, 15 May 2021.

communities. Instead of lifting them out of poverty, the government restricts the food the Orang Asli are allowed to eat. This cultural deprivation is a first step towards their assimilation into the Malay ethnic group. The “first peoples” eat pork and monkeys, while the Malays do not. The former do not observe Ramadan while the latter do. According to Participant A, Orang Asli Muslims who do not respect the fasting month can be fined: “at the moment I am doing Ramadan but I don’t even understand what it is. I would like to be able to eat normally, during the day”.¹⁵⁸

Apart from community-wide cultural practices, individuals who convert to Islam find themselves constrained in their personal development. Women must cover their heads with the *tudung* (Malay name for the hijab), as well as their legs, which prevents them from dressing in their traditional clothes when there are any. The female participants agree that the *tudung* is a difficult burden for all Orang Asli women to bear. Since her community does not have specific traditional dress, Participant F feels the *tudung* as a violation of her privacy and indigenous identity, as the Orang Asli do not wear the veil. For Participant J, who is legally Muslim, the obligation to wear the hijab contributes to the disappearance of her traditions.

My lifestyle change is gradual. I don't have to wear the *tudung* at the moment, I can take things slowly so that it's not too sudden. But the day will come when I have to wear it, like other women in my community. This will not prevent me from wearing the traditional clothes of my community because we no longer have any. I think too many of us have been converted.¹⁵⁹

As for the women who would risk not wearing the *tudung*, “they are frowned upon by the Malaysian society”, especially by Muslims, who are the majority in Malaysia.¹⁶⁰

¹⁵⁸ Interview with Participant G, 4 May 2021.

¹⁵⁹ Interview with Participant J, 17 May 2021.

¹⁶⁰ Interview with Participant I, 15 May 2021.

Islamisation thus creates a new form of discrimination for Orang Asli women who are forcibly converted. Either they conform to Islam or they are doomed to be discriminated against because they do not want to wear the *tudung*. Ultimately, this leads to the disappearance of their cultural heritage, as described by Participant J, whose community no longer wears traditional clothing. Malaysia should take positive measures to ensure that the Orang Asli retain their cultural identity, of which their dress is a part, whether they wear traditional dress or not. Instead, Participant D suggests that the authorities even monitor Muslim Orang Asli in their own community to ensure that they are following their new religion. She tells that one day, she witnessed a woman participating in one of her village's ceremonies (performed to honour their ancestors), wearing both the *tudung* and her traditional dress, as a JAKIM member was present to watch her. Participant D explains that it is not uncommon to observe Orang Asli women wearing these two outfits, especially when they go to the city or to public places outside their communities: “women put on their hijab to avoid being penalised. Obviously they do not practice Islam, but this totally disrupts their cultural identity”.¹⁶¹ This is a serious violation of the right to privacy as defined by Article 12 of the UDHR. Such surveillance creates a climate of anxiety for the Orang Asli who have been forcibly converted and undermines their cultural development. Even when not being watched, Participant G, who is officially Muslim, testifies to his fear of being fined if he breaks the Islamic rules — as dictated to him by missionaries and mullahs:

I am no longer allowed to sing traditional songs and even when I am alone at home, I don't dare to sing for fear of being denounced by someone with bad intentions. Singing has a special role in my community as we can help people who are ill to recover faster, sing to pray to the spirits and animals in the forest. These songs come from the heart and can reach any living thing in nature. But Islam refuses to let me sing because, again, it goes against the Quran.¹⁶²

¹⁶¹ Interview with Participant D, 28 April 2021.

¹⁶² Interview with Participant G, 4 May 2021.

It is not the song as such that contradicts the values of Islam. From the experiences of the interviewees, the missionaries seem to be free of the precepts that they inculcate in the Orang Asli. Some are more rigorous than others, and forbid any act that is intended to pray to or celebrate an entity other than Allah, as in the case of Participant G. This freedom in their *dakwah* activities causes turmoil among Orang Asli communities as Muslims find themselves with different prohibitions from each other, in addition to being disconnected from non-Muslim Orang Asli.

5.5.1 Funeral Practices

Among the Orang Asli traditions that are impacted by Islamisation, the 10 participants agree that their funeral practices are particularly exposed. The life of an Orang Asli does not end when he or she dies. For Participant A, the dead go to “a very beautiful place full of vegetation, like a garden of Eden”.¹⁶³ This concept is more abstract in Participant B's community, for which heaven materialises as a state of being: “if you don't hold grudges against anyone, you can achieve happiness”.¹⁶⁴ For him, this would mean being with his deceased parents, but he could not name a specific place. In both cases, and for all interviewees, death is perceived as a continuity for the soul or spirit of the deceased (the language varies according to the participant). During this journey to the afterlife, loved ones as well as the entire community must be present, as in Participant I's community: before an Orang Asli's body is buried, it is kept at his or her home so that the family can pay tribute. Then the body is buried the next day, and a mourning process begins that takes place in several stages: three days after the burial, there is a ceremony during which the family and relatives gather to cook and commemorate the deceased. Seven days later, the whole village is involved in a similar commemoration. The same process is repeated 100 days after the burial. During these funeral ceremonies, the Orang Asli of the *kampung* cook and eat together. They make offerings of water and food at the place where the deceased was buried to nourish the spirit of the body.

¹⁶³ Interview with Participant A, 9 April 2021.

¹⁶⁴ Interview with Participant B, 20 April 2021.

Participant I explains that this spirit returns to its home after burial, to which it remains attached for 100 days. Relatives must therefore remain in the home during this period. Participant B's community has similar views. They believe that people who pass away are sometimes not ready to die. When this is the case, their spirit remain with the family. If the family is not present and does not perform the traditional ceremonies, the good spirits can be lost and become bad spirits. The ceremonies, which last for six days, are performed to guide the good spirits to the afterlife and to drain the bad spirits of their negative energy. Nevertheless, Participant I and Participant B clarify that Muslim Orang Asli are not allowed to attend the funerals, nor the other ceremonies described above. This is a rule of their communities, even if the Muslim is a relative of the deceased: “faced with this situation, I feel completely lost. Those who have been forcibly converted cannot accompany the spirits of our friends and family to the afterlife”.¹⁶⁵ Conversely, Orang Asli cannot be buried in their community. Not because the villagers do not want to, but rather because all “Warganegara Islam” — Orang Asli or not — must be buried in Muslim cemeteries. In Malaysia, when a Muslim dies, the body is collected by the mosque to follow the islamic funeral rite. When there is no mosque in an Orang Asli village, the body of that person is removed from the community to undergo rituals in a mosque. According to the participants, it is done without the consent of the families concerned. This practice is a gross violation of their “right to the repatriation of their human remains” because, when this happens, the body is not returned to the family of the deceased, who do not even know where the remains are buried.¹⁶⁶ The authorities do not provide any information about the place of burial.

In some cases, the family knows where the deceased is buried, but they will not be able to get there because they do not always have the technical means to get there.

They cannot always afford the transportation to pick up the body. Normally, in our

¹⁶⁵ Interview with Participant I, 15 May 2021.

¹⁶⁶ The United Nations Declaration on the Rights of Indigenous Peoples (adopted 13 September 2007), Article 12.

village, we hold a ceremony lasting several days to commemorate the deceased but this does not concern Muslim Orang Asli because they are taken out of our community.¹⁶⁷

Participant B confirms that those who have been forcibly converted cannot be buried in the community cemetery because the body have to be moved to the burial site for Muslims. If allowed by the authorities, the family of the deceased is only allowed to attend the burial, without performing or taking part in any ceremony. One might wonder whether it is possible to disregard this Islamic funeral. Probably but when a person dies, the Orang Asli have to go to the police to give the identification documents of the deceased to register his or her death. This is how the authorities find out about the death of a supposed Muslim Orang Asli. Sometimes the family of the deceased tries not to follow the funeral protocol for Muslims. A ceremony is held, during which the body of the Muslim Orang Asli is buried in the community cemetery, following the traditional rituals. If JAKIM members learn about it, “they will come to the burial site, dig up the body and take it somewhere else, often to a place unknown to the family”.¹⁶⁸ Such a violation of Article 12 of the UNDRIP has far-reaching consequences for Orang Asli communities. On the one hand, they can no longer visit the graves of their deceased. On the other hand, cemeteries and funeral rites are also a way of perpetuating their cultures. When the spirit of a deceased person is guided to the afterlife, it is an important moment for the community, which gathers to nourish its traditions and pass them on to younger generations. Malaysia “shall take effective measures to ensure that this right is protected”.¹⁶⁹ By failing to respect this indigenous right of the Orang Asli, the Malaysian government is contributing to the disappearance of their culture. The participants who are “Warganegara Islam” confirm what the other Orang Asli say:

¹⁶⁷ Interview with Participant D, 28 April 2021.

¹⁶⁸ Interview with Participant B, 20 April 2021.

¹⁶⁹ The United Nations Declaration on the Rights of Indigenous Peoples (adopted 13 September 2007), Article 13.

When I die, I cannot be buried in my community as I will have to be buried in an Islamic cemetery. I know that Christians can be buried in the community cemetery, but not Muslims. Therefore, I will not be buried in the same place as the rest of my family.¹⁷⁰

The same applies to Participant H, who will not be buried next to his grandmother, who has just died. When she passed away, her body remained at her home for one day. The next day, she was taken to one of the community's cemeteries in the jungle, where the Tok Batin of the *kampung* held a ceremony. In his memory, a *haduk kenin* (“tiny house”, in Bahasa Mahmeri, the community language) have been built outside the cemetery — as it is customary when a member of the village is buried in the local cemetery. These small wooden houses are used for the soul to rest, eat and shower: “during the ceremony, the Tok Batin awakened my grandmother’s soul to tell her that this is her new home”.¹⁷¹ Participant H will not be buried alongside her because for Muslims, the body of the deceased is impure and must therefore quickly undergo the ritual to be buried according to Islamic beliefs.

5.5.2 Transmission of Islam in Orang Asli Families

The funeral practices of the Orang Asli are not the only traditions threatened with extinction. Traditional marriages, performed in distinct ways in each community, tend to disappear as the number of Muslim Orang Asli increases. When one of the bride and groom is Muslim, all participants report that both spouses “systematically” follow the Islamic marital practices.¹⁷² According to the participants, it is possible to have two marriages for the Orang Asli couple: one following Islamic marital practices and one traditional marriage — the only one that is officially recognised by the authorities is the Islamic marriage, if at least one of the two partners is Muslim. Participant H, who got

¹⁷⁰ Interview with Participant J, 17 May 2021.

¹⁷¹ Interview with Participant H, 11 May 2021.

¹⁷² Interview with Participant E, 29 April 2021.

married in the Malay tradition because he is a Muslim, would have liked to do both types of marriage. In his community, the union between two people is a festive moment during which members of the village pray for the newlyweds and musicians play the violin. The Tok Batin organises this highly codified ceremony, which takes place in seven important stages, the last of which is the couple's traditional bath in the river. For his wedding, Participant H could not organise this traditional marriage because he could not afford to pay for two ceremonies. While the government seems to allow Muslims to perform both ceremonies, it is necessary to remember that most Orang Asli are marginalised. Their financial means are limited, and to organise these weddings, money is needed. Many Muslim Orang Asli are bound to follow Islamic marital practices.

When I get married, the wedding will be organised by the community leader. If I or my husband practices Islam at the time of the ceremony, this leader will not be able to organise the marriage because it is not in accordance with our culture. The wedding will be arranged by an Islamic preacher, which will result in both of us and our future children being converted to Islam.

The marriage of an Orang Asli to a “Warganegara Islam” automatically leads to his or her conversion to Islam. Marriage is therefore another way to Islamise the Orang Asli. Participant G supports this statement as his wife had been a Christian prior to her marriage to him to avoid being forcibly converted. She finally decided to become a Muslim in order to make their union official through marriage. According to these findings, the increase in the number of Muslim Orang Asli results in a decrease of traditional marriages, which leads to the loss of ceremonies, whose practices are passed down from generation to generation. Their loss implies the destruction of an entire way of life. Participant A explains that in Orang Asli communities, after the traditional marriage, it is customary for the groom to go and live where the bride decides to live, usually in the village where her parents reside. This practice is intended to protect the bride in case of divorce. As many of them are housewives, if they were to follow their

husbands, in case of divorce or if the husband leaves, they could find themselves vulnerable in a place where they have no ties: “it often happens in our communities that men get married, have children and then leave because they realise that a family means a lot of responsibility, especially financial”.¹⁷³ Conversely, when the marriage follows the Muslim tradition because one of the two parties is “Warganegara Islam”, this custom does not take place because the wife must follow her husband. He chooses where he wants to live with his wife or wives, since he can have up to four wives, which is forbidden for the Orang Asli, according to Participant A.

As a result, the Orang Asli feel persecuted and some marriages including “Warganegara Islam” are performed in secret, whereas the “first peoples” should have the right to “promote” their traditions.¹⁷⁴ In these cases, a ceremony is held discreetly in the village, with a reduced number of Orang Asli participants. Yet, the promotion of their traditions, enshrined in Article 34 of the UNDRIP, is fundamental to their cultural development, as the enhancement of their customs is important to the survival of their communities' identity. The violation of this indigenous right seems to go as far as persecution. Participant D reports that she once witnessed a marriage being stopped in a neighbouring village: “religious government officials came on the day of the wedding to forbid it because one of the bride's parents was Muslim”.¹⁷⁵ Additional data is needed to support these claims as only one participant reports this experience.

When two Orang Asli marry, they must first obtain the agreement of JAKOA, which allows them to follow the traditional ceremony organised by the Tok Batin. Alternatively, if an Orang Asli wants to marry another race or a Muslim Orang Asli, the marriage must be declared to the National Registration Department, the same government body that issues identity papers. If the Orang Asli who was not a Muslim

¹⁷³ Interview with Participant A, 9 April 2021.

¹⁷⁴ The United Nations Declaration on the Rights of Indigenous Peoples (adopted 13 September 2007), Article 34.

¹⁷⁵ Interview with Participant D, 28 April 2021.

before the marriage has not done so since, the NRD can sanction the parent when he/she gets a child:

I know of a couple where the father's paternity was denied by the authorities because he had not converted to Islam after the marriage with a Muslim woman. As a result, the father had no legal authority over the child, therefore the child was given the name “Abdullah” by the NRD.

Due to the growing number of Muslims among the Orang Asli, the celebration of traditional weddings conducted behind closed doors seems to be becoming the norm, i.e. they are not registered with the NRD. This practice also serves to preserve the cultural heritage of a community since, if Muslim Orang Asli have children, they automatically inherit the status of “Warganegara Islam”. Couples who marry in secret want to prevent their children from becoming Muslims: “Some Orang Asli marry according to their traditional beliefs, with the Tok Batin. However, since one of them is Muslim, the child does not get identity papers at birth”.¹⁷⁶ When an Orang Asli marries a Muslim Orang Asli, but their union is not registered with the NRD, the findings suggest that their future children are denied citizenship. Muslim Orang Asli find themselves in a situation where they must either risk having their children deprived of their nationality, or having them abandon their traditional beliefs as they will have to practice Islam. Article 15 of the UNDRIP rightly emphasises that indigenous people have the right “to obtain citizenship of the States in which they live” while maintaining their traditional beliefs.¹⁷⁷ The “right to nationality” is fundamental because if an individual lacks it, he or she cannot go to school or enjoy other basic human rights.¹⁷⁸

¹⁷⁶ Interview with Participant I, 15 May 2021.

¹⁷⁷ The United Nations Declaration on the Rights of Indigenous Peoples (adopted 13 September 2007), Article 34.

¹⁷⁸ Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III) (UDHR), Article 15.

When the children of Muslim Orang Asli have a nationality because their parents have resigned themselves to making them “Warganegara Islam”, they will not be free to practice the world views of their community, nor to participate in their cultural development. Because they are “Warganegara Islam”, they are forced to follow a certain lifestyle, similar to that of the Malay, which is undermining the “right to maintain, protect and develop the past, present and future manifestations” of the traditional beliefs of the Orang Asli.¹⁷⁹ Participant J, who has a little boy, explains that she will teach him both Islam and her traditional beliefs: “he has to understand that his culture is different from the one I had at his age. As a priority, he should practice and believe in Islam”.¹⁸⁰

5.5.3 Right to Lands

The participants seem to be concerned about this passing of Islam through generations, which further weakens their rights to lands, territories, and resources. Their experiences confirm Dr. Nicholas Colin's theory that the assimilation of Orang Asli into the Malay ethnic group is a more subtle way of appropriating their land than forced resettlements.¹⁸¹

When Orang Asli are converted, their relationship with the land changes. If they come to truly believe in Islam, in their eyes the land moves from being sacred to being a purely economic resource.¹⁸²

Whether it is farming or taking water from the river, the Orang Asli practice rituals that allow them to develop in harmony with nature. These practices may be attached to a particular place that is sacred because of an event that took place there. The rituals also

¹⁷⁹ The United Nations Declaration on the Rights of Indigenous Peoples (adopted 13 September 2007), Article 34.

¹⁸⁰ Interview with Participant J, 17 May 2021.

¹⁸¹ Nicholas, 2000, p. 102.

¹⁸² Interview with Participant C, 23 April 2021.

concern spirits and gods that inhabit or protect certain places: “for my community, each of these rituals is important to prepare for the coming year, to make sure that it is beautiful, beneficial for our health and the crops”.¹⁸³ Participant B explains that in his community there is an elder who has an essential role in harvesting. When a *kampung* member wants to establish a vegetable garden, the elder must first perform a ritual, which lasts two to three days. If he receives a good dream, the person in question can use the land. Conversely, if the elder “has a bad dream, it will still be possible to do so, but caution must be taken as this area will be considered sacred by the spirits”.¹⁸⁴ In villages where there is a majority of “Warganegara Islam”, the data suggest that these practices tend to disappear and the elders do not conduct this kind of ritual anymore. This is problematic for their “right to the lands, territories and resources”, set out in Article 26 of the UNDRIP, because when Orang Asli are dispossessed of their lands, they take the case to the court.¹⁸⁵ The “first peoples” must then prove that they have a sacred link with the land, which they have no way of doing if their rituals and ceremonies are no longer practiced. Their traditional practices are vital for their development but they also legitimise their occupation of the land.

Before, when I wanted to open up land for cultivation, I could call on the shaman to pray to the land to ensure that my crops would be good. Now that I have to pray to Allah, I don't dare ask the shaman for help. It is anxiety-provoking because I don't know if my crops will be good. Especially as I cannot rely on hunting to feed my family as pork and other animals are forbidden by Islam.

Although the Muslim Orang Asli continue to practice their traditional beliefs, the Malaysian government sometimes appropriates their land because “they are no longer

¹⁸³ Interview with Participant C, 23 April 2021.

¹⁸⁴ Interview with Participant B, 20 April 2021.

¹⁸⁵ The United Nations Declaration on the Rights of Indigenous Peoples (adopted 13 September 2007), Article 26.

considered Orang Asli”.¹⁸⁶ For them, the state does not regard spirituality as an argument for keeping their land. This violation of their indigenous rights is paradoxical given that the APA explicitly states that an individual who changes his or her religion but continues to practice a traditional way of life must continue to be considered an “aborigine”. In other words, the “first peoples” find themselves in a situation where they are Islamised and therefore have to follow new traditions, or else they are sanctioned, but if they change their way of life, the government can dispossess them of their land.

5.5.4 Right to Health

The bond between the Orang Asli and the land they inhabit is essential to their health, both mental and physical. The medicinal plants found there are vital components for healing the sick. Also, the rituals that are practiced on these lands serve the stability of Orang Asli communities, which is crucial for their individual well-being.

The community is key to our happiness, and therefore our recovery when one of us is ill. Being supported by our loved ones and those who care about us helps us to recover faster. For example, I need to participate in community activities, to be in contact with other members of my village to feel more energised, stronger and resilient.

Although the “first peoples” can seek treatment in hospital, the 10 participants agree that traditional medicine is often favoured, partly because hospitals are not always accessible (geographically and financially), but also because they prefer to seek care that is consistent with their traditional beliefs. Pregnant women living in remote villages usually choose to give birth at home, with the help of the community midwife. This person, whose knowledge is passed on from generation to generation within the same family, plays an essential role in the birth of Orang Asli children. During childbirth, the midwife performs spells on the mother's womb so that the baby is born healthy and

¹⁸⁶ Interview with Participant A, 9 April 2021.

well. This tradition is fundamental for newborns, who participate from birth in the cultural development of their communities. Participant I indicates that “Muslim women cannot benefit from the powers of the midwife” because, as taught in Malaysia, Islam prohibits them from using practices related to other beliefs.¹⁸⁷ The same applies to other health-related practices, “because it contradicts the Quran”.¹⁸⁸ Participant G's children and wife, all of whom are “Warganegara Islam”, cannot receive any spiritual healing from the community's shaman because their religion forbids it. These shamans practice treatments that are connected with the spiritual world. When an Orang Asli becomes ill, his or her spirit may be trapped in the afterlife or he/she may get fever if he/she has collected flowers from the forest without asking permission from a *Penunggu* or another spirit. Only a shaman can heal such cases “because he has a spirit that helps him go to the other world and retrieve that spirit, which he will reinsert into the victim's body, so that it can heal”. To complete this process, the shaman needs plants collected in the jungle — dances may also be performed, depending on the community where the shaman is located.

In *kampung* where there are large numbers of Muslims, practices performed by midwives and shamans tend to disappear, according to three participants, which violates their right to “maintain their health practices”.¹⁸⁹ This indigenous right violation is detrimental to the maintenance of their culture. The traditional medicine of the Orang Asli, like their world views, is not written down anywhere, which makes its survival dependent on the number of believers: “The more people are converted, the more the power of recovery that we believe in is weakened because we need the group energy to be healthy”.¹⁹⁰ Accordingly, Islamisation has a direct impact on the right to health of Orang Asli communities, since the well-being of each individual seems to depend on the

¹⁸⁷ Interview with Participant I, 15 May 2021.

¹⁸⁸ Interview with Participant G, 4 May 2021.

¹⁸⁹ The United Nations Declaration on the Rights of Indigenous Peoples (adopted 13 September 2007), Article 24.

¹⁹⁰ Interview with Participant B, 20 April 2021.

participation of others in community life. Not forgetting to mention the Muslim Orang Asli, sincere adherents to Islam or not, who continue to live in their *kampung*. By virtue of Article 24 of the UNDRIP, Islam should not prevent them from accessing traditional medicine. Otherwise, the Malaysian government denies them access to health care, which is a basic human right, since shamans are sometimes the only ones able to provide care when communities are located in remote areas.

Chapter 6:

Conclusion

This thesis sought to identify how the Islamisation policy carried out by the Malaysian government undermines the right to self-determination of the Orang Asli. Since this work analysed such forced conversion through the UNDRIP's lens, internal self-determination was considered, i.e. all indigenous peoples can develop freely as long as they do not challenge the sovereignty or territorial integrity of the state in which they are located. Given the great diversity of interpretations of the right to self-determination, this research has been built around Antonio Cassese's theory that "a people really enjoys self-determination only when the rights and freedoms of all individuals making up that people are fully respected".¹⁹¹ In other words, I was interested in the various human rights and indigenous rights violations caused by Islamisation, which together prevent the "first peoples" from fully enjoying their collective right to self-determination. Based on qualitative data collected from Orang Asli individuals over a two-month period, these human rights violations were divided into four themes, which are also the dimensions of the right to self-determination as set out in international law: "Political Status", "Economic Development", "Social Development" and "Cultural Development". Despite this thematic division, they all come together in one way or another. The indivisible and interdependent nature of human rights is reflected in this research topic. The enjoyment of all indigenous rights is necessary for the Orang Asli to "freely determine their political status and freely pursue their economic, social and cultural development".¹⁹² In the previous chapter, the analysis of findings clearly demonstrates that the Islamisation of the Orang Asli implies the recurrent violation of indigenous rights included in the UNDRIP, but also of fundamental human rights, enshrined in the UDHR and core international human rights treaties.

¹⁹¹ Cassese, 1995, p. 337.

¹⁹² The United Nations Declaration on the Rights of Indigenous Peoples (adopted 13 September 2007), Article 3.

The violation of the Orang Asli's right to self-determination via forced conversion is a diffuse process. It affects individuals, before spreading to their family, their future generations and ultimately the entire community — some cases of mass assimilation are reported by participants, but they remain a minority. The Orang Asli who succumb to the *dakwah* activities of Islamic missionaries do so for two reasons: either they seek a form of recognition by voluntarily allowing themselves to be assimilated into the Malay ethnic group, or they need additional economic and material resources. Their conversion is forced as they sometimes have no other alternative than Islam to evolve or even survive in the Malaysian society. Others become Muslims against their will, by acquiring an identity card that contains the inscription “Warganegara Islam”. Regardless of the causes or reasons for their conversion, the violation of the right to self-determination of an entire Orang Asli community begins with those individuals who are forcibly converted. Because they are Muslims, they can no longer participate in the development of their *kampung*. Some restrictions are common to all Muslims, such as the ban on eating pork, while others seem to depend on the more or less rigorous discourse of the missionaries — the generalisation of the findings to all the Orang Asli is therefore limited, but they provide a valuable foundation for further research. When Orang Asli become “Warganegara Islam”, they automatically lose several of their indigenous rights enshrined in the UNDRIP, beginning with the right to participate in all ceremonies related to their traditional beliefs, including weddings, funerals, religious gatherings as well as the use of traditional medicine. Likewise, their children will not be able to participate in these ceremonies, as Islam is passed on from generation to generation, resulting in an increase in the number of “Warganegara Islam” among the “first peoples”. The absence of cultural rights for Muslim Orang Asli means the eventual disappearance of the practices concerned as the communities are particularly dependent on their practitioners. If there is no one left to pray to the spirits or to consult the village shaman, the cultural heritage of the community is lost. These world views are the backbone of Orang Asli communities. When members of an Orang Asli community abandon their traditional beliefs in favour of Islam, its inhabitants become

unable to choose their Tok Batin. If they cannot determine their political status, JAKOA seems to take the opportunity to appoint a Muslim leader. Findings suggest that the nomination of a Muslim Tok Batin may lead to social disruption and a breakdown of ties between the converted Orang Asli and others. In such cases, communities become unable to jointly defend their rights to lands, territories and resources. Since the Malaysian government has a vested interest in maintaining this imploding situation, it continues to marginalise the Orang Asli economically, so that they turn to Islam. This marginalisation implies a limited access to their social and economic rights, resulting in the Islamisation of more Orang Asli. These new “Warganegara Islam” are then subject to Syariah law, which they must respect on pain of being sanctioned.

The facts reported in the press as well as the 10 research participants support the point that apostasy is a crime in Malaysia. Yet, one of the Malaysian academics working on the Orang Asli rights disagrees with this statement, claiming that apostasy is a simple process for the indigenous people of the peninsula. I contacted this scholar, whose identity will remain anonymous, to discuss some of the data obtained during the interviews. This personality, of Malay ethnicity, is supposed to have a great influence to defend indigenous rights in Malaysia. My interlocutor asserted that every Muslim Orang Asli who wishes to renounce Islam can easily do so or participate in traditional ceremonies. During our discussion, the person I spoke to was very hostile, claiming that the statements of the research participants were either untrue, or those of Muslims who do not want to renounce Islam. This reaction illustrates the sensitive aspect of Islamisation, which is shared by the human rights practitioners I talked to, who seemed powerless in the face of this phenomenon, as well as the research participants:

I have lost a lot of friendships by talking about Islamisation but I think it is time to talk about it. Even for members of my community, forced conversion is a very sensitive subject. If the subject remains silent, how can the government understand that what they are doing is contrary to our values?¹⁹³

These words confirm that Islamisation is a government policy that is under-documented by social scientists. Anthropological publications already raised certain issues related to forced conversion. The qualitative data analysed in this exploratory research has deepened these points, while providing additional insights. In the future, further studies are needed, with more participants and a wider range of profiles, to consolidate these findings. The interviewees did not want to talk about Islamisation to journalists, for fear of being published in national newspapers, but seemed willing to have this issue discussed in scientific research. As a result, it appears that academics have a role to play in raising awareness about the forced assimilation of the Orang Asli. Otherwise, the interviewees agree that Islamisation threatens the existence of their traditional beliefs, which, as demonstrated in this study, is fundamental to their development as indigenous peoples.

¹⁹³ Interview with Participant B, 20 April 2021.

Bibliography

Adams, W., 'Conducting Semi-Structured Interviews', in J. Wholey, H. Hatry, and K. Newcomer (eds.), *Handbook of Practical Program Evaluation*, San Francisco, Jossey-Bass, 2015, pp. 492-505.

Arabestani, M. and J. Edo, 'The Semai's response to missionary work: From resistance to compliance', *Anthropological Notebooks*, vol. 17, no. 3, 2011, pp. 14-15, (accessed 18 March 2021).

Atkinson, R. and J. Flint, 'Accessing Hidden and Hard-to-Reach Populations: Snowball Research Strategies', *Social Research Update*, vol. 33, 2001, (accessed 19 January 2021).

Bauböck, R., 'Paradoxes of self-determination and the right to self-government', *IWE Working Papers*, no. 42, 2004, pp. 3-4, (accessed 11 May 2021).

Benjamin, G., 'On Being Tribal in the Malay World', in G. Benjamin and C. Chou (eds.), *Tribal Communities in the Malay World: Historical, Cultural and Social Perspectives*, Singapore, ISEAS, 2002.

Bin Salleh, M., An examination of development planning among the rural Orang Asli of west Malaysia. Doctoral Thesis, University of Bath, 1990, p. 30, <https://ethos.bl.uk/OrderDetails.do?uin=uk.bl.ethos.280515>, (accessed 28 April 2021).

Bodley, J., *Cultural Anthropology: Tribes, States, and the Global System*, Lanham, Rowman Altamira, 2011.

Braun, V. and V. Clarke, 'Using thematic analysis in psychology', *Qualitative Research in Psychology*, vol. 3, no. 2, 2006, p. 87, (accessed 6 May 2021).

Brickman Bhutta, C., 'Not by the Book: Facebook as a Sampling Frame', *Sociological Methods & Research*, vol. 41, no. 1, 2012, pp. 61-61, (accessed 6 May 2021).

Bryman, A., *Social Research Methods*, Oxford, Oxford University Press, 2015.

Cassese, A., *Self-Determination of Peoples. A Legal Reappraisal*, Cambridge, Cambridge University Press, 1995.

Chilisa, B., *Indigenous Research Methodologies*, Thousand Oaks, SAGE, 2012.

Cronbach, L., 'Beyond the Two Disciplines of Scientific Psychology', *American Psychologist*, vol. 30, no. 2, pp. 124-125, (accessed 28 May 2021).

DeWeese, D., *Islamization and Native Religion in the Golden Horde: Baba Tŷkles and Conversion to Islam in Historical and Epic Tradition*, University Park, Penn State University Press, 2010.

Emden, C. and M. Sandelowski, 'The good, the bad and the relative, part one: Conceptions of goodness in qualitative research', *International Journal of Nursing Practice*, vol. 4, 1998, p. 207, (accessed 28 May 2021).

Endicott, K. and R. Dentan, 'Into the mainstream or into the backwater? Malaysian assimilation of Orang Asli', in C. Duncan (eds.), *Civilizing the Margins: Southeast Asian Government Policies for the Development of Minorities*, Singapore, NUS Press, 2008.

Endicott, K., *Malaysia's Original People: Past, Present and Future of the Orang Asli*, Singapore, NUS Press, 2015.

'Facebook Reports Fourth Quarter and Full Year 2020 Results', Facebook, 27 January 2021, <https://investor.fb.com/investor-news/press-release-details/2021/Facebook-Reports-Fourth-Quarter-and-Full-Year-2020-Results/default.aspx>, (accessed 6 May 2021).

Fusch, P. and G. Fusch and L. Ness, 'How to Conduct a Mini-Ethnographic Case Study: A Guide for Novice Researchers', *The Qualitative Report*, vol. 22, no. 3, 2017, p. 927, (accessed 22 April 2021).

Fusch, P. and L. Ness, 'Are We There Yet? Data Saturation in Qualitative Research', *The Qualitative Report*, vol. 20, no. 9, 2015, p. 1409, (accessed 22 April 2021).

Gaskell, G., 'Individual and group interviewing', in M. Bauer and G. Gaskell (eds.), *Qualitative Researching with Text, Image and Sound: A Practical Handbook for Social Research*, Thousand Oaks, SAGE, 2000.

Germont-Duret, C., 'Tradition and modernity: an obsolete dichotomy? Binary thinking, indigenous peoples and normalisation', *Third World Quarterly*, vol. 37, no. 9, 2016, p. 1539, (accessed 31 March 2021).

Gilbert, J., *Indigenous Peoples' Land Rights Under International Law: From Victims to Actors. Second Revised Edition*, Leiden, Brill Nijhoff.

Gnanasagaran, A., 'UMNO and PAS: A forced political marriage?', *The ASEAN Post*, 20 December 2018, <https://theaseanpost.com/article/umno-and-pas-forced-political-marriage>, (accessed 4 June 2021).

Hooker, M.B., 'The Orang Asli and the Laws of Malaysia: With Special Reference to Land', *Akademika*, vol. 48, 1996, pp. 41-42, (accessed 20 March 2021).

Idrus, R., 'The discourse of protection and the Orang Asli in Malaysia', *Kajian Malaysia*, vol. 29, no. 1, 2011, pp. 63-65, (accessed 30 April 2021).

'Indigenous Peoples in Malaysia', IWGIA, <https://www.iwgia.org/en/malaysia.html>, (accessed 29 April 2021).

Jha, P., 'Can New Malaysia Move Beyond Old Race Divides?', *The Diplomat*, 14 August 2019, <https://thediplomat.com/2019/08/can-new-malaysia-move-beyond-old-race-divides/>, (accessed 5 April 2021).

Kariippanon, K. and K. Senior, 'Engagement and Qualitative Interviewing: An Ethnographic Study of the Use of Social Media and Mobile Phones Among Remote Indigenous Youth', *SAGE Research Methods Cases*, pp. 9-10, (accessed 21 April 2021).

Kingston, L., 'The Destruction of Identity: Cultural Genocide and Indigenous Peoples', *Journal of Human Rights*, vol. 14, no. 1, 2015, p. 79 (accessed 1 April 2021).

Kovach, M., 'Conversational Method in Indigenous Research', *First Peoples Child & Family Review*, vol. 5, no. 1, 2010, p. 45, (accessed 21 March 2021).

Kwame Sundaram, J. and A. Shabery, 'The Politics of Malaysia's Islamic Resurgence', *Third World Quarterly*, vol. 10, no. 2, 1988, p. 844, (accessed 30 April 2021).

Lasseur, M., 'Cameroun : Les nouveaux territoires de Dieu', *Afrique contemporaine*, vol. 3, no. 215, p. 100, (accessed 26 April 2021).

Lapidus, I., *A History of Islamic Societies*, Cambridge, Cambridge University Press, 2002.

Lester, F., 'Theories of Mathematics Education', *ZDM*, vol. 37, no. 6, 2005, p. 459, (accessed 7 May 2021).

Lincoln, Y. and E. Guba, *Naturalistic Inquiry*, Thousand Oaks, SAGE, 1985.

Merivale, H., *Lectures on Colonization and Colonies, Volume 2*, London, Longman, Orme, Brown, Green, and Longmans, 1842.

Nah, A., 'Negotiating indigenous identity in postcolonial Malaysia: Beyond being 'not quite/not Malay'', *Social Identities*, vol. 9, no. 4, 2003, p. 18, (accessed 30 April 2021).

Nah, A., '(Re)Mapping Indigenous 'Race'/Place in Postcolonial Peninsular Malaysia', *Geografiska Annaler. Series B, Human Geography*, vol. 88, no. 3, 2006, p. 287, (accessed 7 April 2021).

Nicholas, C., 'The Indigenous World 2021: Malaysia', IWGIA, 18 March 2021, <https://www.iwgia.org/en/malaysia/4231-iw-2021-malaysia.html>, (accessed 29 April 2021).

Nicholas, C., *The Orang Asli and the Contest for Resources. Indigenous Politics, Development and Identity in Peninsular Malaysia*, Subang Jaya and Copenhagen, Center for Orang Asli Concerns & IWGIA, 2000.

Nobuta, T., 'Islamization Policy toward the Orang Asli in Malaysia', *Bulletin of the National Museum of Ethnology*, vol. 31, no. 4, p. 486, (accessed 5 April 2021).

Nordin, R. and M.A. Witbrodt, 'Self-determination of Indigenous Peoples: The Case of Orang Asli', *Asia Pacific Law Review*, vol. 20, no. 2, 2012, pp. 189-210, (accessed 15 April 2021).

NurWaliyuddin, H., Norazmi, M., Edinur H. et al., 'Ancient Genetic Signatures of Orang Asli Revealed by Killer Immunoglobulin-Like Receptor Gene Polymorphisms', *Plos ONE*, vol. 10, no. 11, p. 3, (accessed 29 April 2021).

Orakhelashvili, A., 'The Impact of Peremptory Norms on the Interpretation and Application of United Nations Security Council Resolutions', *The European Journal of International Law*, vol. 16, no. 1, 2005, p. 64, (accessed 12 May 2021).

Palansamy, Y., 'Report: Kelantan religious council aims to convert Orang Asli to Islam within 30 years', *Malay Mail*, 21 June 2019, <https://www.malaymail.com/news/malaysia/2019/06/21/report-kelantan-religious-council-aims-to-convert-orang-asli-to-islam-withi/1764332>, (accessed 16 March 2021).

Panzironi, F., *Indigenous Peoples' Right to Self-Determination and Development Policy*. Doctoral Thesis, University of Sydney, 2006, p. 97, <https://core.ac.uk/download/pdf/41230579.pdf>, (accessed 14 April 2021).

Peacock, A., *Islamisation: Comparative Perspectives from History*, Edinburgh, Edinburgh University Press, 2017.

Philpott, D., 'In Defense of Self-Determination', *The University of Chicago Press*, vol. 105, no. 2, p. 369, (accessed 27 April 2021).

Raz, J., *The Morality of Freedom*, Oxford, Oxford University Press, 1986.

Sayuti Hassan, M. and R. Nordin, 'Political Participation of Aboriginal People (*Orang Asli*) in Peninsular Malaysia: Examining the Compatibility of the Aboriginal Peoples Act 1954 with Undrip Standards', *International Journal on Minority and Group Rights*, 2020, pp. 15-20, (accessed 19 March 2021).

UN Human Rights Council, 'Report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities' (1980), Héctor Gros Espiell, UN doc E/CN.4/Sub.2/405/Rev.1, p. 12.

UN Human Rights Council, 'Report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities' (March 1987), José R. Martínez Cobo, UN doc E/CN.4/Sub.2/1986/7/Add.4, p. 29.

Whittemore, R. and S. Chase and C.L. Mandle, 'Pearls, pith, and provocation: Validity in qualitative research', *Qualitative Health Research*, vol. 11, no. 4, 2001, pp. 529-531, (accessed 28 May 2021).

Wong, SL., 'Orang Asli and Poverty', Macaranga, 4 August 2020, <http://www.macaranga.org/orang-asli-and-poverty/>, (accessed 29 April 2021).

Young, S., The Legal Performativity of Indigenous Peoples' Free Prior and Informed Consent. Doctoral Thesis, The University of New South Wales, 2018, p. 68, <http://unswworks.unsw.edu.au/fapi/datastream/unsworks:51399/SOURCE2?view=true>, (accessed 11 May 2021).

Zainuddin, D., 'MySay: A new economic policy for a new Malaysia', The Edge Markets, 13 August 2019, <https://www.theedgemarkets.com/article/mysay-new-economic-policy-new-malaysia>, (accessed 28 April 2021).

Table of Cases

UN Human Rights Committee, *Apirana Mahuika et al. v. New Zealand*, Communication No. 547/1993, views of 27 October 2000.

Table of Legislations

Aboriginal Peoples Act 1954 (Revised 1974).

Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3

Indigenous and Tribal Peoples Convention, 1989 (adopted 27 June 1989, entered into force 5 September 1991), 1650 UNTS 383.

Malaysian Constitution.

The United Nations Declaration on the Rights of Indigenous Peoples (adopted 13 September 2007).

United Nations General Assembly Res 36/55, 25 November 1981.

Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III) (UDHR).

Appendices

Appendix A: Abstract

This research investigates the Malaysian government's policy of Islamisation, which aims to assimilate the Orang Asli (“first peoples”, in Malay) into the Malay ethnic group. Their development as indigenous peoples is dependent on their world views, thereby leading to the question: how does the Islamisation of the Orang Asli by the Malaysian government undermine their right to self-determination? Qualitative data were collected via snowball sampling to assess the consequences of forced conversion on the “first peoples”. As part of this study, semi-structured interviews were conducted with 10 participants from different Orang Asli communities. Thematic analysis of these data reveals that Islamisation impacts all dimensions of their right to internal self-determination, namely “Political Status”, “Economic Development”, “Social Development” and “Cultural Development”. These four aspects are dependent on the human and indigenous rights enshrined in the United Nations Declaration on the Rights of Indigenous Peoples, to which the Orang Asli are entitled. Yet the results show that Islamisation deprives them of many rights. When “first peoples” are forcibly converted to Islam, the findings indicate that they must follow a new way of life, as dictated to them by missionaries and religious leaders. This new lifestyle prevents them from participating in traditional ceremonies or praying to their gods and spirits. As a result, the increasing number of converts weakens their communities, which can no longer perpetuate their culture or defend their rights to lands, territories, and resources.

Appendix B: Zusammenfassung

Diese Forschung untersucht die Islamisierungspolitik der malaysischen Regierung, die darauf abzielt, die Orang Asli ("erste Völker", auf Malaiisch) in die malaiische Ethnie zu assimilieren. Ihre Entwicklung als indigene Völker ist abhängig von ihrer Weltanschauung, was zu der Frage führt: Wie untergräbt die Islamisierung der Orang Asli durch die malaysische Regierung ihr Recht auf Selbstbestimmung? Qualitative Daten wurden per Schneeballverfahren gesammelt, um die Folgen der Zwangskonversion für die "ersten Völker" zu untersuchen. Als Teil dieser Studie wurden halbstrukturierte Interviews mit 10 Teilnehmern aus verschiedenen Orang Asli-Gemeinschaften geführt. Die thematische Analyse dieser Daten zeigt, dass sich die Islamisierung auf alle Dimensionen ihres Rechts auf innere Selbstbestimmung auswirkt, nämlich "Politischer Status", "Wirtschaftliche Entwicklung", "Soziale Entwicklung" und "Kulturelle Entwicklung". Diese vier Aspekte sind abhängig von den Menschen- und indigenen Rechten, die in der Erklärung der Vereinten Nationen über die Rechte indigener Völker verankert sind und die den Orang Asli zustehen. Doch die Ergebnisse zeigen, dass ihnen durch die Islamisierung viele Rechte vorenthalten werden. Wenn "erste Völker" gewaltsam zum Islam konvertiert werden, zeigen die Ergebnisse, dass sie einer neuen Lebensweise folgen müssen, wie sie ihnen von Missionaren und religiösen Führern diktiert wird. Dieser neue Lebensstil hindert sie daran, an traditionellen Zeremonien teilzunehmen oder zu ihren Göttern und Geistern zu beten. Infolgedessen schwächt die steigende Zahl der Konvertiten ihre Gemeinschaften, die nicht mehr in der Lage sind, ihre Kultur aufrechtzuerhalten oder ihre Rechte auf Land, Territorien und Ressourcen zu verteidigen.

Appendix C: Semi-structured Questionnaire

1. Can you start by introducing yourself?
2. How do you identify yourself with an Orang Asli people?
3. What role do your traditional beliefs play in your development as an indigenous person?
4. Have you or members of your community ever been approached by missionaries? If yes, what were their arguments to convert you?
5. What is the role of your traditional beliefs in your daily activities?
6. Are there any customs that you can no longer practice if one or more individuals in your community are converted to Islam?
7. Does this increase in Muslim Orang Asli challenge the social structures of your community?
8. What do you think of the economic opportunities offered by the Islamic missionaries to the Orang Asli?
9. Can Orang Asli community leaders be Muslim? If so, what do you think?
10. Do Muslims Orang Asli stay in your community or do they move elsewhere to follow another way of life?

Appendix D: Transcript of Participant A's Interview

I have been approached many times by Islamic missionaries. Our community is not yet concerned because we are very much entrenched in our traditional beliefs. Those who are converted adopt Islam through marriage because when an Orang Asli person marries a Muslim, he or she must convert to Islam. Then, if they have children, the same applies to them. However, there are other communities who are converted by force. I know of one village that was completely converted because they were offered money and food aid. This aid was conditional on their conversion to Islam. Obviously, they agreed because at that time they needed food and support from the government. But they did not realise how Islamisation was a trap set by the authorities. When this village converted, the food aid stopped, and that's when they realised it was a trap. Now they have already lost many of their rights because Islam prohibits or interferes with many practices of the Orang Asli, which are necessary to enjoy their traditional beliefs. The members of the village no longer want to be considered Muslim, but in Malaysia it is forbidden to abandon Islam.

In Malaysia, when you convert to Islam, this new faith is engraved on your identity card. This conversion weakens the Muslim Orang Asli because, in order to be protected by the APA, they must fulfil certain conditions. For instance, they must have an Orang Asli name or live in an Orang Asli village to benefit from the APA. Yet, those who have been converted must change their name to one that is more consistent with Islam, such as "Adbullah". Only those who have a lot of money and can afford a good lawyer manage to keep their birth name. For the rest, i.e. the majority of Orang Asli, they have to adopt a new name. This means that those who have been Islamised are unable to claim their rights to land because they are no longer considered Orang Asli. The government appropriates their territories on the grounds that the Muslim Orang Asli have lost their spiritual attachment to these lands, in favour of their faith in Allah. It is for this reason that the village that was converted wants to officially abandon Islam.

Appendix E: Transcript of Participant B's Interview

I have lost a lot of friendships by talking about Islamisation but I think it is time to talk about it. If the subject remains silent, how can the government understand that what they are doing is contrary to our values. Even for members of my community, forced conversion is a very sensitive subject. I think there is nothing wrong with religions but when religion is used to take advantage of people, then it becomes problematic.

Missionaries who come to profess Islam promise financial support to the Orang Asli. Those who are below the poverty line are guaranteed remuneration if they become Muslims. These conversions are a threat to our culture. A Muslim Orang Asli can no longer eat traditional food such as wild boar, which is a very important meal for our community. When there is a harvest festival, a gathering or a wedding, pork is one of the main foods we eat. Orang Asli who become Muslims usually stop participating in these events. They prefer to avoid crossing the border of what is forbidden by Islam in terms of diet.

We have an elder who has a lot of knowledge in the village. If someone dies, he will guide the relatives of the deceased on what to do and what to prepare for the ceremony. In the same way, if someone wants to open up land for farming, whether for economic purposes or for their own consumption, there is a ritual to be followed. This ritual must be performed by the elder. For two to three days he will have a relationship with the spirits that live around the area to be farmed. If the elder receives a good dream, it will be possible to farm there or build a house. If he has a bad dream, it will still be possible to do so, but caution must be taken as this area will be considered sacred by the spirits. For example, it will not be possible to touch the trees or other natural elements.

Appendix F: Transcript of Participant C's Interview

Nowadays, Orang Asli communities are converted by different religions such as Christianity, the Bahá'í Faith and especially Islam, carried out via government policy. In our community we try manage to maintain our traditional beliefs, which are attached to the land we live on. When Orang Asli are converted, their relationship with the land changes. If they come to truly believe in Islam, in their eyes the land moves from being sacred to being a purely economic resource.

In our community, families are disrupted because of Islamisation, mostly when parents continue to believe in their traditional beliefs while their children are converted to Islam, who sometimes end up abandoning their world views. The religion tells these children that alcohol and certain foods, such as pork, are dirty. Concerning meat in general, animals must be slaughtered according to the “dhabiha” ritual, which we do not perform. Ultimately, certain children do not want to go home because their home is at odds with their religion. Many young people do not want to come back to our village. When they finally embrace the religion that has been imposed on them, our habits no longer suit them. We don't pray like the traditional religions do. Others say that we live in a dirty place because dogs and pigs walk around freely.

I have noticed that young people are the most affected by Islamisation. Those who go to study at the university, in the city, make Malay friends. Little by little, they are influenced in their choice since all Malays are Muslims. When they arrive in town, they are alone, young and easily influenced. For these young Orang Asli who are vulnerable, assimilation into the Malay community provides a sense of power. In the past, missionaries were able to convert Orang Asli through promises of food and financial aid. But we are witnessing more and more young people going to study in the city and coming to sincerely believe in Islam. Of course they are free to make their own choices, but there is pressure from the Malaysian universities that promote and encourage Islam.

Appendix G: Transcript of Participant D's Interview

Our traditional beliefs are integral to our identity. Islamisation means imposing a belief system on us that is contrary to our identity. Several religions try to proselytise us, such as Christianity, but Islam remains the most important because it is carried out by the government. There is no separation between the Mosque and the state, which makes Islam very political in Malaysia. So non-Muslims have to live under the threat of the Muslim elites. The problem is that, in our country, Islam is intrinsic to the identity of the practitioner and it is almost impossible to get rid of it. What is vicious is that it does not involve just one person. When the government succeeds in converting one Orang Asli, all his future generations will be affected. First through marriage, then his or her children will be considered Muslims. Children automatically become Muslims when the parents are converted to Islam.

It is impossible to criticise, because in Malaysia there are Islamic mobsters who think we are criticising the religion if we refuse to convert. I know people who have been harassed or received death threats for speaking out against Islamisation.

At a wedding in another village, religious government officials came on the day of the wedding to forbid it because one of the bride's parents was Muslim. Some marriages are done quietly, without being declared to the police, by doing a ceremony in our village. It is common that we do not register the marriage.

Births are more problematic as we have to register them with the authorities to receive identity papers. In some cases, the NRD refused to identify the parents' children because they considered that the marriage was not legal. This poses a problem for inheritance. How can children claim their right to land if they cannot inherit that land because their name is different from that of their parents?

Appendix H: Transcript of Participant E's Interview

I have faith in one entity that created this life, and this belief dictate my actions towards others. In my community, we believe in the presence of different spirits living in the forest or in the ocean, which we commemorate in ceremonies. These spirits take care of the fauna and flora. During these religious gatherings, we drink and eat together. Alcohol and pork are regularly included in these festive meals. Since Muslims can only believe in Allah, they cannot be part of it because their religion is too different from our beliefs.

I disagree with the Islamisation policy of the Orang Asli because it violates our human rights. As a woman, I would have a different position in my community if I were a Muslim. For example, I would have to cover my hair or my legs, which would prevent me from wearing my traditional dress.

When I get married, the wedding will be organised by the community leader. If I or my husband practices Islam at the time of the ceremony, this leader will not be able to organise the marriage because it is not in accordance with our culture. The wedding will be arranged by an Islamic preacher, which will result in both of us and our future children being converted to Islam.

In general, new Muslims who do not move to the city get along well with other Orang Asli. In some cases, the gap between the new way of life of those who have been converted and the other Orang Asli is too important. For some, especially the young, Islamisation is a way to become part of the Malay elite. Although they are probably a minority, I know some Orang Asli converts who identify themselves as Malay, rather than by their community. Thus, sometimes conflicts arise as the lifestyles are too far apart within the same community.

Appendix I: Transcript of Participant F's Interview

The people I identify with do not have a religion as such, since we believe in ancestors. The government therefore considers that we have no religion. Some members of my family were approached by missionaries to address this lack of religion. They came once to ask them to stop their beliefs, in favour of Islam. My family did not agree as these people were inappropriate, so the missionaries returned, threatening to evict them from their land.

In total, two of my aunts converted to Islam. One, who stayed in my home village, converted willingly because she needed the money. The other, who moved to the city, converted to Islam by marrying a Muslim

If I were to become a Muslim, I would have to change my lifestyle and my diet, since pork and alcohol should be banned from my consumption. As an Orang Asli, I am free to eat whatever I want, which would not be the case if I were to adopt Islam.

Also, I should wear the hijab. In my community, women don't wear special clothes, but in some they dress in traditional costumes.

When you become a Muslim, you have to give up everything you have of your Orang Asli identity to adhere to the religion. If it is indicated that a person is practising Islam on their identity card, they must also be practising Islam in their everyday life.

Appendix J: Transcript of Participant G's Interview

Islamisation aims to assimilate us into the Malay ethnic group. Why would the government want us to adopt a religion that we do not understand and, above all, that we will practice against our will?

Islam may be good but not for us Orang Asli. When I was converted by missionaries, Islam had a terrible impact on my development as an indigenous person. Most of my traditions became forbidden. Sewang (a performance art, or dance) has been banned. This dance played a major role for me as well as in our community. But now this tradition is lost because Islam prohibits it. My new religion considers that this kind of practice is not in accordance with the Quran. The same goes for singing. I am no longer allowed to sing traditional songs and even when I am alone at home, I don't dare to sing for fear of being denounced by someone with bad intentions. Singing has a special role in my community as we can help people who are ill to recover faster, sing to pray to the spirits and animals in the forest. These songs come from the heart and can reach any living thing in nature. But Islam refuses to let me sing because, again, it goes against the Quran.

Before, when I could still practice my traditional beliefs, my life was very happy. Now my children will have to practice Islam. I teach them the world views of my community but they cannot take part in the ceremonies, as I used to do before my conversion. It is sad because gradually, I'm aware that my family's cultural heritage will be lost to Islam. Conversely, when my children are students, they will be more privileged than the other Orang Asli children who still practice their traditional beliefs, so I converted for them too. I want them to have a bright future and this is only possible if they practice Islam and eventually blend in with the Malays. This will be the only way for them to get good jobs, for example in the civil service.

Appendix K: Transcript of Participant H's Interview

I converted to Islam in 2001, while I was still at school. I was in a boarding school where there was a lot of discrimination against the Orang Asli by the Malay teachers and students because we didn't speak Malay well and didn't practice Islam. At that school, we were only two children who were not Muslims. All the kids were telling me good things about Islam, so I ended up accepting it to make my life easier. When I told my parents, they threw me out of the house for a while. A few weeks later, when I returned home, my whole family had converted to Islam, to receive benefits from the government. Therefore, they finally accepted me and understood my choice.

I am officially a Muslim, although I adhere to the traditional beliefs of my tribe that the trees or the forest each have a god. We believe in many gods, for example plants have one or the sea too. Before I converted to Islam, I was able to take part in Hari Moyang, the annual ritual during which my community thanks the gods and the spirits with offerings. Now I have the right to believe in only one god, Allah.

Hari Moyang brings together all the members of the tribe who adhere to our traditional beliefs, except those who have been converted, like me. This ceremony was the only prayer of the year, whereas now I have to do the five daily prayers. I am no longer allowed to eat pork, which was an essential part of my diet. The advantage is that we are a fishing village so food is less of a problem than for those who live from hunting.

I left the village because, thanks to my practice of Islam, I had more interesting professional opportunities than my brothers in the community where I lived. I found a job outside the village. Many children in my community do not go to school and are not interested because their parents do not push them to study. They don't want to send their children to school. I think it is mainly due to lack of money as they need the children at home to help them. Since I became a Muslim, my situation is more comfortable.

Appendix L: Transcript of Participant I's Interview

Our traditional beliefs are very important in our daily lives. In my community, we believe that spirits inhabit the forest, that some form of power emanates from nature. Every tree has a spirit that can help us, so we must take care of it, through prayers for instance. These prayers are internal, that is, unlike other Orang Asli groups, we do not have a temple to honour these spirits.

When Orang Asli become Muslims, they cannot maintain their culture as their traditional beliefs are in contradiction with Islam. They have to pray five times a day, women have to wear the tudung. Some Muslims don't wear the hijab but they are frowned upon by the Malaysian society. Several times I have been approached by Islamic missionaries who promised me donations of money and food for adopting Islam. I refused because when Orang Asli individuals convert to Islam, they have to give up their culture and change their way of life. There are restrictions on food as Muslims cannot eat everything we eat. They have to eat halal meat or cannot eat pork anymore. Many of those who convert to Islam do not adopt this religion sincerely. They do so under pressure, through the lure of a better life via the acquisition of money, a house, gifts of electricity or water. Muslim Orang Asli are more likely to get a job and have a higher rank in the Malaysian society. When Orang Asli convert to Islam, they want the benefits they were promised. However, these promises are not kept by the government. If I were to become a Muslim, I would have to take classes since I know nothing about Islam. How can I join a religion that I don't even understand?

Those who have married Muslims follow their husbands or wives outside the community. The rest, about half, stay in the village. Sometimes young Orang Asli who have been converted are ashamed of their cultural background. They claim to be more Malay to have a dominant position in society.

Appendix M: Transcript of Participant J's Interview

I converted to Islam in 2007. My family still practices our traditional beliefs. I try to maintain an ancestral link with my ancestors — and I manage to do so as I still live with my parents — but I am not supposed to as I am Muslim. Above all, most of the world views in my community contradict the beliefs of Islam.

At first, when I was converted, it was difficult for my parents to accept this new status. Now they understand that I haven't changed my lifestyle so they are still in the process of accepting my change of religion. When I was younger, my parents were often visited by Islamic missionaries who came to our house to profess Islam. They would offer benefits and special privileges to my parents so that they would agree to become Muslims. Except that my parents refused because they saw other Orang Asli who had converted but never received these benefits. These Muslim Orang Asli often moved to the city and adopted a different lifestyle.

For my part, the lifestyle change is gradual. I don't have to wear the tudung at the moment, I can take things slowly so that it's not too sudden. My community used to have traditional clothes but we don't wear them anymore, I think many have converted and some traditions are being lost.

I have a little boy, I will teach him both Islam and my traditional beliefs. I think it's important for him to know his roots and where he comes from. He is regarded as an Orang Asli who practices Islam by the government.

Since my conversion to Islam, there are parts of my former life that I have to leave behind. All the ceremonies in which my community celebrates our ancestors through dances and songs, I can no longer participate in because it is too contradictory to my new faith. The same goes for the shaman in my village, whom I no longer visit because he embodies beliefs that I am not allowed to hold. The other members of the community contact him for traditional care but that's over for me.