

## **INDIGENOUS EDUCATION FOR THE ORANG ASLI: LEGAL PERSPECTIVES AND BEST PRACTICES**

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### **ABSTRACT**

This study reviews legal instruments relevant to the rights of indigenous peoples to education, the indigenous education system in Malaysia, as well as their rights and practices in other jurisdictions. The review shows that the indigenous peoples in Malaysia face many challenges and issues while exercising their rights to education. Among the problems faced by indigenous peoples in Malaysia include the lack of access to trained teachers, inadequate funding, and a lack of knowledge among teachers, in terms of indigenous culture and tradition, which seemingly play no role in shaping the education system in Malaysia. Evidence of these problems can be seen in terms of the opportunities provided to indigenous peoples to participate in decision-making, curriculum design, teachers' selection, and teaching methods that respect indigenous cultures and traditions. This is not compatible with the international law standards and some states' best practices that recognize indigenous peoples' right to establish and control their educational systems and institutions and provide education in their language, in a manner consistent with non-discrimination teaching and learning culture. This paper is expected to contribute to improving the quality of education of the indigenous peoples in Malaysia through some recommendations.

**Keywords:** Education, human rights, international, Malaysia, Orang Asli.

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## 1.0 INTRODUCTION

The term indigenous is derived from the Arabic word, which means original.<sup>1</sup> Indigenous peoples can also be considered as a society that is a descendant of the earliest inhabitants in a nation. In other words, indigenous peoples are referred to as the country's original peoples. In Malaysia, indigenous peoples consist of indigenous peoples in Peninsular Malaysia (legally referred to as Orang Asli) and Natives of Sabah and Sarawak. The term indigenous peoples is used by the international community and is even used in international legal instruments related to indigenous peoples, including the 2007 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). According to Kadir (2019), the UNDRIP has broadened international focus on indigenous peoples' positions in the postcolonial context.

The UNDRIP Orang Asli in Peninsular Malaysia consist of three main ethnic groups and are divided into 18 sub-ethnic groups, based on their unique customs and languages. They are the Negrito, Senoi, and Proto-Malay, as illustrated in Table 1 (Section 2 of the Aboriginal Peoples Act 1954 (Act 154)). Statistics released by the Department of Indigenous Development (JAKOA)<sup>2</sup> show that there are about 178,157 indigenous peoples in Peninsular Malaysia. Senoi is the largest, 97,856 (54.9%), while the Proto-Malay is 75,292 (42.3%), and the smallest in number is Negrito with 5,009 (2.8%) people.

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<sup>1</sup> Orang Asli are believed to have lived in Peninsular Malaysia for the past 5,000-25,000 years (JOANGO, 2006)

<sup>2</sup> The Department of Aboriginal Development was formerly known as the Aboriginal Affairs Department. For this manuscript, both institutions will be referred to as JAKOA.

Table 1: Orang Asli sub-ethnics in Peninsular Malaysia for 2018

Ethnic	Sub-Ethnic	Percentage
Negrito	Kensiu	2.8 %
	Kintak	
	Jahai	
	Lanoh	
	Mendriq	
	Batek	
Senoi	Semai	54.9 %
	Temiar	
	Jah Hut	
	Che Wong	
	Mah Meri	
	Semaq Beri	
Proto Melayu	Temuan	42.3%
	Semelai	
	Jakun	
	Orang Kanaq	
	Orang Kuala	
	Orang Seletar	

Source: Department of indigenous development November 2018

Table 2 exhibits the distribution of Orang Asli in Peninsular Malaysia as issued by JAKOA in 2008.

Table 2: Orang Asli distribution by state and ethnicity for 2018

No	State	Ethnic			Total number of population
		Negrito	Senoi	Malay-Proto	
1	Johor	1	55	13,083	13,139
2	Kedah	251	19	0	270
3.	Kelantan	1,381	12,047	29	13,457
4.	Melaka	1	28	1,486	1,515
5.	Negeri Sembilan	0	96	10,435	10,531
6.	Pahang	925	29,439	37,102	67,466
7.	Perak	2,413	50,281	605	53,299
8.	Selangor	3	5,073	12,511	17,587
9.	Terengganu	34	818	41	893
	Total	5,009	97,856	75,292	178,157

Historically, Orang Asli before the colonial period could be said to be autonomous and practice self-determination in their own context, both economically, politically and socially. According to Carey (1976), Orang Asli in the pre-colonial have their own civilized values. Malaysia was colonized by the Portuguese in 1511 and later by the Netherlands in 1641 (Swettenham, 1948; Andaya & Andaya, 1982). The colonizers of these time had little impact on the Orang Asli life (Nordin, Witbrodt, & Hassan, 2016; Hassan & Nordin, 2018). However, the British occupation had brought a change to the traditional Orang Asli life in terms of administration and legislation. Nicholas (2000) described that the British occupation as the beginning of an act of paternalism against the Orang Asli.

The indigenous peoples of Peninsular Malaysia, the Orang Asli, often face a lack of access to education that respects their customs and culture (Copta, 2009). In many cases, the Malaysian education system is seen as less effective in providing Orang Asli with the opportunity to participate in decision-making, curriculum design, teachers' selection, and teaching methods that respect their customs and cultures (Copta, 2009). Their rights to a good education, as provided by the international legal instruments such as the UNDRIP, the International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR) and other legal provisions cannot be achieved in comparison with other countries that have advanced in indigenous education.

In regards to this, this paper will address issues related to indigenous education by focusing on the following questions: (1) Are the rights of Orang Asli in Malaysia to obtain an education are protected; (2) How well does the indigenous education system operate in Malaysia? and (3) What are the practices in other countries that could be considered for adoption by Malaysia?

A comparative approach is used to examine the differences between the provisions of the law in Malaysia and international law, and the laws in selected countries with a better legal framework. This research does not cover the position of indigenous peoples in Malaysia, other than the Orang Asli, such as the Natives in Sabah and Sarawak. This research is expected to guide the Ministry of Education in Malaysia and JAKOA in their efforts to improve the existing laws, in the interests of the Orang Asli. It is hoped that with sufficient rights to education, the Orang Asli may become participants of Malaysian economic development and thus, assist them in escaping poverty.

## **2.0 RIGHTS TO EDUCATION**

### **2.1 Rights to Education of the Orang Asli under Malaysian Law**

In Malaysia, there are several provisions of the law that protect the rights of education, in general. However, the question that arises is how far does this law protect the rights of indigenous peoples (Orang Asli) in Peninsular Malaysia to have access to education. Among the instruments that provide for education rights in Malaysia is the Federal Constitution (FC). Article 12(1) of the FC provides that every individual has the right to education without discrimination based on religion, race, descent, or place of birth. In this context, as citizens of Malaysia, the Orang Asli have the right to enjoy protection under this provision. The Minister in the Prime Minister's Department has asserted that indigenous peoples have equal rights under the law because their forefathers are indigenous to the country (Bernama, 2019). The right of equality has also been provided in Article 8 (1) of the FC where all persons are legally entitled to equal protection of the law.

Apart from that, the Education Act 1996 (EA) is also one of the laws protecting the rights to education in Malaysia. This Act is an extension and renewal of the Education Act 1961, aimed to strengthen the national education system in line with Malaysia's aspirations and ambitions to become a centre of excellence in world-class education. Section 29(A) of the EA is amended to ensure primary education is compulsory for all children under the age of six following Article 28 of the Convention on the Rights of the Child (CRC). However, this amendment did not have a favorable implication on the indigenous peoples as not all Orang Asli children are schooling (SUHAKAM, 2005). Furthermore, Act 154 should explicitly address Section 17, which deals with the rights of education for the indigenous peoples. Section 17(1) of the APA provides that no Orang Asli child shall be precluded from attending any school, by reason only of him being an Orang Asli.

### **2.2 Rights of the Indigenous Peoples to Education under International Law**

The indigenous peoples' rights to education in Malaysia, including the Orang Asli, is recognized through various international legal instruments. Among them is the Universal Declaration of Human Rights 1948 (UDHR). Article 26(1) of the UDHR provides that basic education must be made compulsory and provided for free. Further Article 29(2) of the UDHR states that training provided to children should aim for the full development of human personality and the development of respect. Besides that, CRC also provides for the right to education for children of indigenous peoples. In regard to this, Malaysia is one of the countries that have ratified the CRC in February 1995 (SUHAKAM, 2010). Article 2 of the CRC states

that children should be protected from any form of discrimination, and all rights are reserved for them without exception. Article 28 of the CRC guarantees compulsory free primary education to all; free progressive secondary education that is accessible to all; and access to higher education based on ability, whereas Article 29 describes the goal of education. Article 30 of the CRC empowers children of the minority ethnic and indigenous peoples to enjoy their own culture and practice their language and religion.

Furthermore, the Indigenous and Tribal Peoples Convention 1989 of the International Labour Organization, also known as ILO Convention 169 (ILO No.169), is also an international legal instrument that recognizes indigenous rights. There are various provisions in ILO No.169 related to the education of indigenous peoples, including Article 26, which states that indigenous peoples have the same opportunity to obtain an education at all levels in the same position as the majority of the community (GreenNet, 2018). Article 27 provides that educational programs should be adapted to the needs of indigenous peoples and should be taught in their native language as specified under Article 28 of the ILO No.169. Besides that, Article 30 also places responsibility on the Government to take steps that are in line with indigenous peoples' traditions and cultures so that they are aware of their rights and duties, and that general knowledge and skills are given to the indigenous peoples in full and equal terms as guaranteed under Article 29 of this Convention. To further strengthen indigenous education, Article 31 states that efforts should be made to ensure that history textbooks and other educational materials provide fair, accurate, and informative pictures of indigenous peoples and their culture. The recognition provided under ILO No.169 is seen to be able to guarantee the acceptance of indigenous education in theory and practice.

Educational rights have also been provided under the International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR), aimed at ensuring the protection of the economic, social and cultural rights of the peoples (Henriksen, 2008). Article 13 ICESCR recognizes the universal right to education without discrimination of any kind and sets a framework for achieving the full realization of this right, including the duty of free primary education and secondary education being generally available and accessible by the progressive introduction of free education, and equal access to higher education based on capabilities and measures to improve the quality of education. It also gives parents the freedom to choose the type of education they want to provide for their children and the freedom to set up and direct an educational institution, following the minimum standards set.

The UNDRIP can be considered the most comprehensive international legal instrument provided for indigenous rights, including educational rights. Despite its non-binding nature and

soft law status, UNDRIP has established a universal framework with minimum standards for the survival, dignity, and well-being of indigenous peoples worldwide (United Nations, 2019). Among the important provisions regarding education is Article 14 UNDRIP that recognizes indigenous peoples' right to establish and control their educational systems and institutions and provide education in their language, in a manner consistent with non-discrimination teaching and learning culture (Ferris, 2019). Article 15 provides that the indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories, and aspirations to be reflected in education and public information. These provisions are significant for policymakers to consider implementing in the indigenous education system at the grassroots level.

Through the international legal instruments mentioned above, it is clear that education is essential and should be provided by taking into account the cultural and lifestyle of the community, its use of language and should be non-discriminatory. Access to education is a human right, and education has the power to change. In the Malaysian context, the Government of Malaysia should fulfil its obligation to implement indigenous educational rights at the primary level and provide them with the skills they need to pursue lifelong education. However, such recognition under international law still requires aggressive efforts and initiatives to enforce this recognition within the Malaysian context, especially for the indigenous peoples in Peninsular Malaysia (Cosentino, 2016).

### **3.0 EDUCATION SYSTEM IN MALAYSIA**

The Government of Malaysia intends to improve the quality of life through efforts and increased knowledge of the achievements of first-class minds. It was hoped by the Prime Minister that the indigenous peoples can be assimilated into mainstream society in Peninsular Malaysia (Bernama Malaysia, 2019). Therefore, the quality of education they receive is a key component in determining the future continuity of their quality of life (Ahmad, 2011). Discussion in this section focuses on three main sub-topics related to the indigenous education system in Malaysia: (i) the mainstream education system, (ii) the indigenous education, and (iii) the challenges in implementing the indigenous education system in Malaysia.

#### **3.1 Mainstream Education System in Malaysia**

Referring to the early history of education in Malaysia, the Razak Report 1956 enacted as the Education Ordinance 1957 and the Rahman Talib 1960 Report were pioneers in strengthening the national education system in Malaysia. After independence in 1957, Malaysia became a

new nation and undertook efforts to revitalize the country's education in line with national unity goals. The Education Act 1961 was a testament to the initiatives taken by the Malaysian Government to restore the people's confidence to understand better the education policies implemented by the Government for the benefit of the wider Malaysian community (Salleh, 1980).

Primary education in Malaysia is from pre-school level (4 years) to the university level. The Government has taken on the responsibility of building a sound education system. Pre-school education to secondary education is placed under the supervision of the Ministry of Education Malaysia (MOE). The provision of free education for all Malaysians has been developed by the Government and consists of two types of schools, the multilingual system of public schools and private schools. According to Malaysian law under the Education Act 1996 (Act 550), students must be sent to school up to Form 5, and if they fail to do so, parents can be jailed for up to 6 months or fined.

The MOE has played a critical role in bringing educational change to Malaysia for a long time. The mission of the MOE is to develop a world-class, quality education system while developing the full potential of the individual and fulfilling the aspirations of the nation. The goal is to produce a loyal, united, faithless, virtuous, knowledgeable, skilled, prosperous nation, providing human resources for the development of the nation, and providing educational opportunities to all citizens. In 2013, the former Deputy Prime Minister of Malaysia and the Minister of Education Malaysia launched the Malaysian Education Development Plan (PIPP) 2013-2025 aimed at demonstrating the most comprehensive government transformation for students from pre-school to university, in the future, and the best return on human capital to drive the national development aspirations (MOE). Through the 2013-2025 PIPP, 6 strategic priorities were outlined: (i) knowledge; (ii) thinking skills; (iii) bilingual professions; (iv) leadership skills; (v) national identity; and (vi) spiritual ethics.

### **3.2 Indigenous Education in Malaysia**

As for indigenous education, the Government, through the MOE, has sought to bridge the educational gap between indigenous students and other students (Wee et al., 2013). Accordingly, the Indigenous Education Transformation Plan (PTPOA) was introduced for a period of 5 years from 2013 to 2017. However, it is alleged that the PTPOA failed to achieve its goals due to the attitude of the indigenous peoples who refused to accept development, which led to the abandonment of indigenous education. The indigenous peoples are not given enough attention (Abdullah, 2010). Although the awareness of education among the indigenous



peoples has been long-standing, the cultural influences of their past lives, the influence of their ancestors and the notion of locality, are the reasons why the indigenous peoples are more likely to live in their comfort cocoon (Ahmad & Mohd Jelas, 2009).

Initiatives have been taken by the Malaysian Government in an effort to integrate indigenous peoples into mainstream culture, and this education system is seen as a measure of social inclusion (Rosnon, 2016). This initiative was formed as part of the Second Malaya Plan (1961-1965) until the development of the Tenth Malaysia Plan (2011-2015). The Malaysian Government believes that education is a crucial bridge in the Orang Asli development program and a key mechanism for improving the quality of life among the indigenous peoples (Mohd Noor, 2012). As of 1995, all schools and educational programs for Orang Asli would be managed by Jabatan Hal Ehwal Orang Asli (JHEOA) (currently named Jabatan Kemajuan Orang Asli - JAKOA) with the aim of providing Orang Asli children with the opportunity of being assimilated into mainstream education. By the end of the Sixth Malaysia Plan (1991-1995), the Government had taken the first step towards integrating indigenous education into mainstream education. This has been achieved as a step towards improving their education delivery system. All indigenous educational administration and management were taken over by the MOE from JHEOA from January 1, 1995.

However, according to the School and Dormant Responsibility Documents of 1996, JAKOA and its Director-General are still responsible to the Commissioner for Indigenous Affairs under Section 4, Act 134 (Department of Aboriginal Development). All school buildings, hostels, teachers, and support groups and students managed by JAKOA are now administered by the MOE. Several initiatives taken to strengthen indigenous education have been implemented in the Eighth Malaysia Plan (2000 EE) (2000-2005) and the Ninth Malaysia Plan (9) (2006-2010). In addition, according to the Tenth Malaysia Plan, the Government has allocated a budget to increase their access to education. Therefore, a Special Model School was developed to help overcome rising rates of high school dropouts since students lived in remote areas away from their school grounds (Economic Planning Unit, 2010). Through various government-initiated incentives, the number of indigenous students attending school has increased over the years in both primary and secondary schools (Abu Samah, Mansor, Emby, Mansor, & Hamsan, 2007).

### **3.3 Issues on Indigenous Education in Malaysia**

The education system run by the MOE still has room for improvement in providing education for indigenous peoples. However, efforts toward the development of existing indigenous

education face many challenges and issues. The challenges faced include untrained teachers, inadequate funding, and a lack of knowledge among teachers on indigenous culture and traditions (Md Nor et al., 2011). Although the indigenous education system is primarily intended to provide indigenous rights and equality, its implementation is not against the goals set. The Government seemed to have failed to ensure that the indigenous peoples receive their aid through the help of JAKOA. Education is a starting point to effectively integrate indigenous peoples into the mainstream life. This process of integration is a means of assimilating indigenous peoples into mainstream society so that they can escape poverty through the education system. Due to the failure of JAKOA as the agency responsible for managing indigenous education affairs, the Government has decided to integrate indigenous education into the mainstream education system to address the problem of poverty. Although most government institutions respond that they are committed to providing equal education to all indigenous peoples, the indigenous peoples still feel marginalized by the existing education system. This is because the current education system seems to have failed to recognize their indigenous backgrounds, cultures, and languages (Copta, 2009).

One of the critical gaps identified in the government's discourse is that every government report fail to adequately address the real issues faced by the indigenous peoples in the education system. In addition to the drop out issue among Orang Asli students, matters related to Orang Asli students' poor attendance at school is due to factors such as distance, transportation, and lack of interest remain unresolved. According to an interview with a representative of the Commission of Human Rights of Malaysia (SUHAKAM), there are many cases where the school itself tries to find and fetch students from the village to bring them to school. The interview also revealed that the lack of education infrastructure was also one of the initial problems faced by Orang Asli students. This can be seen in the facilities provided in schools where the adequacy factor is to maximize effective teaching and learning. Furthermore, the recognition of indigenous culture, knowledge, language, and history is not explicitly stated and is not highlighted when developing the existing educational syllabus. This causes the mainstream education system to become alienated from the real life of the Orang Asli (Copta, 2009).

According to UNICEF statistics, there are about 80 percent of Orang Asli children who never finished school at the secondary school level. If this problem persists without further action, the country would have wasted much of its human capital, which could potentially contribute to the development of the country.

#### **4.0 BEST PRACTICES ON RIGHT AND EDUCATION OF INDIGENOUS PEOPLES IN SELECTED COUNTRIES**

Indigenous peoples' potential in education is closely linked to their ability to learn in a culture and language friendly environment, which is under their control and free from discrimination. For this purpose, there are several best practices regarding indigenous education rights implemented in countries such as the United States, Canada, New Zealand, and Bolivia. The selection of these countries is based on the implementation of practices that are consistent with DHOA, particularly Articles 14 and 15 of UNDRIP.

The following paragraphs will examine relevant laws, policies, and practices regarding indigenous education in selected countries, from four aspects, as follows:

- (i) Ongoing dialogue and consultation with indigenous peoples in the process of law and education reform.
- (ii) Laws that recognize and strengthen indigenous cultural and linguistic rights;
- (iii) Comprehensive educational strategies supported by the history and needs of different indigenous peoples in a country; and
- (iv) Promotion of indigenous peoples' regulated programs and educational initiatives.

These aspects are closely related to each other and can often co-occur.

#### **4.1 Dialogue and Negotiation with Indigenous Peoples**

The process of negotiating and obtaining consent is an essential aspect of Article 14 UNDRIP. Consultation is also a prerequisite for exercising educational rights in line with the right to self-determination. An ongoing discussion is essential to ensure community involvement in all educational processes, including while implementing policy changes and educational curriculum to meet the language needs and uniqueness of indigenous culture. Some countries, such as the United States and Canada, already have laws and policies that require the cooperation of the indigenous peoples in the development of the education curriculum. In the United States, for example, all projects funded under the Indian Education Act 1972 must be developed and managed in collaboration with the natives, parents, and students so that their future in education can be holistically determined following their wishes and decisions.

In 2007 in Colombia, the Constitutional Court held that the Government could not make any decision governing indigenous education, including the methods used to select and appoint teachers, without first referring to the communities involved (Application of Convention No. 169 by Domestic and International Courts in Latin America). Besides, the United States also

held a consultation meeting with the head of the indigenous peoples in a "listening" and "learning" session designed to develop strategies related to the educational needs of indigenous students. Among the other countries that also carry out negotiations on indigenous education in New Zealand. The Government, through the Ministry holding a New Zealand education portfolio, has initiated extensive consultation with the Maori community to develop the Maori Education Strategy (Ka Hikitia: Managing for Success-Maori Education Strategy, (2008-2012)). Such practices should be exemplified by governments in other countries as they are in line with the spirit advocated by UNDRIP.

#### **4.2 Laws that Recognize and Strengthen Indigenous Cultures and Languages**

Another critical factor in the process of recognition of indigenous education is through the legal reforms that recognize linguistic and cultural rights as contained in Articles 14 and 15 of the UNDRIP. The structure of domestic legislation, as well as various political factors, will determine whether this reform can be implemented through a constitutional amendment or court order. Such measures must be in line with the Government's obligation to consult and cooperate directly with indigenous peoples.

In this regard, the practice in Bolivia is one of the examples that can be cited as it is the first country to incorporate all the provisions of the UNDRIP into domestic law as enshrined in Bolivia's Law 3760. Besides, some countries such as Ecuador (Article 84, Republica Del Ecuador Constitucion De 1998); Guatemala (Article 76, Republica De Guatemala Constitucion De 1985 Con Las Reformas De 1993); Mexico (Article 2 Mexican Constitution); Nepal (Part III, Interim Constitution Of Nepal 2063 2007); and Panama (Article 88 Constitucion Politica Dela Republica De Panama) had introduced provisions that encourage the use of multiple languages in indigenous education and indigenous languages in their constitutions. There are also some countries that have taken additional steps to protect the rights contained in Articles 14 and 15 of UNDRIP by granting the "official" or "national language" status or title to the indigenous language. Among the countries that have done so were Bolivia through Article 5, Republica Del Bolivia Constitucion De 2009, Mexico through Article 4, the General Law on Linguistic Rights of Indigenous Peoples, and New Zealand through Article 3, Maori Language Act of 1987. These legislative recognitions placed the languages of indigenous peoples as significant as the other mainstream languages. The recognition of indigenous languages through the legal mechanism is seen as an effort to preserve and honor the diversity of all cultures in a nation's society.

In New Zealand, the United States, and Canada, protection on indigenous education is also available under agreements. For example, in New Zealand, the Maori language ("te reo Maori") is protected under the Treaty of Waitangi as "taonga" (Maori value). In the United States and Canada, various agreements are recognizing indigenous peoples' rights to education, languages, and cultural practices within their territories. Indigenous treaty rights and indigenous rights are given further protection in the process of reforming the Canadian Constitution (Paquette & Fallon, 2008). In the United States, linguistic and cultural rights were also promoted through legal initiatives under the Native American Languages Act 1990.

However, there are various challenges in implementing the legal approach as practiced by some of the countries above. Among the challenges that are being raised are legal conflicts and lack of funding for schools in certain reserves and provinces. For example, in Canada, there are differences between territories. Therefore, the Government needs to take active initiatives to address such challenges.

#### **4.3 Comprehensive Education Strategy Supported by Indigenous History and Needs**

A country needs to make plans in implementing indigenous education in a comprehensive manner that meets the needs of indigenous peoples. This means that the comprehensive plan will identify and address various issues in education that have implications for indigenous peoples.

In this regard, New Zealand is among the countries that have proactively partnered with indigenous peoples to develop action plans in addressing various educational issues in line with the requirements of Articles 14 and 15 of UNDRIP. This collaboration has increased international awareness of indigenous rights, including the participation of Maori in the UNDRIP drafting process. In the 1970s and 1980s, Maori began their efforts to improve and strengthen the Maori language ("te reo Maori") (Controller and Auditor-General of New Zealand, 2012). These efforts led to the establishment of the first *kura kaupapa Maori*; the language school focuses on teaching Maori language and culture. It also led to the passing of the Maori Language Act in 1987, making *te reo Maori* one of the three official languages of New Zealand.

In 1998, the New Zealand Ministry of Education began extensive consultation with the Maori community to develop a "Maori Education Strategy." New Zealand's new education strategy was then launched in 1999, the 'Managing for Success-Maori Education Strategy' with a focus on improving the quality of education for Maori, including Maori and non-Maori schools. In 2005, this strategy was approved and updated to ensure the continued commitment

to Maori education. In 2006, New Zealand received feedback from leading Maori academic scholars on the next steps they could take. In 2007, the year that UNDRIP was adopted, a draft revision of the "Ka Hikitia-Managing for Success" strategy was published, in which the Government began extensive consultation through meetings, presentations to teachers, and written reports.

As part of its comprehensive strategy, integrated efforts have been made to recognize, preserve, and strengthen the Maori language as a national asset, as provided in Article 3 of the Maori Language Act of 1987. Efforts have also been made to support and strengthen Maori schools where Maori language and culture are taught in line with ILO No. 169 to increase student achievement, student access to Maori teaching, community involvement in education and the number of Maori language teachers and teaching materials. New Zealand has also sought to increase the number of Maori students in institutions of higher learning (Durie, 2005) and to raise awareness in accepting cultures, languages, and Maori issues in the civil society. Finally, New Zealand has developed a measurable profit framework to measure the success of the Maori education program through the 'Accelerating Success-Maori Education Strategy.'

Nonetheless, the Government needs to be prepared for some of the challenges it will face in implementing such a comprehensive plan. Among the problems that may occur are the lack of qualified teachers and inadequate teaching materials, lack of access to schools, and discrimination in the classroom. In addressing such challenges, practices found in other countries can be considered. For example, the United States offers special posts to bilingual teachers in public schools to increase the number of trained bilingual teachers. In Mexico, to overcome the social stigma attached to bilingual teaching, the Government has offered higher salaries to bilingual teachers than teachers who speak only one language (Paciotto, 1996). Therefore, governments need to be aware of these challenges by implementing efforts such as those found in the United States and Mexico.

#### **4.4 Promotion of Indigenous Programs and Educational Initiatives**

Indigenous peoples' right to self-determination can be achieved through Article 14 of UNDRIP, which is recognition of indigenous education through systems and initiatives dominated by indigenous peoples themselves. The rights set out in Article 14 of the UNDRIP are not just about administrative control, but they include other aspects.

In Sweden, for example, indigenous peoples known as the Sami peoples has set up six state/public schools run by the Sami school board, from pre-school to middle school, and offers a curriculum that includes Sami language and Sami culture. Other than that, Sami school boards

not only regulate Sami schools and educational programs, they are also active in guiding how to integrate Sami perspectives on a wide range of subjects, such as science, art, mathematics, social and sports (Van Der Schaaf, 2001). In Norway, there is a Sami University (Sami Allaskuvla) that attracts students from all over Sami's regions, such as Norway, Finland, Sweden, and Russia (Economic Planning Unit, 2010). The university offers courses such as teaching, journalism, Sami language, and literature as well as Sami tradition and applied arts; all taught from a Sami or indigenous perspective.

In addition, one of the most well-known references is the practice in Australia, where an aboriginal group has developed an aborigine language center that strives to preserve and promote the local language. In Uganda, the indigenous peoples have developed a program for the Karamajong people. The program encourages community participation in creating a curriculum that adapts to their nomadic lifestyle, taught by their community members, and it should include areas of research directly related to Karamajong's lifestyle, such as crop production, livestock, health and peace, and safety.

This is part of the effort to empower indigenous peoples' educational rights. Government support is crucial in creating awareness in the community about the value and importance of indigenous knowledge and information.

## **5.0 CONCLUSION AND RECOMMENDATION**

Despite the issues regarding indigenous education in Malaysia, it is undeniable that the government has been working intensely and showing its success in bringing the Orang Asli towards mainstream education. This can be evidenced by the establishment of special units within the MOE, the establishment of special units at the Teacher Training Collaboration in Pahang and Kelantan, and specialized recruitment of indigenous teachers at the Teacher Training Collaboration. There are many successful and educated Orang Asli produced from the existing education system. This study has also discussed how the Malaysian government through the MOE and JAKAO, tried to implement a special education system for the Orang Asli children but failed to achieve its objectives for the reasons discussed above. A logical progression in this line of thought is to consider the following steps forward or how to improve the existing education system that is compatible to the non-binding international law standards and other states' best practices.

All parties should play a role in promoting indigenous education in line with international law and best practices. The government should consider adopting various initiatives to enable indigenous education to be shaped according to the indigenous aspects of the indigenous

community so that they feel that the education system is part of their lives. Doing this may encourage them to obtain quality and timely education, similar to the current requirements. At the same time, efforts in physical forms cannot be ignored. Among the physical endeavors are that schools need to be built close to the Orang Asli villages, schools need to be supported by dedicated and committed teachers, sufficient resources, systematic educational syllabus, and more.

Moreover, the existing education system must provide certain exceptions or flexibility for the Orang Asli children. This is intended to make room for the Orang Asli children to study at its speed since they are learning new and foreign concepts and ideas. The government should not build an education system that is going towards a different direction from indigenous peoples' lives.

The government may also look at some of the indigenous education system in foreign countries such as New Zealand and Canada. Through a detailed study of the education systems in foreign countries, as discussed earlier, the government can begin to identify the relevant laws, policies, and practices that could be adopted and incorporated within the existing education system in Malaysia. The findings can be used to create an education system that preserves indigenous cultures and language, provides opportunities to Orang Asli to participate in decision-making, curriculum design, teachers' selection, and teaching methods that respect indigenous cultures and traditions.

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