

**12th Session of Expert Mechanism on the Rights of Indigenous Peoples [EMRIP12]
15 – 19 July 2019**

**Agenda Item 8: United Nations Declaration on the Rights of Indigenous Peoples, including
Study on Recognition, reparation and reconciliation.**

Statement by Partners of Community Organisation [PACOS TRUST]
Delivered by Galus Ahtoi

Kopisanangan. I'm Galus Ahtoi, and I represent my Organisation PACOS TRUST and also a member of Asia Indigenous Peoples Pact, is a community-based organisation in Sabah, Malaysia.

Foremost, I would like to thank the United Nations Voluntary Fund Board for the chance to participate in this 12th EMRIP Session.

The Malaysian Government is a new government, only about 14 months old. This is the same with the state government of Sabah. However, we regret that the new Sabah State Government has retained the view of the old previous government; That indigenous rights organisations are inciters of the people. We also regret the Sabah State Government's intimidation of amending laws to silence and control indigenous rights organisations.

The past Malaysian government had endorsed the UNDRIP twice and also the UN Outcome Document which reiterated the government's commitment to implement the UNDRIP. Several provisions of the UNDRIP are relevant to land and territories. In recognition of the fact that Orang Asal have their own customary laws regulating access to land and resources, Article 27 emphasizes that these must be taken into account when recognizing and adjudicating land rights.

In the 2013 UPR cycle review, Malaysia only noted the recommendations pertaining to compliance with the UNDRIP². The past government saw the UNDRIP as a 'soft-law' and non-binding, therefore compliance was not necessary.³ The past government painted a different image internationally, by making statements that it was committed to uphold Indigenous Peoples rights, however this was all a facade and a rhetorical act.

We request the expert mechanism to make a official country visit to Malaysia

Further, we urge the Members of the EMRIP to support our following recommendations to the new government of Malaysia:

1. Even though the UNDRIP is a non-binding agreement, the government still have a moral obligation to comply with it through its own domestic laws; and the government must respect the rights, policies and decisions made and formulated;
2. The government must develop a national action plan on Orang Asal, including in relation to their commitment to the 2030 Agenda, as a follow-up to the WCIP Outcome Document;
3. The government should seriously consider the establishment of a Land Tribunal to look into the land disputes. The establishment of this tribunal with judges who are well versed in Orang Asal issues would minimise the costs for the Orang Asal to bring their case to the courts;
4. The federal and state governments should engage in meaningful cooperation with indigenous peoples rights organisations instead of intimidation and threats;
5. And, ultimately, we strongly urge the government of Malaysia to ratify the ILO 169, and the Convention on the Elimination of All Forms of Racial Discrimination.

Pounsikou, thank you.