



**STATEMENT BY MADAM HJH. ZALEHA ROSE DATUK HJ.
PANDIN
HEAD OF THE MALAYSIAN DELEGATION TO THE
11TH SESSION OF THE EXPERT MECHANISM ON THE RIGHTS OF
INDIGENOUS PEOPLES (EMRIP)
ITEM 7: UNITED NATIONS DECLARATION ON THE RIGHTS OF
INDIGENOUS PEOPLES: GOOD PRACTICES
AND LESSONS LEARNED
11 JULY 2017, 1500-1800 HRS**

Thank you Madam Chairperson.

As we are taking the floor for the first time, the Malaysian delegation wishes to congratulate you on your election as the Chairperson of the 11th EMRIP. My name is Hajah Zaleha Rose Pandin and on behalf of my delegation, I wish to share Malaysia's experience in the promotion and protection of the rights of indigenous peoples in Malaysia including the natives of Sabah.

2. Our discourse today is important. The UNDRIP remains a non-legally binding document in nature. Notwithstanding this, the Government of Malaysia considers it as a valuable international declaration that complements States efforts to improve the respect for, and the promotion and protection of the rights of indigenous peoples.

The rights of indigenous peoples in Malaysia are protected under the laws of Malaysia, notably the Federal Constitution as well as the Aboriginal People's Act 1954. Likewise, under Article 41 of the Sabah State Constitution provides that the Yang di-Pertua Negeri (the head of the State of Sabah) has the responsibility of safeguarding the special position of the natives in Sabah. Indeed the Government is serious in protecting the rights of the native through various legislation as follows:

- 2.1. Native Courts Enactment 1992;
- 2.2. Interpretation (Definition of Native) Ordinance (Cap.64);
- 2.3. Sabah Land Ordinance (Cap. 68);
- 2.4. Forest Enactment, Sabah Biodiversity Enactment 2000;
- 2.5. Sabah Native Affairs Council Enactment 1998, Pearl Oyster Shell Fishery Ordinance (Cap. 95);
- 2.6. Wildlife Conservation Enactment 1997; and
- 2.7. State Heritage Enactment 2017.

3. Without a doubt, the laws listed above were enacted with the noble intention to give adequate protection to the native community. Basically their interest in land, forest, cultural, wildlife conservation and the like are protected and preserved. It has been our Government's priority to address the welfare of natives.

4. In line with the principles of UNDRIP, the promotion and protection of the rights of indigenous peoples is also done through various programmes aimed at improving their social well-being and quality of life. Programmes include economic related activities, resettlement initiatives, infrastructure facilities, electricity and treated water supplies. The Government has also undertaken several economic empowerment programmes for women of indigenous groups. They are given training under the “Skills and Career Training Programme” to enhance their skills to earn a better income and improve their standard of living. Approximately 70% of the participants have been guaranteed employment.

5. The Native Customary Right (NCR) Land Survey Programme is implemented to safeguard and protect the rights of the natives in Sabah and Sarawak with the ultimate aim to increase land ownership. Management of land, including alienated lands is done through institutionalised frameworks to safeguard the rights of natives. Furthermore, the natives take part in any management of land. In any research program involving community engagement, FPIC or ‘sumuku’ must be used to ensure that the owner of the culture understands the objectives, process and implication of the program.

6. My sharing today highlights some of the successful examples of my Government’s affirmation and efforts in the protection and preservation of the rights of indigenous peoples in Malaysia including

the natives in Sabah. The Malaysian Government will continue to ensure that “natives” and their livelihood as well as “adat” will remain relevant in today’s society. Before concluding, I would like to ask the panellist, how States can further promote the participation of indigenous community in decision-making processes on matters that affect them?

7. With that, I end with a proverb of my community, the Bajau of Sabah, “mangan nya' mangan asal kurung kurung” which means “it does not matter whether we eat or not so long as we are together”.

I thank you, Madam.

GENEVA

11 July 2018