

Permanent Forum on Indigenous Issues
14th session, 8 – 12 July 2013
United Nations Headquarters, New York

Agenda Item 8: Future work of the Permanent Forum (discussion on indigenous human development/human rights indicators)

**Joint Statement by Jaringan Orang Asal SeMalaysia and PACOS Trust
by Sintiah Samanding**

Madam/Mr. Chair, expert members, distinguished government delegates, indigenous brothers and sisters,

I am pleased to inform the Permanent Forum of several developments in the realization of the UN Declaration on the Rights of Indigenous Peoples in Malaysia. Indigenous peoples in Sabah are now part of the Social Forestry Working Group with the Forestry Department and other NGOs. Through this initiative, we believe we can be an active participant to ensure that the natural resources, and the lands and territories of indigenous peoples can be managed using traditional practices, laws and institutions or *adat* and the knowledge that we hold. The Working Group will apply and promote the traditional *tagal* system to conserve the forest after the government found great success when they applied the system to riverine conservation.

Another positive development is that an environment court will be set up to look into relevant issues, including development projects that adversely impact indigenous peoples.

However, these are but small successes. Our rights continue to be violated when the government and corporations deny customary rights to land, our cultures and ways of life and our own traditional economic, health, education systems. We recommend that the UNPFII remind the Malaysian government to act upon their commitments to the UNDRIP and the Outcome Document of the World Conference on Indigenous Peoples and to ratify the Convention on Economic, Social and Cultural rights.

Indigenous peoples lands, territories and resources in Malaysia continue to be exploited for the development projects such as mega-dams, mining, plantations, etc., without the free, prior and informed consent of indigenous peoples. The government's aggressive plan to build dams such as the Kaiduan and Tambotuon dams in Sabah, the Baram dam in Sarawak and the Telom dam in Peninsular Malaysia will adversely impact indigenous peoples' lands, territories and resources. Both the state and federal governments must commit to setting up an FPIC law and mechanism as it embarks on the 11th Malaysia Plan.

We recommend that the Malaysian government live up to its commitment when it adopted the Outcome Document of the World Conference on Indigenous Peoples to to consult and cooperate in good faith with indigenous peoples through our representative institutions in order to obtain our free, prior and informed consent, before adopting and implementing legislative or administrative measures that affect us.

Thank you.