



HUMAN RIGHTS COMMISSION OF MALAYSIA (SUHAKAM)

16th Session of the United Nations Permanent Forum on Indigenous Issues

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Madam Chairperson,

10 years is a remarkable marker that the world can reflect on the progress of UNDRIP. The National Human Rights Commission of Malaysia (SUHAKAM) wants to lend our voice to this important work on bringing the 6 mandated area UNDRIP closer to home. One of our biggest concern have been the rights of Indigenous Peoples in Malaysia.

We are encouraged that the Indigenous Peoples leaders and communities have utilised the complaints mechanism in our Commission to submit many human rights complaints in the last few years. From the total number of about 850 complaints received for 2016, about 20% are related on Indigenous peoples issues. This is strength of the community to defend their rights in line with the UNDRIP. The Indigenous Peoples of Malaysia continues to grow from strength to strength.

These complaints are mainly related to :

- i) The encroachment on Indigenous Peoples native customary land for the purpose of logging, mining, and farming without respecting the principle of FPIC;
- ii) The alleged pollution of rivers and rapid deforestation as the result of rampant logging activities;
- iii) The need for the Indigenous Peoples to be provided with public amenities such as electricity and water supply and low cost houses;
- iv) The weaknesses in the education services provided to the Indigenous Peoples, for example the half-heartedness of some teachers assigned to teach at the Indigenous Orang Asli schools.

Prior to this in 2010, the Commission conducted a National Inquiry into the Land Rights of Indigenous Peoples to look into the issue of land rights of indigenous peoples in Malaysia and develop recommendations to address the issue. This was completed in 2012. Through the National Inquiry, the Commission found that the indigenous peoples faced substantial and discriminatory obstacles in exercising their rights to own, possess and control their lands and territories similar to what was mentioned above.

Following that, the Government of Malaysia has established a Cabinet Committee on Native Land Rights in 2015 to monitor the implementation of the recommendations that was further elaborated by another Task force setup just prior. The Cabinet Committee is chaired by the Deputy Prime Minister of Malaysia.

However, despite the Government's commitment on this issue, the encroachment into indigenous peoples' lands for the purpose of logging, plantation and mining still occurs today. In view of this, the Commission calls

upon the Government to issue a moratorium or temporary prohibition order on all developments which involve indigenous peoples' lands, pending the implementation of the recommendations of the Task Force's report. The Commission will also continue to engage with the State Governments to follow up on the implementation of the recommendations.

Some recent positive court rulings in Malaysia which ensures indigenous peoples rights against possible forced land acquisition and also ensure fair compensation for landowners, has brought some hope towards the advancement of indigenous peoples' rights, particularly on land matters.

Nevertheless, the Commission will continue its efforts to promote and protect the human rights of indigenous peoples, in line with the principles in the United Nations Declaration on the Rights of Indigenous Peoples.

Thank you.

Jerald Joseph