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MS. SYUHANA KHALIDI

## STATEMENT BY MALAYSIA

### Agenda Item 3 and 5: Clustered IDs with the SR on Indigenous Peoples and EMRIP

24<sup>th</sup> Regular Session of the Human Rights Council  
18 September 2013

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Thank you Mr. President,

My delegation joins earlier speakers in expressing our appreciation to Mr. James Anaya, the Special Rapporteur on the rights of indigenous peoples and members of the Expert Mechanism on the Rights of Indigenous People (EMRIP) for their reports.

2. The report by Mr. James Anaya touches important issues of concern to the indigenous peoples, including securing rights to lands and resources in the context of extractive activities. His conclusions and recommendations merit consideration by the international community.

3. My delegation shares the Special Rapporteur's view that the drive to extract and develop natural resources has resulted in increased and widespread effects on indigenous peoples. We recognise that indigenous communities are relatively socio-economically disadvantaged, in the conventional sense, as compared to the other segments of the population, due to their unique lifestyle and geographical remoteness. While we concur with the Special Rapporteur's view that the interests of extractive industries and indigenous peoples may not necessarily always be at odds with one another, we are of the view that it is important is to strike a balance between the two in our pursuit for development.

4. In this context, the Government of Malaysia continues to take measures to ensure the rights of indigenous peoples are further promoted and protected, by widening their access to food, shelter, health, education and employment, among others. For instance, the Government has set the target to further reduce the incidence of poverty among the *Orang Asli* (indigenous peoples in Peninsular Malaysia) to 25% by 2015. The *Orang Asli* poverty eradication programme is proving

to be successful, as the *Orang Asli* incidence of poverty had stood at 31.16% in 2010 and 83.4% in 2005. The Government also maintains close cooperation with the State authorities in Sabah and Sarawak in efforts and programmes, including economic opportunities, to further advance indigenous peoples in both States.

5. The indigenous peoples' system of rights and obligations are very much intertwined with their lands, which forms the core of their existence. This is very much reflected in their subsistence, spirituality, social organisation, identity and culture. The Government has also set up a task force to review and formulate the necessary strategy regarding the issue of indigenous peoples' land rights based on the National Human Rights Commission of Malaysia's (SUHAKAM) national inquiry into the land rights of indigenous peoples in Malaysia that was issued in April 2013. The Government is also currently holding various consultations with state authorities, other relevant agencies and indigenous groups regarding indigenous peoples' land issues.

6. In 2012, the Government spent RM10 million to conduct perimeter surveys in gazetting the indigenous peoples' land in Malaysia. The Government has also, from time to time, collaborated with SUHAKAM and other indigenous peoples' NGOs on issues concerning the rights of indigenous peoples in Malaysia. As regards the issues of settlements and economic activities of indigenous peoples in the Permanent Forest Reserves, the Government is currently collaborating with the Forestry Department of Malaysia to find a balanced solution between preserving the rights of the indigenous peoples and the State's obligation concerning Permanent Forest Reserves.

7. The indigenous communities are also provided with various platforms and opportunities to participate in the Government's decision-making process. At the Federal level, indigenous peoples' representation or interests in the Dewan Negara (the Senate) is provided by Article 45(2) of Federal Constitution of Malaysia, which states that "*The members to be appointed by the Yang di-Pertuan Agong shall be persons who in his opinion have rendered distinguished public service or have achieved distinction in the professions, commerce, industry, agriculture, cultural*

*activities or social service or are representative of racial minorities or are capable of representing the interests of aborigines".*

8. To further illustrate this point, the *Orang Asli* (indigenous peoples in Peninsular) community is also represented at the administrative level. For instance, JAKOA's top management also includes managers of *Orang Asli* origin and five members of the *Orang Asli* community sit on the government-sponsored national advisory council on indigenous peoples in Malaysia.

9. The administration of the indigenous peoples' affairs in Sabah and Sarawak, on the other hand, somewhat differs from that of the *Orang Asli* in Peninsular Malaysia, in that the former collectively forms the majority of the population and in general, are the mainstream society. They are already involved in the State's decision making process through representation in the various political parties forming the States' Governments. At the same time, efforts are also being undertaken by the State and Federal Governments to further promote and protect the rights of the indigenous peoples in Sarawak and Sabah.

10. We recognise the challenges facing the indigenous communities in our pursuit of development and modernity. Balancing the need for development and the protection of the indigenous rights requires a comprehensive and holistic approach by all relevant stakeholders. Such approach could be achieved by the inclusion of indigenous peoples in the relevant decision-making processes at both the national and sub-national level. While ensuring efforts are continuously made for the advancement of the indigenous peoples, we also believe that the indigenous peoples should be afforded with the choice of joining mainstream society.

**GENEVA**  
**18 September 2013**