

11th Session Expert Mechanism on the Rights of Indigenous Peoples

9 – 13 July 2018

Agenda item 4: Study and advice on Free, Prior and Informed Consent (FPIC)

Speaker: Alice Mathew (Dusun Community, Sabah, Malaysia)

OHCHR Fellows 2018

Kopisanangan. Thank you, Madam Chair,

My name is Alice Mathew, I belong to the Dusun community from Sabah, Malaysian Borneo.

Madam Chair, first, allow me to extend my sincere congratulations to my country with its newly formed government, and just two weeks ago, it has reiterated its strong commitment to ratify more United Nations Human Rights standards.

Madam Chair,

Malaysia is signatory to the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) since its adoption in 2007 and has taken steps to safeguard the rights of indigenous peoples in its territory. However, painful gaps still exist when it comes to the implementation of the Declaration in the country. Development, especially at the national and state level is still at the expense of indigenous peoples' rights.

The blatant disregard of indigenous people's right to FPIC is highly apparent in the case of the Pitas Shrimp Park in my home state of Sabah. Back in 2013, the project moved in and cleared hundreds of acres of healthy mangrove forest without prior consultations from the indigenous communities. Bear in mind, this community rely on the mangrove areas for their livelihood, and now they are left in despair, poorer and struggling to defend the remaining mangrove forests.

It is with high hope that under the new government, violation of indigenous peoples' collective rights to land, territories and resources are uphold and safeguarded.

The commitment to UNDRIP at the international stage should matched with a robust political will in its implementation at the national and state level. There is an urgent need for the new government to intensify its effort to meet the FPIC minimum standards to ensure the fulfilment of the rights of the indigenous peoples in Malaysia.

Madam Chair, to conclude, I would like to recommend the following:

- 1) Malaysia must guarantee that State and Federal laws incorporate the FPIC principle, outlining consent-making processes that ensure effective participation of affected Indigenous Peoples.
- 2) In line with development programs, Malaysia must encourage the direct participation of indigenous peoples in the national agenda and recognised the importance of preserving cultures and traditions of the indigenous peoples.
- 3) We call upon the new elected Government in Malaysia to ensure the protection of indigenous peoples rights by ratifying the International Covenant on Economic, Social and Cultural Rights.

Pounsikou. Thank you