

FMAS Adrian 123

**Statement of Jaringan Orang Asal SeMalaysia (JOAS)**

**[Indigenous Peoples' Network of Malaysia]**

**To agenda item 4 Implementation of the United Nations Declaration on the Rights of Indigenous Peoples.**

Thank you, Madam. Chairperson.

First of all, I would like to congratulate you on behalf of Malaysian Indigenous Peoples' Network for your election as Chairperson of this session. It is truly an honor to have an indigenous person from Malaysia to be elected as the chair for this meeting.

Madam Chairperson and distinguished delegates,

Malaysia consists of three regions namely Peninsular Malaysia and the two Borneo states of Sabah and Sarawak. Indigenous Peoples of Malaysia is very diverse, consisting of over 80 groups of peoples with unique cultures, language and traditions that have co-existed in a pluralistic society for generations. Malaysia has a two-tier government, federal and state, and both have legislative powers. The federal government has jurisdiction over matters such as foreign affairs, defense/internal security, finance, communications, transportation and education. The individual states have control over their natural resources such as land, water, forest, agriculture and minerals, besides having their own constitutions and executive legislature.

We also have very unique situation where customary law and its institutions in Sabah and Sarawak are recognize by the federal and state constitutions. However, throughout the years we have seen the erosion of our customary institutions due to the political interventions by our governments mainly in the appointment of our customary leaders. This is clearly a violation to our rights to self determination and self governance.

Madam Chairperson,

Malaysia supported the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) both during the Human Rights Council and the General Assembly, however since the adoption of this declaration; there is little progress in its implementation. The Malaysian government is familiar with the issues faced by indigenous peoples and knows what need to be done, but because they do not consider indigenous peoples as a voice to be reckoned with, they simply ignore the issues that affect indigenous peoples.

Last year during the first anniversary of the adoption of this declaration, we submitted a memorandum to our country leaders including our King which have obligation to protect our rights under our federal constitution. This memorandum among others demands our rights assured under constitution of Malaysia and also to raise the awareness and attention to the declaration.

However development aggression continues to bring **(has resulted in loss and)** misery of countless number of communities through logging, large scale plantations, mining, dams, protected areas and other infrastructures. We want a halt on these so-called development projects that does not respect our rights and institute genuine free, prior informed consent mechanisms before any further projects are carried out on indigenous territories. We strongly believe that these injustices to our peoples can be halted if government applies the Declaration in all its policies.

Indigenous peoples having exhausted various means to resolve the issues at the local level were forced to seek justice in the courts. UNDRIP have been used extensively by our lawyers in these court cases and this have resulted in several land mark judgments that have upheld our rights. However these judgments have been disregarded and the loss of rights to our land and resources continues to happen with the alienation of our customary lands to logging and plantations companies without any respect to our rights or adequate compensation. Worst still the Sarawak State Government continues to propagate their narrow interpretation of native customary lands through their seminars to confuse our people. There are over 200 court cases involving Native Customary Rights pending in the courts of Sarawak alone, this is a testament to the continuing disregards to our rights to land and resources.

Non-recognition of indigenous peoples' own way of life and systems has also affected our dignity and loss for the nation to build a pluralistic society. We the indigenous peoples of Malaysia believe that the UNDRIP can provide a venue for pluralism to happen in our country

With this regards madam Chair, ever since the adoption of the UNDRIP, we the indigenous peoples of Malaysia have been facing uphill task to promote and demand the implementation of the declaration mainly due to the ignorance and low awareness of our governments with regards to the UNDRIP in our country.

I would like to conclude by urging the EMRIP to recommend the followings to Human Rights Council

- To establish and strengthen programs to promote the UNDRIP in the local, national and regional level.
- To establish a mechanism to monitor the implementation of the UNDRIP in the national and regional level.
- To request the EMRIP to evaluate the implementation of the UNDRIP in line with other conventions and treaties as part of the commitments and obligations by the governments at the national level

Thank you madam chairperson for this opportunity to address this agenda item.