

**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 Mr. Chairman *Kopivosian, Salam Sejahtera*

This statement is made on behalf of Jaringan Orang Asal SeMalaysia, the national umbrella body of Indigenous Peoples Organizations in Malaysia.

Mr. Chairman 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.

Malaysia supported the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) both at the Human Rights Council and the General Assembly, however since the adoption of this declaration; there is still minimal progress in its implementation in the national and local level.

Mr. Chairman,

In Malaysia, there are numerous court cases that have been filed by our Indigenous Peoples' communities for their Native Customary Rights (NCR) due to development aggression and large scale land grabbing on their territories. The UNDRIP have been used extensively by our lawyers in these court case litigations and this have resulted in several land mark judgments that have upheld our rights. But despite all this, we still find it difficult to get our government and its agencies to put any reference to UNDRIP in official documents or negotiations often using the excuse that the declaration is a non binding document. Let us remind our government that this document is already in the human rights charter and other international law which it has obligations to implement. The UNDRIP should be the minimum standard when it come to respecting the rights of indigenous peoples.

With this regards Mr. Chairman, 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 in our country mainly due to the low awareness of our governments and communities with regards to the UNDRIP in our country.

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Since the adoption of the declaration in 2007, *Jaringan Orang Asal SeMalaysia* (JOAS) has conducted numerous road show and workshops around the country to create the awareness of our community about the declaration. We also have worked closely with the Malaysian Human Rights Commission (SUHAKAM) to promote the declaration including the translation and publication of the declaration to national the languages. We also produced simplified version of the declaration in popular materials such as leaflets, booklet and posters to help our communities to understand the essence of the declaration. We thank our national human rights commission for their support in co-organizing several workshops and trainings in the local level to increase the awareness of our communities and the local government about the UNDRIP.

We believe that the UNDRIP can be mainstreamed in our country through continuous active engagement with our governments. In this instance we have done a comparative policy study to examine the laws of our country to indentify the gaps that needs to be amended in line with the declaration. This comparative study will be submitted to our government for urgent action. We the indigenous peoples of Malaysia believe that the UNDRIP can provide a venue for pluralism to happen in our country.

We demand our government to adopt the UNDRIP as a law and provide a national platform that can ensure its full implementation in Malaysia. JOAS wish to extend its willingness and support to make this to happen.

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

- To establish and strengthen programs to promote the UNDRIP in the local, national and regional level.
- To provide resources for Indigenous Peoples Organization to promote the declaration in the Local and National level in line with the program of work of the Second Decade of Indigenous Peoples.
- To urge governments to integrate the UNDRIP in national laws and policies.
- 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 Mr. Chairman for this opportunity to address this agenda item.

Kotohuandan om kounsikaan, Terima kasih