

16th session of the Expert Mechanism on the Rights of Indigenous Peoples

19 July 2023
Geneva, Switzerland

Agenda Item 6: Country Engagement

Statement on behalf of Indigenous Peoples Network of Malaysia (JOAS), Center for Orang Asli Concerns (COAC), Sarawak Dayak Iban Association (SADIA) and PACOS Trust.

Presented by: Frederic Wilson, on behalf of Indigenous Peoples Network of Malaysia

Thank you, Madam Chair.

We, the Indigenous Peoples Network of Malaysia (JOAS), Center for Orang Asli Concerns (COAC), Sarawak Dayak Iban Association (SADIA) and PACOS Trust convene this statement for the session on Country Engagement, which is one of the important mandates of EMRIP.

We would like to thank and appreciate Member States who have engaged with EMRIP through the country engagement mandate.

We would like to underline that the Member States of Asia have not yet engaged with Expert Mechanism. The lack of engagement with the UN mechanisms is reflecting the unwillingness of Member states in Asia, including Malaysia government and their failure to comply with the rights of Indigenous Peoples enshrined in the UNDRIP.

In Malaysia, dishonest in the governance system and process of approving project lack of transparency, without proper Free, Prior, Informed and Consents will be led to land grabbing, logging operations, accusation against indigenous women at the court session, criminalization, and displacement. Strategic Lawsuit Against Public Participation (SLAPP) are an increasingly common strategy for companies to attempt to silence activities, journalists and civil society organizations who expose wrongdoing and voice criticism, to name a few, the case against Malaysia NGO Save Rivers in Sarawak. Dozens of disputes that pitted indigenous communities against logging and palm oil companies have ended up in court, the rapid deforestation and commercial development have resulted in widespread encroachment into the Temiar Indigenous peoples territories, the operations of oil palm plantation in Patah Pisau, Sungai Mai, Pahang, Baram Sarawak, and despite many protest, RM 3 Billion 100kVA Papar Dam project would continue by the Sabah States and it will destroy the way of life of more than 3,000 villagers and 1000MW hydropower generation plant in Liwagu river construction plan over the Dusun Indigenous Communities in Ranau district, Sabah, Malaysia, the latest threat to the Semai Tribe community is the proposed rare earth mining in the area, which will pollute their only source of water, at Sungai Telom, and the groundwater, and act of intimidation against the community that defends the coastal area of Pantai Bangau, Kudat in Sabah from Silica Sand Mining activities.

In this regard, we call upon the Human Rights Council, EMRIP and UN Experts:

- to engage with the Member States and Indigenous Peoples to find ways and trust to facilitate country engagement in Malaysia.

- to conduct a study specifically on Malaysia to identify the barriers and challenges regarding the implementation of UNDRIP and the situation of Indigenous Peoples in Malaysia.
- to facilitate dialogues between the Member States in Asia and Indigenous Peoples regarding the development of domestic legislation and policies relating to the right of Indigenous Peoples to achieve the Declaration.

Finally, we call upon the Malaysia government, to initiate engagements with Expert Mechanism on the Rights of Indigenous Peoples and Indigenous People in Malaysia to establish constructive collaboration.

I express my sincere gratitude to the Expert Mechanism, Member States, Indigenous leaders, and organizations for their invaluable work. We look forward to working with the Member States and the Expert Mechanism.

Thank you for this opportunity, Madam Chair.