

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

18 July 2023

Geneva, Switzerland

Item 5: Interactive Dialogue with the Expert Mechanism on the Right to Development

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, Asia Indigenous Peoples Pact (AIPP)

Thank you, Mr. Chair.

On behalf of the Indigenous Peoples Network of Malaysia (JOAS), and affiliates organization speak to you today.

We would like to recognize the EMRIP country engagement mandate and Expert Mechanism on the Rights to Development (EMRTD) to interlink between the United Nations Declaration on the Rights of Indigenous Peoples and the Declaration on the Rights to Development.

In Malaysia, dishonesty in the governance system and process of approving projects often lacks transparency, without proper Free, Prior, Informed, and Consent which impact land grabbing, logging operations, accusation against indigenous women at the court session, criminalization, and displacement. Strategic Lawsuit Against Public Participation (SLAPP) is an increasingly common strategy for companies to attempt to silence activists, 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, and Baram Sarawak. Despite many protests, RM 3 Billion 100kV Papar Dam project would continue by the Sabah state government destroyed the way of life of more than 3,000 villagers. without listening to the suggestions from the expert and scholars for the water shortage issues and 1,000 MW 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.

Therefore, we would like to provide our recommendation to the EMRIP and EMRTD to provide a recommendation to Malaysia government: to ensure transparency, proper and continuation respect to the rights of Free, Prior, Informed, and Consent (FPIC), respect the

indigenous community's rights to self-determination and of their cultural and spiritual connections to their land for all level of development project implementation in the territories of Indigenous Peoples.

Thank you for this opportunity, Mr. Chair.

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