

**10<sup>th</sup> Expert Mechanism on the Rights of Indigenous Peoples**  
**10 – 14 July 2017**

*Agenda Item no. 6: Ten years of the Implementation of the UN Declaration on the Rights of Indigenous Peoples: good practices and lessons learned.*

**Statement by Jannie Lasimbang, Jaringan Orang Asal SeMalaysia (JOAS)**

If the Indigenous Peoples of Malaysia are asked about good practices and lessons learned in the implementation of the UN Declaration, many would say the need to be persistent and insistent to promote and call for the implementation of this UN Declaration at every opportunity available. This is because our government has not allocated resources to do these important work.

During the decade since its adoption, indigenous organisations, the Bar Council, Universities, the National Human Rights Institution (SUHAKAM) have collaborated to organise various programmes to enhance awareness and understanding of the Declaration.

Enhanced understanding of the UN Declaration was made possible by indigenous organisations like our national Network and PACOS Trust through centralised training programmes and numerous community seminars. The modules and materials for these trainings, which were developed collaboratively with the Asia Indigenous Peoples Pact and the International Workgroup for Indigenous Affairs, were adapted and translated into the Malay language. We thank donors like The Christensen Fund which made these sustained training and production of materials possible.

With that enhanced understanding, indigenous communities were able to use elements in the Declaration in their advocacy work, including making submissions during the National Inquiry into the Land Rights of Indigenous Peoples conducted by the Malaysian Human Rights Commission, effective engagements with government departments, in their court cases and media statements.

Notable advocacy efforts by indigenous organisations include the development of a Free, Prior and Informed Consent (FPIC) Guide for Sabah towards a jurisdictional approach to certification under the Roundtable on Sustainable Palm Oil. Another innovative activity was a study, funded by ILO-PRO169, using the UN Declaration and the ILO 169 as benchmarks for comparing Malaysia's current legislations and policies. Our publication in English and Malay entitled "Red and Raw: Indigenous Peoples Rights in Malaysia and the Law" clearly showed that Malaysia falls far short of international standards on Indigenous Peoples' rights, and leaves much to be desired in the implementation of its own existing supportive Constitutional and legislative provisions. Another achievement is the creation of a Task Force to develop a national policy on mother tongue-based multilingual education.

To bridge the 10-year implementation gap in our country we request EMRIP to:

- Continuously monitor with us the implementation of the UNDRIP;
- Sustain and strengthen the spaces for constructive and respectful engagement between states and the Orang Asal; and
- Intensify support to indigenous peoples in their efforts to make Malaysia more accountable to their citizens with regard to human rights violations, particularly through effective oversight mechanism.