HUMAN RIGHTS COMMISSION OF MALAYSIA (SUHAKAM)

Transcript of the Video Statement on the
Report of the Special Rapporteur on the Rights of Indigenous Peoples:
Extractive Industries and Indigenous Peoples
24th Regular Session of the Human Rights Council
Palais des Nations, Geneva, September 2013

Mr President,

The Human Rights Commission of Malaysia (SUHAKAM) commends the Special Rapporteur on the Rights of Indigenous Peoples, Prof James Anaya, for his comprehensive report on extractive industries and indigenous peoples.

As state and non-state actors race to capitalize on what is left of earth’s non-renewable resources, certain segments of the population – in many cases indigenous communities – become victims, as their rights are violated in the process. Extractive industries, if embarked upon without sound guidelines and safeguards in place, can easily have an adverse effect on the rights of indigenous peoples especially on their right to land.

SUHAKAM strongly believes that the recognition of indigenous customary right to land; the principle of free, prior and informed consent; as well as the adoption of a human rights based approach to development are key elements in ensuring that indigenous peoples’ rights are protected.

For your information, SUHAKAM has concluded its first ever national inquiry, which focussed on land rights of indigenous peoples in Malaysia. Among the main issues arising from the national inquiry are: lack of recognition of native customary right to land; lack of access to remedy and redress; the negative impact of development projects on indigenous communities; and the shortcomings in the administration of land. These findings and determinations are highlighted in the report of the national inquiry, which was released recently and is available for public consumption through our website.

SUHAKAM calls on the Government of Malaysia, at both the Federal and State levels, to give serious and urgent consideration to the recommendations put forth in the report of the national inquiry, with a view to adopting and implementing them.
The Commission hopes that both reports can serve as useful reference materials to stakeholders in their endeavour to promote and protect the rights of indigenous peoples all over the world.

Thank you Mr President.