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FOR IMMEDIATE RELEASE

REPORT OF THE NATIONAL INQUIRY INTO THE LAND RIGHTS OF INDIGENOUS PEOPLES IN MALAYSIA

It is with great pleasure today that the Human Rights Commission of Malaysia (SUHAKAM) releases the National Inquiry Report on the Land Rights of Indigenous Peoples in Malaysia to the Government and the public.

As is generally known, the National Inquiry was held for the first time ever by SUHAKAM. The Commission decided to hold the National Inquiry following numerous and persistent complaints on land issues received from the indigenous communities, ever since its establishment.

In this regard, the Commission deems the involvement of all stakeholders imperative to ensure the effectiveness of the Inquiry. The first initiative undertaken by SUHAKAM was to notify the Federal and relevant State Governments of the intention and objective of the Inquiry. This was ensued by consultation sessions where other stakeholders, including Indigenous Peoples and civil society, were given the opportunity to raise relevant issues. Also present during the consultation sessions were representatives from the Federal and State Governments. To ensure that it received a comprehensive and fair depiction of the issues raised during the consultation sessions, SUHAKAM conducted public hearings in which the cases selected based on specific criteria were heard. During the public hearings, all parties, including indigenous communities, the private sector and the Government, were invited to give testimonies to the Inquiry Panel. The entire National Inquiry process of the National Inquiry took more than 18 months and an allocation of RM1,235,508.61 was spent to ensure its success.

As a result of the National Inquiry process, a Report containing all the issues raised has been prepared. This Report is segregated into several chapters, including three separate chapters that record issues for Peninsular Malaysia, Sabah and Sarawak.

SUHAKAM wishes to highlight common issues involving all Indigenous Peoples in Malaysia. These include, the allegation that the responsible parties failed to give real recognition to the concept of customary land ownership of Indigenous Peoples and the Government's weaknesses in administering Indigenous Peoples' land. Besides that, other issues that were raised were allegations of logging and plantation activities carried out on Indigenous Peoples customary land. There were also allegations of Indigenous Peoples' customary land gazetted as protection areas (forest reserves or wildlife sanctuaries). A frequently raised issue was the absence of a comprehensive and transparent consultation with Indigenous Peoples in relation to development of customary land in their areas.

In its report, the Commission outlined 18 recommendations with regard to six main issues as follows:-

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1. Recognise Indigenous Customary Rights to Land
2. Remedy for land loss
3. Address land development issues/imbalance
4. Prevent future loss of native customary land of the Indigenous Peoples
5. Handle land administration issues
6. Recognise land as the Central to Indigenous Peoples' Identity

SUHAKAM hopes that the Government undertake immediate attention and action on the issues highlighted in its National Inquiry Report on the Land Rights of Indigenous Peoples in Malaysia. Among the specific recommendations that the Commission hope to receive support from the Government are pertaining to the establishment of an independent National Commission on Indigenous Peoples where its functions would be, among others, to effectively review recognition as well as promotion and protection of Indigenous Peoples' rights to their land and identity. The establishment of this proposed Commission should be seen as a time-bound and broad-based affirmative action for the development and well-being of Indigenous Peoples in Malaysia.

The Commission would like to take this opportunity to thank all those involved, particularly from the government, the indigenous communities and the private sector, for their cooperation and responses in the conduct of the National Inquiry.

TAMAT

"HAK ASASI UNTUK SEMUA"

TAN SRI HASMY AGAM

Pengerusi

Suruhanjaya Hak Asasi Manusia Malaysia (SUHAKAM)

5 Ogos 2013