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For Environmental Justice

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Press Statement

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SAM Supports Federal Government Move to Sue Kelantan Government

Sahabat Alam Malaysia (SAM) welcomes the first of a kind civil suit brought by the Federal Government against Kelantan. SAM applauds the Government's seriousness and sincerity in recognising, respecting and upholding the rights of the Orang Asli in the country as per our Constitution.

For long, indigenous communities, the country's most marginalised have been struggling to have their voices heard and their rights recognised through various means. With this suit, we hope that the Government will begin looking at reforming all laws and policies put in place during the old regime which have stopped short of respecting and recognising the customary rights of indigenous peoples.

This is also the perfect time for the Government to show some vigour in the implementation of the recommendations in the National Inquiry Report on Indigenous Land Rights prepared by SUHAKAM in 2013. SAM urgently calls on the Pakatan Harapan Government to make good of the promises in their manifesto especially Promises 26 - Make our Human Rights Record Respected by the World and 38 - Advancing the Interests of Orang Asal in Peninsular Malaysia; wherein the manifesto states that the SUHAKAM report, "will be brought for Parliamentary debate in the first year of the Pakatan Harapan's administration".

Lastly, the Malaysian judiciary in past cases involving indigenous peoples have clearly recognised the pre-existing nature of indigenous customary rights and have stated that the Government owes fiduciary duties to indigenous peoples based on the trust between a trustee (government) and a beneficiary (indigenous peoples). These include the duty to protect the customary land rights and welfare of indigenous peoples and to not act in a manner that is inconsistent with those rights and that which may affect their well-being. Now that the Pakatan Harapan government is in power, they must ensure that this trust is not betrayed or broken.

S.M. MOHAMED IDRIS

President

Sahabat Alam Malaysia