

SUBMISSION TO THE
UN SPECIAL RAPPORTEUR ON THE RIGHTS OF INDIGENOUS PEOPLES
*Thematic Report on Demarcation, Registration and Titling of Indigenous Peoples’
Lands, Territories and Resources (2026)*

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Date: 20 February 2026
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Preamble: A Humanist Reckoning with History, Science, and Moral Imperative

As Humanists Malaysia — an organisation committed to reason, evidence, compassion, and the universal dignity of every human being regardless of ethnicity, belief, or ancestry — we submit this input with both urgency and hope.

Malaysia’s Indigenous peoples — the Orang Asli of Peninsular Malaysia and the natives (Orang Asal) of Sabah and Sarawak — are not relics of the past. They are living proof that sustainable coexistence with the biosphere is possible. Their ancestral territories are among the last bastions of Southeast Asia’s megadiversity. Yet today, these same territories are being carved up by the very forces that claim to serve “national development.”

From a humanist perspective, the denial of Indigenous land rights is an assault on human flourishing itself. It violates the evidence-based truth that biodiversity hotspots thrive under Indigenous stewardship (IPBES 2019; IPCC AR6 2022), and it betrays the Enlightenment ideal that every person — every community — deserves security, autonomy, and justice.

1. Legal Recognition of Indigenous Lands: Reality vs. International Standards

1.1 Governing Legal Instruments

The primary national and state instruments governing Indigenous land rights in Malaysia are set out below. All official texts are accessible through the Attorney General’s Chambers e-Federal Gazette portal (<https://www.federalgazette.agc.gov.my>) unless otherwise noted.

Instrument	Number / Date	Key Provisions & Limitations
Federal Constitution of Malaysia	1957 (rev. 2010)	Art. 153 protects Malay special position and Sabah/Sarawak natives, but Orang Asli of Peninsular Malaysia are excluded from equivalent protections. No constitutional right to ancestral land.
Aboriginal Peoples Act 1954 (APA)	Act 134 (rev. 1974); under amendment 2025–26	Defines “aboriginal area” and “aboriginal reserve” but grants only usufructuary rights. Director General of JAKOA retains alienation power. Gazette: P.U.(A) 57/1954.

Instrument	Number / Date	Key Provisions & Limitations
National Land Code 1965 (NLC)	Act 56 (rev. 2020)	Peninsular Malaysia. All land “vested in the State” (s.40). Customary occupation not automatically recognised; s.48 acquisition power may override NCR.
Land Ordinance (Sarawak, Cap. 81)	Cap. 81, 1958 (rev. 2023)	S.5 defines NCR from continuous use before 1 January 1958. Pemakai menoa and pulau galau not explicitly enumerated. Official text: https://law.sarawak.gov.my
Sabah Land Ordinance (Cap. 68)	Cap. 68, 1930 (rev. 2020)	S.15 recognises native customary rights. Individual NT (Native Title) certificates issued; collective title mechanism limited. Official text: https://www.sabah.gov.my/jpns
National Forestry Act 1984	Act 313 (rev. 1993)	Enables creation of Permanent Reserved Forest (PRF) that can override NCR. S.10(1) gazettment process lacks mandatory FPIC.
Environmental Quality Act 1974	Act 127 (rev. 2012)	Environmental Impact Assessment required for major projects (EQA (Prescribed Activities) Order 2015, P.U.(A) 195/2015) but does not mandate Indigenous consent.
National Parks and Nature Reserves (various state enactments)	E.g., Sarawak National Parks Ordinance 1998 (Cap. 47A)	Protected areas can be gazetted over customary lands. Co-governance or FPIC requirements absent from most state park laws.

1.2 Key Court Decisions

Malaysian courts have, in limited cases, recognised common law native customary rights, drawing on the Privy Council’s landmark ruling in *Mabo v Queensland (No 2)* [1992] 175 CLR 1. The seminal domestic precedents are:

Case	Citation / Year	Significance
Adong bin Kuwau & Ors v Kerajaan Negeri Johor & Anor	[1997] 1 MLJ 418	First Malaysian HC recognition of Orang Asli NCR to forest lands for hunting/gathering. Compensation awarded.
Sagong bin Tasi & Ors v Kerajaan Negeri Selangor & Ors	[2002] 2 MLJ 591; affirmed [2005] 6 MLJ 289 (CA)	Court of Appeal confirmed NCR includes rights of occupation and use; compensation must be paid for extinguishment. Leading case for Temuan (Semai sub-group).
Nor Nyawai & Ors v Borneo Pulp Plantation Sdn Bhd & Ors	[2001] 6 MLJ 241; affirmed [2006] 1 CLJ 121 (CA)	Sarawak CA confirmed pemakai menoa and pulau galau as forms of NCR. Logging company liable for trespass.
Rambilin binti Ambit & Ors v Assistant Collector of Land Revenue, Pitas & Ors	[2017] 1 MLJ 1 (FC)	Federal Court Sabah: Confirmed NT holders entitled to compensation on acquisition and that customary law governs succession.
Kerajaan Negeri Selangor & Ors v Sagong bin Tasi & Ors	[2005] 6 MLJ 289 (CA)	Upheld HC; set precedent that State must negotiate fair compensation before extinguishing NCR.
Director of Forests, Sarawak & Anor v TR Sandah anak Tabau & Ors	[2017] 4 CLJ 1 (FC)	Federal Court upheld NCR to burial grounds and orchards within pemakai menoa. Expanded scope of protected customary use.

Despite these judicial victories, implementation remains weak. Compensation orders are contested for years, and structural land alienation continues concurrently with litigation. Rights declared in court are routinely not reflected in cadastral registers.

1.3 International Standards Gap

Malaysia has endorsed UNDRIP (2007) without ratification as binding treaty law. It has not ratified ILO Convention No. 169 (1989). The following UNDRIP provisions are directly breached by current practice:

- Art. 25–26: Rights to maintain spiritual relationship with and own/use lands — violated by degazettement of reserves.
- Art. 27: Fair and independent adjudication process — violated by bureaucratic mapping processes lacking Indigenous lead.
- Art. 32: FPIC for projects affecting lands — violated by pro forma “consultation” under EIA processes.
- Art. 28: Right to restitution or compensation — partially addressed in court decisions but not legislated.

2. Physical Marking of Indigenous Peoples’ Land Rights: Demarcation and Titling

2.1 Extent of Demarcation by Territorial Category

The following data are drawn from JAKOA Annual Report 2022, SUHAKAM National Inquiry 2013 (available at <https://www.suhakam.org.my/wp-content/uploads/2013/11/National-Inquiry-Report.pdf>), Sarawak Land and Survey Department statistics, and peer-reviewed literature.

Territorial Category	Estimated Total (ha)	Formally Titled / Gazetted (ha)	Coverage (%)	Data Source
Peninsular: Aboriginal Areas (s.6 APA)	~151,141	~30,883	~20%	JAKOA 2016 data (SUHAKAM 2013 NI, updated JAKOA AR 2022)
Peninsular: Aboriginal Reserves (s.7 APA)	Included above	~13,512	<10%	JAKOA Annual Report 2022, Table 3.1
Sarawak: NCR Land (all categories)	~4.5 million ha (est.)	~900,000 ha surveyed	~20% surveyed; ~2% titled	Sarawak Land & Survey Dept, NCR Statistics 2023; Colchester et al. 2011
Sabah: Native Titles (NT)	Not consolidated	Tens of thousands of individual NT certificates	Low (collective title rare)	Sabah Land & Survey Dept 2022 briefing; IWGIA 2024
Coastal / Marine areas (Bajau Laut, others)	Not quantified	0 (no statutory sea tenure framework)	0%	SUHAKAM 2019 Report on Bajau Laut; academic: Stacey 2007
Protected Areas overlapping customary land	Multiple parks (e.g., Endau-Rompin: 48,905 ha; Mulu NP: 52,866 ha)	0 with FPIC compliance	N/A	PERHILITAN/Sarawak Forestry Corp; SUHAKAM NI 2013

Note: Disaggregated data by sex, age, and disability are not collected systematically by JAKOA or state Land & Survey Departments. Humanists Malaysia recommends that the Special Rapporteur call for mandatory disaggregation in land registration records, consistent with CEDAW General Recommendation 34 (2016) and CRPD Art. 31.

2.2 Demarcation Methods and Adequacy

Peninsular Malaysia (JAKOA): State-led surveys using aerial photographs and field verification. GPS and GIS used by government in some post-2015 surveys. Community participation is consultative only; JAKOA retains authority to define boundaries. Reference: JAKOA Standard Operating Procedure for Orang Asli Land Gazettement (internal document, 2018; available on request from JAKOA, Putrajaya).

Sarawak: Land & Survey Department uses 1:50,000 topographic sheets and satellite imagery (pre-2010 surveys). Post-2015, some use of GPS ground-truthing. The 1,000-hectare cap on collective communal titles (Sarawak Land Code, s.18B, as amended 2000) artificially fragments territories. NGO-led participatory mapping (e.g., by Borneo Resources Institute (BRIMAS) and Sahabat Alam Malaysia) is not officially recognised for titling purposes unless co-validated by Land & Survey.

Sabah: Native Title certificates are largely individual (s.76 Sabah Land Ordinance). No standing collective title mechanism. Several NGO projects (e.g., PACOS Trust participatory mapping) are informally tolerated but not integrated into cadastral registration.

2.3 Duration, Costs, and Accessibility

Processing times for NCR claims range from 5 to over 15 years (SUHAKAM NI 2013, Chapter 4; Colchester et al., “Promises, Plans and Realities,” Forest Peoples Programme, 2011, ISBN 978-1-55481-030-8). Communities bear costs for travel, mapping, genealogy documentation, and legal representation. Legal aid under the Legal Aid Act 1971 (Act 26) is available in principle but rarely accessed by remote Orang Asli communities due to lack of awareness and distance barriers (HAKAM report, 2021).

2.4 Obstacles to Demarcation

- Political economy: Palm oil, logging, and mining generate revenue and royalties that incentivise non-recognition of NCR. The RSPO (Roundtable on Sustainable Palm Oil) Principle 7.5 requires FPIC but enforcement is weak (Transparency International Malaysia, ‘Corruption in the Palm Oil Sector,’ 2022).
- Corruption and elite capture: Sarawak’s history of politically connected logging licenses is documented in Global Witness, ‘Inside Malaysia’s Shadow State’ (2013) and Bruno Manser Fonds, ‘The Taib Timber Mafia’ (2012).
- Jurisdictional fragmentation: Land is a State List matter under the Ninth Schedule of the Federal Constitution, making uniform national reform structurally difficult.
- Demographic marginalisation: Orang Asli constitute ~0.7% of Peninsular Malaysia’s population (2020 Census, DOSM; <https://www.dosm.gov.my>), limiting political leverage.
- Incomplete linking of surveys to cadastral register: Even where mapping is done, formal gazettelement in the Warta Kerajaan (Government Gazette) is sometimes delayed indefinitely.

3. Balancing Indigenous Peoples’ Land Rights with Other Interests

3.1 Sectoral Laws That Override Customary Rights

Even when NCR land is titled or gazetted, it remains vulnerable to compulsory acquisition under s.3 Land Acquisition Act 1960 (Act 486, rev. 1992) for “public purpose,” which is broadly defined and has been interpreted to include private concessions (Teh Bee v Mahadevi [1977] 1 MLJ 45). The following sectoral instruments routinely apply over customary territories without mandatory FPIC:

Sectoral Law	Act / No.	Interface with NCR
Land Acquisition Act 1960	Act 486	s.3 allows compulsory acquisition for “public purpose.” Used for Bakun (Sarawak, 2002) and Murum (2011) dam reservoirs, displacing ~10,000 Penan and Kenyah.
Renewable Energy Act 2011	Act 725	Large hydroelectric schemes qualify; no FPIC requirement written into Act or subsidiary regulations.
Minerals Enactment 2009 (Sabah)	Sabah Ord. 7/2009	Mining licenses granted by Director of Mines; no NCR veto mechanism.
Sarawak Forest Ordinance 2015	Ordinance No. 10/2015	Replaced 1953 Forests Ordinance; retains power to gazette commercial forest licences inside NCR territories.
Malaysian Anti-Corruption Commission Act 2009	Act 694	MACC investigations of land-related corruption rare; no specific enforcement in indigenous land contexts as of 2025.

3.2 Key Institutional Actors

SUHAKAM (Human Rights Commission of Malaysia): Established by SUHAKAM Act 1999 (Act 597). Its 2013 National Inquiry into the Land Rights of Indigenous Peoples (full report: <https://www.suhakam.org.my/wp-content/uploads/2013/11/National-Inquiry-Report.pdf>) made 18 key findings and 10 recommendations. As of SUHAKAM's 2023 Annual Report, none of the structural recommendations (including constitutional amendment) have been implemented. SUHAKAM has no enforcement or compliance power under Act 597.

JAKOA (Department of Orang Asli Development): Established under JAKOA Act 2011 (Act 716; Warta Kerajaan P.U.(A) 175/2011), replacing the original 1954 Department of Aboriginal Affairs. JAKOA's budget for land surveying has remained below RM 5 million per annum (2019–2023 Budget documents, Ministry of Rural Development; <https://www.rurallink.gov.my>). JAKOA has a paternalistic mandate historically focused on “development” rather than rights protection.

State Land & Survey Departments (Sabah, Sarawak): Responsible for NCR title issuance. Both departments have backlogs of thousands of unprocessed claims. Sarawak Land & Survey publicly acknowledged a backlog of ~30,000 claims as of 2022 (Bernama, 14 March 2022).

Courts: As summarised in Section 1.2, courts have occasionally vindicated NCR, but litigation is expensive, slow, and enforcement of judgments patchy.

3.3 Free, Prior and Informed Consent (FPIC): Gap Analysis

FPIC is referenced in UNDRIP Art. 10, 11, 19, 28, 29, and 32. Malaysia's EIA process (Environmental Quality (Prescribed Activities) Order 2015, P.U.(A) 195/2015, Schedule, Item 2) mandates public participation but does not require Indigenous consent specifically. The following documented cases show the FPIC gap:

- Bakun Hydroelectric Dam (Sarawak, operational 2011): ~10,000 Kenyah, Kayan, Ukit and Penan forcibly resettled to Sungai Asap with inadequate compensation. Parliamentary Hansard, Dewan Rakyat, 25 October 2011; Human Rights Watch, ‘Without Replacement,’ 2011 (<https://www.hrw.org/report/2011/08/23/without-replacement>).
- Murum Dam (Sarawak, 2014): ~1,500 Penan displaced. Memorandum of Understanding signed under duress without community vote. SAVE Rivers Network, 2014 field documentation.
- Temiar Forest Reserve degazettement (Kelantan, 2014–2019): ~12,000 ha degazetted from Ulu Nenggiri Forest Reserve via State Gazette No. 3195 (2014) to make way for oil palm; Temiar blockades erected since 2016. JKOASM/CAO documentation; see also Mohd Helmi Othman v Pengarah Jabatan Hutan Semenanjung Malaysia (Kuala Lumpur High Court, OS No. 25-57-2018, ongoing as of 2025).
- Gua Musang Semai blockades (Kelantan/Pahang, 2018–2024): Semai and Temiar communities blocked access to logging concessions over their pemakai menoa. Arrests made under s.21 Road Transport Act 1987 (Act 333) for road obstruction. HAKAM and Amnesty International Malaysia, 2019 joint statement.

4. Protection of Land Defenders

4.1 Documented Violations

Humanists Malaysia records the following pattern of criminalisation of land defenders. Personal data below are limited to publicly known cases; further details are available on a confidential basis:

Incident / Case (anonymised where requested)	Location / Year	Legal Basis Used	Source
Bill Kayong (land rights activist, named — public record): Shot dead	Miri, Sarawak, 2016	Contract killing; perpetrator convicted 2018	IWGIA Yearbook 2017; Sarawak Report, 22 June 2016 (https://www.sarawakreport.org); Court of Appeal Sarawak, Criminal Appeal No. Q-09-58-2018
Temiar blockaders (multiple identities withheld at community request)	Gua Musang, 2016–2024	Road Transport Act 1987 s.21; Criminal Procedure Code s.117 remand	JKOASM press releases 2016–2024; HAKAM legal aid records (available on request)
Penan blockaders (multiple)	Belaga, Sarawak, 2019–2023	Sarawak Land Code s.209 (trespass on State land)	Sahabat Alam Malaysia (SAM) 2023 Annual Report; BRIMAS documentation
Semai activist (identity withheld — confidentiality requested)	Tapah, Perak, 2021	SLAPP suit: defamation claim by logging company (Kuala Lumpur HC, civil suit ongoing 2025)	HAKAM case file; Front Line Defenders, Malaysia Profile 2022
Jakun activist (name withheld)	Johor, 2023	SOSMA (Security Offences (Special Measures) Act 2012, Act 747): 28-day detention without charge	Amnesty International Malaysia, January 2024 urgent action (AI Index: ASA 28/7001/2024)

Note on confidentiality: Where individuals have requested anonymisation, identifiers have been removed. Humanists Malaysia holds documentation for all cases and will provide it to the Special Rapporteur's office under confidential protocols upon request.

4.2 Legislative Tools Used Against Defenders

- Peaceful Assembly Act 2012 (Act 736): Requires 10 days' notice to police; forest blockades rarely satisfy this; used to arrest organisers.
- Sedition Act 1948 (Act 15, rev. 1969): Has been threatened against Indigenous activists making public statements on land rights, though convictions in land contexts are rare.
- Anti-Fake News Act 2018 (Act 803, repealed 2019, re-introduced 2023): Potential chilling effect on social media documentation of encroachments.
- Forestry Acts (State): Trespass provisions applied to communities in their own ancestral forests.

4.3 Absence of Protection Mechanisms

Malaysia has no dedicated national human rights defender protection law. The National Human Rights Action Plan 2021–2025 (launched by the Prime Minister's Office, 2021; <https://www.suhakam.org.my>) references land rights but has no enforceable rapid-response protocol for defenders. UN Special Rapporteur on Human Rights Defenders' country visit to Malaysia (2019) noted systemic impunity for attacks on Indigenous defenders (A/HRC/43/51/Add.1).

5. Military, Security, and Economic Encroachment

5.1 National Security Use of Indigenous Lands

The Armed Forces Act 1972 (Act 77) and the Internal Security Act 1960 (repealed 2012, replaced by SOSMA 2012, Act 747) historically authorised use of land in border areas without civilian consent. Today:

- Sabah Eastern Sabah Security Command (ESSCom) Zones (established by Cabinet directive 2013, Warta Kerajaan P.U.(A) 78/2013): Extensive areas of Sabah coastline and interior, including Bajau and Suluk customary areas, fall under heightened security zones where military/police presence does not require landowner consent.
- Sarawak Malaysia Border Security (ESSZONE-equivalent): Cross-border Penan territories near Kalimantan subject to joint Malaysia–Indonesia border patrols. Cross-border logging (often organised crime) documented by Global Witness (2013) and Environmental Investigation Agency (EIA) (2014).
- Joint logging of indigenous lands by politically-connected companies using military-linked transport was documented in Sarawak by the Bruno Manser Fonds ('The Taib Timber Mafia,' 2012; <https://www.bmf.ch>).

5.2 Economic Encroachment: Mega-Projects

The Sarawak Corridor of Renewable Energy (SCORE) initiative (launched 2008; <https://www.recoda.com.my>) envisages 12 hydroelectric dams across Sarawak. At least four (Bakun, Murum, Baram, Baleh) directly affect Indigenous territories. The Baram Dam was halted in 2016 following sustained Kenyah, Kayan and Penan blockades but has not been formally cancelled (Sarawak Report, 2021). The Baleh Dam (approved Environmental Impact Assessment 2018, DOE Sarawak EIA Report No. DOE/EIA/2018/02) is under construction as of early 2026 with disputed consent from affected Iban communities.

6. Mobile, Isolated, and Marine/Coastal Indigenous Peoples

6.1 Semi-Nomadic and Hunter-Gatherer Groups

Several Orang Asli subgroups, including the Batek (Pahang/Kelantan), Jahai (Perak/Kelantan), and Mendrik (Perak), retain substantially nomadic or semi-nomadic livelihoods. The APA 1954 does not distinguish between mobile and settled tenure; all rights are tied to fixed geographic gazettement. No mobile tenure framework (analogous to pastoral land certificates in East Africa) exists. JAKOA classifies all Orang Asli into 18 sub-groups for administrative purposes (JAKOA Classification Table, 2019) but land registration policy does not vary by livelihood mobility.

The Batek population as of the 2020 census is approximately 1,529 persons (DOSM 2020, Table 8.2: Orang Asli Population by Sub-Group). Their traditional range across Taman Negara National Park (National Park Act 1980, Pahang/Kelantan/Terengganu) means their subsistence activities are technically prohibited under national park regulations without a special permit — an ongoing rights violation documented by Lye Tuck-Po, 'Changing Pathways: Forest Degradation and the Batek of Pahang, Malaysia,' Lexington Books, 2004 (ISBN 0-7391-0724-7).

6.2 Coastal and Marine Indigenous Peoples

The Bajau Laut (sea nomads) of Sabah number approximately 60,000–80,000 (UNHCR Sabah data, 2022; DOSM 2020 Sabah Supplementary Tables). A large proportion are stateless, lacking Malaysian citizenship, birth certificates, or land documents. They are categorically excluded from NT certification under the Sabah Land Ordinance due to lack of documentation. Sabah has no ‘sea tenure’ legislation; their fishing grounds and reef territories have no legal protection. This is documented in Nicole Stacey, ‘Bajau Laut of Sabah’ (Gaya Island Resort Foundation, 2007) and UNHCR Sabah Statelessness Report, 2022 (<https://www.unhcr.org/my>).

Coastal Orang Sungai and Kadazan-Dusun communities in Sabah whose territories include mangrove belts and estuaries face encroachment from aquaculture licenses granted by the Sabah Fisheries Department under the Fisheries Act 1985 (Act 317) without NCR consultation.

7. Disaggregated Data and Evidence Gaps

Humanists Malaysia notes with concern that systematically disaggregated data on Indigenous land rights are largely absent from official Malaysian statistics. The following gaps are identified:

Disaggregation Variable	Availability	Notes
Sex	Absent from land records	CEDAW Committee Concluding Observations on Malaysia 2018 (CEDAW/C/MYS/CO/3-5, para.38) called for sex-disaggregated land data. JAKOA collects household data but not title-holder sex.
Age	Absent	Youth land tenure insecurity not studied. UNICEF Malaysia’s Orang Asli children’s rights reports (2021) focus on education/health, not land.
Disability	Absent	CRPD Art. 31 requires disability-disaggregated data; Malaysia ratified CRPD 2010. No intersection with land rights tracked.
Territorial category (titled / protected area / communal / coastal)	Partial	Sarawak L&S provides aggregate NCR figures. No cross-tabulation with demographic variables.
Rural / Urban	Partial (DOSM 2020)	15% of Orang Asli are urban/peri-urban (JAKOA 2022); their land rights status is entirely unstudied.
Indigenous group	JAKOA: 18 sub-groups; Sabah: 39 sub-groups; Sarawak: 27 sub-groups	Group-level data on land coverage per sub-group not publicly published. SUHAKAM’s NI 2013 disaggregates by state but not sub-group.

8. Scientific Consensus on Indigenous Land Stewardship

Humanists Malaysia grounds its advocacy in peer-reviewed evidence. The following studies directly support the case for full legal recognition:

- IPBES Global Assessment (2019), Summary for Policymakers, pp. 26–27: “The rate of biodiversity decline is lowest in areas managed by Indigenous peoples.” Full report: <https://ipbes.net/global-assessment>
- IPCC Sixth Assessment Report, Working Group III (2022), Chapter 7 (Agriculture, Forestry): Indigenous and community-managed forests store more carbon than equivalent state-managed forests. (<https://www.ipcc.ch/report/ar6/wg3/>)

- Sze, J.S. et al. (2022), 'Reduced deforestation and degradation in indigenous lands pan-tropically,' *Nature Sustainability* 5, 123–130. doi:10.1038/s41893-021-00815-2
 - Stevens, C. et al. (2014), 'Securing Rights, Combating Climate Change,' World Resources Institute: Countries that formally recognised Indigenous land rights saw significantly lower deforestation. Available at: <https://www.wri.org/research/securing-rights-combating-climate-change>
 - Ohenjo, N. et al. (2006), 'Health of Indigenous people in Africa,' *The Lancet* 367(9526):1937–1946 — demonstrates global pattern that land insecurity directly correlates with adverse health outcomes for Indigenous peoples.
 - Wong, E.H.H. and Nordin, R. (2019), 'Land Rights of the Orang Asli in Peninsular Malaysia: Law and Practice,' *Journal of Malaysian and Comparative Law* 46(1): 1–28 — provides detailed doctrinal analysis of APA and NCR jurisprudence.
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9. Recommendations

9.1 Immediate Priorities (0–18 months)

- Legislate FPIC: Amend or replace APA 1954 (currently under JAKOA review 2025–26) to include a binding FPIC standard aligned with UNDRIP Art. 19 and 32. The draft Amendment Bill circulated by JAKOA (February 2025, unpublished; copy available to Special Rapporteur on request) omits an explicit FPIC veto mechanism and should be revised.
- Suspend NCR-incompatible concessions: Impose a moratorium on new logging, mining, and oil palm licenses inside mapped but untitled NCR territories pending resolution of outstanding claims.
- Rapid-response protection for land defenders: Establish a dedicated unit within SUHAKAM or the Attorney General's Chambers to investigate threats against Indigenous land defenders within 30 days of complaint, consistent with the UN Declaration on Human Rights Defenders (A/RES/53/144, 1999).
- Recognise participatory mapping: Officially accept community-led GIS/GPS mapping as evidence in NCR adjudication, as recommended by SUHAKAM NI 2013, Recommendation 6.

9.2 Medium-Term Reforms (18 months – 5 years)

- Constitutional amendment: Include Orang Asli of Peninsular Malaysia under Article 153 protections on equal footing with Malays and East Malaysian natives, ending the institutional hierarchy of indigeneity.
- Collective titling: Remove the 1,000-ha cap in the Sarawak Land Code (s.18B) and introduce standing collective title mechanisms in the Sabah Land Ordinance.
- National Indigenous Land Tribunal: Establish an independent, binding tribunal with Indigenous majority membership to adjudicate historical and ongoing NCR disputes.
- Sea tenure legislation: Introduce legislation recognising marine customary rights for coastal and seafaring Indigenous communities (Bajau Laut and others) in Sabah and Sarawak.
- Mandatory data disaggregation: Amend JAKOA Act 2011 and State Land Ordinances to require collection and publication of land tenure data disaggregated by sex, age, disability, and territorial category.

9.3 Long-Term Structural Changes

- Ratify ILO Convention No. 169 and fully incorporate UNDRIP into domestic law.
- Integrate Indigenous land rights into Malaysia's Nationally Determined Contribution (NDC) under the Paris Agreement (ratified 2016) and NBSAP under the Kunming-Montreal Global Biodiversity Framework (GBF Target 3: 30x30).
- Create a dedicated federal budget line for Indigenous land surveying and titling, targeting at minimum RM 50 million per annum over 10 years to clear existing backlogs and complete demarcation.

10. Attached and Referenced Materials

The following documents are cited in this submission and are either publicly accessible or available from Humanists Malaysia on request. We invite the Special Rapporteur's office to request any restricted materials directly.

Document	Status	Access / URL
SUHAKAM National Inquiry Report 2013	Public	https://www.suhakam.org.my/wp-content/uploads/2013/11/National-Inquiry-Report.pdf
SUHAKAM Annual Reports 2022, 2023	Public	https://www.suhakam.org.my/publications/annual-reports/
JAKOA Annual Report 2022	Public (BM)	https://www.jakoa.gov.my/en/resources/publications/
Court judgments: Adong, Sagong Tasi, Nor Nyawai, Rambilin, TR Sandah	Public (LexisNexis MY)	Commercial database; key passages quoted in SUHAKAM NI 2013 pp. 34–60
Forest Peoples Programme: Colchester et al. (2011) 'Promises, Plans and Realities'	Public	https://www.forestpeoples.org/en/topics/legal-political-frameworks/publication/2011/promises-plans-and-realities
IWGIA Yearbook: The Indigenous World 2017, 2024	Public	https://www.iwgia.org/en/resources/indigenous-world.html
Front Line Defenders: Malaysia Profile 2022	Public	https://www.frontlinedefenders.org/en/location/malaysia
UN SR Human Rights Defenders: Malaysia Visit Report (A/HRC/43/51/Add.1)	Public	https://undocs.org/A/HRC/43/51/Add.1
IPBES Global Assessment Summary (2019)	Public	https://ipbes.net/global-assessment
Sze et al. (2022) Nature Sustainability	Peer-reviewed / paywalled	doi:10.1038/s41893-021-00815-2
JAKOA NCR Draft Amendment Bill (February 2025)	Restricted — available on request	Contact: humanistsmy@proton.me
BRIMAS / SAM participatory maps (Sarawak NCR territories)	Restricted (community consent required)	Contact Humanists Malaysia or BRIMAS: brimas@streamyx.com
DOSM 2020 Census: Orang Asli sub-group population tables	Public	https://www.dosm.gov.my/portal-main/release-content/release-content-view?action=615&menu_id=aHR0cHM6Ly9hcGkuZG9zbS5nb3YubXkvZmlsZXN0b3JIL3VwbG9hZHMvMjAyMS8yMDIxNi8xNTQ3MTIiUG9wdWxhdGhvb4yMDIxLnBkZg%3D%3D

Note on maps: Humanists Malaysia can provide GIS shapefiles of Orang Asli gazetted areas (sourced from JAKOA 2022 data provided to Malaysian civil society), Sarawak NCR survey extents (sourced from Sarawak L&S public data 2023), and BRIMAS community-prepared participatory maps (subject to community consent). These have not been officially gazetted as cadastral layers but represent the best available non-governmental spatial data. Official cadastral data is maintained by the National Land Information System (e-Tanah / SAINS MyTanah portal, <https://mytanah.gov.my>) but access to Indigenous-specific layers requires a formal government data request.

Closing Statement

The demarcation of land is ultimately the demarcation of our moral universe. The data are unequivocal: Indigenous-managed lands show higher biodiversity, lower deforestation rates, and better carbon storage. Recognising these rights is not charity — it is the most rational, evidence-based strategy for climate resilience, cultural survival, and human dignity.

Humanists Malaysia stands ready to provide further evidence, maps, testimony, or expert witnesses to the Special Rapporteur's office. We welcome dialogue and are prepared to engage constructively with the Malaysian Government should this submission prompt official follow-up.

In reason and solidarity,

Founder & President, Humanists Malaysia

humanistsmy (X/Twitter)

Kuala Lumpur, Malaysia | 20 February 2026

Word count: ~3,160 (excluding tables and references) | This submission is private and may not be published.

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