



Indigenous Peoples Rights, Climate Change, Human Rights and Business

A capacity building program for Indigenous Peoples Advocates in Malaysia

May 6-10, Sabah, Malaysia

Draft Concept Note

In partnership with Jaringan Orang Asal SeMalaysia (JOAS) and Asia Indigenous Peoples Pact

1. Summary

This concept notes outlines the purpose, rationale and background for ***Indigenous Peoples Rights, Climate Change, Human Rights and Business*** – a capacity building program proposed to take place in Sabah, Malaysia, May 6-10, 2024. It provides information on the objectives, proposed activities and expected outcomes.

The program partners will work together to develop and deliver a targeted program to build the knowledge and skills of Indigenous Peoples advocates to protect and promote human rights in the context of climate change and government and business responses to climate change that impact on Indigenous Peoples and their Rights.

The program will build knowledge of human rights, the rights of Indigenous Peoples, including the Right to Free, Prior and Informed Consent, the Framework Convention on Climate Change and the Convention on Biological Diversity (CBD) as well as national frameworks relevant to Indigenous Peoples Rights in Malaysia. It will build skills and confidence in strategic advocacy and in effective engagement with governments and the private sector - and will help to build and develop JOAS's network.

Expert resource persons, including human rights academics and practitioners and Indigenous Peoples advocates will lead sessions, share knowledge and help in building networks.

The program will contribute to longer term strategies of capacity and network building by the partner organisations.

2. Background and Rationale

The extractive industries in Malaysia have had major negative impacts on Indigenous peoples in Malaysia, including loss of land, health and sustainable environments, language and custom. These industries include forestry, palm oil plantations, aqua culture and mining. These extractive industries have also contributed to the climate crisis and the crisis of biodiversity loss – which have further impacted Indigenous Peoples and Indigenous women disproportionately.

The climate crisis and the biodiversity crisis have led to an international recognition of the role of Indigenous Peoples as custodians of the land. Yet some of the climate change adaption and mitigation strategies, including carbon trading and offsets and demand for transition mineral, are also negatively impacting Indigenous peoples in Malaysia (and elsewhere).

A number of cases in Sabah and Peninsular Malaysia have raised particular concerns:

- the signing of a Nature Conservation Agreement (NCA) granting monopoly rights of two million hectares (4.9 million acres) of a forest located in the ancestral territories of Sabah Indigenous Peoples to Hoch Standard Pte Ltd, a private company based in Singapore with ultimate control vested in a British Virgin Islands company, Lionsgate Ltd. Allegedly, the agreement was made without respecting Sabah Indigenous Peoples' rights, including their rights to consultation and free, prior and informed consent (FPIC)¹
- Kudat silica sand mining project
<https://www.thestar.com.my/news/nation/2024/02/25/hold-eia-reviews-with-villagers-over-kudat-silica-sand-mining-project-sabah-govt-told>
- Lynas – Rare Minerals Mine <https://www.straitstimes.com/asia/se-asia/malaysia-criticised-for-extending-licence-of-australian-rare-earths-firm-lynas>

International standards for governments and business (including investors) are very relevant to these challenges, and to national frameworks and policies. However there is often a lack of awareness and/or a lack of will to apply international standards. This makes the role of a confident and informed Indigenous Peoples movement even more critical.

Environmental, human rights defenders and NGOs can use knowledge of these standards and relevant accountability mechanisms to engage representatives of the public and private sector to influence outcomes. There is therefore an urgent need to build knowledge of climate change commitments and international human rights standards and mechanisms including the UN Guiding Principles on Business and Human Rights (UNGPs), codes of conduct, voluntary guidelines and multi-stakeholder initiatives. Engaging business and governments directly to influence policies and practice and to build partnerships requires building the skills and confidence of advocates, as well as knowledge.

3. Program Objective

- To build the capacity (knowledge, skills, networks) of up to 20 carefully selected human rights defenders/ Indigenous Peoples advocates in Malaysia

4. Proposed Activities

- Development and delivery of 5-day capacity building program with dedicated sessions on international human rights standards, the United Nations Declaration on the Rights of Indigenous peoples, business and human rights, and climate change.
- Practical sessions, simulated and real life, implementing program content, engaging with government and business, developing strategies
- Establishment of knowledge and learning network to be facilitated by the program partners
- Development and distribution of resource materials
- Evaluation and report on the capacity building program

5. Expected Outcomes

- Capacity building (knowledge, skills, networks) of 20 IPO representatives

¹ This case was the focus of a complaint to and communication from UN Special Procedures

- New resources and materials on human rights and climate change advocacy linked to BHR
- Participants in the program will engage in dialogue with governments/private sector
- Strengthening of knowledge and learning networks between IP advocates in Malaysia

6. Key target beneficiaries

The direct beneficiaries of this program are the participating individuals/organizations working with and for Indigenous communities in Malaysia

The indirect beneficiaries of this program are the Indigenous peoples and communities in remote and rural areas of countries across Asia and the Pacific who are being negatively impacted by development that does not involve their participation or consent, and which is destroying their environment, livelihoods and cultures. These negative impacts are most keenly felt by women and other sections of the community already facing discrimination and marginalisation including persons with disability.

7. Monitoring and Evaluation

- DTP implements rigorous monitoring and evaluation (M&E) processes involving DTP's Training Committee, program staff, partners and alumni
- A training needs analysis is conducted and forms the basis for the M&E of the program.
- During the program daily evaluation and continuous improvement processes are applied. A final anonymous evaluation is completed by all participants along with an oral feedback session. An end of program review is conducted with partners, key trainers and facilitators.
- A draft program report, which includes recommendations for future training is written and distributed to partners, trainers and participants for comment and advice prior to the final copy which is made available to the public.
- A post training survey is conducted to supplement the information on the implementation of the training which is captured through the E-Newsletter and social media networks.
- Profiles of alumni, their work and organizations are developed and shared

8. Implementing Organisations & Key Partners

The Diplomacy Training Program is an independent NGO providing education of human rights in the Asia Pacific region and Indigenous Australia. It is the longest running program the Asia-Pacific region, with over 3000 alumni, it offers a unique contribution to building the knowledge, skills and networks of those on the human rights frontline. The Indigenous network of Malaysia or **Jaringan Orang Asal Se Malaysia (JOAS)** is the umbrella network for 100 community organisations in Malaysia. JOAS has a history of engaging with UN mechanisms related to Indigenous peoples and extensive experience with incorporating the United Nations Declaration on the Rights of Indigenous peoples into advocacy. DTP and JOAS will seek other program partners.

9. For Further Information/Contacts

Patrick Earle, Executive Director

p.earle@unsw.edu.au

+ 61 401 932 196