

COMMENTARY

TOWARDS EQUITABLE, TRANSPARENT AND EVIDENCE-BASED MALAYSIAN CITIZENSHIP LAW AMENDMENTS: TAKING STOCK OF REMAINING RISKS OF STATELESSNESS AND EXCLUSION

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I INTRODUCTION

In this commentary, we critically reflect on the recent citizenship amendments passed by the Malaysian House of Representatives via the *Constitution (Amendment) Bill 2024* on 17 October 2024.¹ We also examine the critical issues inherent within several facets of Malaysia's citizenship framework that have been deemed regressive for the potential heightening of statelessness and exclusion from citizenship among several impacted categories of persons. We argue that equitable and effective reforms to the citizenship regime are not just necessary but also encouraging. These reforms are needed to mitigate the risk of statelessness and its negative repercussions in accordance with art 15 of the *Universal Declaration of Human Rights*,² in which everyone has the right to nationality. Restrictive citizenship laws which do not align with art 15 have undesirable consequences for families, impacting life choices such as where individuals may choose to live, work, study or even where they have children and raise a family. We then recommend using a balanced and equitable approach, supported by credible data, evidence and transparent processes, to reassess the revision of the

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¹ Parliament of Malaysia, House of Representatives, Bill DR 13/2024, *Constitution Amendment Bill 2024* (15th Parliament, 3rd Term, 3rd Meeting, 17 October 2024); Parliament of Malaysia, House of Representatives, *Parliamentary Debates*, *Bill No 28* (15th Parliament, 3rd Term, 3rd Meeting, 17 October 2024) 47–123; See also 'All You Need to Know About: the Constitutional Amendment to Malaysia's Citizenship Laws', *Malay Mail* (online, 17 October 2024) <<https://www.malaymail.com/news/malaysia/2024/10/17/all-you-need-to-know-about-the-constitutional-amendment-to-malaysias-citizenship-laws/153975>>, archived at <perma.cc/L3BQ-5WHX>.

² *Universal Declaration of Human Rights*, GA Res 217A (III), UN Doc A/810 (10 December 1948) art 15.

citizenship laws for the future sustainability of Malaysia as a democratic and progressive country.

To grasp the magnitude of unresolved statelessness in Malaysia, it is necessary to consider the findings of the non-profit Development of Human Resources for Rural Areas ('DHRRA'), which identified 16,392 stateless persons in Peninsular Malaysia alone from 2016 to June 2023.³ Although 7,000 individuals have since been recognised as Malaysians, 9,392 remain stateless.⁴ This statistic excludes the *Orang Asli* (the aboriginal) communities and those in Borneo, indicating the potentially more significant scale of this issue.⁵ The United Nations High Commissioner for Refugees ('UNHCR') has published a staggering figure of 117,070 persons under its statelessness mandate in Malaysia as of the end of 2023, reflecting how this problem extends across East and West Malaysia on a much larger scale.⁶

To appreciate the context of the recent citizenship amendments, this commentary will briefly outline the historical background of the Malaysian citizenship laws. The Malaysian citizenship framework is a complex legacy of British colonialism, federalist principles, as well as the intertwined politics of communalism and ethnic nationalism.⁷ Initially, Malaysia's commitment to a single nationality policy promised a more inclusive approach to citizenship. However, the principle of territorial birthright, included within the *Federal Constitution of Malaysia* ('*Federal Constitution*')⁸ since Independence in 1957, was dramatically revised by the 1962 *Constitution (Amendment) Act*.⁹ This amendment introduced a stringent requirement: a child born within the Federation could only claim Federal citizenship if at least one parent were a citizen or a permanent resident.¹⁰ This shift marked a departure from *jus soli* (citizenship by birthright based on place of birth) towards a more restrictive model influenced predominantly by the principle of *jus sanguinis* (citizenship by descent). Designed to exclude children born to individuals without residency rights or 'genuine' ties to the Federation,¹¹ this amendment thus institutionalised a policy that prioritised national attachment over the mere fact of birth within the Federation's borders.

³ Joshua Low, 'The Constitutional Amendment Creep: Perpetuating Statelessness in Malaysia', *New Naratif* (online, August 2023) <<https://newnaratif.com/the-constitutional-amendment-creep>>, archived at <perma.cc/T2XV-RWZB>.

⁴ *ibid.*

⁵ Radha Govil, 'Malaysia's Proposed Amendments to Citizenship Provisions in its Federal Constitution: The Potential for Progress being Overshadowed by Regression' (Briefing Note, 17 October 2023) 2, fn 4 <https://law.unimelb.edu.au/_data/assets/pdf_file/0005/4775180/Malaysia-Proposed-Constitutional-Amendments-Briefing-Note_FINAL.pdf>, archived at <perma.cc/D6JC-4HJ7>.

⁶ United Nations High Commissioner for Refugees ('UNHCR'), 'Refugee Data Finder: Annex 1 — Populations Protected and/or Assisted by UNHCR by Country/Territory of Asylum' (2023) <https://www.unhcr.org/refugee-statistics/insights/data/Annexes_GT_2023.xlsx>, archived at <perma.cc/7LRH-FVQ5>.

⁷ Choo Chin Low, *Report on Citizenship Law: Malaysia and Singapore* (Report, Global Citizenship Observatory, European University Institute, February 2017) 4 <<https://cadmus.eui.eu/handle/1814/45371>>, archived at <perma.cc/PMM2-Z49X>.

⁸ *Federal Constitution of Malaysia* (Malaysia) art 14 ('*Federal Constitution*').

⁹ *Act 14 of 1962, Constitution (Amendment) Act of 1962* (Malaysia).

¹⁰ Visu Sinnadurai, 'The Citizenship Laws of Malaysia' in Tun Mohamed Suffian, HP Lee and FA Trindade (eds), *The Constitution of Malaysia: Its Development, 1957–1977* (Oxford University Press 1978) 68, 76–7.

¹¹ HP Lee, 'Constitutional Amendments in Malaysia, Part II: An Analysis of the Legal Effects of Constitutional Amendments in Malaysia' (1976) 18(1) *Malaya Law Review*, 59, 84–6.

While this constitutional revision introduced a predominant *jus sanguinis* framework, it maintains the *jus soli* principle in two situations. Firstly, citizenship would be granted to those born in the Federation and not born a citizen elsewhere, who would otherwise be at risk of statelessness.¹² In the second scenario, foundlings (children who have been discovered as abandoned) would be legally presumed to have Malaysian citizenship by operation of law, on the condition that their mother was considered a permanent resident.¹³ While ostensibly protective through their inherent operation to avoid statelessness,¹⁴ this provision highlights the tension between universal citizenship rights and the intrinsic nationalistic imperatives underlying Malaysia's citizenship laws.

In 2001, gender equality was introduced into the *Federal Constitution* via art 8,¹⁵ rightfully enabling the children of Malaysian women born overseas to a foreign father to be treated equally to the children of Malaysian fathers born overseas and gain Malaysian citizenship *ex-lege*.¹⁶ However, there are still significant areas where the law reflects patriarchal traditions, particularly in relation to citizenship provisions. As noted by a local constitutional law expert, arts 14, 15, 24, 26, 28, as well as pts I and II of sch II contain gender biases that prioritise descent from a citizen father while deeming the mother's citizenship irrelevant.¹⁷ Ironically, in cases involving an illegitimate child of a foreign mother and a Malaysian father, the child's nationality hinges upon the mother's citizenship, rendering the father's nationality insignificant, even if he acknowledges paternity.¹⁸ This illustrates that while the *Federal Constitution* promotes gender equality, it does not entirely eliminate discriminatory practices based on gender in citizenship matters.

The inability of Malaysian women married to foreigners to transmit their citizenship resulted in some mothers returning to their home country to deliver their children and acquire citizenship. Women's activism has seen litigation brought to challenge the gender-imbalanced provisions in art 14(1)(b), read with ss 1(b) and (c) in sch II.¹⁹ A citizenship legal battle in 2021 between Malaysian

¹² *Federal Constitution* (n 8) art 14(1)(b), sch II pt II s 1(e).

¹³ *CTEB v Ketua Pengarah Pendaftaran Negara, Malaysia* [2021] 4 MLJ 236 [190] ('CTEB').

¹⁴ *CCH v Pendaftar Besar bagi Kelahiran dan Kematian, Malaysia* [2022] 1 CLJ 1 [44].

¹⁵ *Federal Constitution* (n 8) art 8.

¹⁶ Under art 8(2) of the *Federal Constitution*, as amended by *Act A1130, Constitution (Amendment) (No 2) Act 2001* (Malaysia), gender discrimination was constitutionally proscribed unless such discrimination was 'expressly' authorised by the *Federal Constitution*.

¹⁷ Shad Salim Faruqi, 'Case Commentary: Suriani Kempe v Kerajaan Malaysia (2021)', University of Malaya Consti Team (Blog Post, 17 September 2022) <<https://www.umconstiteam.com/post/case-comment-on-suriani-kempe-v-kerajaan-malaysia-2021>>, archived at <perma.cc/2CES-A9PX>.

¹⁸ *ibid.*

¹⁹ *Federal Constitution* (n 8) art 14(1)(b):

(1) Subject to the provisions of this Part, the following persons are citizens by operation of law, that is to say:

(b) every person born on or after Malaysia Day, and having any of the qualifications specified in Part II of the Second Schedule;

See also, *Federal Constitution* (n 8) sch II, pt II, ss 1(b) and (c):

(1) Subject to the provisions of Part III of this Constitution, the following persons born on or after Malaysia Day are citizens by operation of law, that is to say:

mothers represented by Family Frontiers, a citizenship rights group, and the Government of Malaysia was hailed as upholding gender equality after the decision sided with the mothers at the High Court of Malaya.²⁰ However, in a closely contested 2:1 decision on 5 August 2022, the Malaysian Court of Appeal overturned the High Court's landmark ruling, arguing that gender discrimination was constitutionally permissible except where the *Federal Constitution* explicitly sanctioned against such discrimination.²¹ On 14 December 2022, the Federal Court granted Family Frontiers leave to appeal the appellate court's decision, which was heard on 25 October 2024.²²

Another aspect of gender inequality is also impacting fathers. A child born in Malaysia to a family where the parents are not yet legally married or unable to register their marriages, including due to lack of documentation, is denied citizenship even if the father is a Malaysian citizen. Although the child will be granted citizenship following their mother under pt III s 17 in sch II of the *Federal Constitution*,²³ this is only feasible if the mother has her own citizenship. A child born out of wedlock is thus at a high risk of statelessness if the mother is stateless herself or is otherwise unable to pass on her own citizenship to the child.²⁴

II THE PROPOSED CONSTITUTIONAL AMENDMENTS: KEY CONCERNS AND REPERCUSSIONS

On 17 February 2023, the Malaysian Government announced through a joint statement by the Minister in the Prime Minister's Department (Law and Institutional Reform) and Minister of Home Affairs ('Home Minister') that the Cabinet had agreed to amend the *Federal Constitution*, allowing Malaysian mothers married to non-Malaysians to automatically confer citizenship on their children born abroad.²⁵ This progressive step aimed to rectify the discriminatory father-only clauses in the *Federal Constitution*, changing the term 'father' to 'at least one of the parents'. Family Frontiers welcomed this move as a significant

(b) every person born outside the Federation whose father is at the time of the birth a citizen and either was born in the Federation or is at the time of the birth in the service of the Federation or of a State; and

(c) every person born outside the Federation whose father is at the time of the birth a citizen and whose birth is, within one year of its occurrence or within such longer period as the Federal Government may in any particular case allow, registered at a consulate of the Federation or, if it occurs in Brunei or in a territory prescribed for this purpose by order of the Yang di-Pertuan Agong, registered with the Federal Government; and

²⁰ *Suriani Kempe (President and office bearer of Persatuan Kebajikan Sokongan Keluarga Selangor & Kuala Lumpur (Family Frontiers)) v Kerajaan Malaysia* [2021] 12 MLJ 558.

²¹ *Kerajaan Malaysia v Suriani Kempe (Pengerusi dan Pemegang Jawatan Association of Family Support & Welfare Selangor & Kuala Lumpur (Family Frontiers) and another appeal* [2022] MLJU 1803.

²² 'Federal Court Sets Oct 25 to Hear Citizenship Appeals' (*The Star Online*, 20 August 2024) <<https://www.thestar.com.my/news/nation/2024/08/20/federal-court-sets-oct-25-to-hear-citizenship-appeals>>, archived at <perma.cc/5UJ7-6B3Y>.

²³ *Federal Constitution* (n 8) sch II pt III s 17.

²⁴ *CTEB* (n 13) [242].

²⁵ *New Straits Times*, 'Citizenship Greenlight for Overseas-born Children of Malaysian Mothers via Constitutional Amendment', *New Straits Times* (online, 18 February 2023) <<https://www.nst.com.my/news/government-public-policy/2023/02/881116/citizenship-greenlight-overseas-born-children-malaysian>>, archived at <perma.cc/QA3F-PHRM>.

stride towards gender equality, offering hope for a more inclusive citizenship framework.²⁶

In March 2023, the Malaysian Government proposed several changes to the *Federal Constitution* which would have led to restricted citizenship rights, including the amendment of the provisions under sch II pt III s 19B (changing the automatic citizenship right to foundlings deemed to be born to mothers who are permanent residents in Malaysia to citizenship by registration) and pt II s (1)(e) (changing the automatic citizenship right to otherwise stateless persons to citizenship by registration).²⁷ The Government should be commended for subsequently agreeing to drop these regressive amendments,²⁸ after giving weight to the opinions shared following intensive meetings with parliamentarians, party and state agency representatives, legal experts and the chief whips of all parties.

This decision not to proceed with such a restrictive approach crucially preserves the existing embedded safeguards for certain vulnerable and affected individuals, such as children born out of wedlock, adopted and abandoned stateless children, and Indigenous communities at the precarity of statelessness. This is crucial, especially when the discretionary provision purportedly able to protect against statelessness under art 15A²⁹ has been heavily criticised for bureaucratic ineffectiveness. The latter is due to the lack of transparency and prolonged delays in processing citizenship applications, often followed by multiple rejections without explanation.³⁰

On 18 July 2024, the Malaysian Government postponed the Second Reading of the constitutional amendment debate on citizenship rights.³¹ This should have offered a crucial opportunity for reflection and deeper scrutiny.³² The proposed changes, particularly those negatively affecting stateless children and foreign spouses, carry significant implications that merit careful consideration. Various stakeholders, including the Bar Council Malaysia and the Human Rights Commission of Malaysia ('SUHAKAM'), have pressed for a comprehensive examination of these amendments to ensure they do not inadvertently harm vulnerable populations or undermine Malaysia's social and economic fabric.

²⁶ Family Frontiers, 'Right to Belong Project' (Web Page, 2024) <<https://familyfrontiers.org/our-work/right-to-belong/>>, archived at <perma.cc/GK4T-9DQF>.

²⁷ *Federal Constitution* (n 8) sch II pt III s 19B, pt II s 14(1)(e).

²⁸ Arfa Yunus, 'Govt to drop controversial constitutional amendments on citizenship, says Saifuddin', *The Star* (online, 22 March 2024) <<https://www.thestar.com.my/news/nation/2024/03/22/govt-to-drop-controversial-constitutional-amendments-on-citizenship-says-saifuddin>>, archived at <perma.cc/7DB5-FS2L>.

²⁹ *Federal Constitution* (n 8) art 15A.

³⁰ Melati Nungsari and Nicole Fong, 'Human Rights and Statelessness in Peninsular Malaysia' (Report, The Human Rights Commission of Malaysia ('SUHAKAM'), 2023) 153 <<https://suhakam.org.my/2023/03/human-rights-and-statelessness-in-peninsular-malaysia/>>, archived at <perma.cc/9CLF-TWQ3>.

³¹ Parliament of Malaysia, *Parliamentary Debates*, House of Representatives, 18 July 2024 (Tuan M. Kulasegaran a/l V Murugeson, Deputy Minister in the Prime Minister's Department (Law and Institutional Reform)) 49.

³² Joseph Sipalan, 'Families "Still in Limbo" as Malaysia Again Postpones Controversial Citizenship Amendments', *South China Morning Post* (online, 23 July 2024) <<https://www.scmp.com/week-asia/politics/article/3271460/families-still-limbo-malaysia-again-postpones-controversial-citizenship-amendments>>, archived at <perma.cc/H9LW-4MQC>.

Earlier in June 2023, the Home Minister announced a ‘comprehensive’ proposal seeking royal assent from the Conference of Rulers.³³ This proposal unexpectedly included elements restricting citizenship rights for certain stateless and at-risk of stateless communities. These amendments, regrettably, have bypassed meaningful consultations with critical stakeholders, especially those deeply involved with stateless communities. The Government’s decision to postpone the debate on the proposed constitutional amendments as announced in July 2024 was a significantly missed opportunity for re-evaluation as several key concerns regarding crucial citizenship safeguards have and continue to remain inadequately addressed:

- (i) The prolonged delay in implementing the citizenship amendments pertaining to children born overseas to Malaysian mothers following the amendments to ss 1(b) and (c) of pt II of the *Federal Constitution* continues to worsen the plight of affected Malaysian mothers and their children. The undesirable impacts of the potentially non-retroactive nature of these amendments cannot be overstated. Children born abroad to Malaysian mothers continue to face uncertainty and potential statelessness, depriving them of fundamental rights and protections.
- (ii) The proposed deletion of the words ‘permanently resident’ from sch II pt II s 1(a) of the *Federal Constitution*³⁴ would mean that children born to stateless Malaysian Permanent Residents (‘PR’) would no longer have access to citizenship by ‘operation of law’. This change could amplify the plight of already vulnerable groups, such as the generation born to stateless persons holding PR, the *Orang Asli* and the *Orang Asal* (the original peoples), potentially trapping these communities in a vicious cycle of statelessness across generations.
- (iii) Similarly, amending art 26(2) to replace ‘date of the marriage’ with ‘date of the acquisition of citizenship by registration’ poses a risk to foreign wives.³⁵ If a Malaysian man’s marriage dissolves within two years of his wife being granted Malaysian citizenship, her citizenship could be revoked, creating potential statelessness, instability and insecurity for these spouses. This amendment additionally threatens family unity and could lead to significant social repercussions.
- (iv) Furthermore, reducing the age limit in art 15A for citizenship by registration from ‘21 years’ to ‘18 years’ effectively shortens the application timeframe.³⁶ Given the existing bureaucratic delays and lengthy appeals processes, many eligible individuals might be unable to secure citizenship within this reduced period. Additionally, introducing an age requirement that never previously existed could be

³³ Khairah N Karim, ‘Proposed Amendments to Citizenship Law, a Regressive Move with a Progressive Face’ *SinarDaily* (online, 1 February 2024) <<https://www.sinardaily.my/article/215226/opinions/commentary/proposed-amendments-to-citizenship-law-a-regressive-move-with-a-progressive-face>>, archived at <perma.cc/N4ER-5MVT>.

³⁴ *Federal Constitution* (n 8) sch II pt II s 1(a): this section deals with citizenship by operation of law for persons born within the Federation of whose parents one at least is either a citizen or permanently resident in the Federation at the time of the birth.

³⁵ *Federal Constitution* (n 8) art 26(2): this section deals with the power of the Federal Government to deprive the citizenship of any woman who became a citizen by registration by virtue of being married to a Malaysian husband under art 15(1).

³⁶ *Federal Constitution* (n 8) art 15A.

seen as an unjustified barrier, further complicating an already challenging process.

- (v) With respect to seeking royal assent for the citizenship amendments before the Bill was passed, a constitutional expert noted that the existing arts 38(4) and 159(5) of the *Federal Constitution* give the Conference of Rulers the power to grant or withhold royal assent *after* laws are enacted but not *before* they are tabled.³⁷

III EQUITABLE AND EFFECTIVE REFORMS

The recent amendments, though presented as reforms, have regressive elements that demand continued scrutiny and advocacy to ensure they do not harm already vulnerable groups. Several approaches merit consideration for better and more effective safeguards and scrutiny in the future:

- (1) **Data and Evidence-Based Policy:** The Government should collect and analyse comprehensive data to understand the actual impact of the proposed policy and legal changes. This can guide the lawmaking process while simultaneously preventing the spread of misinformation and unfounded fears in the country about the exploitation of citizenship grants by foreigners.
- (2) **Organise Public Consultations:** While public sentiments often drive policies, consultations with impacted communities, particularly stateless persons and Indigenous groups, would help understand their unique challenges and needs. This inclusive step ensures that policy decisions and lawmaking are informed by those most affected.
- (3) **Consult a Bipartisan Parliamentary Select Committee:** Referring the proposed amendments to a bipartisan Select Committee in Parliament would ensure thorough and balanced scrutiny. This approach would facilitate comprehensive stakeholder engagement and provide a fair and open platform for civil society organisations ('CSOs') to present their concerns and the concerns of the public, data, findings and recommendations.
- (4) **Implement Improved and Transparent Citizenship Processes:** Introducing and enforcing laws that provide a reasonable time limit for citizenship application processes, the right to appeal rejected applications based on clear reasoning, as well as improved standard operating procedures ('SOPs') to address technical and bureaucratic challenges related to citizenship applications, can streamline processes and ensure fair treatment.
- (5) **Clear Criteria and Processes:** Implementing clear and transparent criteria for citizenship applications, including background checks and residency requirements, can ensure that only eligible individuals benefit from the policy changes.

³⁷ *Federal Constitution* (n 8) arts 38(4), 159(5) cited in Shad Saleem Faruqi, *Political Instability and Enhanced Monarchy in Malaysia* (Briefing Note, No 18/2022, ISEAS Perspective, 24 February 2022) 7 <<https://www.iseas.edu.sg/articles-commentaries/iseas-perspective/2022-18-political-instability-and-enhanced-monarchy-in-malaysia-by-shad-saleem-faruqi/>>, archived at <perma.cc/RJM3-PFR>.

IV BALANCING CONCERNS AND BENEFITS

While the Government may fear political backlash or establishing a precedent for public pushback from factions that support more restrictive citizenship laws, addressing the plight of affected families' and considering public inputs and concerns can yield positive and inclusive outcomes. Demonstrating a willingness to listen and adapt policies based on data and public feedback can strengthen democratic governance and public trust to foster a more inclusive and civilised society.

A World Bank report in 2016 indeed underscored the critical challenge of achieving more inclusive growth in the region, emphasising the need to enhance inclusion across Asia.³⁸ In a recent statement to the United Nations, the Malaysian Government representative declared that Indigenous peoples' rights are a priority and affirmed Malaysia's commitment to implementing the *United Nations Declaration on the Rights of Indigenous Peoples*.³⁹ Despite this commitment, indicators such as child mortality under five, water deprivation, malnutrition and net primary school enrolment amongst Indigenous communities in Asia show these groups still lag behind the national averages.⁴⁰ This disadvantage could be worsened by the impact of the regressive citizenship amendments.

In addition to the undesirable impact on overseas-born children of foreign fathers unable to benefit from the crucial amendments that lack retrospective effect and Malaysian mothers, as well as other at-risk and stateless groups including those holding PR and the foreign wives of Malaysian husbands, amending citizenship provisions without a thorough examination of their impact on Indigenous and native populations in East and West Malaysia could unintentionally exacerbate their marginalisation. This is not aligned with the government's duty to protect and promote these communities' human and developmental rights through robust legal instruments like citizenship to ensure they are not left behind in the nation's progress.

V CONCLUDING REMARKS

In this commentary, we have suggested that by adopting a data-driven, evidence-based, careful, balanced, inclusive and transparent approach, Malaysia can ensure

³⁸ World Bank, *Reducing Vulnerabilities East Asia and Pacific Economic Update* (Report, , October 2016) 39 cited in Stefania Errico, 'The Rights of Indigenous peoples in Asia: Human Rights-based Overview of National Legal and Policy Frameworks Against the Backdrop of Country Strategies for Development and Poverty Education' (Research Paper, International Labour Organization ('ILO') Gender, Equality and Diversity Branch, 2017) 1 <https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@dgreports/@gender/documents/publication/wcms_545487.pdf>, archived at <perma.cc/9XCU-KJU4>.

³⁹ *United Nations Declaration on the Rights of Indigenous Peoples*, GA Res 61/295, UN Doc A/RES/61/29, (2 October 2007) 7 ('UNDRIP'); SUHAKAM has correspondingly identified that according to the criteria of *Indigenous and Tribal Peoples Convention 1989, ILO Convention No 169*, adopted 27 June 1989, C169 (entered into force 5 September 1991), Indigenous peoples in Malaysia encompass both the aborigines of Peninsular Malaysia and the natives of Sabah and Sarawak: *Convention Concerning Indigenous and Tribal Peoples in Independent Countries*, opened for signature 28 June 1989, 1650 UNTS 383 (entered into force 5 September 1991), cited in Izawati Wook, Rohaida Nordin and Muhammad Sayuti Hassan, 'The Rights of Indigenous People in Malaysia; The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Law in Malaysia' (Research Report, SUHAKAM, 2022) <<https://suhakam.org.my/wp-content/uploads/2021/10/UNDRIP.pdf>>, archived at <perma.cc/MN8C-UNNV> ('SUHAKAM UNDRIP Report').

⁴⁰ SUHAKAM UNDRIP Report (n 39) 2.

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that going forward, any changes to its citizenship laws are just, fair and in the best interests of all its residents. This approach will protect and provide safeguards against regressive amendments that would otherwise harm already-affected vulnerable communities and individuals. Last but not least, this will further strengthen the nation's social fabric and international standing in safeguarding democratic governance and human and developmental rights.