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The 8th session of the United Nations Permanent Forum on Indigenous Issues
United Nations Headquarters
New York
18 to 29 May, 2009

**The Asian Indigenous Peoples Caucus
By Mr. Famark Hlawunching**

Agenda item 3(a): Follow-up to the recommendations of the Permanent Forum on Economic and Social Development

Chairperson, ladies and gentlemen:

The Asian Indigenous Peoples Caucus appreciates the work of the Permanent Forum over the past years and numerous valuable recommendations made by the Forum to States, United Nations organs, agencies, programmes and funds, and other multilateral bodies, financial institutions, and donors. The Caucus notes that many of these recommendations have been implemented but would like to call attention to some key recommendations which have yet to be adopted.

1. Recognition of indigenous peoples within policy frameworks

I would like to draw your attention to recommendations of the previous sessions that have yet to be implemented regarding the recognition of indigenous peoples within policy frameworks. Most Asian governments have not yet recognized indigenous peoples and have not adopted policies that are acceptable to indigenous peoples. Furthermore, the following key recommendations made by the Forum in previous sessions to states, UN agencies, regional and sub-regional intergovernmental organizations, UN agencies, Programmes, Funds, and financial institutions, have not yet been implemented:

The 6th Session

- **Paragraph 98:** that Asian States recognize indigenous peoples constitutionally and legally as peoples; promote legal reform, in particular with regard to the recognition of indigenous peoples' collective land rights and their customary laws and institutions, which promote diversity and pluralism; abandon transmigration policies and programmes and prevent illegal migration into indigenous territories; and have national laws in conformity with relevant international norms and standards;
- **Paragraph 99:** That the European Commission, United Nations agencies, the World Bank Group, the Asian Development Bank, bilateral development agencies, export credit agencies and international and regional financial institutions, such as the Japan Bank for International Cooperation, review, strengthen and implement their policies with regard to indigenous peoples based on UNDRIP;
- **Paragraph 102:** That ASEAN and SAARC recognize the collective rights of indigenous peoples, and that ASEAN ensure that the rights of indigenous peoples are integrated into the development of the ASEAN charter and the ASEAN Human Rights Body.

The 5th session:

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- **Paragraph 24:** That staff in country offices ensure the full participation of indigenous peoples in conducting evaluations under the United Nations Development Assistance Framework.

The 4th session:

- **Paragraph 14:** That the Human Rights Based Approach to Development be operationalized by States, the United Nations system and other intergovernmental organizations, including the international financial institutions.

The 3rd session:

- **Paragraph 58:** That governments adopt general strategies that include considerations for the needs and rights of indigenous peoples in the policies, laws and administrative issues that affect them, through participation of and consultations with indigenous peoples.

The 2nd session:

- **Paragraph 38:** That the United Nations system, the World Bank Group, and the IMF formulate development policies for indigenous peoples that affirm their identity and include the participation of indigenous citizens;
- **Paragraph 26:** That agencies and bodies of the United Nations, the World Bank, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank and the International Monetary Fund rethink the concept of development, with the full participation of indigenous peoples in development processes, taking into account the rights of indigenous peoples and the practices of their traditional knowledge.

2. Adoption of the principle of free, prior and informed consent

The principle of Free, Prior and Informed Consent has not yet been adopted by Asian Governments, UN Agencies, other intergovernmental organizations and international financial institutions. This recommendation was made during the 7th session (Para 16; 44; 45; 47; 62; 91; and 137), the 6th session (Para 9; 19; 21; 27; 37; 46; 98; and 116), 5th session (11; 88; and 121) and the 4th session (69; and 137) in relation to the approval of any policies, projects or development plans affecting the lands or territories and other resources of indigenous peoples; it was made during the 5th Session in relation to protection of indigenous knowledge (Para 35) and involvement of indigenous peoples in any prevention or treatment programme for HIV / AIDS (Para 36); and during the 4th Session in relation to data collection, analysis, dissemination and return (Para 86).

3. Land rights and impacts of development projects

The situation of indigenous peoples in Asia remains desperate in relation to the recognition of indigenous peoples' rights to land, territories and resources. We continue to lose our lands at an alarming rate due to large-scale development projects including plantations, the extractive industries, hydropower development, and road construction. The principle of Free, Prior, and Informed Consent is being outrightly ignored. We thereby appeal for the immediate implementation of the following key recommendations made by the Forum in previous sessions:

The 7th session:

large-scale agro-fuel plantations have the potential to further aggravate our vulnerabilities and violate our collective rights. We call for immediate implementation of the following key recommendations made by the UNPFII:

The 7th session:

- **Paragraph 19:** That technical and financial support be given to protect and nurture indigenous peoples' natural resource management, environment-friendly technologies, biodiversity and cultural diversity and low-carbon, traditional livelihoods;
- **Paragraph 31:** That support be given for indigenous peoples' own mitigation measures.
- **Paragraph 39:** That States, the World Bank and other multilateral and bilateral financial institutions consider alternative systems beyond the perpetuation of highly centralized fossil fuel-based energy supplies and large scale bioenergy and hydropower dams;
- **Paragraph 40:** That indigenous peoples be involved in the design, implementation, and evaluation of the Forest Carbon Partnership Facility;
- **Paragraph 44:** That REDD focus on helping to secure the rights of indigenous peoples living in forests;
- **Paragraph 45:** That proposals for REDD be guided by the UNDRIP.

5. Indicators and data disaggregation

Because of a lack of appropriate indicators against which to measure progress and lack of disaggregation of data, data on the situation of indigenous peoples are still inadequate. While we note some efforts have been made to put in place indicators and data disaggregation, we call for the immediate implementation, with clear timeline, of the following key recommendations made by the Forum in previous sessions:

The 7th session

- **Paragraph 63:** That indicators of well-being, poverty, and sustainability relevant to indigenous peoples, contained in the global synthesis report, be used as a guide for programs affecting indigenous peoples.

The 6th session

- **Paragraph 101:** That United Nations country teams, in cooperation with indigenous peoples, develop indicators to assess the outcomes and results of their policies and programmes relevant to indigenous peoples;
- **Paragraph 123:** That there be collaboration on projects on data disaggregation and collection.

We also note that since the seventh session of the Permanent Forum, two new issues have arisen that are of grave concern to indigenous peoples in Asia:

1. The global economic crisis

The global economic crisis affecting everyone including indigenous peoples is a major concern that should also be addressed in a more comprehensive manner. The delivery and access to basic social services to indigenous peoples must be prioritized, including provision

- **Paragraph 57:** That the World Bank activate the *2005 Extractive Industries Review* in order to address the impact and legacy of extractive industries on indigenous lands, territories and resources.
- **Paragraph 62:** That free, prior and informed consent be required before the approval of any policies, plans and projects affecting the lands or territories and other resources of indigenous peoples.
- **Paragraph 69:** That land tenure legal frameworks be improved and participatory delimitation and titling be carried out.
- **Paragraph 74:** That the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples identify how transnational corporations violate the rights of indigenous peoples.

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- **Paragraph 19:** That the implementation of free, prior, and informed consent regarding projects on indigenous lands and territories be analyzed;
- **Paragraph 22:** That states take effective measures to halt land alienation in indigenous territories;
- **Paragraph 23:** That states provide financial and technical assistance for indigenous peoples to obtain collective title over their lands;
- **Paragraph 28:** That United Nations agencies, the World Bank, the Asian Development Bank, other multilateral financial institutions and bilateral donors establish clear policy commitments to protect the ancestral lands of indigenous peoples;
- **Paragraph 33:** That all States that have introduced changes to existing indigenous land management regimes invite the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people to study the consistency of those regimes with the UNDRIP;
- **Paragraph 37:** That Governments adopt the principle of free, prior and informed consent of indigenous peoples when involving their territories, lands and natural resources;
- **Paragraph 38:** That the possibility be investigated of the development and acceptance of general recommendations relating to the right of indigenous peoples to self-determination by securing their access to their ancestral lands, territories and natural resources.
- **Paragraph 98:** that Asian States: adopt laws regulating the activities of investors impacts of investments on the lands and territories of indigenous peoples; establish mechanisms that address violations of indigenous peoples' land rights; and establish full transparency regarding projects on indigenous territories by States and corporations.

4. Climate change

We commend the Permanent Forum for making climate change the focus of its seventh session. While indigenous peoples continue to maintain simple lifestyles and practice sustainable use of resources, we are the ones suffering the brunt of the effects of global warming. It is a concern to us, therefore, that some of the programmes and measures for adaptation and mitigation such as mega-hydropower development, forest carbon projects, and

for sustainable livelihood activities. We would like to request **the UNPFII to conduct studies on the impacts of the global economic crisis on indigenous peoples, and identify measures to cushion these impacts, appropriate mitigation programmes, and ways to ensure the full and effective participation of indigenous peoples in national, regional and international mechanisms set up to address this global crisis."**

2. Large-scale agro-industrial investments in response to the global food crisis

Asian indigenous peoples are also concerned about the potential impacts of the global food crisis on us. Already we see some states and private companies acquiring large tracts of land in Asian countries in order to produce food for themselves. If this trend continues, we will risk losing our land and food security. We make the following recommendations:

- To request that governments, UN agencies and funds, donors and development agencies support indigenous peoples activities and programmes related to food security; adopt a policy of ensuring sufficient food production affordable to impoverished communities including indigenous peoples; and prioritize food security rather than destructive and exploitative infrastructure projects. The recognition of land rights and Free, Prior and Informed Consent should be paramount in any programme for food security.
- To urge States to ensure that long-term land leasing or purchase for agro-industrial food production for export is done consistent with the principle of Free, Prior and Informed Consent of any indigenous peoples whom these projects may affect.

Paris Declaration on Aid Effectiveness

Lastly, we would like to draw your attention to the Paris Declaration on Aid Effectiveness, a resolution among states, donor organizations (including the UN Development Group) and NGOs on delivery and management of aid. We note that this declaration does not reflect the UN Declaration on Rights of Indigenous Peoples and needs further elaboration. Therefore, we request that the UNPFII urge states and organizations to review the Paris Declaration to ensure that it is fully consistent with the UNDRIP.

Thank you, madam chair.