

**Joint Statement to the 12 Session of the Expert Mechanism on the Rights of Indigenous Peoples on
“Conservation and Rights of Indigenous Peoples”**

Agenda Item 8: Dialogue with Special Rapporteur on the Rights of Indigenous Peoples, the Chair of the UNPFII, the Board of Trustees of the UN Voluntary Fund for Indigenous Peoples, and members of the Committee on the Elimination of Discrimination against Women and the Human Rights Committee on UNDRIP implementation

Asia Indigenous Peoples Pact (AIPP) and Asia Indigenous Peoples Caucus
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We, indigenous peoples in Asia, have been conserving our mountains, forests, rivers, seas, rangelands and deserts for millennia through our customary laws and sustainable conservation practices. For example, in Malaysia, indigenous peoples practice a traditional ‘Tagal’ system to manage and promote sustainable use of rivers, fisheries, forests and watersheds. In Indonesia, indigenous peoples have customary rules or ‘Sasi law’ to manage natural resources, including seas and rivers. In Thailand, indigenous Karen people practice a traditional ritual known as “Lue thi” to conserve river and aquatic animals.

As a result, the majority of the world’s remaining biodiversity and healthy ecosystems are in or near the territories of indigenous peoples. Despite all of the threats we face, our territories are among the last strongholds for ensuring the future of life on Earth and averting climate disaster. In Indonesia, 90% of at least 84 million ha of the territories of indigenous peoples in Indonesia are forest areas. In Philippines, 90% of the remaining forest cover is situated within ancestral domains of indigenous peoples. **Recognition and promotion of our customary governance and conservation practices with full and effective participation of our peoples, including indigenous women, are crucial to meet international commitments such as the Paris Agreement on Climate Change, Strategic Plan for Biodiversity and forthcoming post-2020 global biodiversity framework and 2030 Agenda for Sustainable Development.**

However, most Asian countries do not legally recognize indigenous peoples and deny our rights as per the UN Declaration on the Rights of Indigenous Peoples, including to their lands, territories and resources in the context of forest and environmental conservation. **Most of the protected areas in Asia partially or fully overlap with the territories of indigenous peoples but were established and continue to be governed and managed without their participation or FPIC. Therefore, our peoples on the ground acutely feel the negative impacts of top-down protected areas as a result of lack of recognition of indigenous rights.** According to the Special Rapporteur on the rights of indigenous peoples, the impacts that conservation initiatives have on indigenous peoples have been a recurring theme since the establishment of the mandate in 2001. These impacts have been widely reported, including the role of state and non-state actors in alleged human rights violations in the name of conservation.

We would like to draw everyone’s urgent attention to a few specific cases:

In India, the Supreme Court order on 13 February 2019 directed state governments in India to ensure the eviction of 1 to 2 million indigenous communities and other traditional forest dwellers from forest lands. Even though the court order has put on hold, the eviction for four months, the Government of India is proposing overhauling the Indian Forest Rights Act to restore higher management powers and a degree of veto power with the forest bureaucracy over the Forest Rights Act, 2006.

In Thailand, many indigenous peoples are being or can be evicted at any moment because their ancestral territories have been claimed and designated as national parks and protected areas such as the Kaeng Krachan National Park. The new National Park law of Thailand adopted in 2019 continues to deny recognition of indigenous peoples and their rights while giving park officials absolute power to order any forest dwellers to move out or to destroy their properties.

Highlighting the role of non-state conservation actors, a yearlong investigation across six countries by BuzzFeed News came out with a three-part exposé on the World Wildlife Fund (WWF) detailing specifically the case from Nepal (Chitwan National Park and Bardiya National Park), Cameroon (Lobéké National Park), and India (Kaziranga National Park) and the arms deal in Central African Republic. BuzzFeed¹ concluded that *villagers have been attacked with machetes, sexually assaulted, shot, and murdered by WWF-supported anti-poaching units*. These are just the latest in a long line of alleged human rights violations committed in the name of conservation against Indigenous peoples by both state and non-state actors.

The reports are evidently well founded, and our sources from the ground corroborate the above allegations.

Since 2003, a wide range of decisions, recommendations, resolutions and action plans in international biodiversity law and conservation policy have called upon the States to (a) recognize the conservation initiatives and contributions of indigenous peoples and local communities and (b) ensure their full participation and FPIC in the establishment, governance and management of protected and conserved areas and address issues of overlap with their territories and areas. Although there has been some progress, in most contexts, these commitments are still far from being achieved.

We thus urge the Special Rapporteur and the Expert Mechanism to jointly as well as separately call on States and conservation organisations in Asia to promote and protect the rights of indigenous peoples in the context of conservation initiatives through necessary policy, legal and institutional reforms in line with the UN Declaration. They should fully implement supportive international biodiversity law and conservation policy in collaboration with indigenous peoples and their organizations and provide effective remedy, reparations and reconciliation for negative impacts of conservation laws and programmes on indigenous peoples.

We also request the Special Rapporteur and the Expert Mechanism to jointly call on non-state conservation organisations, including WWF in the context of the latest BuzzFeed reports, to immediately allow independent investigation by competent bodies/teams of alleged human rights violations and make the findings publicly available. Further, conservation organisations that have caused or contributed to human rights violations should help secure appropriate redress and reparations for the victims and their families.

Sustainable and equitable governance, management and conservation of biodiversity and ecosystems is possible only through recognition of our rights and responsibilities to our territories and peoples and our self-determined conservation initiatives, and genuine partnership with indigenous peoples for any external conservation initiatives, including FPIC.

Thank you.

¹ *WWF Funds Guards Who Have Tortured And Killed People*, 4 March 2019, <https://www.buzzfeednews.com/article/tomwarren/wwf-world-wide-fund-nature-parks-torture-death?fbclid=IwAR3BqLo5wuyg8I-7BUUF6ql4xOmKG1BFqN1CkjlhsJ8ibiWE0r39cX9FTa0>