

**13th Session of the United Nations Permanent Forum on Indigenous Issues
UN Headquarter, 12 – 23 May 2014**

**Agenda Item 5: Half-day discussion on Asia
Delivered by Binota Moy Dhamai, Bangladesh Indigenous Peoples Forum
Endorsed by Asia IPs Caucus**

Thank You Madam Chair!

This statement on behalf of the Asia Caucus! We refer the UNDRIP *Article 26/ 1*. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired. *26/2*. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

We refer the UNPF recommendations to the Asian States during the sixth session of the Permanent Forum on Half-day discussion on Asia and drawing your attention the recommendations;

98 (e) Establish land commissions or mechanisms that address violations of indigenous peoples' land rights, facilitate the restitution of alienated land and settle disputes;

98 (f) Establish full transparency regarding projects on indigenous territories by States and corporations, through the implementation of the principles of free, prior and informed consent, in accordance with customary laws and practices of the respective indigenous peoples;

Despite UNPFii recommendations and the provisions of the UNDRIP, Indigenous peoples in Asia continue to face land dispossession and destruction from large scale development and resource extraction by state and private business interests in their traditional territories. Various policies are being put in place in the name of national economic development that leads to loss of their lands and cultures, ultimately undermining their survival as distinct peoples.

Our land has been continuously becoming the victims of exploitation for commercial gains by corporations, tourisms and privatization across Asia such as in Chittagong Hill Tracts of Bangladesh, North-East India, China, Burma, Laos, Cambodia, Vietnam, Thailand, Indonesia, Malaysia, Japan and Philippines, millions of indigenous peoples have been involuntary evicted, displaced, impoverished a due to so called development project. Our lands and territories are still being deprived and converted into destructive and unsustainable development through forced occupation, mining, plantations, national park, loggings, large dams, industrial and commercial purposes, as well as for military bases/zones.

We express our concern on the continuing threats to indigenous peoples posed by developmental projects such as the mining, oil palm plantations, mega hydro-electric projects, eco-tourism, and the expansion of military bases on indigenous peoples land and territories in some countries in Asia.

Madam Chair, recognition of Indigenous peoples collective rights to land and territories remain a challenge. Ensuring land ownership and control by indigenous communities and utilizing for their meaningful progress is the need of the hour. The local laws and policies through the recognize local and traditional governance bodies and institutions requires to be strengthen as a safeguard of the land and territories for indigenous peoples and demilitarize indigenous peoples region to free from the de facto military rule and dominance over the civil administration, law and order, tribal affairs, forest resource management among others.

We are concerned with the development activities currently in operation and are being planned in indigenous territories in Asia.

In Vietnam, over 90,000 people, mostly ethnic Thai, were relocated to make way for the Son La hydropower plant that Vietnamese scientists said left many without access to agricultural land by 2010.

In Cambodia's Prey Lang Forest region, home to the Kui indigenous peoples, official land grants of tens of thousands of hectares of forest for mineral extraction, timber and rubber plantations have forced many to give up their traditional livelihoods.

In Peninsular Malaysia, only around 20,000 hectares of state lands are set aside as federally administrated and reserved for indigenous peoples' occupation and use; this constitutes only 15 percent of the settled village area.

In Indonesia, land acquisition for the establishment of oil palm plantations has led to serious abuses of the rights of local communities.

In Bangladesh, instead of taking effective initiative to settle down the amendment of the CHT Land Commission and the transfer of subjects land management to the HDCs, and fully implementation of the CHT Accord, the government has stepped up to set up a science and technology university and a medical college in Rangamati that may lead displacement and eviction of local indigenous communities who uprooted by Kaptai Dam. Therefore, indigenous Jumma peoples organizations urged government to stop such unplanned activity until CHT Accord is fully implemented.

Another major source of destruction of indigenous lands and resources is large-scale mining operations, currently operating in indigenous territories in Asia. Not a single company has undertaken a credible process of obtaining the FPIC of affected indigenous communities. In fact, some governments have even provided security services to these companies in the face of growing resistance of indigenous peoples and other affected communities. The use of military and paramilitary forces to protect mining operations has resulted to massive human rights violations such as extrajudicial killings, torture, arbitrary arrests and detention of indigenous peoples, as well as sexual violence and abuse of indigenous women.

In the Philippines, northern Cordilleran region indigenous communities which have resisted mining have met with repression and militarization of the region. Most of the killings of indigenous leaders and members of peoples organizations, numbering 44 in the 45 months of the current administration, were in response to mining resistance.

In Thailand, despite some positive developments with recent policies relating to indigenous peoples, such as Cabinet Resolutions restoring traditional livelihoods of the Chao Ley and Karen in 2010, no real improvements have occurred.

In Odisha, India, where the Dongria people had for years opposed a planned mine by Vedanta company, only 12 of 100 affected villages were consulted by local authorities despite a landmark Supreme Court ruling in April 2013 ordering community consultation before the mine project could proceed. A 2011 International Labour Organisation report on India's indigenous population claimed that more than half of the country's mineral wealth was obtained by violating the rights of tribals.

Madam Chair, in conclusion, we quote the Special Rapporteur report, "in the face of inadequate regulatory frameworks, indigenous peoples' lands in Asia continue to face a number of threats. Land dispossession by non-indigenous settlers and migrants continues in many countries. The adoption of policies in States promoting individual titles over collective land titles was also raised as an issue in a number of jurisdictions". Special Rapporteur also stated that, across the Asia region, the dispossession

of land is having a profoundly negative impact on indigenous peoples' social and cultural patterns and means of subsistence".

Our priority recommendations to the Asian States are as follow:

1. That Asian States enact better laws in line with international human rights and indigenous peoples rights standards regulating the activities of investors and corporations, and mitigating the negative impact of economic liberalization in indigenous peoples territories (PF6-recom#98c). This is especially important now that extractive industries, especially mining, energy projects, megadams, logging, biofuel plantations and others by private investors are causing serious human rights abuses and rampant and irreparable damage to indigenous peoples lands and traditional livelihoods (in the Philippines, India, Myanmar, Cambodia, Laos, Vietnam, Nepal).

2. That Asian States take effective measures to halt land alienation in indigenous territories (PF6-recom#22) and ensure the implementation of free, prior informed consent regarding development projects on indigenous territories by states and corporations (PF6-recom#98f, PF7-recom#62). As it is, indigenous peoples (in many states (Bangladesh, Burma, Cambodia, Philippines, India, Vietnam, Thailand, Indonesia) experience land grabbing, land use conversion, loss of livelihood and forced displacement due to the impact of development projects by states and corporations on their lands, without their consent or even being provided adequate information on these projects before they are implemented. Furthermore, we urge the governments of Asian States visited by the Special Rapporteur on Indigenous Peoples, such as the Philippines and Cambodia, to implement his recommendations regarding mega-projects and

3. We urge the Asia Government's to respect the agreement between the government and indigenous peoples organizations, and to end criminalization by the companies and military over the Indigenous lands and territories.

Recommendations to the UNPFII:

The Asia Indigenous Peoples Caucus would like to draw the attention of the UNPFii, the UN agencies, funds and programmes to urge the Government in Asia for urgent action on the following:

- To stop the militarization of indigenous territories, and engage in a meaningful dialogues with indigenous peoples towards addressing conflicts and respecting the rights of indigenous peoples for peace, security and sustainable development
- To implement recommendations made by the past and present Special Rapporteurs on indigenous peoples especially on remedial measures to address gross human rights violations committed to indigenous peoples

Thank you Madam Chair!