

## Agenda item 5 (d) Human rights dialogue with the Special Rapporteur on the rights of indigenous peoples and the Expert Mechanism on the Rights of Indigenous Peoples

### Statement on behalf of the Asia Indigenous Peoples' Caucus

Respected Chair/Madam,

I, on behalf of the Asia Indigenous Peoples' Caucus, acknowledge the commendable works of the Special Rapporteur on the Rights of Indigenous Peoples to the General Assembly (UNSRIP) and Expert Mechanism on the Rights of Indigenous Peoples (EMRIP). These are important mandated bodies for recommending and suggesting redressal to ameliorate the human rights condition of Indigenous Peoples (IPs) and protect the collective rights of IPs. We appreciate the timely decisions of EMRIP and UNSRIP to conduct a study on 'treaties, agreements and other constructive arrangements, between indigenous peoples and States, including peace accords and reconciliation initiatives, and their constitutional recognition' and a study on 'Protected Areas and Indigenous Peoples' Rights: The Obligations of States and International Organizations' respectively pursuant to Human Rights Council resolutions. The Asia Indigenous Peoples Pact took an opportunity to make a submission recently to the UNSRIP, in support of their report on 'Protected Areas and Indigenous Peoples' Rights: The Obligations of States and International Organizations'.

The Indigenous Peoples of Asia are high up on the list of targets and victims of human rights violations. The incidents of killings, enforced disappearances, arbitrary arrest and detention, intimidation, persecution and violence against IPs, Indigenous women and human rights defenders are increasing, even during the COVID-19 pandemic period. This trend of Indigenous People's rights violations is expected to worsen as the government continues to centralize and consolidate its powers and pursues its neoliberal economic development programme. Moreover, the pervasive lack of legal formalization, recognition, protection, enforcement, and monitoring of customary tenure rights and legal protections of Indigenous identity underpins the majority of risks Indigenous Peoples face linked to invasive, colonial, and neo-liberalized conservation activities.

We reiterate that businesses, particularly those involving exploitation of natural resources, have incited criminalisation and attacks on IPs and violated FPIC processes of IPs in Asia. Some examples are the military coup in Myanmar, the five-star Marriott Hotel construction plan over the Mro Indigenous Peoples' land in CHT and the government's planning to set up the country's largest export processing zone on Santal people's Bagda farmland of plain land in Bangladesh; World Bank Financed Bharatpur-Bardaghat 220kV power Transmission Line Project and Asian Development Bank (ADB) Financed Irrigation Project in Taplejung in Nepal; continuing road constructions and mining in India; the Build Build Build program in the Philippines, and The World Heritage Committee's dangerous precedent on the declaration of Kaeng Krachan Forest Complex (KKFC) by disregarding severe cases of reported human rights violations and history of the Karen people in Thailand, etc. We condemn the extrajudicial killings of fourteen civilians by Indian security forces during an 'operation' last December in Oting the North-Eastern state of Nagaland, India.

In this context, would like to raise the following recommendation to the Special Rapporteur and the EMRIP Chair:

1. To facilitate an inclusive process aimed at the development of guiding principles for the realization and implementation of the right to self-determination, autonomy, the human rights principles of due diligence including free, prior and informed consent based on the Declaration of the Rights of Indigenous Peoples and universal human rights standards. Meaningful and broad participation of Indigenous Peoples organizations from Asia should be ensured.
2. To convene a dialogue with the Global Alliance of National Human Rights Institutions (GANHRI) with a view to making recommendations to States and their NHRIs on bringing an

immediate end to killings and the criminalization of Indigenous Peoples and local communities defending their territories and its natural environment and prosecute the actual perpetrators of violence and human rights violations.

3. To facilitate providing an avenue, especially in terms of constructive and effective engagement with governments, inter-governmental organisations, and relevant international bodies and agencies to protect Indigenous Peoples' human rights and resolve conflicts in Indigenous People's lands and territories in the Asia region.

4. Co-organize an inter sessional technical seminar together with the UNPFII, EMRIP, and the Special Rapporteur to jointly analyze the recommendations made in the reports of the different mechanisms on IPs right to self-determination, business, autonomy and self-government and to develop a common road map that can guide their work and collaboration to advance in the practical implementation of these crucial rights.

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