

**10th Session of the United Nations Permanent Forum on Indigenous Issues
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**Asia IP Caucus Statement under Agenda Item 4: Dialogue with the Special
Rapporteur on the Rights of Indigenous Peoples**

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Madame Chair, the Asia Caucus wishes to bring to the attention of the Special Rapporteur on the Rights of Indigenous Peoples. Mr. James Anaya, the following issues in relation to the violation of human rights of indigenous peoples in Asia:

1. The continued incidence of extrajudicial killings and enforced disappearance of indigenous leaders and activists in Philippines, Burma, Northeast India. For instance, in June this year, we will mark 1000 days since the enforced disappearance of James Balao, an indigenous leader in the Cordillera, Philippines who was abducted by State security forces.
2. Militarization of indigenous communities in connection with development projects in Philippines, Myanmar, India, Indonesia, Cambodia especially where mining and logging companies operate. Harassment and intimidation of indigenous human rights defenders including health workers and local leaders opposing destructive projects, such as mining.
3. The non-recognition of the status and identity of indigenous peoples by Asian states and of their customary laws and practices. A case in point is Thailand that does not recognize the hill tribes as indigenous peoples and criminalizes traditional livelihoods, such as shifting cultivation.
4. Political repression of protest actions by indigenous peoples such as the arbitrary arrest, detention and indiscriminate firing by security forces at peaceful demonstrations against fake encounter killings in Manipur, Northeast India. Sexual harassment of indigenous women is also being done by state forces and non-indigenous illegal migrants, in Tripura as well as in Delhi and other metro cities of India, while the state fails to protect them.
5. Land grabbing, burning of houses and killing of innocent civilians such as the recent killing of a 12-year old girl in Dighinala and arson attack on indigenous villages in Guimara and Manikchari in Khagrachari district in the Chittagong Hill Tracts in Bangladesh as a manifestation of the continuing culture of impunity, absence of impartial and independent enquiries into gross patterns of human rights violations committed against indigenous peoples in recent years, including against women and children, by state security forces and non-indigenous settlers with state complicity.

Madame chair, we thus forward the following recommendations for action by the Permanent Forum and the Special Rapporteur:

1. The recommendations made by the previous Special Rapporteur on the Fundamental Freedoms of Indigenous Peoples, Mr. Rodolfo Stavenhagen, during his mission to the Philippines in 2002, are still very much relevant. However these have not been implemented by the Philippine State. We therefore recommend that a communication be made by SR James Anaya to the Philippine government to follow up these recommendations, specifically to give priority to resolving the land rights of indigenous peoples rather than the commercial development of mining corporations and other business companies.

2. Further, to carry out a prompt investigation of the numerous human rights violations committed against indigenous peoples, and to call on States to demilitarize indigenous peoples' territories, while taking maximum caution to protect indigenous peoples' rights during its military operations, in accordance with international humanitarian standards.

3. For the Special Rapporteur to conduct an official visit to Asia in 2012 to investigate the above-mentioned cases and to make a report and urgent communications to the concerned Asian states to respect the rights of indigenous peoples.

~~4. Establish a mechanism under the office of the Special Rapporteur whereby urgent and concrete action can be taken on cases that have been documented and submitted by indigenous peoples organizations.~~ *already there by process*

5. Provide a support mechanism for the protection of indigenous human rights defenders. *in the HRC → sub Rpt. on HR Defenders.*

6. Finally, the Asia Caucus expresses its support and appreciation for the study that the Special Rapporteur is currently carrying out on the rights of indigenous peoples in relation to natural resource extraction and development projects affecting them, which will eventually lead to the development of guidelines for States, corporations and indigenous peoples on the duty to consult with indigenous peoples in relation to natural resource extraction and development projects.

We thank you Madame Chair and the Special Rapporteur for your kind attention.