

**United Nations Permanent Forum on Indigenous Issues (UNPFII)  
17th Session**

**New York April 16-27, 2018**

**Agenda Item 4. Implementation of the Six Mandated areas of the Permanent Forum with  
reference to the United Nations Declaration on the Rights of Indigenous Peoples;  
(Indigenous Women, Children & Youth)**

**Statement by the International Indian Treaty Council, Presented by Victor Lopez-Carmen, IITC.**

Thank you Madame Chair.

Every country in the world is now party to at least one human rights Treaty that addresses the right to health. Many States have also entered into Nation-to-Nation Treaties with Indigenous Peoples that affirm this inherent right. The UN Declaration on the Rights of Indigenous Peoples also affirms aspects of the rights to health and education. The Convention on the Rights of the Child addresses the rights to health of Indigenous children as well as maternal health taking into consideration the impacts of environmental pollutants.

UN Agencies must take a more active role, together with States and Indigenous Peoples to promote the right to health and education by taking meaningful steps to respect, promote and fulfill the rights to water, food sovereignty, culture, education, adequate housing, rights of the child and freedom from discrimination and FPIC to can address many of the vulnerabilities experienced by Indigenous women, children, and youth around the world.

Mexico imports pesticides from the US which has banned them due to their known harmful effects. They are used in Yaqui communities in Northern Mexico with no protection for workers in the fields or for families impacted by aerial spraying, resulting in infant mortality, breast cancers, birth defects and other adverse health impacts for women and children. The report of UN Special Rapporteur Baskut Tuncak at this session confirmed that the UN Rotterdam Convention allows countries to export pesticides that they have banned as long as they notify the importing country of their status but with no free, prior and informed consent for the impacted Indigenous communities.

We also note the importance of community based education. In Alaska, the Ya Ne Dah Ah School in Chickaloon Village is the only the Tribally-run school in the state. With no state support it promotes language, identity and culture. Without connection to language and culture, Indigenous youth feel hopeless, leading to suicide rates higher than any other population in the world. It is no coincidence that many of the countries at most risk of losing their Indigenous languages also have the highest Indigenous youth suicide rates. We urge the

absence of a mechanism for the registration of indigenous peoples' lands. The Federal Constitution of Malaysia uses the term 'native' to refer to the indigenous peoples of Sarawak and Sabah and provides them special protection. In India, the Fifth Schedule and Sixth Schedule govern administration and control of Adivasi and tribal areas; however, only 461 ethnic groups of the estimated 635 groups are acknowledged as Scheduled Tribes or Adivasi. In Nepal, at least 39% of the total population is recognized as indigenous peoples. Vietnam's Constitution recognizes the right of 'ethnic minorities to preserve their ethnic identity, customs, traditions and cultures.' Indigenous Peoples in Bangladesh lack legal recognition in the Constitution, which mentions "minority communities," "ethnic communities." According to the government of Bangladesh, all people born in Bangladesh are Bengali. In Thailand, many hill tribe people are still considered "stateless" and need to apply for Thai citizenship to be able to legally access social services, vote, buy land, get a job or travel freely. The Myanmar Constitution and most domestic laws do not acknowledge any concept of special minority or indigenous groups who have additional or special rights. In Taiwan/China, only 14 indigenous peoples are officially recognized, and at least nine indigenous peoples in the plains or lowlands are still claiming for recognition as indigenous peoples. In Japan, Ainu people have been recognized as indigenous people of Japan and their language, religion and culture have been acknowledged. However, the government of Japan does not recognize indigenous peoples in the Ryukyus as indigenous peoples of the country.]

**At the same time, legal recognition does not guarantee the enjoyment of individual and collective rights by indigenous peoples, unless there are strong democratic institutions and systems of accountability by States to their human rights commitments and obligations. Existing constitutional provisions and state laws recognizing indigenous peoples are most often not implemented or are violated by State and private businesses when exploiting ancestral lands and resources for profit. Ancestral territories are, in many cases, classified by the State as public property and we continue to face land expropriation, displacement, violence and criminalization for using our own lands.**

**Thus, we, the Asia Indigenous Peoples Caucus:**

- 1. Urge Asian States to adopt the term "indigenous peoples" and accord legal recognition in accordance with international standards set by the UNDRIP and other UN instruments.**
- 2. We call for the crafting of constitutional provisions and state laws by Asian States giving full, formal and legal recognition to indigenous peoples, and guaranteeing them their rights to lands, territories and resources.**
- 3. We urge States to fully implement existing laws recognizing indigenous peoples and to implement all UNDRIP provisions guaranteeing rights to economic and social development, culture, environment, education, health, and human rights.**

Permanent Forum to recognize the importance Indigenous-run schools and their relevance to all six of its mandates.

To this end, we recommend that:

1. The Permanent Forum urge the Food and Agricultural Organization to take concrete steps to amend the FAO Code of Conduct on Pesticides with participation from Indigenous Peoples and the communities most affected.
2. That the Permanent Forum coordinate with UNESCO to support the expansion of K-12 Indigenous language and culture based schools to provide more Indigenous youth with the opportunity to learn traditional knowledge and language in accordance with Article 14 of the Declaration.

Thank you Madame Chair,  
Victor Lopez-Carmen