

**UN Permanent Forum on Indigenous Issues**  
**6<sup>th</sup> Session, New York, May 14-25, 2007**

**Makiko Kimura**

**Collective Statement by:**  
**Shimin Gaikou Centre and Asian Caucus**

Especially supported by the Asian IP organizations below:

Chin Human Rights Organization, Taungya, AMAN, Community Action and Research for Safeguard, CIPRAD, Bawm Social Council-Bangladesh, Asia Pacific Indigenous Youth Network (APIYN), Cordillera Peoples Alliance, Bangladesh Indigenous Peoples Forum, Jumma Peoples Network International, Committee for Promoting Taroko National Autonomy, Taiwan Indigenous People's Cou Council, The Association for the Development of Atayal, International Federation of Indigenous Youth Association, Hunter's School Association, IFIYA, Truk Youth Council, Taiwan Indigenous Peoples (NGOs) Alliance, Ainu Resource Centre, South Asia Indigenous Women Forum (SAIWF), Forum for Indigenous Perspectives and Action, North East Peoples Alliance on Trade, Finance and Development, Khasi Students' Union

**On Agenda Item 6: Half-Day Discussion on Asia**

Thank you, Madam Chair.

We support the Asian Caucus Statement.

On this opportunity of the half-day discussion on Asia, we would like to raise our concerns about the Japan Bank for International Cooperation (JBIC) and the Japan International Cooperation Agency (JICA) in relation to the potential impact of Japan's ODA reform on Indigenous Peoples in Asia. It is expected that the JBIC and JICA will be merged and will constitute a new JICA, and the Export Credit Agency (ECA) section of JBIC would be merged into the newly established public financial institutions. As a result, the safeguard "Guidelines" of the aforementioned agencies (JBIC's Guidelines for Confirmation of Environmental and Social Considerations and JICA's Guidelines for Environmental and Social Considerations) will be reviewed by February 2008.

At the outset, we would like to express our serious concern that both JBIC and JICA's guidelines are far below international human rights standards on Indigenous Peoples. Important rights of Indigenous Peoples regarding development, notably Free, Prior and Informed Consent (FPIC), are not recognized in their present guidelines. FPIC is clearly stated in the Declaration of the Rights of Indigenous Peoples which was adopted in the Human Rights Council in June 2006, and the Government of Japan voted for the adoption. Given the Government of Japan's publicly stated support for the Declaration, we strongly urge JICA and JBIC to ensure that the fundamental rights of indigenous peoples, including the right to FPIC, are included and referenced in any updated policy or guideline.

Second, it is notable and regretful that neither JBIC nor JICA have involved in any consultation with Indigenous Peoples either at the time of initial drafting of their current guidelines nor during the current review of the guidelines. Failure to hold such consultations is itself in breach of the Declaration of the Rights of Indigenous Peoples. We would like to point out that both the World Bank and Asian Development Bank have held consultation with Indigenous Peoples in the course of drafting their respective safeguard policies, although the processes were inadequate. Thus we expect JBIC and JICA to hold a process of consultations with Indigenous Peoples, and the Permanent Forum is the right place to start a dialogue on how to start the process.

Third, there are numerous cases that the JBIC has problems in implementation of the projects which affects Indigenous Peoples. In terms of Disclosure of Information, it has been reported that in the projects conducted in North East States in India such as the Turial Hydroelectric Projects and the Manipur Sericulture project, the JBIC has been very slow and reluctant to disclose information in language which is understandable to the Indigenous Peoples of the area. Moreover, the consultation and efforts to gain consent on these projects have also been very inadequate in case of San Roque Dam in Philippines, Salween Dam in Burma, Kelau Dam in Malaysia, Malea Dam and Sulewana Dam in Indonesia.

In this regard, we would like to propose that the Permanent Forum should include the following issues in its recommendations.

1. To reiterate the importance of recognizing the Rights of the Indigenous Peoples, with particular reference to FPIC, for all multilateral or bilateral donors and ECAs

funding projects potentially affecting Indigenous Peoples.

2. To recommend that multilateral and bilateral donors and ECAs engage in active consultation with full and effective participation of Indigenous Peoples in updating their Operational Manuals, Safeguard Policies and/or Guidelines, where relevant to indigenous peoples.
3. The above recommendations should be especially addressed to Government of Japan, and its agencies including JICA and JBIC, given the current and on-going process of updating the guidelines.