

**Joint Statement to the 18th Session of the UN Permanent Forum on Indigenous Issues on
"Conservation and Rights of Indigenous Peoples"**

*Under Agenda Item 11: Dialogue with the Special Rapporteur on the rights of indigenous peoples and
the Chair of the Expert Mechanism on the Rights of Indigenous Peoples*

By Asia Indigenous Peoples Pact (AIPP), Asia Indigenous Peoples Caucus and International Work
Group for Indigenous Affairs (IWGIA)

Thank you, Madam Chair.

We, indigenous peoples in Asia, through our customary laws and sustainable conservation practices have been conserving our forests, rivers, seas, and mountains, among others, for millennia. For example, in Malaysia, indigenous peoples practice a traditional 'Tagal' system to manage and promote sustainable use of rivers, forests and watersheds. In Indonesia, indigenous peoples have customary rules 'Sasi law' to manage natural resources including seas and rivers. In Thailand, indigenous Karen people practice traditional ritual known as "Lue thi" to conserve river and aquatic animals.

As a result, the world's remaining forests are near or in the territories of indigenous peoples and our lands represent the areas with rich biodiversity and repository of carbon sinks. In Indonesia, 90% of at least 84 million ha of the territories of indigenous peoples in Indonesia are forest areas. In Philippines, 90% of the remaining forest cover is situated within ancestral domains of indigenous peoples. **Recognition and promotion of our conservation practices with full and effective participation our peoples, including indigenous women, are crucial to meet the targets set by the Paris Agreement on Climate Change, Strategic Plan for Biodiversity 2011-2020 and 2030 Agenda for Sustainable Development.**

However, most Asian countries, do not legally recognize indigenous peoples and deny our rights as per the UN Declaration on the Rights of Indigenous Peoples, including to their lands, territories and resources in the context of forest and environmental conservation. **Most of the protected areas in Asia include the territories of indigenous peoples. Therefore, the negative impacts of the protected areas as a result of lack of recognition of indigenous rights are acutely felt by our peoples on the ground.** According to the Special Rapporteur on the rights of indigenous peoples, the impacts that conservation initiatives have on indigenous peoples have been a recurring theme since the establishment of the mandate in 2001. These impacts have been widely reported, including the role of conservation organizations.

Madam Chair, we would like to highlight a few cases to draw urgent attention from everyone:

In India, the Supreme Court order on 13 February 2019 directed state governments in India to ensure the eviction of 1 to 2 million indigenous communities and other traditional forest dwellers from forest lands. Even though a court has order has put on hold the eviction for four months, the Government of India is proposing overhauling the Indian Forest Act to restore higher management powers and a degree of veto power with the forest bureaucracy over the Forest Rights Act, 2006.

In Thailand, many indigenous peoples are being or can be evicted at any moment because their ancestral territories have been claimed and designated as national park and protected areas. The new National Park law of Thailand adopted in 2019 continues to deny recognition of indigenous peoples and their rights while giving park official officials absolute power to order any forest dwellers to move out or destroy their properties.

Besides these, a yearlong investigation across six countries by BuzzFeed News came out with a three part expose on World Wildlife Fund (WWF) detailing specifically the case from Nepal (Chitwan

National Park and Bardiya National Park), Cameroon (Lobéké National Park), and India (Kaziranga National Park) and the arms deal in Central African Republic. BuzzFeed¹ concluded that *villagers have been attacked with machetes, sexually assaulted, shot, and murdered by WWF-supported anti-poaching units.*

The reports are evidently well founded, and our sources from the ground corroborates the above allegations. In this regard, AIPP is under its way in preparing its report regarding the cases in India and Nepal.

The International Union for Conservation of Nature (IUCN) Congress held in 2003 in Durban adopted Durban Accord and Action Plan, which calls upon the States to ensure that indigenous peoples and local communities fully participate in the establishment and mechanism of protected areas and that mechanism be put in place to guarantee that they share the benefits from these areas. As seen in the above context, the Durban Action Plan is still far from being achieved.

We thus urge the Permanent Forum, the Special Rapporteur and the Expert Mechanisms to jointly as well as separately call on the States in Asia to ensure promotion and protection of the rights of indigenous peoples, particularly in the context of conservation laws through necessary legal reforms in line with the UN Declaration. The States should provide effective remedy of negative impacts of conservation laws and programmes on indigenous peoples and implement the Durban Accord and Action Plan in collaboration with indigenous peoples and their organizations.

We also request the three mechanisms to jointly call on the WWF to allow independent investigation by a competent body/team immediately and present the findings of any investigations into specific allegations of human rights abuses that have taken place. Further, the WWF should make firm commitment to help find redress for the victims and their families.

Sustainable management of forests and conservation of biodiversity is possible only through genuine partnership with indigenous peoples, which should be undertaken with their equal status and roles with forest officials. No conservation initiative that affect us should be undertaken without our Free, Prior and Informed Consent (FPIC).

Thank you.

Delivered by: Gam A. Shimray, Asia Indigenous Peoples Pact

¹ *WWF Funds Guards Who Have Tortured And Killed People*, 4 March 2019, <https://www.buzzfeednews.com/article/tomwarren/wwf-world-wide-fund-nature-parks-torture-death?fbclid=IwAR3BqLo5wuyg8I-7BUUF6q14xOmKG1BFqN1CkjlhsJ8ibiWE0r39cX9FTa0>