

15th Session of UN Permanent Forum on Indigenous Issues, UN HQ, 9 - 20 May 2016

Agenda 4: implementation of the Six mandates areas of UN Permanent Forum on Indigenous Issues: Focus on Human Rights

Respected Chair, I am Jiten Yumnam, speaking on behalf of the Centre for Research and Advocacy, Manipur, an indigenous peoples' human rights organization of Manipur.

Manipur in India's North East has for long been afflicted with an armed conflict premised on its indigenous peoples' movement for self-determination to reject India's forced merger of Manipur on 15 October 1949. The self-determination efforts of indigenous peoples of Manipur, are responded militarily with promulgation of emergency laws, such as the Armed Forces Special Powers Act, 1958 (AFSPA) that conferred extra ordinary powers to the armed forces of Government of India, including using force on mere suspicion and to arrest people without warrant. Other notorious and draconian laws applied in Manipur against indigenous peoples, includes the Unlawful Activities Prevention Act, 1967, the National Security Act, 1980 etc, the Indian Penal Code etc. The AFSPA, 1958 declared Manipur entirely as a disturbed state, allowing the full scale deployment and militarization of Indian Armed Forces in Indigenous peoples land and territory in Manipur, in pretext of subduing indigenous resistance groups for self-determination. The militarization processes has led to intense violation of Human rights, ranging from violation of Right to Life and facilitated Land grabbing to facilitating development onslaught in Manipur, reinforcing State's efforts to undermine peoples' right to self-determination.

For long under the AFSPA, 1958, Manipur reels outside the framework of protection guaranteed by the International Human Right Law. More than 1500 fully confirmed cases of Extra Judicial Executions has been documented in Manipur from 1980's till 2012, as documented by the Civil Society Coalition on Human Rights in Manipur and the UN. The UN special mandate holders, namely, the Special Rapporteur on human rights defenders, Ms. Margaret Sekaggya and the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Christoff Heyns during their visits in India's North East in 2011 and 2012, have called for repeal of AFSPA, 1958 and referred to it as a unlawful implementation and violation of International Law in Manipur.

One of the most direct impacts of militarization and subjugation of indigenous peoples' self-determination movement in Manipur is on women and children. There are countless victims of sexual harassment committed by Indian security forces. The sexual harassment of Chanu Rose in Ukhrul District, the rape of Mercy Kabui of Lamdan Village by 112 Battalion Central Reserve Police Force on 19 July 2000, rape of Ms. Nandeibam Sanjit of Jiribam Uchanthol by personnel of 12th Granadier Rifles on 4 October 2003, which led to her suicide and the rape and murder of Miss Thangjam Manorama on 11 July 2004 by personnel of the 17th Assam Rifles are some of the infamous cases of rape cases in Manipur. The denial of justice, failure to prosecute and punish armed forces personnel involved in violations led to impunity. Ms. Radhika Coomaraswamy, former Special Rapporteur, also recorded many individual complaints of rape committed by security forces in Manipur in her report of 27 January 2000. (E/CN.4/2000/68/Add.1, Paragraphs 49-66).

Armed and resource conflict: An increased alarming reality associated with the armed conflict situation in Manipur and which complicates the persisting armed conflict is the aggressive plunder of land and natural resources. The violation of right to self-determination of indigenous peoples in Manipur is lucid clear in the pattern of aggressive push of corporate led development and associated militarism. A serious challenge with developmental processes in Manipur is the failure to recognize the right to self-determination and self-determined development of indigenous peoples over their land and resources.

The ongoing efforts to complete Mapithel dam by blocking the Thoubal River and filling up Mapithel dam reservoir and the proposed move to construct the 1500 MW Tipaimukh Multipurpose Hydroelectric Project, and signing of four MoUs on four mega dams on 28 August 2014, without the free, prior and informed consent of indigenous communities constitute a clear effort to undermine indigenous peoples

self-determination over their land and resources. The Tipaimukh dam will submerge more than 27,000 hectares of forest land and will destroy livelihood sources of indigenous communities of Manipur. Again, the Government of India granted license to Jubilant Oil and Gas Private Limited, a Dutch company, for exploration and drilling works² in two oil blocks in Manipur without peoples' consent and without considering the larger implications on indigenous peoples' way of life, livelihood, intergenerational survival etc. The North East India Hydrocarbon vision, 2030 has also been framed without indigenous peoples consent and will led to expropriation of peoples land and resources.

Indian paramilitary forces, operating under the AFSPA, 1958, to counter self-determination movements are also deployed and involved in introducing unsustainable projects that led to confiscation and destruction of agriculture land, forest and other resources of Manipur. Militarization is also associated with introduction of unsustainable development projects, as evident by the militarization of Mapithel Dam site, Loktak Project site, Khuga Dam etc. Indigenous Peoples and women's call for protection of productive agricultural land for prolonged economic subsistence and for sustainable and people friendly development are also met with brute and violent repression of indigenous women¹.

Three people, including women were killed and 25 people were injured in December 2005, when a combined team of Indian paramilitary forces, the Border Security Forces and the Indian Reserve Battalion opened fired on villagers affected by the Khuga Dam, who were demanding just compensation, in Churachandpur District of Manipur. On 3 November 2008, more than forty people, mostly women affected by the Mapithel Dam, demanding their basic rights were brutality beaten and inhumanely tortured by the Indian Reserve Battalion and the Manipur Police. The injured were all women belonging to different communities of Manipur, the Meitei, the Nagas and the Kukis. Ms. Lungmila AS of Louphong Village, Ukhrul District, was seriously injured in firing of Tear Gas canister and continues to remain in dysfunctional mental state till today. Indeed the former UN Special Rapporteur on Indigenous Peoples Rights, Mr. James Anaya expressed strong condemnation with the Mapithel dam construction and the militarization process in 2008. The Indian State continues to insist on militarization process to undermine indigenous peoples' efforts for self-determination over their land and has disturbed the profound relationships of Indigenous peoples in Manipur with their lands and territories, both physically and spiritually.

Recommendations: I would like to urge the UN Permanent Forum to urge upon the Government of India to:

- 1) Recognize the self-determined rights of indigenous peoples of Manipur as outlined in the UN Declaration on the Rights of Indigenous Peoples, 2007.
 - 2) Repeal the Armed Forces Special Powers Act, 1958 and end all forms of militarization in Manipur.
 - 3) Recognize indigenous peoples' fundamental rights, especially "Right to Life & Justice remedy".
 - 4) Recognize indigenous peoples' right to self-determined development with full recognition of their rights over their land and resources.
 - 5) Enforce moratorium on all mega development projects which failed to take the free, prior and informed consent of indigenous communities of Manipur.
 - 6) Repeal all policies and acts that foster privatization and corporatization of communities land such as the Manipur Hydro Policy, 2012, the Manipur Loktak Lake Protection Act, 2006 etc.
 - 7) Stop Oil Exploration and Drilling by Jubilant Energy and other oil companies in Manipur
 - 8) Stop construction of Mapithel dam. Decommission Ithai Barrage of the 105 MW Loktak HEP. Revoke the MoUs signed on 28 August, 2014 for construction of 60 MW Irang HEP project, 67 MW Khongnem-Chakha Hydro Electric Project, 190 MW Pabram Hydro Electric at Barak River and 51 MW Tuivai HEP projects in the Barak River basin.
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