

Report from Asia Regional Premeeting

Made by Jannie Lasimbang on behalf of the Asia Caucus at the Global Indigenous Preparatory Conference in Alta, Norway from 10 - 12 June, 2013

Mr. Chairman,

Let me first of all express our deepest appreciation and congratulations on behalf of the Asia Indigenous Peoples for hosting this Global Preparatory Conference in this beautiful and historical land of the Sami. May our struggle and solidarity grows with this meeting.

1. The Asia Preparatory Meeting on the World Conference on Indigenous Peoples (WCIP) was held in Bangkok, Thailand on 8-9 November 2012. The Preparatory Meeting was organized and hosted by the Asia Indigenous Peoples Pact.
2. The Preparatory meeting was attended by 52 indigenous participants representing indigenous peoples organizations from Bangladesh, Cambodia, India, Indonesia, Japan, Lao PDR, Malaysia, Nepal, Philippines, Taiwan/China, Thailand and Vietnam. Members of the UN Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples and the Co-chair of the World Conference on Indigenous Peoples, and representatives from UN and other international NGOs were also present.
3. The meeting received updates from Mr. John Henriksen, representatives from UN mechanisms and GCG on the preparations to the WCIP.
4. A key result to the Asia Prepmeeting was a 12-page ***Call to Action from Indigenous Peoples in Asia to the WCIP***, from which I highlight here. The document picked key issues which indigenous peoples of Asia want to be considered at the WCIP. However, in coming up with a global Outcome Document, we are conscious that we are conscious that not all our concerns and recommendations may be included. It is our hope that indigenous peoples from across the globe will be open to this so we can come up with a strong document in advancing our rights as peoples.

5. Preamble

In the Preamble of the Call to Action, the meeting welcomed the United Nations General Assembly Resolution to organize a high-level plenary meeting of the General Assembly, and reiterated that the World Conference offers the opportunity to build on the UNDRIP and existing internationally-agreed development goals to further propel the realisation of indigenous peoples' human rights in the coming decades, and the inclusion of indigenous visions in the post-2015 development agenda of the United Nations, including the elaboration of Sustainable Development Goals.

6. It highlights the implementation of international commitments, including the outcome document, *"The Future We Want"* of the UN Conference on Sustainable Development (Rio +20), the Rio Conventions/Agreements, and the REDD+ Programmes under the UNFCCC, and at the same time expresses concern that indigenous peoples continue to be among the most impoverished sections of society, and that the specific needs and circumstances of indigenous peoples have not been adequately addressed and targeted by the MDGs and in Poverty Reduction Strategies and Plans.

7. The Call to Action statement gives the contexts and recommendations with respect to indigenous peoples in Asia, the home to two-thirds of the world's indigenous population, with different peoples representing distinct identities, diverse cultures and political and legal systems, including customary law regimes of indigenous peoples. Indigenous peoples in Asia share a common history of colonization, marginalization, exclusion, discrimination, forced assimilation, and exploitation of their lands, territories and resources.

8. It expressed concern that several other Asian states are still reluctant to recognize and respect the identity, dignity, rights and political and juridical systems of the indigenous peoples living within such countries; and the weak levels of implementation of the safeguards and recommendations of various inter-governmental human rights treaty bodies and UN mechanisms. It also highlighted the non-inclusion of the rights of indigenous peoples by the Association of Southeast Asian Nations (ASEAN), including the ASEAN Human Rights Declaration adopted in November 2012;

9. With respect to self-determination and self-governance in Asia, there have been positive developments in the realization of these rights, including through indigenous peoples' movements and struggles with some States recognising collective rights and customary governance systems within international, regional and national legal frameworks.

10. Among the Recommendations to States are:

- To conduct constitutional and other legal reforms to incorporate the right of self-determination of indigenous peoples;
- To meaningfully comply with treaties, agreements and other constructive arrangements between indigenous peoples and Asian States to respect the right to self-determination including autonomy and self-governance of indigenous peoples;
- To build up and strengthen the capacity of indigenous women and youth, their organizations and movements;
- For States, UN Bodies and NGOs to facilitate systematic dialogues of indigenous peoples with ASEAN, the South Asian Association for Regional Cooperation (SAARC)

- and national governments to allow constructive discussions on how the right of self-determination can be implemented in accordance with the UNDRIP and other international human rights standards; and
- To ensure the full and effective participation of indigenous peoples in all policy decision-making in matters that affect them

11. On **militarisation and conflict**, Indigenous peoples in Asia continue to face discrimination, land alienation, forced population transfer, displacement, human rights abuses, genocide, cultural assimilation and denial of access to justice. Globalization and liberalization policies accompanied by militarization and aggressive development policies have violated basic human rights, including an increasing labeling of activists of indigenous peoples' movements as "terrorists".

12. Militarization is a serious issue facing indigenous peoples in Asia, where military power is used not only to violently suppress indigenous movements for self-determination and autonomy but also to breakdown the territorial integrity of Indigenous Peoples, and promote and protect the interest of State-sponsored or other private companies or multinational corporations.

13. Among key Recommendations to States are:

- to ensure that territories of Indigenous Peoples in Asia are free of state military interventions and that military bases or military training centres installed in indigenous territories be not established without their free prior and informed consent;
- to evolve effective mechanisms to trace the genuine root causes of unrest and address the problems through appropriate political solution;
- to ensure access to justice for Indigenous Peoples through formal justice institutions, national human rights institutions and other forms of redress, including by taking into account Indigenous peoples' customary laws, institutions and processes; and
- for UN bodies, competent and independent experts, including Special Rapporteurs, to conduct impartial investigations on the human rights situation of indigenous peoples in Asia in relation to policies of governments.

14. On **Lands, Territories, Resources and Local Economies**, the Call to Action statement recognises good practices by States, private sector and NGOs in promoting livelihood projects, access to markets, and co-management in protected areas that strengthen the security of indigenous peoples' ownership and/or access to their traditional lands, territories and resources and socio-cultural relations and traditional occupations.

15. However, aggressive land and infrastructure development, extractive industries, climate change mitigation activities, establishment and management of protected areas, and other forms of encroachments upon indigenous peoples' lands, territories and resources have led to persistent violations and breaches of human rights and fundamental freedoms perpetrated by States.

16. Among key Recommendations to States are:

- to institute mechanisms and procedures to ensure free, prior and informed consent, and to reform laws, policies and practices to comply fully and effectively with international human rights standards;
- to respect the particularities, rights and knowledge of indigenous women in relation to land rights and access to and control over resources, and to prohibit all forms of racial and gender-based discrimination, including those based upon the caste system;
- to establish effective complaints mechanisms and redress mechanisms;
- to duly demarcate indigenous peoples' lands and territories in accordance with customary law and process.

17. The fourth theme on **Culture and Spirituality** highlighted how indigenous peoples in Asia are currently facing great loss of their cultures and identities as a result of exploitation and commodification of cultures, materialistic influences on the youth, severance from their lands, territories and resources, and entrenched structures and policies that have undermined the indigenous traditional cultures and customary law practices of indigenous peoples.

18. Among key Recommendations to States are:

- to discontinue discriminatory treatment towards indigenous peoples;
- to strengthen and revitalize indigenous cultures, languages and identities,
- to take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity in partnership with indigenous peoples; and
- to ensure the participation of indigenous youth and women in decision-making processes affecting them, including through provision of adequate resources and space for such participation.

19. In addition to the recommendations on thematic issues, some **general recommendations** were also made, including the:

- appointment of an Under-Secretary General for Indigenous Peoples;
- establishment of mechanisms to strengthen indigenous peoples' participation in governance and advisory bodies of the UN;
- establishment of a stronger monitoring and reporting mechanism on the implementation of the UNDRIP at the global, regional and national levels; and
- for the ASEAN Intergovernmental Commission on Human Rights (AICHR) to establish a Working Group on Indigenous Peoples and for the SAARC to establish a human rights commission and a Working Group on Indigenous Peoples.

20. Additionally, the Asia Prepmeeting also came up with its own action plan for the WCIP, which has since been updated to include activities at the national level in an effort to lobby Asian governments and to call indigenous peoples to action.

Thank you, *Kotohuadan*.