



ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/Sub.2/AC.4/1983/5/Add.1
25 July 1983

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Working Group on Indigenous Populations
Second session
Items 5 and 6 of the provisional agenda

WGIP 83/UN1/2

REVIEW OF DEVELOPMENTS PERTAINING TO THE PROMOTION
AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS OF INDIGENOUS POPULATIONS

CONSIDERATION OF THE EVOLUTION OF STANDARDS CONCERNING
THE RIGHTS OF INDIGENOUS POPULATIONS

Information received from non-governmental organizations

Addendum

This document contains information received from the Anti-Slavery Society for
the Protection of Human Rights. 1/

1/ Copies of the full texts of these papers are available for consultation
at the Secretariat.

GE.83-17024

THE ANTI-SLAVERY SOCIETY FOR THE PROTECTION OF HUMAN RIGHTS

[Original: English]

[13 July 1983]

The Anti-Slavery Society for the Protection of Human Rights has submitted information on the following countries:

1. BANGLADESH

The Anti-Slavery Society wishes to draw the attention of the members of the Working Group to the situation of the tribal minority peoples living in the Chittagong Hill Tracts of the Republic of Bangladesh.

The Chittagong Hill Tracts are traditionally inhabited by 13 main tribal groups different in race, religion and culture from the Muslim Bengali majority of Bangladesh. There are some 600,000 tribal peoples in the district and up to 1950 they constituted more than 90 per cent of the local population.

Until independence in 1947 the Chittagong Hill Tracts were left largely untouched. Under Mogul rule from 1666 to 1760 tribal chiefs paid only tribute. Subsequently, under British rule they were given a limited autonomy through the 1900 Regulation. This Regulation provided that "no person other than a member of the tribal group of the Chittagong Hill Tracts shall enter or reside within the Chittagong Hill Tracts ...". The indigenous population of the Chittagong Hill Tracts might have expected, after independence, to enjoy greater freedom. This has not been the case. Both as a district of East Pakistan until 1971 and subsequently of Bangladesh the peoples have been dispossessed of their lands and subjected to ruthless de facto martial law.

A major hydro-electric power project based on a dam near Kaptai was planned without consulting the population concerned. The resulting reservoir inundated 250 square miles, 40 per cent of the cultivable land of the Chittagong Hill Tracts. More than 100,000 tribespeople were displaced. There was grossly inadequate provision for relocating or compensating the people affected. The displacement of nearly one-fifth of the total hill tracts population created severe pressure on the remaining land resources. Impoverishment and environmental degradation have been the result.

Since the independence of Bangladesh conditions for the tribal peoples have deteriorated further. There has been a growing influx of Bengali settlers and businessmen seeking land in the hill tracts. Government officials and agencies have encouraged this invasion and have offered land and other incentives to Muslim settlers. By 1981 more than 200,000 Bengalis had been settled in the district. In July 1982 a third phase of Bengali settlement was authorized by the Bangladesh Government by which a further quarter of a million Bengalis are expected to be transferred to the district. This settlement programme will make the indigenous people of the Chittagong Hill Tracts a minority on their own land.

Since the influx of settlers and the accompanying distribution of ancestral tribal land to Bengalis tension has risen. An estimated 100,000 regular and paramilitary troops, one-third of the country's armed forces, are operating in the hill tracts. The number of police stations has more than doubled in the last decade.

Numerous operations by the army against tribal communities have been reported and army personnel have been involved in serious violations of human rights, including murder, rape, arson and sacrilegious attacks upon Buddhist temples and monks. On 25 March 1980 some 300 tribal civilian men, women and children were massacred by regular Bangladesh army troops, aided by Bengali settlers, in the hill tracts town of Koakhali Bazar. Members of Parliament called on the Government to open an enquiry. A five-man Parliamentary Committee headed by the Home Minister was set up but to date no investigation of the massacre has taken place.

In 1981, an estimated 500 tribal people were killed by Bengali settlers during riots at the village of Matiranga Police Station. The armed forces had previously confiscated guns held by the tribal peoples in the area and during the rioting made no attempt to restore order.

These massacres and other acts of intimidation have induced a state of terror among the indigenous peoples of the Chittagong Hill Tracts. Some 40,000 refugees are estimated to have fled to neighbouring India.

The armed forces have imposed an economic blockade in certain areas of the hill tracts. The movement of food and other essentials have on occasion been embargoed and tribal people living in remote areas have had to go without food. Army personnel have been responsible for the harassment of tribespeople carrying food, fuel or medical supplies at markets and checkpoints. The Anti-Slavery Society is disturbed by recent reports suggesting increased military violence and attrition. In April of this year 95 malaria deaths were reported in two months in the hill tracts district. Such high death rates suggest deteriorating living conditions and medical support services.

The state of siege under which the hill tracts people live has led to severe limitations of access by foreign and national journalists and investigators. Those reports that reach the Anti-Slavery Society indicate clearly enough that the continuing militarization and the restriction placed on the movement of essential supplies must be seen as a direct attack on the very lives of the tribal peoples.

The Anti-Slavery Society recommends the Working Group to urge the Bangladesh Government to:

- (a) Establish an independent investigation to examine evidence of human rights violations against tribal peoples in the hill tracts;
- (b) Call an immediate halt to the influx of Bengali settlers into the hill tracts;
- (c) Reduce the number of troops operating in the Chittagong Hill Tracts;
- (d) Enter into discussions with all sectors of tribal society with a view to reaching a political settlement which would respect the land rights, culture and identity of the indigenous peoples.

Also we note that the Republic of Bangladesh has not ratified:

The International Covenant on Economic, Social and Cultural Rights, nor

The Convention on the Prevention and Punishment of the Crime of Genocide.

We earnestly hope that the Working Group will urge the Bangladesh Government to ratify these international instruments at the earliest moment.

Finally, we feel it would reduce the present level of fear and suspicion if a special mission from the United Nations could be invited to Bangladesh and allowed free access to the Hill Tracts and we further believe that journalists and other international observers should be allowed access to the troubled region.

2. GUATEMALA

Four times in recent years (in 1976, 1978, 1980 and 1982) the Anti-Slavery Society has presented reports on Guatemala to the United Nations. We have drawn attention, like many non-governmental organizations, to the appalling violence directed by the army and security forces against an impoverished and largely indigenous civilian population. We have spoken of the countless disappearances and arbitrary killings of priests, politicians, teachers, journalists, trade unionists and peasants. We have appealed to the presidents of Guatemala to end the atrocities and to respect the articles contained in the Universal Declaration of Human Rights.

Today in 1983 we must observe that all our admonitions, and those of millions of people all over the world, have been to no avail. Barbaric acts of violence continue to be perpetrated by the armed forces on its civilian population.

We cannot share the view of the United States Government concerning any improvements in human rights since General Rios Montt seized power on 23 March 1982. All evidence received by the Anti-Slavery Society indicates that there has been a continuation of political killings and massacres. These appear to be directed principally against the Indian population living in the countryside, and most particularly in the area of the country of greatest Indian concentration in El Quiche province.

The level of terror induced in the indigenous population can be measured by the massive exodus from Guatemala. Close on 500,000 refugees, mainly women and children, are surviving in make-shift camps in Mexico and other countries of Central America; a further one million are estimated to be internal refugees driven from their homes and villages and forced to hide in the hills.

Of especial concern to the Anti-Slavery Society has been the growing use of "model villages" where the indigenous population is forcibly settled under strict military control. We are disturbed by allegations of forced labour of these people on plantations.

We cannot help being seriously disturbed by the apparent complicity of Western democracies and other countries in this appalling violence against the indigenous population of Guatemala. In the last decade the United States, Israel, France, Switzerland, Italy, Belgium, Yugoslavia and Taiwan have all sold military equipment to Guatemala. Taiwan continues to provide military aid and offer training to officers; Israel has assisted in the building of a communications and electronics school for the army and we understand Israeli machine guns are standard equipment in the Guatemalan armed forces; in January of this year the United States State Department approved the sale of \$US 6.3 million worth of military equipment. There can be no doubt now that this military equipment is used against unarmed civilians and we cannot help reflecting on the paradox that now prevails by which countries that assert their own freedom, assist in the suppression of the freedom of others.

We are reminded of the words of the philosopher John Stuart Mill who wrote:

"A government which needs foreign support to enforce obedience from its own citizens is one which ought not to exist and the assistance given to it by foreigners is hardly ever anything but the sympathy of one despotism with another."

To stop the carnage that engulfs Guatemala and already threatens other countries in Central America the flow of arms must be halted. In this respect the Anti-Slavery Society urges the distinguished members of the Working Group to recommend to the Human Rights Commission in the strongest possible terms that they call upon all Governments to refrain from supplying arms and other military assistance as long as serious human rights violations continue in Guatemala.

3. THE PHILIPPINES

In the Philippines there are approximately 6.5 million people who belong to indigenous minority groups and more than 50 recognized national minorities. They constitute about 15 per cent of the total population. Many have retained a marked degree of cultural, economic and political independence. Today, however, these people face unprecedented destruction of their way of life. Should the Philippines Government continue its present policies, this generation of indigenous minorities will be the last.

On 21 September 1972 martial law was declared by President Ferdinand Marcos. It remained in force throughout the country until 17 January 1981 when it was nominally lifted. But extraordinary powers are still held by the President and the armed forces. Many leading administrative positions are filled by military men.

In the decade since the imposition of martial law the armed forces have grown five-fold to over 300,000 men. The military budget exceeds \$US 1,000 million in a country where poverty is endemic and where the external debt has now reached \$US 18,000 million.

Of particular concern to the Anti-Slavery Society is the development in recent years of the phenomenon of strategic hamletting by which members of the rural population are forcibly removed from their homes and settled in guarded camps. Over 200,000 people are estimated to have been affected by this policy and many of these are tribespeople. They are crowded together in these camps, live in poor housing and, unable to reach their fields, are effectively denied their traditional means of livelihood. They are extremely undernourished and vulnerable to sickness.

The dislocation of tribal peoples is motivated by the search for exploitable resources. Today those resources are concentrated on the traditional lands of the national minorities. Successive Philippines Governments have failed to recognize the rights of minorities over their land and have chosen instead to treat the lands as unappropriated resources. Where the minorities stand in the way of this government sponsored development, the armed forces have been instrumental in removing them.

In recent years, therefore, numerous development plans have been approved by President Marcos which have resulted in forced dispossession, in grave violations of the basic rights of the indigenous peoples of the Philippines, and commonly in physical assault and death.

Tingians, Kankanaeis, Isnags, Bontocs and Kalingas in northern Luzon who together number over 100,000 are threatened by a logging concession awarded by the Government to the Cellophil Resources Corporation.

The energy programme which involves the construction of at least 40 major dams threatens to submerge the best farmlands and settlements of tribal communities and will affect 1.5 million people.

The National Development Corporation in partnership with multi-nationally controlled agribusiness interests have illegally acquired tribal land where farmers have titles or where Filipino law acknowledges their traditional rights to land ownership.

The Working Group's attention is drawn particularly to the forced dispossession of tribal land and the violations of human rights presently occurring in Agusan del Sur on the island of Mindanao.

In 1979 about 40,000 hectares of land were granted to the National Development Corporation by Presidential Decree for plantation development. The National Development Corporation in partnership with the Malaysia-based international company, Guthrie Plantations Incorporated, subsequently removed several thousand families against their wishes.

In addition, the National Development Corporation and Guthrie Plantation Incorporated have employed a paramilitary group, "the Lost Command" to evict farmers and the indigenous Manobos from the plantation site.

The Lost Command is a force of some 200 ex-soldiers and criminals under the personal orders of Colonel Carlos Lademora. Wherever the Lost Command has operated there has been an increase in violence. In June last year at least nine people were murdered by the Lost Command and as recently as May this year members of this force murdered one farmer and tortured nine others. Of particular concern is the use of the Philippines National Development Corporation and Guthrie Incorporated of members of the Lost Command as part of their security guard. The Anti-Slavery Society is disquieted by the financial support provided by the British Commonwealth Development Corporation in January of this year to the plantation project. Substantial evidence of the acts of intimidation and oppression perpetrated by the Lost Command has been brought to the attention of the Commonwealth Development Corporation.

PANAMIN, the government agency charged with the welfare of minorities, had a responsibility to intervene to protect the rights of these people. It did not do so.

Since its inception, PANAMIN has, in fact, been instrumental in the relocation of tribal peoples on reservation land. PANAMIN's announced policy is to remove all the national minorities from their traditional land and settle them on reservations.

Tribal people have never had a representative in the leadership of PANAMIN and they continue to have no say in the formation of its policies. Instead, the head of PANAMIN, Manuel Elizalde Junior, and his close advisors are drawn from the ranks of leading businessmen involved in the exploitation of natural resources on tribal lands and, increasingly, from the armed forces.

In conclusion, the Anti-Slavery Society would like to draw the attention of distinguished members of the Working Group to the fact that: the Republic of the Philippines, as a member of the United Nations is a signatory to:

The International Covenant on Economic, Social and Cultural Rights;

The Convention on the Prevention and Punishment of the Crime of Genocide;

The International Convention on the Elimination of All Forms of Racial Discrimination.

In view of this we recommend that the Working Group urge the Philippines Government to:

(a) Investigate military and paramilitary abuses committed against indigenous peoples;

(b) Guarantee land and other basic rights of the Filipino indigenous peoples;

(c) Respect tribal peoples and consult tribal organizations concerning all development projects affecting their lands.

4. THE HMONG OF THAILAND

The Anti-Slavery Society would like to draw the attention of the Working Group on Indigenous Populations to the situation of the Hmong peoples of South East Asia. They number over 3 million and presently inhabit the rugged highlands of south-western China and the northern parts of Laos, Viet Nam and Thailand. In this submission, our comments are based on a report carried out by the Anti-Slavery Society concerning the approximately 50,000 Hmong living in northern Thailand.

The Hmong were driven, by a southward expansion of the Chinese, into the inhospitable mountainous region where they live today. They inhabit a border area at the interface of conflicting ideologies, where the Western-backed monarchy of Thailand butts against the socialist regime of Burma and Laos. For the last three decades the Hmong people have been the pawns in a confrontation between the Superpowers.

The Hmong in Thailand have their own language, social organization, customs and culture. Their economy is based on shifting cultivation and they have no recognized legal title to land. Their traditional way of life, with its musical and oral tradition is today faced with violent change and possible destruction.

Since the Second World War, the land inhabited by the Hmong has been the scene of almost continuous military and ideological conflict. As a result of the political polarization in the region nearly 50,000 Hmong have fled from their homes and been settled abroad, while a further 40,000 still remain in refugee camps along the border with Laos where they subsist with barely adequate facilities.

The Hmong inhabit the "golden triangle", where much of the world's opium is produced. They are criticized for being illegal producers of opium but they have traditionally used the drug for cultural and medicinal reasons. It was only with Western and, historically, British influence that opium became a valuable commodity crop. Today, cultivation of the opium poppy has become the mainstay of the Hmong economy without which they would not be able to survive.

Unwitting participants in a massive multi-million dollar drug market controlled by outsiders, the Hmong face intimidation by armed war lords, local traders and remnants of the Kuomintang - Chinese National Army which fled after the success of the Chinese revolution. The remnants of the Kuomintang are settled in the border region and depend upon the opium trade for funding their activities. The Thai Government has tolerated their illegal trading activities because this paramilitary force fulfils important counter-insurgency functions. The profits attainable from opium trading are enormous and there is evidence that traders receive the patronage of high level officials in Thailand, while impoverished local officials in the hill region are susceptible to bribes from the lucrative opium trade.

The Thai Government and United Nations agencies have launched programmes to introduce crop substitutes and thereby provide an alternative economic base for the Hmong and the other ethnic minorities affected. These laudable projects have been largely unsuccessful because they did not address themselves to the principal causes of opium production: the insatiable demand for the drug, the massive profits available and the complicity of many officials.

The Hmong still largely lack citizenship rights and there are numerous obstacles to their acquiring them. The hill tribespeople must show they were born in Thailand and have the appropriate registration certificates. Few people, however, have such documents.

The complex issues and interests involved in this politically polarized opium producing area suggest no simple answers. Yet from the point of view of the tribal people, especially the Hmong in whose homeland this international trade is carried out, the continuing of current policies can only mean eventual assimilation and loss of cultural autonomy. The Hmong cannot indefinitely survive the costly violence of international conflicts nor can their way of life survive the internationalization of the opium business. A secure title to land, support for alternative and marketable crops and the recognition by the Thailand Government of the integrity of their national minorities are prerequisites for a peaceful resolution of the problem.

We hope that the Working Group will feel able to raise the case of the Hmong people of Thailand with other specialist United Nations agencies working in the region which include the United Nations Development Programme and the United Nations High Commissioner for Refugees.

5. WEST PAPUA

The Anti-Slavery Society would like to draw the attention of the Working Group to the very serious situation faced by the 1 million Melanesian people of West Papua. We are concerned that if the present policies of the occupying Indonesian forces continue, the indigenous peoples of West Papua may face destruction.

West Papua, a former Dutch colony, is the western half of the island of New Guinea. In 1962 it was invaded by Indonesia and in 1969 the United Nations supervised an "Act of Free Choice" by which West Papua became a province of Indonesia. It is now administered as the province of Irian Jaya.

The circumstances of the referendum that took place in 1969 cast serious doubts about its validity in international law: acts of intimidation by Indonesian troops were plentiful, no plebiscite was taken of the population but only consultation with appointed representatives and United Nations monitors were excluded from many of the proceedings. Indonesian rule has, from its imposition, met with fierce resistance from the indigenous peoples of West Papua.

The events that have taken place in the last decade and a half have been largely unreported. There are strictly enforced limitations on national and international journalists and researchers and much of what we have to say can be confirmed only with difficulty. Allegations of up to as many as 200,000 murders of West Papuans since Indonesian annexation in 1962 have been made. Foreign journalists have reported on aerial bombardment of civilians, on large scale and arbitrary arrests and detentions, and on numerous disappearances and executions in which the armed forces are involved.

Now investigations carried out this year by the Anti-Slavery Society confirm these allegations of widespread abuses of human rights.

The militarization of West Papua and the continuing repression of its indigenous peoples has been accompanied by large scale immigration programmes. An estimated 1 million Indonesians, principally from the overpopulated island of Java, are expected to be settled in West Papua under the programme. The first of these poor and landless Indonesians have already been moved to strategically important areas, along the border with Papua New Guinea or near important economic locations such as the oilfields in the extreme west of the island. They have been settled on the traditional land of the West Papuans and these in turn have been forced to move to less productive areas or been denied land necessary for continuing shifting cultivation.

In addition to this influx of sponsored migration there has also been substantial migration by entrepreneurs from the main islands of Indonesia. These have settled mainly in the towns and have taken over much of the administration and commerce on the island. It is estimated that in Jayapura the principal town of West Papua little more than 10 per cent of the population is indigenous; and these are excluded from the main areas of administrative and economic activity. If this policy of resettlement persists there can be no doubt that the indigenous population of the island will become a minority, pushed into remote and economically impoverished areas and separated from all aspects of political, social and economic life.

We are also disturbed by growing evidence of racialism in the policies and attitudes of the Indonesian authorities. Indigenous peoples of West Papua have been compelled to wear clothing that is alien to their traditions, they have been depicted as savages and in a country where there is a rich and varied linguistic history, Indonesian is the official language. West Papuan children are taught to disdain the culture of their own people in Indonesian schools, they are forbidden to use the word "Papuan" and when they look eventually for work they encounter discrimination. Virtually no high level posts are filled by Papuans.

What makes West Papua such a coveted prize for Indonesia? What has provoked the invasion by large parts of the Indonesian armed forces of a land peopled by men and women of different racial and cultural backgrounds? The explanation lies in the enormously valuable resources available for exploitation. Rich oil deposits have been discovered in the western end of the island and has produced one of Indonesia's highest flowing wells. The major international oil

companies - Shell, Conoco, Total, Texaco, Chevron - have been granted concessions for drilling. Many hundreds of millions of United States dollars worth of oil exports are now leaving the country. In addition to oil West Papua is rich in mineral resources. In the south of the island is one of the world's largest outcrops of copper. Other minerals being exported include gold and nickel.

Once again some of the world's major transnational companies - ICI, United States Steel, are prominent among them - are involved in the exploitation of this mineral wealth.

Tragically, the people of West Papua have derived no benefits. Very few Papuans are employed in oil or mineral extraction. Indeed the mining activities occurring at Freeport have led to the forced removal of several thousand Papuan families from their land and homes. The exploitation of the timber resources threatens to destroy the livelihood and culture of certain groups of West Papuans. In the Asmat area the activities of timber companies are presently undermining a way of life entirely dependent on forest products.

The Anti-Slavery Society wishes to emphasize to the Working Group the extreme seriousness of what is currently taking place in West Papua. We believe that the West Papuan people are threatened with destruction by the Indonesian security forces, by the massive influx of settlers from outside the island and by the rapacious extraction of natural resources by Indonesian and foreign companies. The lack of information and the obstacles presented to outside investigators make it imperative that some independent enquiry take place to assess the conditions of the West Papuan people. It is in this respect that we urge the Working Group to seek an invitation from the Indonesian Government in order to investigate allegations of widespread and officially countenanced human rights violations.

We should also like to ask the Working Group to urge the Indonesian Government to respect the rights to life of the West Papuan people.