

## ASIA CAUCUS STATEMENT

EXPERT MECHANISM ON THE RIGHTS OF INDIGENOUS PEOPLES  
SIXTH SESSION, 8-12 JULY 2013  
UNITED NATIONS OFFICE, GENEVA, SWITZERLAND

## AGENDA ITEM 4: Follow-up to thematic studies and advice

The Asia Indigenous Peoples Caucus welcomes the completion of the EMRIP study on the role of languages and culture for the promotion and protection of the rights of indigenous peoples. We likewise welcome the inclusion of the good practices in promoting language and culture of indigenous peoples in Asia.

We wish to highlight some issues that we continue to face as challenges in the promotion of our languages and culture.

In Bangladesh, the 15<sup>th</sup> Constitutional Amendment provides that all the people of Bangladesh nation shall be known as Bengali and the citizens of Bangladesh be known as Bangladeshis. While indigenous peoples in Bangladesh consider themselves as Bangladeshi as citizens, categorizing them as Bengali is a form of forced assimilation.

In Nepal, 21 indigenous communities are still in the process of being recognized<sup>and</sup> and indigenous women are still not recognized by state laws and policies. The Muluki Ayn National Law's 12<sup>th</sup> amendment is still discriminatory to indigenous peoples' cultural rights.

In Lao PDR, indigenous peoples are being resettled in lowland areas as part of the government's efforts supposedly to provide better services to them. This, however, is forcefully assimilating them resulting to the loss of their cultures, including their traditional lands, territories and resources.

In India, the tribal communities continue to suffer through land alienation and development-induced displacement in the tribal populated states of the country. Violation<sup>of</sup> of PESA Provision of Panchayats Extension in Scheduled Areas Act 1996, Chhota Nagpur Land Tenancy Act 1908 and Scheduled Tribes and Other Traditional Forest Dwellers Recognition of Forest Rights Act 2006 which has been guaranteed by the Constitution of India and grants extensive rights to indigenous forest dwellers, including the right to possess forest land for habitation and self-cultivation purposes, as well as the right of access to forest resources and to participate in conservation efforts<sup>have been</sup>. There has been an observed lack of political will by the Government to implement them in letter and spirit. Migration & trafficking of thousands of tribal women to cities also is an alarming situation.

The indigenous peoples right to language and culture is an essential part of the right for self-determination and is deeply rooted in the indigenous peoples access and relation with their ancestral lands, territories and resources. Likewise, development aggression remains to be a main challenge to the indigenous peoples' practice and development of their culture as it displaces the communities, destruction of their livelihood, ritual sites and burial grounds, division of the community and cooptation of customary laws as in the experiences of some Blaan communities from the operation of the mining company SMI-Xstrata in the Philippines.

Militarization of indigenous communities have also posed threat and disrespect to the educational and cultural systems and institutions, especially those which the indigenous communities have set

up with the assistance of other agencies or organizations. Over the past three years the different alternative schools of the Lumad in the Philippines, their para-teachers and students, have experienced continued encampment, threat, harassment and tagging as "schools of the rebels" by the military and para-military groups. The Operation Green Hunt/Anti-National Movement Drive in India has caused killing and torture of thousands of innocent indigenous peoples including women & children.

Lastly, Indigenous peoples remain to be generally invisible in the mainstream media, their issues do not get enough media coverage and the projection of the indigenous peoples are more often than not misrepresented or romanticized.

With this situation, we call on States and UN Agencies to:

1. Initiate implementing the previous studies advice on the education and rights to participation in decision-making and the role of languages and culture. (We believe that this implementation would fill the gap, and respect, recognize and assist in maintaining and promoting traditional political institutions of indigenous peoples.)
2. Review laws, policies and programs on language and culture and repeal or revoke those which indigenous communities have experienced as assimilative and discriminative. Provide recognition and support to alternative schools for learning for indigenous peoples and stop the red-tagging, incrimination and other forms of harassment to alternative schools.
3. Provide the education policy framework for which indigenous peoples' right to maintain and develop their educational systems and institutions are respected, and assist in initiatives to develop multi-lingual and culturally appropriate curricula within the mainstream education system with the full and effective participation of indigenous peoples,
4. Pull-out of military and para-military forces from indigenous communities and to stop the encampment and use of educational facilities.
5. Institutionalize efforts of indigenous peoples to maintain their traditional collective values through programs which recognize and promote traditional ways of learning and transfer of indigenous knowledge.
6. To encourage the media to cover indigenous issues based on the recognition of the indigenous peoples rights, and support efforts such as the Indigenous Voices in Asia and of the communities developing their access and to information and community based media.

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