

6 (b)

Asian Forum for Human Rights and Development (FORUM-ASIA)

**UNITED NATIONS WORKING GROUP ON INDIGENOUS
POPULATIONS 24th Session, Geneva, 31 July to 4 August 2006**

***Agenda Item : 6 (b) "Cooperation with other United Nations bodies" Presented by:
Sammy Gamboa***

1. Asia is home to one of the most ethnically diverse and complex populations in the world which includes millions of Indigenous Peoples. But Indigenous Peoples in this part of the world remain the most vulnerable, powerless and marginalized and have the least in rights.
2. A number of Asian governments pride themselves as having signed and ratified many of the major human rights treaties and conventions such as the CRC and CEDAW. The recently passed Declaration on the Rights of the Indigenous Peoples by the HRC was supported by a number of Asian member-governments.
3. Some Asian governments, such as the Philippines, also boast of having developed and enshrined in their constitutions, domestic laws and policies the rights of the Indigenous Peoples. But these domestic remedies and protection mechanisms continue to be observed more in the breach and are thus rendered virtually useless.

For instance, the recent cold-blooded murder of Indigenous leaders Marcus Bangit and Alice Claver by suspected military death squads, the militarization of many indigenous communities, and the government's plans change the constitution to attract more foreign investors particularly in the extractive industries such as mining, as well as the reported plan to scrap or render inutile the Indigenous People's Rights Act (IPRA) are stark testimonies of the unbridled and worsening assaults on the IPs rights by a government that has been recently elected to the new Human Rights Council of the United Nations.

4. The governments of ASEAN are in the process of developing a charter that will give this regional body a legal entity and mandate. ASEAN is also engaged in the development of regional standards and mechanisms for human rights and for the promotion and protection of the rights of women, children and migrant workers.
5. On the other hand, a number of other UN mechanisms and related agencies remain unutilized or underutilized in Asia and thus depriving these arenas to be used effectively in order to enhance the defense and promotion of the rights of the indigenous peoples in Asia and to effectively hold Asian governments accountable. These include, maximizing the opportunities offered by the HRC such as the Universal periodic review, the Special Procedures, the UN Treaty bodies and mechanisms, other conventions such as the Biodiversity Conventions, and other UN line agencies such as the ILO, UNESCO, the WHO, and the UNDP, among others.

6. FORUM-ASIA joins the call of other Indigenous People's organizations in maximizing the coordination and cooperation of the Working Group and the Human Rights Council with other UN bodies with the view to effectively compel Asian governments and states to actually promote, protect and fulfill the rights of the indigenous peoples in Asia. This includes measures such as:

- Prioritizing the Asian-members in the HRC, such as the Philippine government in the Universal Peer Review (UPR).
- Strengthening the Special procedures mechanisms of the HRC and the utilization of other SPs such as those dealing with the Human Rights Defenders.
- Strengthening the work of the OHCHR in the region by increasing its field presence particularly in countries that have serious violations against the rights of the IPs. Urging the OHCHR to increase its capacity to address specific issues involving IPs rights violations, and in capacitating Asian states to improve their work towards promoting and fulfilling IPs rights.
- Urging ASEAN governments, through the HRC, to include provisions for the rights of the indigenous peoples in the development of the ASEAN charter and of other regional mechanisms. We emphasize that the ASEAN instruments should be consistent with and not less than the spirit and contents of the newly-approved Declaration on the Rights of the Indigenous Peoples
- Partnering with other UN agencies and human rights bodies to further develop the Declaration on the Rights of the Indigenous Peoples into a convention.
- Supporting the campaign for Asian governments to ratify and observe/implement other UN conventions such as the Convention on Biodiversity, the ILO 169 and the like.
- Initiating concrete steps towards enhanced program interface and coordination with other UN bodies like the UNDP, UNESCO in promoting and protecting IPs concerns and rights in Asia.
- Urging concerned UN agencies to support and strengthen the work of national human rights commissions (NHRIs) in some Asian countries (ie. Philippines, Malaysia and Indonesia) for the IPs.

Thank you.