

STATEMENT OF THE ASIA INDIGENOUS PEOPLES PACT (AIPP) AND THE ASIA INDIGENOUS PEOPLES CAUCUS ON THE IMPLEMENTATION OF THE UNDRIP

Delivered by: Richard Gadit

The Asia Caucus wishes to congratulate the new chairperson as well as the new members of the Expert Mechanism on the Rights of Indigenous Peoples.

In the context of Asia, there have been positive developments as well as emerging challenges regarding the implementation and the exercise of the collective rights of indigenous peoples in the region as embodied in the UNDRIP.

In Southeast Asia, the ASEAN has made some progress in integrating human rights as part of its framework. At present, the ASEAN Intergovernmental Commission on Human Rights (AICHR) is currently drafting the ASEAN Human Rights Declaration. This Declaration is due for adoption during the ASEAN Summit next year. In all its documents, however, including its Roadmap for an ASEAN community 2009-2015, it does not refer in any way to indigenous peoples and our recognition as *distinct peoples with inherent collective rights*. This is despite the fact that all ASEAN member states have voted in favour for the adoption of the UNDRIP. The current drafting of the ASEAN Human Rights Declaration opens an opportunity for indigenous peoples to sustain and heighten its engagement with the AICHR and related bodies for the inclusion of indigenous peoples rights in the ASEAN Human Rights Declaration. The IP ASEAN Task Force established by AIPP remains committed to engage not only with AICHR but to the delegations of ASEAN member-states for the promotion and protection of the rights of indigenous peoples.

In Bangladesh, the 15th Constitutional Amendment denied to provide constitutional recognition of the fundamental rights of its indigenous peoples. This is inspite of the very strong demand and broad support for the recognition of indigenous peoples of Bangladesh as distinct from the Bengalis. The said amendment provides that all the People of Bangladesh nation shall be known as Bengali and the citizens of Bangladesh shall be known as Bangladeshis. Indigenous peoples of Bangladesh do not want to be known as Bengali. Indigenous peoples rejected it saying that they are Bangladeshi as citizens, but they are not "Bengali" as nation/community. It would be worth mentioning that Bangladesh is one of the 11 member states who abstained from voting in the adoption of the UNDRIP.

Indigenous peoples across Asia have actively conducted several initiatives at all levels in promoting the UNDRIP for immediate implementation. National and local indigenous organizations have increased their engagement with government bodies as well as to civil society organizations and the media in promoting the UNDRIP. Likewise, the Asia Indigenous Peoples Pact (AIPP) as the federation of 32 indigenous organizations in 12 countries has increased the advocacy capacity of IP leaders and organizations at the national level through the successful conduct of Advocacy Trainings on the UNDRIP. It has also published a Training Manual and translated it in different languages as resource material for the conduct of local trainings and education seminars on UNDRIP. AIPP has also increased its collaboration and partnerships with UN agencies and National Human Rights Institutions (NHRI) towards mainstreaming indigenous peoples rights.

One of the key challenges for indigenous peoples in Asia for the implementation of the UNDRIP is their legal recognition by states as indigenous peoples with collective rights under international human rights instruments such as the UNDRIP. Many Asian countries still claim that they do not have indigenous peoples or that everyone

is indigenous. This very fundamental distinction shall have to be addressed with a sense of urgency in order to minimize conflicts and the escalation of the violation of the rights of indigenous peoples.

As indigenous peoples of Asia, we thereby recommend the following to the EMRIP and member states:

1. To conduct a study on the legal status and recognition of indigenous peoples at the national level and to recommend key steps to member-states towards the resolution of issues and concerns related to this.
2. For the 11 member-states that abstained from voting at the time of the Declaration's adoption (Azerbaijan, Bangladesh, Bhutan, Burundi, Colombia, Georgia, Kenya, Nigeria, Russian Federation, Samoa and Ukraine) to change their positions and pledge to support the Declaration.
3. For the EMRIP to work closely with relevant UN bodies and procedures under the Human Rights Council for the monitoring and reporting on how the UNDRIP is being implemented at the national level through constitutional provisions, enabling laws and programme development and implementation among others.