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The Human Rights situation of indigenous peoples in States and territories
threatened with extinction for environmental reasons

Presented by Ina Hume on behalf of:
Jumma Peoples Network International

I would like to congratulate Françoise Hampson on the background paper prepared on this very important topic. The main focus of the paper is on those sovereign states whose lands or territories are likely to disappear for environmental reasons, with particular reference to those lost due to climate change and rising seawater.

Ms Hampson points out the causes for disappearance are not as important as the fact of the occurrence will take place.

I would like to expand by use of example, some of the other potential reasons for disappearance of indigenous peoples lands and the consequences. The experiences of loss of indigenous land due to environmental reasons in Asia and regions other than the Pacific may inform some of the potential consequences and questions proposed in this paper, and indicate further mechanisms for dealing with those states vulnerable to rising sea levels.

While the time frame for the loss of low-lying states may be uncertain and a distant time in the future. The loss of lands due to other environmental reasons touched upon in the paper are current, critical and ongoing.

The Asian tsunami caused devastation to island communities and coastal areas alike. There are indigenous communities who were affected by this disaster and I urge this Working Group to consider some of the impacts on those indigenous communities in Aceh and the Andaman and Nicobar Islands and what lessons can be learnt. Indigenous representatives from Aceh reported to the Permanent Forum on Indigenous Issues (PFII) in May 2005 of the problems they were facing after the tsunami. Indigenous people were not consulted in the relief and rehabilitation efforts and to add insult to the injury they have already experienced the Indonesian government has stopped indigenous people from returning to within 2km of the coast. For those whose traditional livelihoods rely on the coastal ecosystems this dislocation means indigenous communities are unable to return to their lands and attempt to rebuild their lives after the tsunami.

Bangladesh has a number of causal factors that are leading to the loss of indigenous lands. Bangladesh is one of the most densely populated countries in the world. It suffers from natural disasters, such as floods and cyclones on a yearly basis, and is recognised in Ms Hampson's paper as being at risk of losing a significant proportion of its surface area for environmental reasons.

In the 1960s the then Government of East Pakistan constructed Kaptai hydroelectric dam in the Chittagong Hill Tracts. This led to the Loss of thousands of hectares of indigenous lands and the displacement of over 100,000 people. 40,000 people fled as environmental refugees to the bordering states in India and Myanmar. A massive state sponsored resettlement programme, commercial forestry and the acquisition of land for military bases have all led to severe environmental degradation of the ancestral lands of indigenous peoples in the Hill Tracts, and forced relocation of indigenous peoples.

The majority were rehabilitated by the Indian government in Arunachal Pradesh. Questions relating to the rights of people in the receiving state and rights relating to their own state are issues faced by these displaced communities in India since the 1960s.

Additional and longer term consequences of forced relocation should also be considered in the study. The example of the environmental refugees of the Kaptai dam is a common one in Asia. One further consideration should be the ethnicity of the receiving state and the potential for future conflict between refugees and the original inhabitants of the receiving area.

There is an indigenous belt of peoples stretching from the Andaman Islands, up through Myanmar, Bangladesh, North-East India, Nepal and to Tibet. Any displacements in this area or forced relocations inevitably result in movement to other indigenous lands. This is not an issue that has been considered in detail, and the opportunity to look into it further is welcomed.

I welcome the proposed study and propose questionnaire on the human rights situations faced by indigenous peoples facing environmental extinction. It appears at first glance that this is an issue that will become increasingly complex as it is investigated further.

I would like to make the following recommendations regarding the proposed study:

- That regional specificities of the issue be considered during the study, thus enabling each region to develop a fuller picture of the types of environmental extinction facing indigenous communities
- * The Special Rapporteur on internally Displaced Persons and the Representative of the Secretary General on the human rights of internally displaced persons carry out a study on the situation of indigenous peoples displaced in the indigenous belt (from Andaman

Islands the Nepal and Tibet), looking in detail at the causes and the impacts. This will inform and complement the current proposed study

- The proposed study analyses the current statelessness of indigenous peoples displaced due to environmental extinction in Asia, Africa and South America, and what lessons can be learnt in ensuring future extinctions and forced relocations are sensitive to the needs of the indigenous communities
- The Working Group on Indigenous Populations strongly condemns any actions of Member States, International Financial Institutions, international development agencies and UN agencies that lead to the degradation of the ancestral lands of indigenous peoples

Thank you for your time Mr Chair.