

Joint Statement to the 13th session/ Regional meetings of the Expert Mechanism on the Rights of Indigenous Peoples

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The impact of COVID-19 on Civic Space and the rights of Indigenous Peoples under the UN Declaration on the Rights of Indigenous Peoples

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On behalf of Asia Indigenous Peoples' Caucus and Asia Indigenous Peoples Pact

Respected Chair,

The right to self-determination, encapsulated under the UNDRIP, is an essential condition for groups of individuals to develop their collective lives through culturally appropriate means under the agency of their community.

Our lands and territories are the cornerstone of our knowledge and freedom. While most nation states in the region have adapted and integrated legal provisions to support the recognition of ethnic minorities living within their borders, Indigenous Peoples – and Indigenous identities – are not fully recognized and consequently do not enjoy the full spectrum of rights enshrined under the UNDRIP and other relevant international standards.

Our struggle for self-determination and recognition has continued for centuries. The world must take note, as these struggles are the struggles of us all. Affluence, spurred through the accumulation of natural resources and wealth, propel the environmental destruction that enable zoonotic diseases – such as COVID-19 to proliferate and spread across the world. As the stewards of our territories, defending the rights of Indigenous Peoples is an act of defending all the natural world, both humans and non-humans.

Across the world, for defending our homes and ways of life, Indigenous Peoples Human Rights Defenders are being disproportionately killed. During this pandemic, we have observed several states in Asia becoming even more repressive. COVID-19 has been used as a trojan horse to intimidate, arrest, plan false charges and conduct military campaign. It is being used to weaken or suspend safeguards and rights regarding Indigenous Peoples across Asia.

Rather than create equitable solutions towards achieving inclusive and transformative change, we are observing the continuation of short-sighted environmental destruction and the alienation of those who have the ability to create territorial peace and environmental stability in the name of conservation and solutions to economic recovery. It is the basis of our capacity, as Indigenous Peoples, to be agents of change to the local and global crises such as climate change, biodiversity loss and food and nutrition problems.

Civic space has been severely curbed to promote false solutions and to deny justice across Asia. Some glaring examples of detrimental laws and policies are:

- In Indonesia, the OMNIBUS law that was passed on 5th October 2020 severely weakens environmental protections and human rights by promoting greater centralization and corporate capture of community lands and resources.
- In the Philippines, the Republic Act No. 11469 (Bayanihan Act) was passed on 24th March 2020 granting special powers to the president in responding to COVID-19. Several executive orders were issued penalizing various acts which resulted to cases of arrest and detention of protesters and those providing relief service, including a former Congressman. Further, the Anti-Terrorism Act of 2020 passed against international critique which included the OHCHR, is fuelling threat of delegitimization of organizations, widespread arrest and lifetime imprisonment, freezing and sequestering of bank accounts and properties of those charged of terrorism.
- In India, several reforms and amendments that is detrimental for Indigenous Peoples have been initiated. Two of the major ones are the amendment of Section 8A of the Mines and Minerals (Regulation and Development) Act, 1956, which will automatically extend all approvals, licenses and valid rights to the successful bidder of mining leases; and the draft Environmental Impact Assessment (EIA) 2020 that proposes diminishing of public hearings, weakening of consultation process, pardoning of projects with existing environmental violations, and exemption of certain categories of industry from needing EIAs. It goes against the statutory foundation of India's Environment (Protection) Act of 1986.

Recommendations:

In the light of the above situation, the Asia Indigenous peoples caucus and Asia Indigenous Peoples Pact would like to draw the attention of the EMRIP, UNPFII, UNSRIP and OHCHR, to urge the Governments in Asia for urgent action on the following;

- The government in Philippines to rescind the Anti-Terrorism Law which will respond to the OHCHR's position that the scope of terrorism is broad and inconsistent with internationally accepted human rights safeguards.
- To rescind laws and policies passed during COVID-19 in Asia, particularly in Indonesia, India and Bangladesh, that are detrimental to the rights of Indigenous Peoples, and to their livelihood, social-ecological systems and wellbeing.
- To ensure the recognition of Indigenous Peoples Lands, Territories and Resource management systems and ensure their self-determined development to counter environmental destruction.
- To ensure the reversal of shrinking civic spaces through meaningful engagement with the Indigenous Peoples and other stakeholders by ensuring democratic and constructive engagement spaces.
- To stop using COVID-19 as a cover to deploy military operations, grabbing of Indigenous Peoples lands and increased Human Rights Violations of Indigenous Peoples in the region.

Finally, we are proud that women are on the frontline and taking the lead, fighting for their communities and the wellbeing of us all. "Indigenous women's power is Indigenous Peoples' power." Indigenous Peoples' movements are strengthened through promoting and achieving gender parity. It is Indigenous Women and Youth who are pillars of our wellbeing and resiliency.

Thank you, Chair.