

INTERVENTION OF  
RAJA DEVASISH ROY, MEMBER, PFII

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ON STUDY ON THE DOCTRINE OF DISCOVERY (AGENDA ITEM 3)

Madame Chair,

Congratulations to you on your chairpersonship. I commend my colleague, Edward John for the introduction to the Study on the Impacts of the Doctrine of Discovery. I would also like to thank my colleague, Maria Eugenia Choque on the Report of the EGM on Sexual Health & Reproductive Rights.

I would like to add some observations on another kind of manifestation of the Doctrine of Discovery. This time in Asia. The legacies of former colonial powers, particularly in the realm of Land Laws & Forest Laws.

Some of these impacts are manifested in Land & Forest regimes in several countries of South and Southeast Asia, continued by post-colonial states. However, some of the harshest critics of these laws occasionally call these laws “colonialist”.

Among the clearest manifestations of such regimes are seen in the forestry sector, whereby several governments in South and Southeast Asia continue with Forest laws that totally undermine the rights of the dwellers and users of such lands, particularly indigenous peoples. Most of these laws retain supreme and occasionally totally arbitrary authority upon the government, to the exclusion of the forest-dwelling and forest-adjacent communities, to delineate and declare lands as “forests”, “national parks”, “eco parks”, etc. and to evict communities or otherwise violate their rights, including arbitrary killings and other violations of their rights.

Other manifestations of colonialist laws are contained in Land Acquisition laws. In the Philippines such a regime is known as the *Regalian Doctrine*. In other countries there is the concept of Eminent Domain.

Of course, there has been progress in some countries with regard to de-colonizing the concerned Forest and Land laws, occasionally based upon dialogue with indigenous peoples. These may be looked upon as good practices, and I will refer to some of them in my presentation on Land Rights & Claims tomorrow.

However, in many other cases, there has been no visible progress. This is a matter of concern, particularly where the countries concerned are party to international human rights treaties that deal, directly or indirectly with land and forest rights.

I would like to urge governments and indigenous peoples in Asia to continue dialogues to seek to do away with such colonialist elements in the concerned Forest and Land laws.