

**11th Session of Expert Mechanism on the Rights of Indigenous Peoples
(EMRIP11)**

9 - 13 July 2018

Delivered by: C. Lalremruata, Zo Indigenous Forum

Item 7: United Nations Declaration on the Rights of Indigenous Peoples: good practices and lessons learned

Thank you chair,

I would like to thank the UN Voluntary Fund for Indigenous Peoples to allow me to attend in this session.

Our community, Zo community has been divided into three countries - India, Bangladesh and Myanmar. We do hope that one day we will achieve our full self-determination. On 8th October 2015 Mizoram Legislative Assembly passed a resolution supporting the United Nations Declaration on the Rights of Indigenous Peoples, but till today there is no follow up of the resolution from the Government of India.

Sir, under the Assam Lushai Hills (Acquisition of Chiefs' Rights) Act 1954, state took over chiefs' traditional rights over the territories without consulting and their consent, recently Mizo Chiefs Council, a body of 309 chiefs, has moved the Supreme Court of India demanding the restoration of hereditary absolute administrative control over ancestrally demarcated territories in Lushai Hills, or a compensation of Rs 500 crore from the Centre for occupying their land since 1954.

I would like to mention that India has denied the existence of Indigenous Peoples in India even they have supported the UNDRIP. As per a special 2012 report of India's National Commission for Scheduled Tribes, the Ministries of External Affairs, Home Affairs and the Tribal Affairs have objected to the need for ratification of the Convention ILO 169. The report informs of the ministries' views that the concept of 'indigenous peoples' is not relevant to India, and the Convention violates State ownership of sub-surface resources in existing national laws, and there was no need for external cooperation or evaluation, including from the UN, for tribal development programmes in India."

India has go through the review of its human Rights Situation under the Universal Periodic Review (UPR) under the Human Rights Council in 2017. It is very disappointing that it did not receive any specific recommendation from other States related to the rights of indigenous peoples in this UPR cycle even though violations of indigenous peoples rights have been increasing, including attacks against their human and land rights defenders. The failure of Indian government to implement the recommendations related to widespread discrimination against Adivasi communities,

land grabbing and implementation of forest rights act, among others, which it had already accepted during earlier cycles is another serious concern.

While the world is talking about Sustainable Development Goal and leaving no one behind, but the government of India organized 11 national consultations on different goal, Indigenous peoples have been left behind and have never invited nor represented in these national consultation.

We recommend the members of the EMRIP to support us in our recommendations to India:

- Recognize the presence of Indigenous Peoples in India and uphold their collective rights.
- Ratify ILO Convention No. 169 (C169) as recommended in the CERD in 2007 and UPR 2012 and formulate tribal policy as recommended by ILO Committee immediately.
- Compensate the 309 Mizo chief whose powers has been strip off from their traditional rights over the territories without their consent.
- Accept the requests for country visits by Special Procedures, Special Procedures specially the Special Rapporteur on the Rights of Indigenous Peoples to make country visits to India.
- Includes the Indigenous Peoples in national polify formulation including the SDG.

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