

12th Session of UN Permanent Forum on Indigenous Issues
Agenda Item 7(b): Dialogue with the Special Rapporteur on the Rights of
Indigenous Peoples
Delivered by Binota Moy Dhamai, on behalf of the Asia Caucus

Mr. Chair, the Asia Caucus would like to congratulate you for your appointment as the Chairperson of the UNPFII 12th session.

The indigenous peoples caucus of Asia are very pleased to inform the UNPFII of the successful conduct of Asia Indigenous peoples Consultation with the Special Rapporteur on the Rights of Indigenous Peoples. This was held on 12 to 14 March 2013, in Malaysia and was attended by indigenous peoples representatives from 14 countries and by officers of National Human Rights Institutions in South East Asia. This important event was jointly organized by the Asia Indigenous Peoples Pact (AIPP) and the Indigenous Peoples Network of Malaysia or Jaringan Orang Asal Se-Malaysia (JOAS).

The consultation focused on three key themes reflecting the urgent concerns of indigenous peoples in Asia as follows: i) Lands, Territories and Resources focusing on Extractive Industries, ii) Militarization and the Impact of National Security Measures of Governments, iii) Self-Determination and Identity. The dialogue was enriched by presentations of indigenous representatives of their experiences, views and recommendations, and interactive exchange with the Special Rapporteur

Majority of Indigenous Peoples in Asia belongs to the most disadvantaged, deprived, discriminated, marginalized and vulnerable group. We often experience gross human rights violations, militarization of the land and territories, exploitation of our natural resources without our free, prior and informed consent, violence against indigenous women and children among other form of violations. The worsening human rights violations by state and non-state actors, include rape and sexual assault against women and children, killings, arson, land grabbing, unlawful arrest and torture, and structural forms of discrimination based upon ethnicity, religious affiliation and gender. **The failure to thoroughly, impartially and independently investigate human rights violations remains a matter of serious concern.**

We express our concern on the continuing threats to indigenous peoples posed by developmental projects such as the mining, oil palm plantations, mega hydro-electric projects, eco-tourism, and the expansion of military bases on indigenous peoples land and territories in some countries in Asia.

Further, we wish to draw attention to the non-implementation of the accord or treaties between the government and indigenous peoples resulting to more conflicts, militarization and violence. This includes the CHT Accord in Bangladesh leading to de facto military rule and dominance over the civil administration, law and order, tribal affairs, forest resource management among others.

Further, the counter-insurgency policy of the Philippine government involving the conduct of

military operations in indigenous territories as well as the establishment of military camps has been causing physical and economic displacements in addition to the reign of terror and severe human rights violations with impunity. Likewise, the imposition of development projects such as mining, accompanied by militarization of indigenous communities has been a major cause of the violation of indigenous peoples' collective rights.

Since the Cambodian government's new law calling for private land registration of Indigenous communal lands under Directive 01BB, members of the Cambodia Indigenous Youth Association have been threatened with arrest and violence by government officials for exercising their rights to peacefully share information with Indigenous communities about the threats posed by land privatization. In 2012, a number of human rights activists were assassinated in Cambodia, including Chut Vutty and indigenous rights activists are particularly vulnerable to state violence.

Recommendations:

In the light of the above situation, the Asia Indigenous peoples caucus would like to draw the attention of the UNPFii, the UN agencies, funds and programmes to urge the Government in Asia for urgent action on the following:

1. To stop the militarization of indigenous territories, and engage in a meaningful dialogues with indigenous peoples towards addressing conflicts and respecting the rights of indigenous peoples for peace, security and sustainable development
2. To implement recommendations made by the past and present Special Rapporteurs on indigenous peoples especially on remedial measures to address gross human rights violations committed to indigenous peoples
3. To end impunity, immediately prosecute the perpetrators of human rights violations against indigenous peoples and ensure indemnification for the victims.

We would also like to recommend to the SR:

- To take actions and develop tools to effectively address the issue of militarization affecting Indigenous Peoples, in cooperation with other relevant human rights bodies and actors.
- To take initiatives to conduct a study on the practical implications of international human rights instruments, including the ILO Conventions 107 and 169 and the UN Declaration on the Rights of Indigenous Peoples, in order to identify best practices, gaps and challenges of their implementation at the national, regional and local levels;
- To continue to work with governments in Asia towards the recognition of indigenous peoples as distinct peoples and to respect the exercise of their collective rights.

Thank you Mr. Chair.