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ASIA CAUCUS STATEMENT

EXPERT MECHANISM ON THE RIGHTS OF INDIGENOUS PEOPLES
FIFTH SESSION, 9-13 JULY 2012
UNITED NATIONS OFFICE, GENEVA, SWITZERLAND

AGENDA ITEM 5:

Role of Languages and Culture in the Promotion and Protection of the Rights and Identity of Indigenous Peoples

Delivered by:

Thomas Jalong in behalf of the Asia Caucus

The Asia Indigenous Peoples Caucus welcomes the Resolution of the Human Rights Council requesting the Expert Mechanism on the rights of indigenous peoples to conduct a study on the role of languages and culture in the promotion and protection of the rights and identity of indigenous peoples.

In Asia, we wish to highlight some of the good practices in promoting language and culture of indigenous peoples. In relation to language and education, some indigenous communities have set-up alternative indigenous peoples education for their children such as the Schools of Living Traditions in the Philippines. There are likewise civil society organizations working with indigenous communities to promote multi-lingual education such as the mother-tongue based multilingual education (MTBMLE) project of the Pestalozzi Children's Foundation in Thailand. In Indonesia, India, Malaysia, Thailand and Philippines, there are government policies/laws on education on the use of mother tongue language in kindergarten and primary level, implemented by government agencies and departments on a pilot stage. This is likewise true for Bangladesh where Article 33 of the Chittagong Hill Tracts Accord includes the provision of primary education in mother tongue/indigenous language. This however, is yet to be implemented. In India, some states have recognized or established their own educational policies appropriate with the local needs and based on their traditional systems of transmitting their knowledge and skills which includes the indigenous or adivasi areas.

In relation to indigenous juridical systems, the Constitution of India which grants the Mizo and Nagas in Nagaland their say over customary rights is a good example of a good practice of state-recognized indigenous justice system. Another example is the Native court of Sabah, Malaysia which provides some recognition of indigenous peoples rights in certain areas. In the Philippines, the Supreme Court has likewise recognized indigenous leaders and their roles in mediating conflicts as a means to reduce dockets of cases that can be handled through traditional means of conflict resolution.

These good practices are however overshadowed by continuing challenges that indigenous peoples in Asia face to this day. Indigenous peoples have been losing their languages, religions, knowledge and learning systems, arts-indeed, their very ways of life-as a result of colonial occupation, forced assimilation, the taking of indigenous peoples' lands, the destruction or degradation of ecosystems, dismemberment of indigenous communities, population displacement, religious persecution or intolerance, discrimination, and other pressures places on the members of indigenous communities by the inability or unwillingness of states, legal and judicial systems, schools, mainstream religions, the market, and the mass media to respect or even just tolerate their being different.

We therefore call on States and UN Agencies to:

- 1. Institutionalize efforts of indigenous peoples to maintain their traditional collective values through programs which recognize and promote traditional ways of learning and transference of indigenous knowledge.**
- 2. Respect, recognize and assist in maintaining and promoting traditional political institutions of indigenous peoples.**
- 3. Provide the education policy framework for which indigenous peoples' right to maintain and develop their educational systems and institutions are respected, and assist in initiatives to develop multi-lingual and culturally appropriate curricula within the mainstream education system with their full and effective participation..**