On behalf of the Asia Indigenous Peoples' Caucus, let me express our appreciation to the Permanent Forum for designating this special session on Asia. We hope this will add more impetus to the development of greater understanding, collaboration and commitment among all stakeholders in addressing particular situation and concerns of indigenous peoples in Asia with more attention and sense of urgency.

I wish to provide a brief overview of some key issues facing indigenous peoples in Asia as the context and take-off point for further discussions and deliberations on how best to address these issues. The key issues are as follows:

1. While we fully acknowledge and recognize the commonality and diversities of peoples in Asia and in every country, the issue of identifying indigenous peoples continues to be a source of non-recognition of indigenous peoples as peoples with inherent collective rights. A number of Asian governments have sought to have a formal definition of indigenous peoples.

At several international fora dealing with indigenous peoples’ rights, indigenous peoples have stated their serious concern that creating a formal definition may lead to discriminatory acts, including possible exclusion and non-recognition of genuine indigenous peoples. They have pointed out that in the Declaration on the Rights of Persons belonging to Ethnic, Linguistic or Religious Minorities, for example, the term “minorities” is not formally defined. The ILO Convention No. 169 likewise contains subjective and objective criteria to help identify indigenous and tribal peoples but does not provide a formal definition. If identifying criteria are to be referred to, the most acceptable one has been that of Prof. Martinez Cobo in his Study on Discrimination against indigenous peoples.

We believe that legally binding criteria of who can be regarded as indigenous peoples will be agreed upon at the national level by the concerned government and indigenous peoples within the context of the principles contained in the UN Declaration on the Rights of Indigenous Peoples. This Declaration is the framework for national legislations, policies, guidelines and programmes concerning indigenous peoples.

It is of urgent concern that we move forward on this issue in order to be able to fully address the legitimate concerns of indigenous peoples in relation to our collective rights.
for the best interest of all stakeholders including States. We are confident that concrete steps in this direction will lead to the resolution of long standing conflicts and problems affecting indigenous peoples.

2. Development programmes and projects in indigenous territories, financially supported by multilateral and bilateral funding agencies and donors, and with serious adverse impacts continue to worsen the already marginalized situation of indigenous peoples. These projects and programmes are mostly undertaken without the Free Prior and Informed Consent (FPIC) nor the meaningful participation of indigenous communities in the planning, implementation, monitoring and evaluation of projects and programmes affecting them.

Of particular urgent concern to us is the role of international financial institutions in the planning and implementation of large, destructive infrastructure projects such as large dams, other energy projects and related infrastructures, and large scale mining. Despite the findings of the World Commission on Dams (WCD) regarding serious adverse impacts of large dams on indigenous peoples and the environment, international donor agencies, multi-lateral banks and private banks continue to support the construction of additional dams that will further affect indigenous communities. Funding is also provided to associated projects such as power line construction and feasibility studies without the knowledge and participation of indigenous communities as in the case of the hydropower grid project for the Mekong Region and the river-linking project for South Asia. Likewise, extreme problems have been reported by indigenous communities in northeast Cambodia, North East India, Bangladesh, Indonesia and the Philippines in relation to hydropower development and large scale mining.

While we appreciate the existence of safeguard policies in financial institutions such as the World Bank, the Asia Development Bank and the Japan Bank for International Cooperation, all of whom are key development players in Asia, their policies are far from adequate for ensuring that indigenous peoples are not dis-advantaged, and their rights are fully respected.

Since the ADB is currently undertaking its policy update review, we are deeply concerned about the direction of this process towards strengthening country systems, instead of adherence to international standards on environment protection, human rights and sustainable and equitable development. We believe that if the final policy document will strengthen country systems indigenous peoples in Asia will experience double jeopardy in the sense that the denial of their rights by their governments will be validated and supported by the ADB. Likewise, there are no appropriate accountability and complaint mechanisms at the national level for when adverse impacts from projects funded by companies and other funders and implemented in indigenous peoples’ territories are felt. Clearly, adherence to country systems will further erode and weaken the implementation of existing international standards. These standards will not be obligatory for borrowers and most Asian governments do not have suitable national safeguard policies for dealing with possible impacts on indigenous peoples and the environment.
In the context of providing international support by development funders and agencies for the development of indigenous peoples, no amount of rhetoric and lip service of good intentions in any safeguard policy will provide social justice and development for indigenous peoples unless indigenous peoples are treated with respect to their collective rights and are treated as genuine partners in the development process. Thus, the Free, Prior and Informed Consent (FPIC) and the meaningful participation of indigenous peoples in the planning, implementation, monitoring and evaluation of programmes and projects affecting them should be included as basic principles in any standard setting and safeguard policies concerning indigenous peoples.

3. The worsening violations of the fundamental rights and freedoms of indigenous peoples in Asia due to militarization, political repression and implementation of National Security laws or anti-terrorist laws are deeply alarming for us. The persistent militarization of indigenous communities has lead to serious violations of human rights through killings, torture, illegal detentions, sexual abuse of women and many other acts of aggression. Likewise, the implementation of national security and anti-terror laws have led to further political repression of indigenous and other activists and those who critique government actions. The labeling or branding of individuals as “terrorists” and their legitimate organizations as “terrorist organizations or terrorist fronts” provides a justification to impose restrictions and consequently heighten the systematic violation of civil and political rights of those asserting their rights or being critical of the government. Increasing cases of extra judicial killings of indigenous activists, leaders and members of organizations already requires international attention for it to stop and for the families of victims to be provided with justice. Likewise, the necessary support and assistance to families of victims remains in-adequate as most of them are left to fend for themselves without substantial support from the government. Likewise, indigenous leaders engaging in international advocacy and lobby work are being harassed by governments and restrictions to their mobility is being imposed.

4. The continuing denial of basic services and discrimination of indigenous communities leading to their further impoverishment. Inspite of the good intentions and targets of the Millennium Development Goals (MDGs), indigenous peoples in Asia comprise the bulk of the poorest of the poor with the least access to basic services and livelihood support. This situation is expected to worsen if the prevailing development paradigm of resource-extraction and market-oriented economy continue to ignore the rights and welfare of indigenous peoples.

Of particular concern to us is that the delivery or access to basic services like health, education, roads, water system and others is based on or dependent on our approval of destructive projects or the expropriation or exploitation of our lands and resources. We highly deplore this practice of trading our rights in exchange for these services. We assert the obligation of governments to provide basic services without any form of discrimination and demand the respect to our collective right over our land and resources.
The challenge for UN agencies, funds and programmes implementing the MDGs is to ensure the meaningful participation of IPs in the planning, implementation, monitoring and evaluation of projects and programmes related to the MDGs that are attuned to their needs and particular lifestyle, culture and context. This should also include the promotion and further development of indigenous economic systems to meet the growing needs of indigenous communities while being able to cope with the fast pace economic changes dominating the world today. The particular concerns we wish to raise is to ensure food security.

5. The impacts of climate change as well as the solutions provided by States, development agencies and private banks to address this problem have increasingly become a major concern for indigenous peoples. Disasters associated to climate change such as the tsunami that hit South East Asia resulted in major displacement and suffering of indigenous peoples, particularly in Aceh, Indonesia. Yet these groups were discriminated in the delivery of services and assistance to victims. They were also not included in the planning of rehabilitation measures.

Adding insult to injury, indigenous peoples have become victims of bio-fuel production as solution to climate change. Thousands of indigenous lands are being converted to oil palm plantations and other biofuel crops without their consent. This has resulted to the dispossession of their lands and resources and the generation of massive toxic waste that is detrimental to human beings, animals and the environment. This situation should be stopped and free, prior and informed Consent should be upheld in projects relating to climate change.

RECOMMENDATIONS:

We appeal to all government of Asia to vote YES to the passage of the UN Declaration on the Rights of Indigenous Peoples in the coming meeting of the UN Assembly this year. This affirmative action from governments will signal the resolution of long standing conflicts with indigenous peoples and the establishment of genuine partnership and cooperation.

We appeal to all entities funding development projects and programmes with potential impact on indigenous peoples to respect, uphold and actively promote the key principles of free, prior and informed consent and commitment to full and effective consultations with indigenous peoples at every stage of the development process – planning, implementation/operation, monitoring and evaluation stages of programmes and projects impacting on indigenous peoples. Strong and effective implementation mechanisms must accompany this, with effective means of ensuring these principles are realized. We also call particular attention to private sector banks in this regard.

We call for the establishment of a monitoring mechanism for all activities potentially impacting on indigenous peoples funded by multilateral and bilateral development financing institutions, in reference to international human rights standards, and in reference to the implementation of their own safeguard standards. The accountability of these institutions includes project areas of influence, and associated facilities and infrastructure.
We appeal to ADB officials and governments to use the UN Declaration on the Rights of Indigenous Peoples as the framework in the review of the IP Policy of the ADB. We call on the ADB to publicly commit to upholding international human rights standards and best practice in any reformulated Indigenous Peoples Policy and other safeguard policies. We categorically reject reliance on or reference to country-level systems of safeguards. The ADB must publicly commit to full and effective consultation with indigenous peoples in the process of reviewing and re-formulating their current policy, and other relevant policies such as the involuntary resettlement and environment policies. The Asia Caucus has a collective statement on this respect and we hope this will be transmitted promptly to concerned ADB officials and governments.

We also would also like to appeal to the Japanese Government to give serious consideration for the need to include provisions pertaining to indigenous peoples in the safeguard policy of the Japan Bank for International Cooperation, which will soon be merged with the Japan International Cooperation Agency (JICA). The Asia Caucus has a collective statement on this respect and we hope this will be transmitted promptly to concerned Japanese officials.

We also call on the World Bank Group, including the International Financial Corporation, to further improve on its policy to make it consistent to international standards in relation to Free, Prior and Informed Consent and to the Declaration on the Rights of Indigenous Peoples.

We call for the establishment of an Asian Human Rights Commission to include IP experts which shall monitor the implementation of human rights standards and hear complaints on human rights violations by States and other actors. Likewise, we also call for the establishment of national commissions on human rights where there are none. The national human rights commissions shall include the appointment and designation of an indigenous focal point and/or a constitutionally-sanctioned office of a commissioner to inquire into and provide remedies for violation of the human rights and fundamental freedoms of indigenous peoples without having to take recourse to expensive, time-consuming and laborious judicial and quasi-judicial processes that are alien to most indigenous communities.

We call on the ASEAN governments to recognize the collective rights of indigenous peoples based in the UN Declaration on the Rights of Indigenous Peoples in the development of the ASEAN Charter.

We call on the Permanent Forum and the Special Rapporteur on the human rights and fundamental freedoms of indigenous people to conduct in-depth study on the implications of national security or anti-terrorist laws to the respect for the human rights and fundamental freedoms of indigenous peoples, and to make recommendations on how to address violations of these rights in the implementation of these types of national laws. Likewise, we call on the Permanent Forum and the Special Rapporteur to continue to denounce and raise their concern on extra judicial killings of indigenous peoples, and the labeling of indigenous activists and legitimate organizations as terrorists. As a consequence, they are subjected to further restrictions and violations of their civil and political rights.
We call on all governments, the UN agencies, funds and programmes to give special attention in providing or facilitating the delivery of basic services to indigenous communities, and to ensure the meaningful participation of indigenous peoples in the planning, implementation, monitoring and evaluation of projects and programmes related to the MDGs that are attuned to their needs and particular lifestyle, culture and context. This should also include the promotion and further development of indigenous economic systems to meet the growing needs of indigenous communities while being able to cope with the fast pace economic changes dominating the world today. Particular attention should be given to food security of indigenous peoples and to basic health and education especially for indigenous children and women.

We fully support the recommendations in the report of the two Asia indigenous experts Ms. Victoria Tauli-Corpuz and Mr. Parshuram Tamang, on Oil Plm and other Commercial Tree Plantations, Mono-cropping: Impacts on Indigenous Peoples’ Land Tenure and Resource Management Systems and Livelihoods.

Lastly, we support the proposal to make climate change as the special theme for the 7th Session of the UNPFII in 2008.