

16th session of the UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP)

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Joint Statement on

Agenda Item 3: Study and advice on the impact of militarization on the rights of Indigenous Peoples

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Asia Indigenous Peoples appreciate EMRIP on their recent Study and advice on the impact of militarization on the rights of Indigenous Peoples pursuant to Human Rights Council resolution 33/25. We welcome the advice for states and companies within the context of States' human rights obligations and responsibilities.

The reportⁱ highlights the historical militarization of Indigenous territories and its linkages with colonization, and the long history of Indigenous struggles for demilitarization and decolonization.

Militarization remains a major challenge in the exercising of the fundamental rights and freedoms of Indigenous Peoples enshrined in many international human rights instruments, particularly the Universal Declaration on the Rights of Indigenous Peoples (UNDRIP). Militarization has historically used as a weapon to suppress Indigenous Peoples movements for self-determination, autonomy, self-governance and also to promote State-sponsored or private transnational corporation development projects in Asia. This undermines Democracy, destruction of environment, deprives the enjoyment of rights and freedom and dignity and also oftentimes leads to rise of violence against Indigenous women and girls.

Despite the General Assembly's adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and several international human rights instruments, the human rights situation of indigenous peoples in Asia remains deplorable. Our collective rights continue to be systematically and grossly violated, especially with regards to our traditional lands, territories, and resources, the right to self-determination, and the worsening human rights violations by state and non-state actors.

In Asia, the impacts of militarization on Indigenous Peoples territories is starkly seen in the states of Philippinesⁱⁱ, Bangladeshⁱⁱⁱ, Mainland India, North-east India^{iv}, Myanmar^v Japan^{vi}, and Nepal^{vii}. In Cambodia, militarized conservation efforts is gaining grounds too, as much like in other countries. While the causes and impacts may vary in different situations, the common link is the destruction of the ways of life, violates right to dignified life of the Indigenous Peoples, disrupting their political, social, economic practices and spirituality.

Military and other paramilitary and security forces have been used to quell local resistance against the aggressive development, resulting gross human rights violations of their civil and political rights including criminalization and vilification of their legitimate actions. The governments in these countries has been criminalizing and labelling the rights activists and organizations as 'separatists', 'extortionists', 'armed terrorists', etc., Various anti-indigenous programs, including military operations against the indigenous people, search and raid of their houses, arbitrary arrests, extra-judicial killings, filing up of fabricated cases, red tagging, violence against women, infiltration, forcible land occupation, continue unabatedly.

Recommendations:

In the light of the above situation, the Asia Indigenous peoples caucus, while endorsing the EMRIP advice within the context of States' human rights obligations and responsibilities and would like to draw the attention of the EMRIP, to urge the Governments in Asia for urgent action on the following:

1. To stop militarization on the lands, territories and resources of Indigenous Peoples, consistent with articles 19 and 30 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), to promote the realization of the collective right of Indigenous Peoples to live in freedom, peace and security as distinct peoples as well as to economic and social progress and development, understanding and friendly relations among nations and peoples of the world through meaningful dialogue and concrete action plans.
2. To implement advice of the EMRIP and other recommendations made by the past and present Special Rapporteurs and experts on Indigenous Peoples rights especially on remedial measures to address gross human rights violations committed to indigenous peoples, including Indigenous women, children, person with disabilities, LGBTQIA and other intersectional groups.
3. States should ensure that Indigenous Peoples' rights are respected when expanding protected areas, mitigating climate change and carrying out conservation projects, which often feature high levels of militarization. Indigenous Peoples should be part of any decision-making in such situations.
4. Urges the state in line with EMRIP advice to engage with Indigenous Peoples in the spirit of the United Nations Declaration on the Rights of Indigenous Peoples, based on the principles of justice, democracy, respect for human rights, nondiscrimination and good faith where militarism affects Indigenous Peoples' lands and territories.
5. Urges the states to prosecute military personnel, those who committed crime against humanity, ethnocide, human rights violation under the jurisdiction of civil court to end the trend of impunity in Asia.

ⁱ<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G23/100/26/PDF/G2310026.pdf?OpenElement>

ⁱⁱ<https://www.ohchr.org/sites/default/files/documents/issues/indigenouspeoples/emrip/seminars/undrip/jill-carino-impact-militarization-ip-rights-philippines-final.docx>

ⁱⁱⁱ<https://www.pcjss.org/pcjss-half-yearly-january-june-report-of-2023-on-human-rights-situation-of-cht/>

^{iv}<https://www.nytimes.com/2022/01/29/world/asia/india-military-nagaland.html>

^v<https://www.iwgia.org/en/myanmar/4654-iw-2022-myanmar.html>

^{vi} https://drive.google.com/file/d/16EFkN7V7_iua8O371hY-HxrxMoSqcrBy/view

^{vii}<https://www.amnesty.org/en/latest/news/2021/08/nepal-indigenous-peoples-the-silent-victims-of-country-conservation-success-story/>