

INDIGENOUS PEOPLES CALLS ON THE AICHR AND THE ASEAN TO ADDRESS THE HUMAN RIGHTS ISSUES OF INDIGENOUS PEOPLES

In the realization of the promotion and protection of the human rights and fundamental freedoms of the peoples of ASEAN, the establishment of the AICHR is a step in the right direction. However, its mandate needs to be strengthened in terms of human rights protection including the human rights of indigenous peoples.

While the AICHR is leisurely taking its time in interpreting its mandate, systematic violations against Indigenous Peoples rights are piling up. Among them is the loss of land brought about by development aggression, militarization and non-recognition of or collective rights as enshrined in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). The more than 50 million indigenous peoples in ASEAN who are part of the most marginalized population continue to suffer from social and political injustices and systematic discrimination.

All member-states of the ASEAN have favorably voted for the adoption of the UNDRIP in 2007 but many States have not made any efforts to implement this Declaration in their respective countries. To quote Professor James Anaya, Special Rapporteur on the Rights of Indigenous Peoples, “The Declaration has a significant normative weight grounded in its high degree of legitimacy as a product of decades of struggle and advocacy by indigenous peoples. The implementation of the Declaration on the Rights of Indigenous Peoples should not be obscured by a discussion about whether or not it is a legally binding document and should be regarded as a “political, moral and legal imperative” without qualification.”

For the ASEAN as a whole, it is quite disappointing to note as well that in the Blueprints of the Three Communities, there is no mention at all of the recognition and protection of our rights as distinct peoples with collective rights. We have been struggling for our survival and the recognition of our rights at the national and local levels but this has been falling into deaf ears among the governments.

The failure of the ASEAN to address the plight of its Indigenous Peoples despite its expressed commitment to human rights and social justice is a shortcoming that needs to be corrected urgently. Unless we are fully recognized as integral part of a culturally diverse ASEAN, and unless our collective rights and identity are respected, ASEAN’s goal of development with equity, democracy and respect for human rights cannot be achieved.

We therefore call on the AICHR and the ASEAN member states to give due attention and action to the situation of Indigenous Peoples. In particular, ASEAN member states should initiate dialogues at the local, national and regional levels with Indigenous Peoples’ representatives to address their legal recognition as distinct peoples with collective rights under international human rights standards and norms.

We also call on the ASEAN member states to review their national legal framework with a view of incorporating provisions of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) especially to the right to lands, territories and resources, to self-governance, and cultural integrity. At the same time, laws and policies that violate these collective rights must be repealed or revised.

In addition, the ASEAN must immediately implement the requirement for the Free Prior and Informed Consent (FPIC) of indigenous communities especially in relation to the planning and implementation of development projects affecting indigenous peoples. Effective mechanisms for the full and effective participation of Indigenous Peoples on matters that concerns us shall be established at the local, national and ASEAN levels.

We call on the members of the AICHR as well to conduct dialogues and meetings with indigenous leaders and representatives at the national and regional levels for the inclusion of the human rights concerns of Indigenous Peoples in the work plan of the AICHR.

Finally we call on the ASEAN, to designate a focal person for indigenous issues amongst the members of the AICHR towards the formation of a Working Group on indigenous issues to look into the respect, protection and implementation of the rights of Indigenous Peoples of ASEAN in relation to its aim of establishing an ASEAN Community by 2015.

Reference:

*Indigenous Peoples Task Force for the ASEAN
Asia Indigenous Peoples Pact (AIPP)*