



A CONFERENCE ON

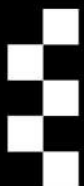
Indigenous Peoples: Contemporary Challenges and Victories

FINAL REPORT

14th Human Rights in Asia Conference

12th and 19th March 2022

Human
Rights
Centre



University of Essex

14TH HUMAN RIGHTS IN ASIA CONFERENCE
2021-2022

INDIGENOUS
PEOPLES:
CONTEMPORARY
CHALLENGES AND
VICTORIES



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I. ACKNOWLEDGEMENTS

The organising committee of the 14th Human Rights in Asia Conference would like to express their deepest gratitude to University of Essex and their staff in their willingness to support and guide us through another successful year. While led by students, the staff no doubt played an important role in making this conference possible.

We would like to particularly thank the members of the Law and Human Rights Communications and Events Team, Sophie Conlon and Felipe Ferreira for their logistical and background support in ensuring the smooth running of this year's Human Rights in Asia Conference; Dr Andrew Fagan for the introductory remarks and making Human Rights in Asia Conference possible; Dr Carlos Gigoux Gramegna and Dr Julian Burger for their closing remarks and for the continuous support they gave in helping us achieve great insight into the collective rights of indigenous peoples; and Dr Sanae Fujita for her guidance and supervision of this year's organising committee.

We would like to give special thanks to our wonderful panel of speakers who shared their passion and drive related to the collective rights of indigenous peoples. Their expertise, knowledge, and personal experiences that they shared were very moving and also crucial to be able to better understand the challenges and victories of indigenous peoples in Asia. The lessons learnt from these experts will no doubt create an impact on the wider society where new human rights advocates go forth after their studies. Thus, we thank Phoolman Chaudhary, Mai Thin Yu Mon, Gladson Dungdung, Victoria Tauli-Corpuz, Joan Carling, and Khalil Alamour for their willingness to impart their knowledge in the conference.

We would also like to impart our gratitude to the members of the organising committee, all of whom have volunteered to be a member of the 14th Human Rights in Asia Conference with the passion and enthusiasm of human rights advocates. Each member of the team was supportive, resilient, and motivated throughout the entire process of putting the conference together. We are grateful to one another for the opportunity to create something so worthwhile and the chance to develop lasting relationships in the process.

Lastly, we thank indigenous peoples all over the world for being our inspiration and drive in this year's Human Rights in Asia Conference.

II. EVENT SUMMARY AND BIO

Despite its large population and political importance, Asia is frequently neglected in human rights education in the UK. There are many reasons for this, one being the absence of a regional human rights mechanism for Asia.

In response to the gap in human rights discourse focused on the Asia region, a team of LLM and MA human rights students organises the annual Human Rights in Asia Conference which addresses multiple human rights topics in the Asia region with the supervision and support of Human Rights Centre Fellow, Dr Sanae Fujita. The conference is an opportunity to meet experts in the region and to discuss human rights issues. Topics from the previous Human Rights in Asia Conferences include human trafficking, gender, natural disasters, and the rights of children.

The 14th Human Rights in Asia Conference, held on 12th and 19th March 2022, is titled “Indigenous Peoples: Contemporary Challenges and Victories” where experts discuss not only the struggles that indigenous peoples in the Asia region face to access their collective rights, but also the victories they have achieved. The speakers for this conference are:

Event One: 12th March 2022



Dr Andrew Fagan, Director of Human Rights Centre, University of Essex

Dr Andrew Fagan has been teaching human rights at Essex since 1998 in the Department of Philosophy, the School of Law and the Human Rights Centre. He has occupied several positions within the Human Rights Centre, including Deputy Director, Research Director, Director of Academic Studies and, currently, he is the Co-Director of Postgraduate Studies (Human Rights) within the School of Law. He has extensive multi-disciplinary teaching experience and interests, spanning the theory and practice of human rights. His research focuses upon the normative, political and cultural challenges to human rights. He is particularly interested in the contributions which radical philosophies and politics can make to defending human rights against multiple challenges. He has taught and lectured upon human rights across the world; including, Central Asia, East Asia, Europe, Southeast Asia and North and South America.



Dr Sanae Fujita, Human Rights Centre Fellow, University of Essex

Dr Sanae Fujita is a fellow of the Human Rights Centre at the University of Essex and has been a supervisor for the annual student-led Human Rights in Asia conference since its establishment in 2009. Her research closely engages the Asian Development Bank, and she published *The World Bank, Asian Development Bank and Human Rights: Developing Standards of Transparency, Participation and Accountability* (Edward Elgar Publishing, 2013). Since 2013, she has played a crucial role in raising international awareness of human rights in Japan, including issues raised by the amendment bill to the Immigration Control and Refugee Recognition (2021). She is leading a project focused on assisting the UN Special Rapporteurs on Freedom of Expression as well as the Right to Privacy.



Phoolman Chaudhary, Asia Expert Member to the United Nations Permanent Forum on Indigenous Issues (UNPFII)

Phoolman Chaudhary has been one of the key activists of the indigenous peoples' collective rights in the Asia region, including Nepal, for over two decades. He is the Expert Member to the United Nations Permanent Forum on Indigenous Issues (UNPFII), from Asia region, elected in 2017. His international involvement includes serving as a Member of the Steering Committee of the Indigenous Peoples' Forum at International Fund for Agricultural Development (IFAD); as an Indigenous Fellow with the Office of the United Nations High Commissioner for Human Rights (OHCHR); and he is also serving as a member for the Task Force Committee to the International Decade of Indigenous Language (IDIL2022-2032), led by UNESCO France.

Chaudhary held the position of Theme Leader with the Nepal National Social Welfare Association and worked with Banke-UNESCO as a Senior Program Coordinator in Nepal. At the regional and national level, he is the Executive President of Asian Indigenous International Network (AIIN) and Consultant Advisor of Unison for People's Alliance (UPA).



Mai Thin Yu Mon, Program Director for the Indigenous Peoples Development Program of Chin Human Rights Organisation (CHRO)

Mai Thin Yu Mon is the Program Director for the Indigenous Peoples Development Program of Chin Human Rights Organisation (CHRO) in Myanmar. She has served as a member of the UN Global Indigenous Youth Caucus (GIYC) since 2016. She is also a member of the Indigenous Peoples' Forum at The International Fund for Agricultural Development (IFAD). From 2016 - 2021, she represented

youth at the Executive Council of the Asia Indigenous Peoples Pact (AIPP). As a Chin human rights activist, she advocates for indigenous peoples' collective rights at the national, regional and international levels. She is particularly active in engaging with indigenous youth and indigenous women at the grassroots level in Myanmar.



Gladson Dungdung, General Secretary of the Jharkhand Human Rights Movement

Gladson Dungdung is a human rights defender and writer based in Ranchi, India. He is the General Secretary of the Jharkhand Human Rights Movement. He has spoken internationally on human rights violations faced by tribal groups in India, particularly in the Eastern states. He has undertaken fact finding missions for hundreds of cases of police atrocities and human rights abuses. He has trained professionals on upholding and respecting human rights,

including police officers, lawyers, journalists, teachers, doctors, psychiatrists, elected representatives and social activists. He has written widely on issues such as displacement of indigenous peoples, impact of mining leases and land acquisition on local populations and actions of security forces in anti-Naxal operations. Dungdung has advocated for the concept of Adivasism which he believes focuses on the balance of living with nature and being at peace with prosperity.



Dr Carlos Gigoux Gramegna, Director of the Centre for Migration Studies, Department of Sociology, University of Essex

Dr Carlos Gigoux Gramegna is a lecturer in the Department of Sociology as well as the Director of the Centre for Migration Studies at the University of Essex. His research interests are indigenous peoples, human rights, sustainable development, social movement, and refugees. Dr Gigoux Gramegna just completed a jointly

authored book with Colin Samson entitled *Indigenous Peoples and Colonialism: Global Perspectives* (Polity Press, 2016). The book analyses the many common colonial processes which indigenous peoples experience under the dominion of states. It attempts to show that similar processes of dispossession and violation of rights occur in First and Third World Countries.

Event Two: 19th March 2022



Victoria Tauli-Corpuz, Founder and Executive Director of Tebtebba Foundation

Victoria Tauli-Corpuz is an indigenous leader from the Kankana-ey Igorot people in the Cordillera Region in the Philippines. She has worked for over three decades on building indigenous peoples movements and as an advocate for women's rights. She has also organised at the community level to fight against the projects of the Marcos dictatorship such as the Chico River Hydroelectric Dam and the Cellophil Resources Corporation, among others. She is the founder and the executive director of Tebtebba Foundation (Indigenous Peoples' International Center for Policy Research and Education), which is an organisation built on the need for heightened advocacy for the rights of indigenous peoples to be respected, protected and fulfilled.

Tauli-Corpuz's global influence includes being the indigenous and gender adviser of the Third World Network and a past member of United Nations Development Programme Civil Society Organizations Advisory Committee, a Member of the World Future Council in September 2017 and the chairperson-rapporteur of the Voluntary Fund for Indigenous Populations. She has also founded and managed various NGOs involved in social awareness raising, climate change, the advancement of indigenous peoples' and women's rights. She was appointed by the Human Rights Council and served as the Special Rapporteur on indigenous peoples from 2014 to 2020 and she was the former chair of the UN Permanent Forum on Indigenous Issues from 2005 to 2010. She was one of the key players in the drafting, negotiations and adoption of the UN Declaration on the Rights of Indigenous Peoples in 2007.



Joan Carling, Executive Director of the Indigenous Peoples Rights International (IPRI)

Joan Carling is an indigenous activist from the Cordillera Region in the Philippines with more than 20 years' experience of working on indigenous issues from the grassroots to the international level. Her expertise includes areas such as human rights, sustainable development, the environment, and climate change. She was the General Secretary of the Asia Indigenous People Pact (AIPP) from 2008 - 2016. Carling served as an expert member of the UN

Permanent Forum on Indigenous Issues from 2014 - 2016. She was awarded the Lifetime Achievement Award by UN Environment in 2018, and she was the co-convenor of the Indigenous Peoples' Major Group for Sustainable Development (IPMG) from 2017 - 2021. She is co-founder and currently the Executive Director of the Indigenous Peoples Rights International (IPRI).



Khalil Alamour, Member of the Al-Sira Community Council

Khalil Alamour is from Al-Sira, one of the unrecognized villages in the Negev/Naqab. He is an active member of the Al-Sira Community Council, a member of the Regional Council for the Unrecognized Bedouin Villages in the Negev (RCUV) and a secretariat member of the Negev Coexistence Forum for Civil Equality. He is also the

Co-Director of AlHuqooq Legal Center.

Alamour has been working in cooperation with grassroots, national and international human rights organisations to raise awareness about the rights of the indigenous Bedouin community in Israel-Palestine and to empower and strengthen the local community.

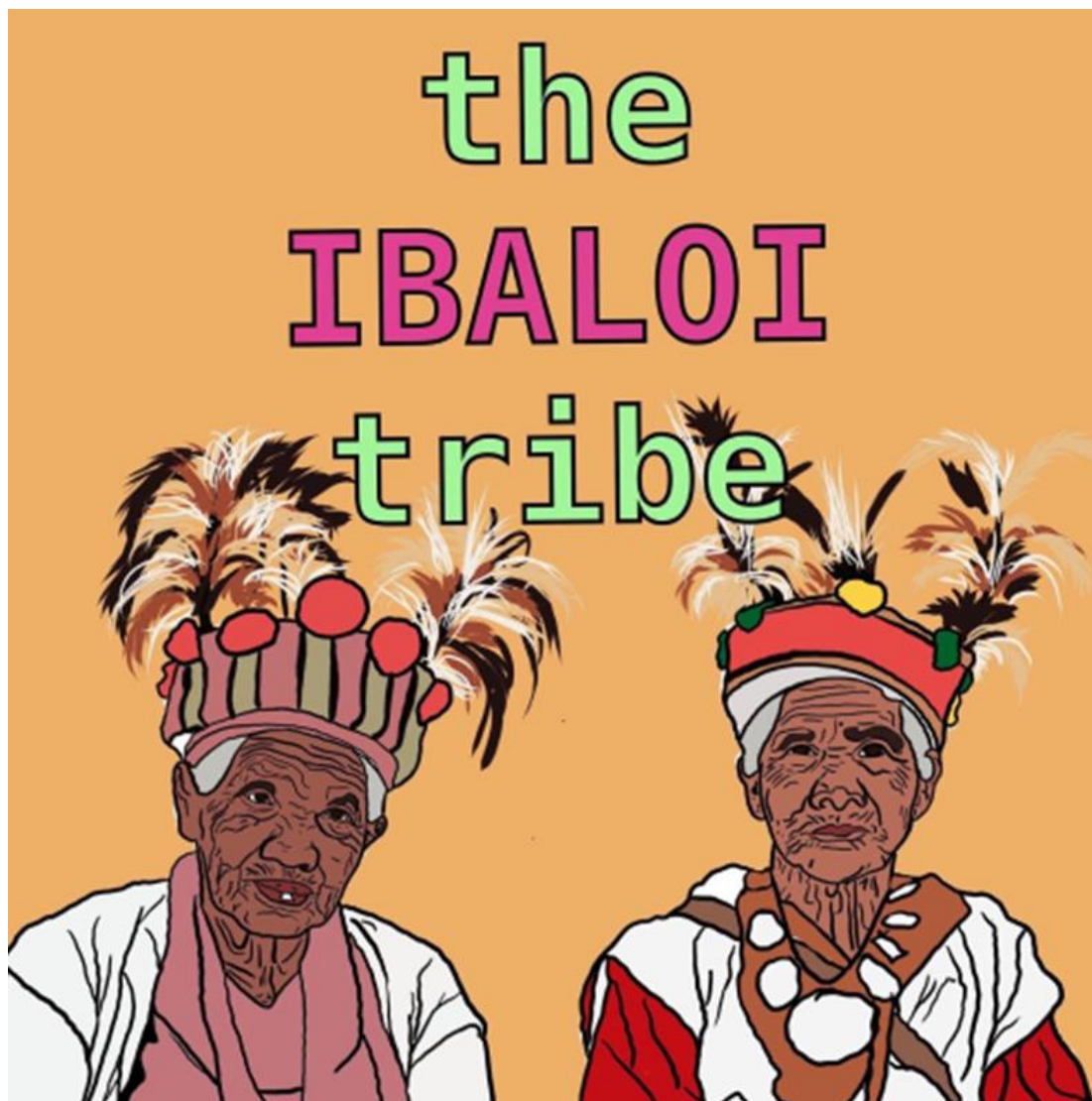


Dr Julian Burger, Visiting Professor, University of Essex

Dr Julian Burger is a visiting professor at University of Essex, specialising in human rights and indigenous peoples. Before taking up his University appointment, he worked at the United Nations Office of the High Commissioner for Human Rights (OHCHR) for 20 years during which time he headed the programme on indigenous peoples and minorities. During this period, he organized the discussions on the

Declaration on the Rights of Indigenous Peoples and helped launch the principle human rights

mechanisms on indigenous peoples - the Special Rapporteur, Permanent Forum on Indigenous Issues and the Expert Mechanism on the Rights of Indigenous Peoples. He also assisted in the establishment of the inter-agency networks of UN organizations to improve integration of indigenous and minority rights into development programmes. He has visited indigenous and minority communities in many parts of the world. He has published books and articles on indigenous peoples and human rights since the 1980s.



III. SUMMARY REPORTS

a. Introductions by Dr Andrew Fagan and Dr Sanae Fujita



Dr Andrew Fagan, Director of the Human Rights Centre, and Dr Sanae Fujita, the visiting Fellow at University of Essex and the supervisor for the student organising committee, opened the 14th Human Rights in Asia Conference on the 12th of March 2022.

Dr Fagan welcomed the panellists and audience for the event. He highlighted that Asia is the most populous region on Earth and also has many human rights challenges which are often overlooked by the global system. This created an urgent need to incorporate the topic of human rights in Asia into curriculums and to also provide an opportunity for students and the community to discuss and engage with the challenges

faced by the region, as well as successes in Asia.

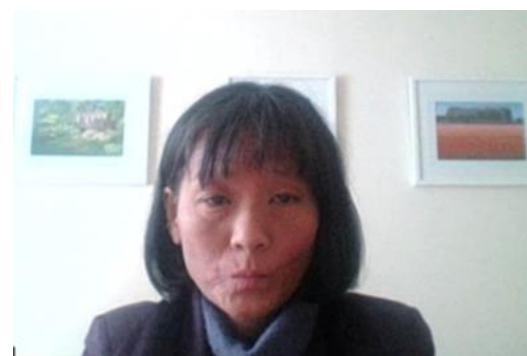
Every year, the student organising committee for the Human Rights in Asia conference identifies a new human rights topic, with this year's focus being indigenous peoples collective rights. Dr Fagan commented that the term *indigenous peoples* is often associated with regions such as North America, parts of Latin America and Africa, with the continent of Asia often being left out. Dr Fagan stressed the importance of dedicating time and attention to the indigenous peoples of Asia.

In his final words for his introduction, Dr Fagan acknowledged Dr Fujita for all the work she has done in supervising the annual conference, as well as the student organising committee with their willingness, passion, and enthusiasm. Then, he handed the platform to Dr Fujita.

Dr Fujita provided an introduction on the background of the annual Human Rights in Asia conference, including how it started as well as its importance. Dr Fujita appreciated the help from Human Rights Centre and the University of Essex in supporting the conference. She also thanked the panellists and participants who hailed from all over the world and also thanked the student organising team.

The annual Human Rights in Asia conference is a student-led conference and a flagship event of the Human Rights Centre at University of Essex. As with Dr Fagan's introduction, it was reiterated that Asia is the most populous region in the world; however, Asia has a low number of human rights treaty ratifications. This then leads to many problems and challenges regarding the human rights situation in the Asia region.

In response, a group of LLM and MA students – who almost all hailed from Asian countries – raised the problem of the invisibility of the human rights discourse in Asia. The students



started a small study group which then led to the beginnings of the conference with the first event taking place in 2009. The conference from then on became an annual event which led to more participants and attention. Every year, the human rights issues selected were topical and included distinguished speakers. The conferences were normally facilitated in person; however they were moved to an online platform due to the COVID-19 pandemic. Whilst it has its downfalls, such as the panellists and participants not being in person, the online platform has also created an opportunity for the student organising committee to reach out to panellists from all over the globe.

Dr Fujita ended her introduction congratulating the hard work that the current student organising team, and also thanked the participants attending.



b. Report for Phoolman Chaudhary's Presentation



Phoolman Chaudhary began the first day of the 14th Human Rights in Asia Conference. He delved into the burning issues that indigenous peoples face, the concept of autonomy and self-governance surrounding indigenous peoples and the importance of the connection that indigenous peoples have to their lands. He also looked into the importance of the progressive actions taken for the protection of indigenous peoples by the United Nations. Most of all, he stressed the importance of preserving and enhancing the collective rights of the indigenous peoples as it would also benefit the wider society.

On behalf of the UN Permanent Forum on Indigenous Issues, Chaudhary extended his gratitude and warmest welcome to the speakers. Chaudhary commented that this conference is one of the most important actions for the advancement of the collective rights of indigenous peoples. When looking at the situation of human rights and of indigenous peoples and local communities, there is no denying that there are many challenges and obstacles including in the Asia region. He used the conference to reflect on the specific issues affecting indigenous peoples which in turn would also concern the wider society.

Chaudhary shared statistics to demonstrate the vast numbers of indigenous peoples in the Asia region. Asia is the largest continent in the world with more than 4.7 billion people. Asia is also home to over 260 million indigenous peoples, which equates to 70% of the world's indigenous population, being spread over forty-nine countries with China and India having the largest populations.

However, despite the vastness of the Asia region, poverty remains a problem. It was reported that more than 320 million people in Asia live in extreme poverty, and the figures recognised by the World Bank indicate that hundreds of millions of people are living on less than \$1.90 per day. This implies the lack of food, shelter, clothes, and other necessities as well as lack of education and health care. Chaudhary also highlighted the statistics from UNICEF which reported that 380 million of people in Asia, both children and adults, are not getting proper nutrition. It was also reported that 610 million people in Asia still practised open defecation. Indigenous peoples are often the ones most affected by the poverty crisis in Asia.

Chaudhary spent a large part of his presentation regarding the importance of the solidarity and collectiveness of indigenous peoples. Indigenous peoples are the holders of the right to self-determination and are to be consulted in matters and issues affecting them and their way of life. The right to self-determination also includes indigenous peoples' rights to maintain and develop their culture, traditions, beliefs and spirituality. He emphasised that indigenous peoples believe in collectivism and solidarity - that indigenous peoples represent communal collectiveness. Indigenous peoples go by self-governance and many of their rules came from collective decisions and participatory decisions of the whole indigenous community. It was stated that indigenous peoples' priority of respect has always been the collective communal

decision from the indigenous community and that decisions from individuals alone would not be prioritised.

Chaudhary was also keen to learn about the modern theories of autonomy and self-governance in the context of the new era which is slowly isolated and excluded by the original theory of human rights-based approach and by the 2030 Global Agenda. What Chaudhary understood about the original theory of human rights-based approach and of the 2030 Global Agenda of Sustainable Development are based on the interest of the States and industrial development which are oriented to harm biological diversity and fuel to climate change, agroindustry, and many more.

Chaudhary also stated that there is a new colonisation to indigenous peoples in the name of addressing indigenous peoples' issues. This includes the inclusion of indigenous peoples, their participation, and intersecting them in the political sphere. Chaudhary also stated that what indigenous peoples collectively have to be aware of is the understanding of their regions and the origin of their autonomy and self-governance. It was also emphasised that there is a need to be less individualistic for any political position. Economic benefits offered by governments and industries should be because the indigenous communities are not just individual communities and persons.

Indigenous peoples are the creation of the soil which composed of land, forests, and resources full of indigenous knowledge and wisdom. The indigenous soil, forests, and resources are undefined and unmeasured by any sort of principle and values because of the origin of nature and the origin of autonomy and self-governance. It was also stated later that autonomy and self-governance are imported words from the new development which Chaudhary commented is insufficient to represent the value of principle of the indigenous peoples. It was stated that these are development fiction to rule over the indigenous peoples in the name of nation and development. Human rights-based conservation, biodiversity, climate change, theory of change, business and human rights are all introduced and adapted theories, concepts, and principles away from the origin of nature and of autonomy and self-governance. All these theories, concepts, and values are the blessing of conflict of interest in different name of development. The money for the development of all this concepts are from institutions who are grazing from the soils of the indigenous peoples.



The problem with large developments from large industries in the lands of the indigenous peoples was also highlighted. This led to large displacements and evictions which have serious human rights implications for indigenous peoples' livelihoods, resources, religious places, culture and their social life. Indigenous peoples often end up in a vicious cycle of poverty as they are forced from one place to another. The past expansion of cities and towns coupled with the growing needs of the population has put a tremendous pressure on natural resources. Chaudhary gave an example of certain areas in India where massive investments in mining and setting up large industrial units, which were headed by powerful corporations backed by the government, have led to conflicts with the indigenous peoples. It was observed that the

confrontations were increasing as well as the land grabbing which then led to displacements on indigenous peoples from their native lands. The protests from the indigenous peoples were being suppressed and they were subjected to arrests, ill-treatment and other atrocities. Tactics of instilling fear are being used to force indigenous peoples away from their land.

Chaudhary emphasised the need to build up cooperative and collective nature of practice because at the end, the earth is not only for indigenous peoples. Indigenous peoples should not be the only one worried about protecting and conserving nature as it should be a common responsibility for both indigenous and non-indigenous peoples because not only indigenous peoples would be affected by climate change, natural disasters, etc. It was stressed that the message of autonomy and self-governance was not to only respect the indigenous peoples, but rather they were also to respect the humankind who are trying their best to protect the world.

Chaudhary mentioned that acknowledging and respecting indigenous peoples' rights should not be limited in the provision of the interpreted UN Declaration on the Rights of Indigenous Peoples, the ILO Convention and in any national or international laws. He stressed that there was a need to widen the meaning of autonomy and self-governance based on indigenous' own values, principles, practice and in the context of the protection of the mankind. If the mistake of undermining is done to limit autonomy and self-governance of the indigenous communities then that may alarm the devastating risks to the world which are now facing COVID-19 since 2020.



Chaudhary then highlighted international obligations concerning indigenous peoples, namely the UN Declaration on the Rights of Indigenous Peoples and the ILO Convention 169. The UN Declaration is perceived as a great milestone as governments all over the world have come to recognise the rights of indigenous peoples and made commitments to implement this instrument. It remains the most comprehensive international instrument on the rights of indigenous peoples and established a universal framework with standards for their survival, dignity and well-being. It has elaborated on existing human rights and fundamental freedoms as they apply to the specific situation of indigenous peoples and declared that indigenous peoples are equal to all other peoples whilst recognising the different rights specific to indigenous peoples.

It was then reported that there have been further actions as the UN has been organising a conference to build up collective action plan with the inclusive approach to ensure that indigenous peoples are given space to decide, participate and contribute to the development. There was significant progress globally in implementing the declaration over the last decade, but there is a continuation of a gap between the formal recognition of indigenous peoples' rights and the implementation of policies on the ground. As a result, indigenous peoples continue to face exclusion, marginalisation and other major challenges to the enjoyment of their basic rights. This has the potential of greatly harming the peace and good governance in the areas inhabited by the indigenous peoples. There is much progress in all fields and

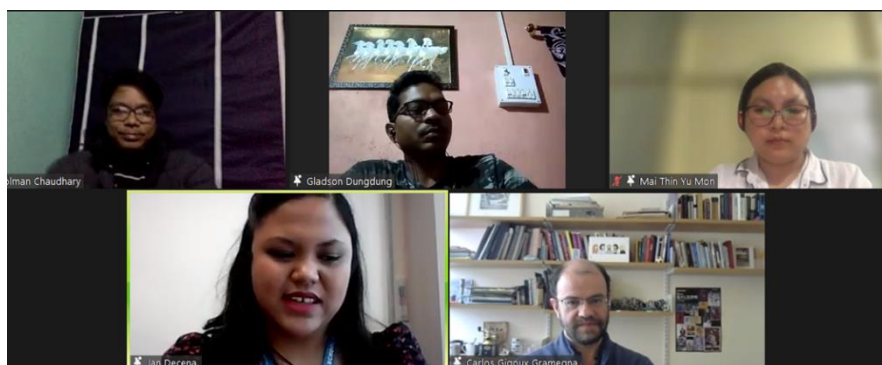
Chaudhary stressed the importance of giving attention to the fact that indigenous peoples face the destructive impact of development often led by capitalism. Indigenous peoples must be included on all levels of policy planning and implementation, and they must be given the freedom to decide and design their development.

Further actions by the UN including the 2030 Global Agenda on Sustainable Development which spell out the transformative and action-oriented plan on eradicating poverty and hunger in all forms of dimensions. Between now and 2030, the agenda aims to resolve hunger and poverty as well as to win a peaceful, just, and inclusive society to protect human rights such as to promote gender equality for women and girls and ensuring the protection of the planet and its natural resources. The UN also facilitated high-level political forums and the UN Economic and Social Council received a document that mentions plans on eradicating poverty and promoting prosperity in the changing world. It was reported that globally collective reports and actionable steps have been identified for Member States and the common agenda is for all governments to ensure the rights of indigenous peoples.

The ILO Convention 169 is also important for indigenous peoples as it is defined in Article 15 the rights of indigenous peoples concerning natural resources pertaining to their lands which are specifically safeguarded. These rights also include the right to participate in the management and conservation of resources.

The central feature of the UN Declaration on the Rights of Indigenous Peoples and the ILO Convention is the recognition of the customary rights of indigenous peoples to land, territories and resources as well as the restitution of the lands taken without their prior informed consent. In the conservation policy context, the conservation of biological diversity was also preliminary for the protection of traditional knowledge and the customary use of biological resources with the conservation requirement.

Chaudhary concluded that, whilst huge resources are being allocated to the development of indigenous peoples, there are still many living in poverty, and there is still a need for a strong political willingness and commitment to respect the provision of the constitution of Asian countries. He stressed that this dialogue in the conference is a good opportunity to develop with indigenous peoples, to make a practical roadmap leading to a stronger action to promote and protect the indigenous peoples' rights at all levels. He urged all stakeholders and Member States of the UN to be in full partnership with indigenous peoples and their representatives to take proper action for the promotion and protection of indigenous rights.



c. Report for Mai Thin Yu Mon's Presentation



Mai Thin Yu Mon's presentation was a glance at the Global Indigenous Youth Caucus and indigenous youth in action. Yu Mon clarified that the term *indigenous youth* was defined as primarily 15 to 35-years-old. This presentation referred not only future leaders but also to strong practices of intergenerational corporations, mainly in terms of sustainable management of lands and natural resources. In addition, Yu Mon highlighted the connection of traditional indigenous values to some modern technologies in order to highlight challenges and progress.

Yu Mon introduced the Global Indigenous Youth Caucus (GIYC) which is a working caucus which meets yearly alongside the UN Permanent Forum on Indigenous Issues. It began 2002 in New York, inviting indigenous peoples and UN agencies to participate. Since then, annual forums have been held, with up to 2000 participants including indigenous representatives from around the world. In fact, GIYC is one of the biggest forums to discuss issues faced by indigenous peoples. This forum has three co-chairs and two focal persons from seven socio-cultural regions of the indigenous people: Africa, Asia, North America, Central America, Latin America and the Caribbean and Central Europe and trans-causa, and the Pacific.

The GIYC was born out of the UN Permanent Forum on Indigenous Issues (UNPFII), where young participants used to gather to discuss emerging issues on youth indigenous communities in their respective regions. GIYC was formally inaugurated in 2006. In 2008, GIYC was recognised as a working caucus for reading out statements and as a body which provided opportunities to meet with different stakeholders.

GIYC has garnered awareness, advocated and built capacity. In the forum, a variety of issues and concerns of indigenous youth worldwide are discussed. They have increased communication with different agencies and stakeholders, working at the country level to identify the obstacles and challenges, such as oppressive and discriminative laws and policies. They advocated for meaningful and effective implementation of the UN Declaration on the Rights of Indigenous Peoples with different stakeholders and agencies regarding the issues which affect the situations of indigenous youths and children. They have also focused on capacity building, meaning that they have promoted initiatives for indigenous youths and children at the global, regional and community levels, including cooperation with different agencies and NGOs.

A preparatory meeting for the permanent forum was held at Food and Agriculture Organisation (UNFAO) headquarters in Rome in 2017, resulting in the Rome Statement on the Contribution of Indigenous Youth Towards



- Preparatory meeting of GIYC for the UN PFII at FAO HQ in Rome
- ROME STATEMENT ON THE CONTRIBUTION OF INDIGENOUS YOUTH TOWARDS A WORLD WITHOUT HUNGER



a World Without Hunger. In addition, there was a lot of discussion in terms of the role of indigenous youths the recommendations for collaborating with indigenous youths in different communities, the UN agencies and other stakeholders. This meeting established a platform for engagements and contributions.

As a result of the Rome Statement, a collaboration was developed between UNFAO and GIYC, with the first Indigenous Youth Forum being jointly-held every two years. The last forum was held in June 2021, in preparation for the UN Food Systems Summit 2021.

Requests for UNFAO and other agencies to establish internships and volunteer programs for indigenous youths was the other achievement of Rome Statement. These programs could make indigenous youth members of these agencies and make them able to contribute in the future as leaders. As a result, 30 indigenous youth have completed such internships with UNFAO in all the social and cultural regions. However, one challenge was that these internships were not fully paid.

The GIYC has also collaborated on publications and with researchers with different UN agencies on different levels. For example, 'Global Indigenous Youth Through Their Eyes' was one of the collaborations with Columbia University, which Yu Mon strongly recommended.

Due to the efforts by GIYC, there are acknowledgements and recognition of issues faced by indigenous youth, and the roles of indigenous youth in solving such challenges is increasing. In addition, spaces for the inclusion of indigenous youth in different processes were increased at both global and regional levels. During these few years, there had been huge progress such as the appointment of three indigenous youth as UN Food Security Champions or the invitation to different processes as indigenous youth. Before these processes, it was difficult to make people understand and recognise that there were issues and necessities related to the discussion among indigenous youths. Furthermore, there was an increase in funding allocation for indigenous youth.

Yu Mon then made final points to conclude her presentation. There are still discriminative policies and laws against indigenous peoples at a country level in many countries. Secondly, there are limitations or lack of space for the inclusion of indigenous youth at a national and local level. Thirdly, constraints for participation in the different processes are present, despite

increased funding. Finally, a development gap exists between rural and urban areas; for example, there are many indigenous areas without electricity and telecommunications, which has made indigenous youths and children unable to take part in and contribute to ongoing processes.



d. Report for Gladson Dungdung's Presentation



Gladson Dungdung began the presentation by drawing attention to the significant population of indigenous peoples in India. They comprise 700 Adivasi groups forming 8.6% of the population in India i.e. 104 million people. Despite this, the Government of India has not formally recognised Adivasis as indigenous as it considers all citizens to be 'indigenous'. The rights of Adivasis are protected by Schedules V and VI of the Constitution of India as well as through other safeguarding laws. However, the State regularly commits significant violations of civil and political, and economic, social and cultural rights of people. Further, the Adivasis in India are facing pressure on their land, territory and resources.

Dungdung then discussed the impact of military operations and actions of mining companies in Saranda forest on the lives of Adivasis living there. Saranda is the largest Sal forest in Asia located in Jharkhand spanning 860 sq km and importantly, containing 25% iron ore of India.

The then Prime Minister in Parliament declared extremism as the biggest internal security threat to the country as well as to the investment climate. A special military operation called 'Green Hunt' was launched in 2009 by the State against indigenous peoples on the ground of combatting growing extremism among them, with over 200,000 security personnel deployed in the eastern region of India (Red Corridor). The Government claimed that it was necessary to wage the war against the active presence of CPI-Maoists or Naxalites to bring peace and development to the Red Corridor, however, mining companies were operating in the same region without interference from the Naxals. Thus, it appeared that the State intended to take away the land, resources and territory of the Adivasis under the garb of internal security.

After operation Green Hunt, many other military operations were carried out in 2011 such as Operation Monsoon, Operation Bravo Boy and Operation Anaconda. The security forces and local police deployed in these operations seized 35 Adivasi villages, forcing the people to move. They destroyed the villages, killed 3 persons, raped many women, tortured 500 people, detained 112 and imprisoned 33 persons. They destroyed the harvest, converted primary schools to police camps, burnt documents of the people such as ration cards etc. Dungdung's team has maintained records of all these events. He stated that the reason the documents were destroyed was so that indigenous peoples would not be able to prove their ties to the village or the land, allowing the State to easily capture the areas for leasing to the mining companies.

Historically, companies had been mining in the region since 1925 and at the time of these military operations, about 50 iron ore leases were already operating in the area covering 40410 hectares. He stated that despite this, there was no road connectivity, health or educational services, provision of drinking water or electricity to the Adivasis living in the region. Mining companies did not provide any of these facilities under their Corporate Social Responsibility (CSR) programmes. He stated that 953 cases of illegal mining were recorded. His team found a

nexus between the companies and the CPI-Maoist. The companies were paying huge levies to the CPI-Maoist and providing food and supplies to them.

He found that in the past few years, the State had sanctioned 22 new mining leases with the aim of getting rid of the indigenous peoples. Prominent companies such as TATA, Jindal and Mittal were involved in this process as well. The mining companies threw mining dust into water polluting the drinking water sources and harming the agricultural lands. About 75% women were found anaemic and the children malnourished in these villages. In one village, about 100 acres of fertile land was converted to barren land due to the dust causing huge losses to livelihoods. When the villagers demanded compensation from these companies, they were refused on the grounds that no land acquisition had taken place. These companies then filed cases against the villagers who were then imprisoned. The Jharkhand Human Rights Movement (JHRM) sent its fact finding team into the forest and based on its findings, they filed several complaints before the National Commission of Scheduled Tribes (NCST), the National Human Rights Commission (NHRC), the President of India, the Prime Minister, several Union Ministers, government authorities. They organised press conferences in Jharkhand and included the victims in the exposé. Based on the complaints, the NHRC sent the team for a week to investigate the charges. They collected facts and took testimonies. Dungdung was involved in assisting the NHCR team. The NHRC found the claims to be true and ordered that the State provide grains to the people, compensation to the victims. Throughout this time, protests were carried out in Ranchi to pressurise the government, cases were filed in the Jharkhand High Court seeking intervention, meetings were organized with Members of the Legislative Assembly and through them, questions were raised before the Assembly. Meetings were also organized with the Union Ministers and issues relating to development like provision of roads, water and education were also discussed. The NCST ordered the State to include persons whose names were not recorded in the villages as residents when their documents were destroyed.



Eventually, the Saranda Development Plan was enacted covering 56 villages and Rs. 41.7 million were allocated to it. Today, there are roads inside the forest connecting the villages, provision of electricity and mid-day meals in primary schools and installation of handpumps and mobile towers. The companies were asked to contribute to their CSR activities, 7000 families were provided solar lights, bicycles etc. 10 villages were granted community rights and rights of 665 persons were recognised under the Forest Rights Act. The widows of the villagers were granted compensation and given government jobs. However, Dungdung notes that this was inadequate, and much more is left to be done.

He mentioned that during this time, the JHRM was declared as an open forum of CPI- Maoist, advocating on their behalf or 'over ground Maoists'. Investigation by the Intelligence Bureau was carried against Dungdung due to his activism and protests. Recently, he was forced to de-

board from the plane when he was traveling to the UK. Despite charges against him, he has continued his work.

He pointed to the recent trend of amending and diluting the laws which protect the rights and land of Adivasis. When these actions are protested against, criminal cases are filed against them. An example of this is the Pathalgadi movement in the Munda region where the Adivasis in order to prevent land grabbing by global investors has declared that they would not permit outsiders inside their land without their consent. Dungdung has visited 13 of these villages and has noted their concerns. The Government has declared this movement as unconstitutional and filed 30 cases filed in 3 districts with many cases related to sedition (an offence which involves anti national activity, conviction for which leads to life imprisonment). In total cases have been filed against 11000 persons and 115 were sent to prison. On advocacy against this, the newly elected Government declared that the cases would be withdrawn, but so far, apart from creating 3 committees, little has been done.

The problems facing the Adivasis today include arrests of indigenous activists, journalists and writers. The present government is more ruthless. A number of issues including sanction of 41 coal blocks during the COVID-19 pandemic, forced migration and trafficking are faced by Adivasis.



e. Summary of the Interactive Q & A Session for Event One

Question 1: Is there pressure on the government of Nepal to push specific public policies that would help protect Indigenous Peoples within their National Action Plan on Business and Human Rights?

Answer – Phoolman Chaudhary

Chaudhary answered the question by stating that the Nepali government ratified the ILO Convention 169 in 2007 but no concrete action plans for this convention have been made to date. In 2018, The United Nations Permanent Forum on Indigenous Issues (UNPFII) made an official recommendation to the Nepali government to accelerate the implementation. Also, during UPRs, the UNPFII has made recommendations to Asian countries that have not ratified the ILO convention.

Question 2: How has Myanmar's military coup impacted on Indigenous Peoples, and NGOs/activists advocating for Indigenous Peoples rights?

Answer – Mai Thin Yu Mon

Yu Mon confirmed that the coup has made disastrous impacts on indigenous communities because those indigenous communities have been the ones, especially standing up against the coup. On the 1st of April 2021, there was a crack-down on the military which was followed by attacks on indigenous communities in Chin state. Also, airstrikes have been conducted in indigenous communities. Concerning the effect of the COVID-19, the basic healthcare system was broken down. Hundreds of people were queuing up for oxygen concentrators. However, some indigenous communities' self-rules have been introduced both in the education and the health care system. Indigenous leaders have been taking initiatives.

Question 3: How do you see indigenous people's rights vs. developmental needs of country in the form of coal and other resources? How should the Government deal with this issue?

Answer – Gladson Dungdung

Dungdung emphasised that the corporate development model and the lives of indigenous peoples cannot go together. If indigenous people are to survive, the corporate development model needs to be reconsidered. Our motherland is being destroyed in the name of global development. We are writing the history of our own extinct. We have to keep this in our mind.

Question 4: Internationally, COVID-19 has had disastrous impacts on indigenous peoples, but in your countries what steps have been taken to protect indigenous groups?

Answer – Phoolman Chaudhary

Chaudhary stated that indigenous peoples are the most vulnerable communities. Their daily lives are connected to nature or natural resources. If you disconnect indigenous peoples from nature, their lifestyles will be affected. The nature preservation and promotion of indigenous peoples' rights should go together.

Answer – Mai Thin Yu Mon

Yu Mon then commented, in a lighter note, that the pandemic has proved that our way of managing resources is a great asset. Indigenous recipes for foods and medicines have been a great help during the pandemic. Because of the block in transportation, imported medicines were difficult to be attained for indigenous peoples. A silver-lining of the COVID-19 was revitalising of the indigenous recipe. Indigenous youth and community leaders have been working hard on this. Also, the traditional way of farming was proven to be the best way to secure food. Communities that continued traditional farming managed to secure their foods. The state needs to reconsider what kind of agriculture and transportation system they want to use. These indigenous communities are much healthier.

Answer – Gladson Dungdung

Dungdung then answered that the impact on those who live in the forest was relatively small. Whereas many of those who live in cities lost their lives. They could not have enough access to medicine and they lost their livelihood. Many people have sold trees and resources to survive. Indigenous people were forcefully evicted by the forest department. While the Indian supreme court stated that nobody should be forcibly injected, those who had not received vaccines have faced barriers. As some of indigenous peoples are concerned about modern medicines and they choose not to receive the vaccination, they have been barred from accessing public services.

Question 5: How do you maintain your motivation as a Human Rights Defender/Advocate? Working in this field can become emotional and sometimes have mental effects on everyone involved. I guess overall, if you had any advice for upcoming Human Rights Advocates/Defenders, what advice would you give?

Answer – Mai Thin Yu Mon

Yu Mon started by stating that she has been an advocate for indigenous peoples for 10 years and there was a time that she was about to give up leading the movement especially when the perpetrators were the State and giant corporations. However, in these situations, Mai Thin tried to stop and think what would happen to those less privileged than her if she stopped advocating. Also, by comparing the previous situations, it could be seen how the individual or collective actions made difference. It takes time and perseverance to achieve goals. At the same time, it is very important to take time for self-care. Sometimes we need to heal ourselves to continue working.

Answer – Gladson Dungdung

From the experience of 15 years of work, Dungdung advised that focusing on fact is very important. He emphasised the need to control our emotions, and human rights defenders are required to be neutral. Entering the field of human rights is as if putting your fingers in an electric socket and that you will need to be ready to go against the government

Answer – Phoolman Chaudhary

Chaudhary then advised that if you have a clear vision and you are passionate about the issue, you can achieve your objectives. If we work together, we can think of a new way of doing things. We were not able to conduct any meetings or conferences during the pandemic in person but we managed to conduct online events.



f. Closing Remarks from Dr Carlos Gigoux Gramegna



On the conclusion of the first day of the 14th Human Rights in Asia Conference, Dr Carlos Gigoux Gramegna provided the closing remarks for the conference in which he shared his final thoughts on the overarching themes presented by the panellists. He thanked the panellists for their participation and contribution not only in terms of explanation of what they do but also in terms of their personal involvement which were evident in their presentations.

Dr Gigoux Gramegna highlighted the importance of understanding the issues that the indigenous peoples face and that the only way that understanding could be manifested was for indigenous peoples to describe the threats they experience daily. Everything else follows on from there. It was stressed that they are experiencing threats to their communities and to their lives on a daily basis because the drive of the possession of their traditional lands and territories did not fade away. This was an ongoing threat from the past to the present from when the colonists arrived to when the nation States evolved. It is from this threat that the patterns of violence, repression, and dispossession emerge. There is no understanding indigenous communities without understanding their deep connection to their territories. This is part of their histories, identities, and cultures. When the process of land dispossession starts, this automatically manifests to threats to culture and dispossession. Culture identities will become important.

Indigenous is about a tale of survival and the threats are ongoing. In this context, it is important to understand the history of resistance and mobilisation that indigenous peoples were able to develop in facing immense threats over powerful forces that came from colonial powers, from nation States, and from corporations. Dr Gigoux Gramegna found it interesting that the panellists have highlighted the relationship of indigenous peoples with the international system, particularly with the United Nations. This story of resistance and creativity is because indigenous peoples realise that one way of facing the main adversary, which is mostly the nation States, is to get involved in the international system and putting the pressure on these States. This is about participating and creating a space for themselves.

The creation of the UN Permanent Forum for Indigenous Peoples is a huge milestone as the voices of the indigenous peoples became a part of the UN system. This also leads to the 2007 UN Declaration on the Rights of Indigenous Peoples which is an extraordinary achievement. Indigenous peoples became active participants and contributors to the understanding and expansion of rights within the UN system. It is important to note how indigenous peoples have also contributed to matters that are not indigenous. This shows their capacity-building, creating resilience, and making the decision to share knowledge and practices that go beyond the indigenous communities themselves.

It was observed that one thing that indigenous peoples were trying to achieve is to bridge the gap between recognition of indigenous rights and the implementation of indigenous rights. Indigenous peoples have been successful in the international system to achieve the recognition

of rights however those rights have to be implemented within nation States. Some nation States do not ratify or do not recognise some of the international treaties in relation to indigenous rights and those who do, they do not implement them directly or they are ignored. These are the complications that indigenous peoples face all the time.

Dr Gigoux Gramegna commented that if we remember the existential threats which indigenous peoples have to face, these communities have to deal with, it is highly remarkable and moving to see how indigenous peoples have been able to challenge them, been able to survive, and been able to inference. However, it was reminded that the fight is not over until all nation States guarantee the protection of the collective rights of indigenous peoples – to their territories, land, and resources – these threats are going to be an ongoing problem permanently. It was also commented how moving it was to see indigenous peoples working together in a positive way. It is about protecting the rights of peoples to be who they are without facing the threat of disappearance because they have been pushed away from whatever idea of development or expansion the nation State is taking.



g. Report for Victoria Tauli-Corpuz's Presentation



Victoria Tauli-Corpuz started the second day of the 14th Human Rights in Asia Conference. She explored the brief history on how indigenous peoples pushed through the United Nations with the pressing issues they had at the time and the concept of a Declaration to enshrine their rights. She also delved into how indigenous peoples asserted the whole concept of collective rights within the United Nations and which was consolidated in the United Nations Declaration on the Rights of Indigenous Peoples. This was the summary report of her presentation on the 14th Human Rights in Asia Conference.

Tauli-Corpuz participated in the UN Working Group on Indigenous Populations in 1985 when the Declaration was being discussed. The Working Group started on 1982 and was mandated to look into issues pertaining to indigenous peoples and also to draft a declaration.

It was stated that many of the indigenous peoples in the UN Working Group were part of it due to own indigenous issues that they experienced. Tauli-Corpuz gave an example of the problems faced by indigenous peoples in the Cordillera region of the Philippines and the effect of the Martial Law that dictator Ferdinand Marcos adopted at the time. The indigenous peoples were not consulted when the government encroached in their territories to develop large infrastructures such as the hydroelectric dam on the Chico river. This would result in hectares of indigenous lands being drowned and would displace many indigenous communities.

Indigenous elders then decided that people should protest. As a student, Tauli-Corpuz joined these protests and eventually went to the United Nations as it was clear indigenous peoples would not be able to find justice in the Philippines. There was no court who would be able to take their complaints. It was hoped that by travelling to the United Nations would make the issues faced by indigenous peoples more visible. It was noted that they had similar problems. They faced not just the rapid and aggressive development that was being built on their lands without their consent but also with racism and discrimination within their own countries. This was perpetrated mainly due to the idea of a one nation with one language and one culture that some of these Nation States adopted. Indigenous peoples do not believe in a "national culture" where it was normally the culture of the dominant population in the Nation State.

It was clear to Tauli-Corpuz and to the indigenous peoples before the United Nations that most of the issues they faced relate to collective rights and not just individual rights such as cultural rights and the right to self-govern. She commented that the idea of collective rights perplexed the experts at the United Nations. One diplomat had even commented that by bringing the concept of a collective right, it would dismantle the human rights system of the United Nations as human rights were founded on individual rights. Collective rights would somehow challenge the system of individual rights.

Tauli-Corpuz asserted that individual human rights are important and should not be disregarded especially for those who had been subjected to harassment and intimidation.

However, it is essential that the world knows that indigenous peoples do not simply live as individuals. Tauli-Corpuz depicted how indigenous peoples live in a concentric circle – with the person in the middle and then the family, the clan, and the society as a whole. She stated that indigenous peoples do not claim rights just for their collective, their families, their clans, or their ethnic affiliations but also for their past and their future; for their ancestors who had fought for their rights and for the knowledge they imparted on the younger generation to continue to pursue and claim indigenous rights.

It was mentioned that another important obligation of indigenous peoples was to think about the future. If the lands which are the bases of their identity, their knowledge, and their language are all to disappear, then there is nothing to leave behind for the future generation.

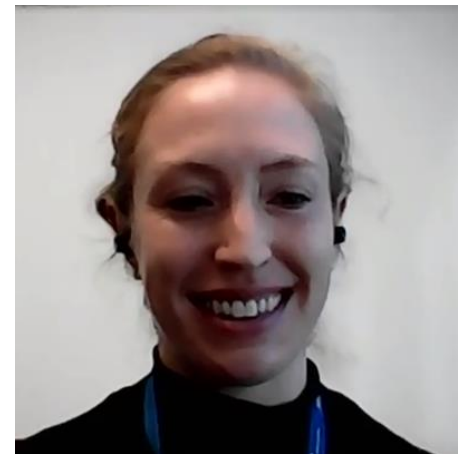
Collective rights is a concept that cuts across time boundaries as Tauli-Corpuz illustrated. It was asserted that it was paramount that the collective rights were to be respected and recognised. Otherwise, indigenous as distinct languages and cultures would disappear. She pressed that a Nation State would not be a Nation State if it ignored the plurality of peoples, of cultures, and of languages. The pluralism that exists within Nation States is the reality.

It was argued that no one could undermine the territory and the sovereignty of a Nation State and it was feared that by allowing indigenous peoples to self-govern then it would lead to cessation. Tauli-Corpuz stated that the claim that indigenous peoples destroying national identity cannot be substantiated. She gave an example of the Cree people in Canada which still wanted to be part of Canada but still wished for their distinct identity to be recognized.

The UN Declaration on the Rights of Indigenous Peoples is a declaration that enshrines the collective rights of indigenous peoples. It was also pointed out that there are already collective rights in some of the instruments that protect mainly individual rights namely the right to self-determination and the right to culture. Tauli-Corpuz said that the foundation of the collective rights that indigenous peoples were pursuing in the United Nations was the right to self-determination and to assert the right to govern themselves. It was stated that many indigenous communities have their own governance systems and justice systems.

The right to continue to live in dignity in the lands that they live in and hold their resources was also another foundation to the concept of collective rights. Indigenous peoples do not claim individual rights to the lands and territories. Collective rights allow indigenous peoples to protect their lands and territories and ensure that they are not to be separated from their lands.

Tauli-Corpuz reported that there was satisfaction when the UN Declaration on the Rights of Indigenous Peoples was finalised and adopted by the UN Human Rights Council and eventually also by the UN General Assembly. There were numerous negotiations into the rights of self-determination and there were many attempts to water this down. The Working Group eventually had to accept and agree to the provision whereby the Declaration will not destroy



the sovereignty of Nation States. She asserted that this fear had no basis on facts and that territories in Nation States are already indigenous territories.

What emerged and evolved from the drafting of the Declaration was that it made indigenous matters – the arguments, the concepts of participation and inclusion, and the indigenous concept of democracy – visible. These concepts were strongly argued for in the process and drafting of the Declaration. The assertion of collective rights, which the United Nations now promotes, also enriched the existing human rights system. It was then noted that indigenous peoples also greatly enriched the human rights framework of the United Nations and it would be difficult to argue against collective rights. However, Tauli-Corpuz affirmed that the concerns of the States were understood and collective rights would not be utilised to harm individual rights.

Tauli-Corpuz gave credit to the active participation of indigenous peoples around the world, with their knowledge of their leaders, of the intellectuals, and of their ancestors that were utilised to strengthen their argument and make the Declaration possible. Despite the harassment that they encountered even from their own Nation States, it was noted that indigenous peoples still dared to go to the United Nations to achieve their dream of a declaration being drafted and address the problems they face as indigenous peoples. It was commented that the Declaration was a response to every cry, every plea that indigenous peoples brought to the attention of the Nation States of the United Nations. She, and the indigenous peoples at large, would like to call on Nation States to implement the Declaration.

It was noted that the organising of the UN Permanent Forum on Indigenous Issues, which is a United Nations mechanism that looks into the matters involving indigenous peoples, and the enlisting of a Special Rapporteur for indigenous peoples were the results of the persistence of indigenous peoples.



However, with all of the achievements, Tauli-Corpuz implied that challenges still persist and there were many violations of rights reported. Namely, on the Report of the Global Witness, it was reported that 297 people were killed defending rights to lands and territories and many were indigenous peoples. The challenge was how to ensure that States implement and respect the Declaration which the UN General Assembly adopted. Another issue was the monitoring of the implementation of the Declaration which was crucial in ensuring a better reality for indigenous peoples.

h. Report for Joan Carling's Presentation



Joan Carling's presentation focused on the role of United Nations treaty bodies in relation to the collective rights of indigenous peoples.

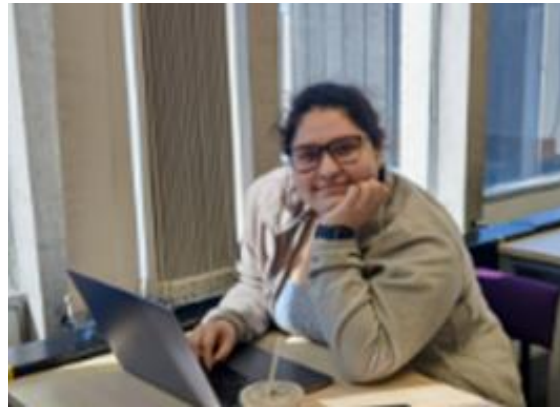
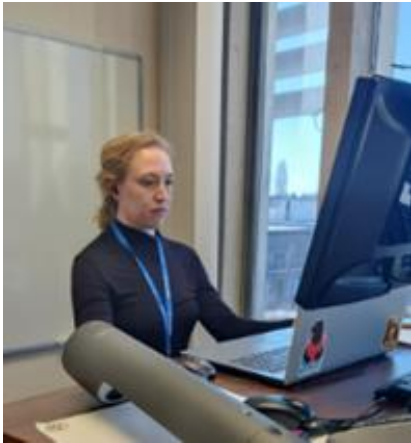
According to her 8 years' work in Thailand, Carling pointed out that there are systemic discrimination and racism against indigenous people rooted in many Asian society. In this respect, indigenous peoples formed local, regional, global level of organizations and networks as collective channel to counter discrimination and to be treated with dignity and respect like everyone; and to assert their rights as indigenous peoples. In 2017, UN

General Assembly adopted the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) which is sets the minimum standard on the rights of indigenous peoples and to uphold social justice, non-discrimination and equality for all individually and collectively. However, Asian governments deny legal recognition of Indigenous peoples rights and systemic violation of the rights of indigenous peoples at the local and national levels are continuing.

Carling also highlighted five key challenges for the effective engagement of indigenous peoples. First, the lack of knowledge on indigenous peoples' rights as affirmed by the UNDRIP and also the understanding of relevant human rights conventions and mechanisms. Second, the lack of skills and capacities to conduct monitoring documentation and research for evidence-based advocacy in asserting recognition and protect indigenous peoples' collective rights. Third, the lack of language skills because Asia is the most diverse in terms of languages and majority of indigenous peoples in the region cannot speak English or Chinese as the UN languages in the regions. Fourth, the lack of skills for advocacy and engagement with states and the UN system and the need to develop young leaders to sustain the engagement of indigenous peoples in demanding state accountability to respect and protect indigenous peoples rights. Fifth, the lack of resources for documentation and for travel for visa requirements among others. Despite these challenges, with the support of allies, indigenous peoples continue to raise ongoing violations of their rights through communication, reporting, conferences, and dialogues and engagements with international organizations and the UN system.

The key recommendations statements and observations of treaty bodies and mechanisms in upholding the rights of indigenous peoples in different countries in Asia were issued to several countries such as Thailand, Indonesia, Japan, Bangladesh, Vietnam and the Philippines. The main challenges in these countries are the lack of protection of their rights to their lands, natural resources, languages, cultural heritage, the prevalence of discriminatory practices such as opportunities for education and employment as well as negative perception by the governments of indigenous peoples calling them anti-development for example. Thus, the findings and recommendations of UN treaty bodies and Special Procedures strongly recommend state parties to develop or establish domestic legislation for the recognition and protection of the rights of indigenous peoples.

In conclusion, Carling emphasized that the need to strengthen the advocacy and engagements of indigenous peoples at all levels and particularly in strengthening the work of indigenous peoples at the national and the local levels to demand the respect and protection of their rights in state policies, measures and practice.



i. Report for Khalil Alamour's Presentation



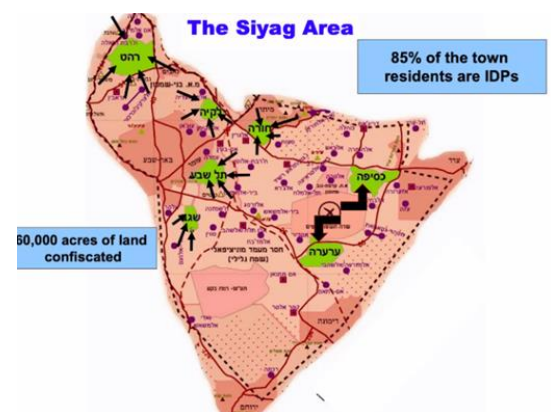
Khalil Alamour is part of the indigenous Bedouins of the Negev/Naqab region of Israel. He is a resident of Alsira, one of the 35 unrecognized Bedouin villages located in that region. He plays an active role in the ongoing fight for recognition of those villages as well as to stop home demolitions and empower the indigenous Bedouins.

The Negev/Naqab is an area that accounts for approximately two-thirds of Israel and is situated in the southern part of the country. The indigenous Bedouins have historically inhabited the Negev/Naqab. In 1921 in Jerusalem, a delegation of Bedouin Sheikhs met with Winston Churchill, who confirmed in writing that “the special rights and customs of the Bedouin tribes of Beersheba will not be interfered with.” However, when Israel was established in 1948, most of the indigenous Bedouins were expelled to the neighbouring Arab countries like Egypt and Jordan, the rest were forced to relocate to the Siyag region of the Negev/Naqab, which is an area comprising approximately 10% of the Negev/Naqab. Seven towns in the Siyag were established, and 85% of the population of those towns are internally displaced persons who were displaced from neighbouring communities.

Currently, there are an additional 35 Bedouin villages in the larger Negev/Naqab that are unrecognized and do not appear on any official Israeli map. Israel has implemented State policy that aims to demolish villages and dispossess the Bedouins of their land. One such example is the tree planting programme of the Jewish National Fund (JNF). Another example is the Prawer Plan which was approved in 2011 without consulting the indigenous Bedouins; in response, the Bedouins organized huge demonstrations and reached out to the European Union and the United Nations for support.

Indigenous Bedouin villages have continued to be demolished over the years. There are more than 2,000 home demolitions per year. Dispossessed lands are labelled as “military zones” or “natural reserves”. The State plows over the indigenous Bedouin fields. Alaraqeeb is one such village that was destroyed more than 150 times since 2010. The JNF planted the “Ambassador’s Forest” on the dispossessed lands of Alaraqeeb, and other villages such as Attir and Um Alhiran are threatened with a similar fate in order to expand the forest in one village and to be replaced by the Jewish Hiran that is planned to be built on its ruins.

The unrecognized village that Alamour belongs to is called Alsira, which is marked by signs that the Bedouin themselves created, including one that indicates “demolitions ahead”. He possesses the deed to his family’s land that proves that his forefathers have been living in Alsira for seven generations, as demonstrated by the fact that his great-grandfather bought the land from the Alhasuni Bedouins in 1921.



We unite and we demonstrate!



Belonging to an unrecognized village means living under constant threat of home demolition and the need to evacuate. The villages have no address, and the State blocks access to the villages from the highways, which poses significant risks during emergencies. The villages have no public transportation, no running water, and no connection to the electricity grid. They have limited water supply. The indigenous Bedouins are not able to vote or run in local elections, and they do not have the right to ownership of land. They pay their taxes but receive minimal services, they face an infant mortality rate four more times than that of the Jewish

sectors, and they have a very poor education system (despite Israel's Compulsory Education Law).

However, the indigenous Bedouins refuse to play the role of victims. They actively develop their villages by establishing day cares, building mosques, laying water pipes, paving dirt roads, setting up generators that produce four hours of electricity a day for the villages, and moving to solar power. They fight for their rights in courts, partner with NGOs, and develop alternative plans and policies that they present to the Israeli government. They work with the media, politicians, foreign ambassadors, UN Special Rapporteurs, and solidarity groups to raise awareness about Israel's violation of the collective rights of the indigenous Bedouin.



j. Summary of the Interactive Q & A Session for Event Two

Question 1: In India, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is not implemented, although India, along with 143 other countries, voted in favour of the UNDRIP on 13 September 2007. A written petition has been submitted urging the Supreme Court of India to issue a direction for the implementation of the UNDRIP in Assam, and the whole of India. How can the UN and indigenous communities at the international level help to support the work of indigenous rights activists in India?

Answer – Joan Carling

Carling began by noting that even within India’s national laws, there is already recognition of indigenous peoples as scheduled tribes—or Adivasis, the term used to identify indigenous peoples in India. These peoples do have land rights, in the form of forest rights. However, Carling added that these rights are mostly provided for in the mainland and the situation in Northeast India is quite different due to India’s political setup. Carling pointed out that India’s upcoming Universal Periodic Review (UPR) will provide an important opportunity to evaluate its implementation of human rights obligations, including the respect and recognition for indigenous peoples’ rights.

Carling stressed the importance of documenting violations. Documentation not only raises awareness at the international level but can also be presented to the national courts as evidence. Carling noted that the National Human Rights Commission of India is active in investigating these cases and, in some instances, the Commission has recommended legal action. Carling underscored the need for more evidence to prevent governments from simply denying violations.

Answer – Victoria Tauli-Corpuz:

Tauli-Corpuz agreed with Ms. Carling’s comments and added that indigenous peoples must be empowered to drive change at the local level. If indigenous peoples continue to use the relevant tools and bodies to claim their rights, then maybe there will be change. Tauli-Corpuz recollected that during her tenure as Special Rapporteur, the Supreme Court decided to amend India’s Forest Rights Act. At the time there was a push to displace more than a million indigenous peoples from the forests. Tauli-Corpuz wrote to the government and the Supreme Court and communicated with some of the directly affected communities. Tauli-Corpuz summarised that Special Rapporteurs and treaty bodies must use every opportunity to push States to recognise these rights. In addition, awareness-raising campaigns such as the International Decade of Indigenous Languages, can be utilized to push governments to recognise indigenous rights. Tauli-Corpuz upheld the Algerian government’s eventual recognition of Amazigh as an official language as an example of the victories that can be achieved through



persistence and empowerment of indigenous communities, and solidarity from relevant organisations and parties.

Question 2: Is free, prior, and informed consultation still an effective guarantee to protect the collective rights of indigenous peoples? Particularly in relation to the right to land.

Answer – Victoria Tauli-Corpuz:

Tauli-Corpuz affirmed her continuing belief in this basic framework, stating that the consent of indigenous peoples has been consistently overlooked during the formation of laws and development projects. Six articles in UNDRIP discuss the need to obtain the free, prior, and informed consent of indigenous peoples. Tauli-Corpuz emphasized that even if these provisions are not properly implemented, the task is to continuously demand that governments respect this basic right. While confirming that it remains an effective instrument, Tauli-Corpuz noted that further action is required to push for its use, and to identify and bring violations to the attention of rapporteurs, treaty bodies, and national human rights institutions.

Answer – Joan Carling:

Carling outlined the importance of differentiating between ‘free, prior and informed consultation’ and ‘free, prior and informed consent’. She explained that the World Bank attempted to reframe ‘consent’ as ‘consultation’, thereby weakening the concept because consultation does not refer to collective decision-making.

Question 3: The demolition of peoples’ homes and livelihoods is a violation of individual rights, even if it is not recognised as a violation of collective rights. How has the European community responded to the Israeli violation of collective rights? Have you coordinated at all with the European community in your work?

Answer – Khalil Alamour:

Alamour stated that the European Parliament, the European Commission and the European community have not been forthcoming with support, and more assistance is needed to change negative and discriminatory policies against indigenous Bedouin communities. The most significant involvement of the European community was during the demonstration in response to the Israeli government’s plan to forcibly relocate the Bedouin community from their ancestral homes to towns, without their consent. This plan was halted following protest from the European Union. He added that Israeli government used to frame matters concerning the Bedouin communities as an ‘internal issue’.

Question 4: Ms. Tauli-Corpuz, in your experience, were you able to interact with indigenous peoples in Central Asia? If so, what unique challenges do they face?

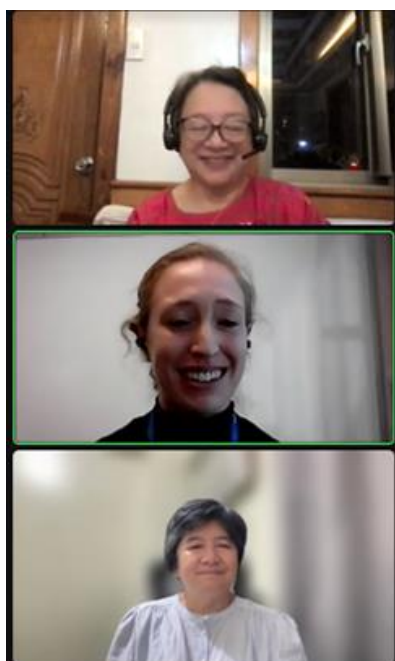
Answer – Victoria Tauli-Corpuz:

Tauli-Corpuz answered that unfortunately she has not had much interaction with indigenous peoples in Central Asia. She explained that in order to visit a country, Special Rapporteurs must first be invited by the government. In Asia, the only government that invited Tauli-Corpuz was East Timor. There are very few Asian countries who have invited rapporteurs so engagement with indigenous communities can be difficult. In addition, Central Asian indigenous communities are not represented at processes like the UN Permanent Forum or the Expert Mechanism on the Rights of Indigenous Peoples. She stressed that much more effort is needed to reach out to indigenous communities and to understand how they are asserting their rights and identities. She expressed her solidarity with indigenous peoples in Ukraine and praised those who have spoken up and condemned Russia's actions, including indigenous peoples in Russia who have denounced the invasion.

Question 5: What happens when ethnic groups or indigenous peoples have disputes over collective rights, for example, land rights, property rights?

Answer – Victoria Tauli-Corpuz:

Tauli-Corpuz said that such disputes require intercultural dialogue. She went on to highlight the importance of recognising the role that States play in these conflicts. She described how governments bring in settlers to lands that have been historically occupied and developed by indigenous peoples in order to minoritize and divide indigenous communities. Tauli-Corpuz recalled country visits where she and other UN officials, as well as indigenous peoples, were met with protests that were clearly organized by the government as the demonstrators did not understand the English slogans written on their posters. She said that governments should be urged to recognise the diversity of indigenous peoples, and there should be more constructive intercultural dialogue between the different peoples living in a particular space. Intercultural dialogue should work towards a situation where different groups can unite to protect their identities and livelihoods.



Answer – Joan Carling:

Carling stated her agreement with Tauli-Corpuz's comments. She added that in working towards a just, fair and equitable resolution, it is important to discern the historical context of such conflicts and to view them through the lens of indigenous peoples' collective rights. **Answer** – Victoria Tauli-Corpuz:

Further illustrating the role that governments play in these disputes, Tauli-Corpuz gave two examples of where government action has caused conflict. In the Philippines, the Indigenous Peoples' Rights Act of 1997 gives certificates of ancestral roaming titles to indigenous peoples. However, the Department of Agrarian Reform also grants certificates of land ownership to individuals, which overlap with the ancestral lands of indigenous peoples. This highlights the need for ongoing dialogue between indigenous peoples and government agencies. In her second example, she described how the Nicaraguan government has violated

indigenous peoples' rights by pushing settlers to move to national protected areas under the guise of reforestation.

Question 6: Please can you give more insight into the voting rights and political representation of the Bedouin peoples in Israel?

Answer –Khalil Alamour:

Alamour outlined some of the obstacles that Bedouin communities face in accessing their rights. The Israeli government has consistently denied the Bedouin peoples' right to and ownership of their land. The government continues to give the same excuses to win favour with Western countries, saying that they are 'flourishing the desert by planting more trees'. What people do not know is that for every tree that is planted, an indigenous Bedouin family is uprooted. He explained that this mirrors the status of many other rights, including civil rights. Indigenous communities are denied access to basic services. There are no poll stations close to the Bedouin villages, so people must travel for miles to vote in general elections. Bedouin villages do not have local services such as trash-collection, sewage systems, water supplies, and they are unable to connect to the grid. In addition, other services such as clinics, schools, and kindergartens are also hard to access. The only service that the government organises is the buses which take the kids to government schools in neighbouring towns. Even getting a vaccination or a pregnancy test requires a family to have a driving license and the means to afford a car.

Question 7: What advice would you give to new and aspiring human rights activists?

Answer – Victoria Tauli-Corpuz:

Tauli-Corpuz first encouraged aspiring human rights activists to study the existing human rights instruments. She also urged activists to work closely with human rights victims while giving them the space represent and speak for themselves. Finally, she said that activists can support human rights victims to bring cases to the national courts and international courts. She added that the work required in Asia is more challenging due to a lack of regional human rights mechanisms and therefore activists must work even harder to establish the necessary protection systems.

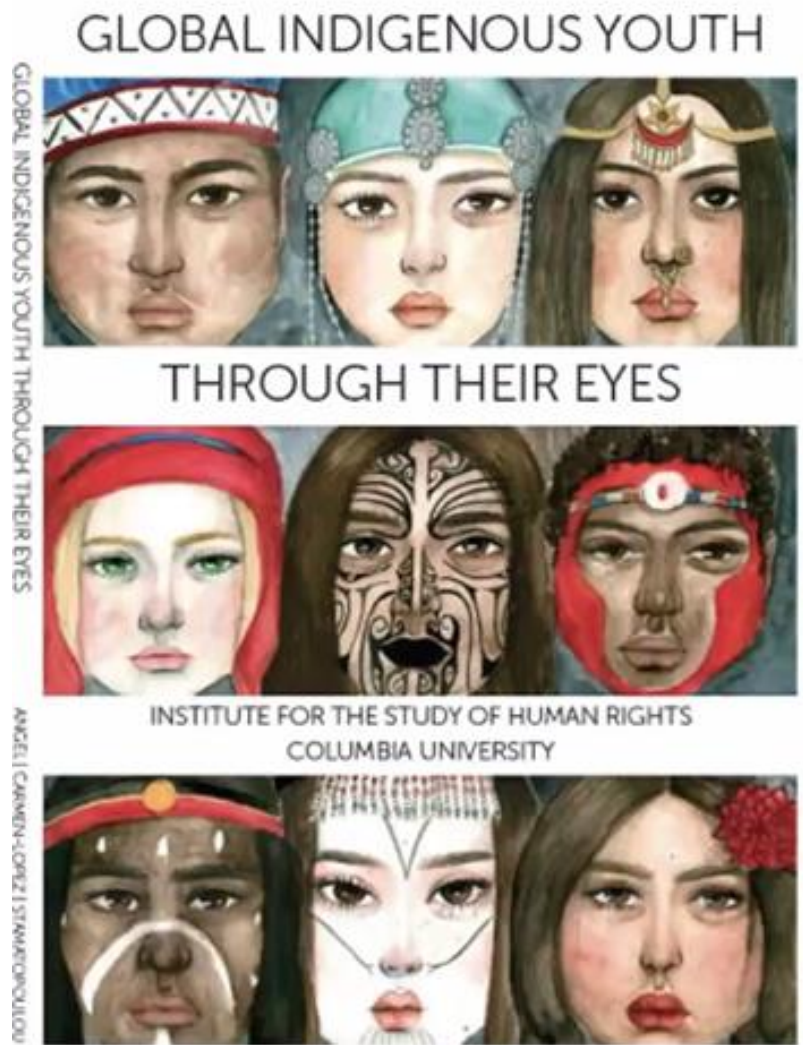
Answer – Joan Carling:

Carling highlighted the importance of connecting with human rights holders and forming a proper understanding and appreciation of the reality of the situation being faced by victims. Secondly, she encouraged activists to express solidarity with indigenous communities as many communities feel alone in their struggle. Knowing that there are human rights activists out there supporting them will give them courage and strengthen their resolve to demand their rights. Thirdly, where communities struggle to assert their rights but lack the understanding of the legal requirements, human rights activists should assist them in writing testimonies and

preparing documents. In this way, activists can support human rights holders without taking away their voice.

Answer – Khalil Alamour:

Alamour encouraged young human rights activists to learn from the experiences of previous and older human rights defenders. He also suggested that activists should first engage at a local level and recognise that the challenges vary between places and communities. Secondly, human rights activists must reinforce their cases by learning the facts and the numbers. Finally, networking is an essential way to exchange experiences and potential solutions to common issues. Social media and other channels have made communication easy, meaning that it is now possible to do more for our communities.



from Mai Thin Yu Mon's Presentation

k. Closing Remarks from Dr Julian Burger



On the conclusion of the second day of the 14th Human Rights in Asia Conference, Dr Julian Burger gave closing remarks in which he highlighted four important points raised by the panellists during their presentation. He tailored these final thoughts to the conference's audience made up primarily of MA and LLM students of human rights.

Burger first discussed the broader themes of identity and visibility of indigenous peoples. There is a continual discovery of indigenous peoples, as demonstrated by the fact that it was not until the 1990s that indigenous peoples from Africa, the Russian Federation (USSR), and a number of countries in Asia began to participate at the UN level. The understanding of indigenous peoples is open, and it is important to understand that it is not so much a definition of people, but rather in terms of shared issues faced by those peoples. For that reason, Burger expressed gratitude to Alamour for sharing the experiences of the indigenous peoples of the Negev, because those issues that include loss of land, discrimination, and exclusion, among others, are faced by many indigenous peoples.

The concept of collective rights was then mentioned, as well as their role within human rights. Rather than placing collective rights in opposition to individual human rights (collective vs individual), they are in fact complementary to one another. All of us have collective rights. Unfortunately, most universities teaching human rights do not teach concepts of collective rights or self-determination.

Burger went on to thank both Tauli-Corpuz and Carling for sharing the important work they have conducted and is still ongoing regarding indigenous peoples' collective rights within the framework of the OHCHR, including the Special Rapporteurship, the UN Permanent Forum on Indigenous Issues, and the Human Rights Council. He further added that the interest of indigenous peoples and their collective rights have a broad scope that reaches to many other areas of the UN. For example, work is being done in collaboration with the World Intellectual Property Organisation (WIPO) to protect the intellectual property rights of indigenous peoples which are currently being violated. Therefore, it was stressed to the student audience that there are many areas within the UN system where work being done and to be done to promote this broader view of human rights.

The larger issue of lack of implementation of legal frameworks, guidelines, and recommendations related to indigenous peoples' collective rights was discussed. During the last year, human rights defenders, environmental defenders, and indigenous peoples all faced significant violence. One of the core issues related to this violence is lack of implementation, and responses include litigation and taking companies and governments to court. Therefore, these are also other forms of implementation of human rights and indigenous peoples' collective rights.

Finally, Burger encouraged the students to go forth and participate in the promotion of human rights, while always making sure to listen to the recommendation of indigenous peoples, who are the ones who are facing the human rights violations at the grass roots level.

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