

## **Joint Statement to the 12 Session of the Expert Mechanism on the Rights of Indigenous Peoples on**

### **Agenda Item 8: United Nations Declaration on the Rights of Indigenous Peoples, Including Study on Recognition, Reparation and Reconciliation. Asia Indigenous Peoples Pact and Asia Indigenous Peoples Caucus**

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In the recent years, there have been examples of recognition, reparation and reconciliation initiatives that specifically dealt/deal with the rights of indigenous peoples in Asia via various forms, including the 1997 Chittagong Hill Tracts (CHT) Accord in Bangladesh; the Framework Agreement of 3rd August 2015 (Naga Peace Accord 2015) and other groups in Northeast India; the 2015 National Ceasefire Agreement and ongoing peace process in Myanmar; the promulgation of the Constitution of Nepal after more than a 7-year long constitution writing process; the recent bill approved by Japan's cabinet recognizing the Ainu people for the first time as "an indigenous group"; and the ongoing efforts towards regional autonomy in the regions of Cordillera and Mindanao in the Philippines.

Many of the measures/processes were undertaken following continued historical armed conflicts in these countries with political organizations of indigenous peoples or ethnic armed groups. As a result, those initiatives involved long negotiations or talks for peace with the organization/groups, which have failed in implementation such as in the case of the CHT Accord in Bangladesh, so also in Myanmar despite many challenges, or could be considered 'stuck' as is in the peace talks with the Nagas in India.

The recognition, reparations and reconciliation initiatives related to indigenous peoples in Asia are vastly different among countries and even indigenous groups within or across the countries. While there are few recent positive initiatives to specifically recognize the rights of indigenous peoples for example in Japan and subsequent measures taken after the official apology that can also be considered to have made some efforts for reconciliation, those are not fully adequate or in line with the international human rights standards, particularly the UN Declaration on the Rights of Indigenous Peoples. There are other limited recognition measures such as in Myanmar. Further, while the political peace processes in various Asian countries provide opportunities to recognize the rights of indigenous peoples, those processes are in various stages and challenges. In lack of recognition, reparation and reconciliation measures to address the historical Wrongdoings against indigenous peoples are all but missing and not effectively possible. Conversely, countries are even backtracking on earlier gains made to redress the abuses against indigenous peoples.

Various initiatives for recognition, reparations and reconciliation need further study to examine good and bad practices. In general, there is an urgent need for full and effective participation of concerned indigenous peoples and their representative institutions in those initiatives, for those initiatives to be aligned with international standards of the rights of indigenous peoples, particularly the UN Declaration and for the States to effectively implement those initiatives as so far agreed with the concerned indigenous peoples.

#### **Recommendation:**

- Asia Caucus urges the Expert Mechanism to recommend the States, through the Human Rights Council, to undertake a consultative process, in conjunction with the concerned indigenous peoples and their representative institutions, for examination of the ongoing or recent recognition, reparation and reconciliation initiatives to build on the achievements made and undertake further measures to recognize and remedy historical wrongdoings against indigenous peoples in line with the UN Declaration.
- The Asia Caucus also urges the Expert Mechanism to hold States accountable for their failures to uphold and implement the various Agreements and Accords that were made with indigenous peoples, particularly as mentioned above and to monitor the implementation of these agreements and Accords in letter and in spirit.