

5th ASEAN Human Rights Dialogue

6 November 2023 in the Nusantara Hall, ASEAN Headquarters, Jakarta

Presented by Frederic Wilson

Thank you, Madam Chair, Excellencies,

I, on behalf of the Asia Indigenous Peoples Pact, acknowledge the commendable works of the AICHR on the progress made in the implementation of the AICHR's Five-Year Work Plan 2021-2025, and its annual Priority Programmes.

Respected Chair,

Participation is a necessary and minimum requirement for Indigenous Peoples to reach out our concerns to the AICHR and member states. Indigenous Peoples' active participation would create an opportunity to understand how to overcome the historical injustices and continuing systematic marginalisation and discrimination.

The Indigenous Peoples, and local communities in the Southeast Asia region is high up on the list of targets and victims of human rights violations due to militarization, in the name of development, conservation, and tourism projects. The projects are often designed and implemented without respect for the rights of Indigenous Peoples, including the right to self-determination; lands, territories, and resources; free prior and informed consent; as well as economic, social, and cultural rights. While tourism may seem to be doing good for society, it also is creating social and psychological consequences for the Indigenous Peoples that are more detrimental than beneficial.

The incidents of killings, enforced disappearances, arbitrary arrest and detention, intimidation, persecution and violence against IPs are increasing every day. Moreover, the lack of legal recognition, protection, enforcement, and monitoring of customary tenure rights and legal protections of Indigenous identity underpins the majority of risks Indigenous Peoples face linked to invasive, colonial, and neo-liberalized conservation activities.

We reiterate that militarization, conservation, tourism, extractive industries and energy and agribusiness projects have incited criminalization and attacks on IPs and violated FPIC processes of IPs. To name a few, the military coup in Myanmar, silica mining in Kudat, Sabah, rare earth mining, and Mega Dam in Malaysia, the Build Build Build program in the Philippines, and The World Heritage Committee's dangerous precedent on the declaration of Kaeng Krachan Forest Complex (KKFC) area by disregarding severe cases of reported human rights violations and history of the Karen people in Thailand.

The role of Indigenous Peoples in development such as tourism, and conservation, among other must be understood and addressed from the framework of the UN Declaration on the Rights of Indigenous Peoples and international and regional human

rights instruments. The governments must protect, and business operations must perform their due diligence, respect, and engage in collective decision-making, respecting the rights of all concerned, and benefits must be shared equitably. Access to remedy mechanisms should be put in place.

I thank you, Madam Chair.