

13th session of the UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP)

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Joint Statement by Aisah Czarriane Mariano on

Militarization on Indigenous Peoples territories particularly during COVID-19 and its impact
on the Indigenous Peoples in Asia

*on behalf of Asia Indigenous Peoples Pact (AIPP), Asia Indigenous Peoples Caucus, Asia
Indigenous Youth Platform (AIYP) and Asia Young Indigenous People's Network (AYIPN)*

Mr. Chair, the Asia Caucus would like to congratulate you for your appointment as the
Chairperson of the 13th EMRIP Session.

Despite the General Assembly's adoption of the United Nations Declaration on the Rights of
Indigenous Peoples (UNDRIP) and several international human rights instruments, the human
rights situation of indigenous peoples in Asia remains deplorable. The military interventions
and operations in indigenous territories even during the COVID 19 pandemic intensified the
vulnerabilities of Indigenous Peoples in some Asian countries. Our collective rights continue
to be systematically and grossly violated, especially with regards to our traditional lands,
territories, and resources; the right to self-determination, and the worsening human rights
violations by state and non-state actors, including rape and sexual assault against women and
children, killings, arson, unlawful arrest and torture, and structural forms of discrimination
based upon ethnicity, religious affiliation and gender.

Some Asian countries like the Philippines and Cambodia have a national legal framework on
Indigenous Peoples, but human rights violations in indigenous communities continue
unabated. Many other Asian countries have no legal protection at all for Indigenous Peoples,
and in some states Indigenous Peoples are outright ruled by militarist regimes.

Military and other paramilitary and security forces have been used to quell local resistance to
development projects, resulting to wide-scale violations of their civil and political rights
including criminalization and vilification of their legitimate actions.

In the **Philippines**, militarization is a reality in IP communities as seen in the government's
counter-insurgency operations, de facto martial rule and all-out war policies resulting in
heightened attacks against IPs and human rights defenders. Militarization is implemented
through Armed Forces of Philippines (AFP) deployment and military operations especially in
areas where destructive development projects are located; much more so when the military
and paramilitary groups are used as an investment defense force to suppress active
community opposition to these projects. Military troops set up camp in houses, community
halls, daycare centers, schools and public areas violating the peace, sowing fear and causing
disunity within the community. It further causes the closure of community-initiated IP
schools, vilification, demonization and terrorist-tagging of IP leaders, activists, harassment,

threat, intimidation illegal arrest and detention of innocent civilians. The worst are the rising number of cases of extrajudicial killings, abduction, attempted murder and enforced disappearances of IP leaders and activists.

In **Bangladesh**, instead of finding a political and peaceful solution to the Chittagong Hill Tracts problems through the implementation of the CHT Accord, the government has intensified its repression like the previous dictators. As a result, all avenues of democratic movement have already been blocked in the CHT. During the COVID 19 pandemic, like the previous autocratic governments, the present government has strengthened the militarization in the CHT in order to suppress the voice of the Jumma people. In the 10-months of 2020, six new camps have been set up and incidents of arbitrary arrest of at least 85 Indigenous persons including one person shot dead in the name of cross-fire by the army have taken place. Many have been illegally detained on false claims of possessing firearms. Again, many of the detainees have been illegally kept and inhumanly tortured in the camps for several days without producing them to the court.

In **India North East**, the Government of India has Suspension of Operations (Soo) and Ceasefire Agreement in placed with various armed groups in the region. There is a ceasefire agreement signed between Government of India (GOI) and Nationalist Socialist Council of Nagalim (NSCN/ISPN) and peace talk is going on with the Naga Political Groups (NPGs). But the current peace talk are taking place under the arbitrary conditions of Armed Forces (Special Power) Act, 1958 (AFSPA) with huge presence of Indian army, and military confrontation and siege operation are occurring at regular intervals in all the Naga territories.

In Manipur, military actions exposes the public to grave danger of getting the virus considering that army personal in the state are reported as having high rate of COVID-19 positive cases.

In Arunachal Pradesh, at Khonsa in Loding district, the Indian army gunned down 6 NSCN cadre in a cold blooded manner on 11 July 2020 in the name of counter insurgency.

All these incidences happened when ceasefire agreement is currently in placed between GOI and NSCN and talks have been going on between the two parties since 1997. Such military actions go directly against the principles of the peace talk and threaten the progress and understanding achieved over the last 23 years.

In **Myanmar**, the Government initiated the Nationwide Cease Fire Agreement in 2015 with Ethnic Armed Organization (EAOs). Following this initiative many EAOs signed the agreement but still many remained un-signed due to lack of recognition and invitation in the peace negotiation by the government. Although, there is peace negotiation and NCA signed, the fighting between National military, locally referred to as Tatmadaw military and EAO are still continuing. On the other hand, fighting also intensified in non-signatory EAOs areas which are

causing gross human rights violation such as extrajudicial killings¹, rape², arbitrary arrests, shelling of communities and forced labour. It is also reported that, the national army has been using air strikes and heavy weapons to bomb civilian infrastructure to burn villages to the ground, resulting in large numbers of civilian casualties and mass displacement. The Fighting between Arakan Army and the national army caused at least 280 civilian death, over 470 injured and approximately 171,000 peoples internally displaced. Similar incidents are also happening in other states.

In Nepal, even during the difficult time of COVID-19 pandemic, Indigenous Peoples of the country were attacked in many places. Just to name some of the cases - on July 19, 2020, Chitawan National Park burned down the houses of Chepang Indigenous Peoples in Kusum Khola area of Maadi-9, Chitawan. All properties including food, grains, cloths, household utilities and important documents of those victims were destroyed in the fire. The authorities of the National Park also destroyed ready to harvest crops of Chepang Indigenous Peoples by using elephants. Some days after, 24 years old Raj Kumar Chepang, resident of Rapti municipality-2 of Chitwan, was killed by Chitawan National Park/ Nepal Army. Mr. Chepang and many other Chapang folks were arrested and beaten by the National Park authorities on July 16, 2020. They were accused of collecting wild vegetables from the National Park, which is customary lifeways of those Indigenous Peoples. Many more Chepang people of the area were intimidated and tortured by the National Park (names of the survivors have been withheld due to potential security threat to them). These two cases of Chitawan are just the recent ones that speak of the violation of the rights of Indigenous Peoples in the Nepal.

We express our deepest concern over the mentioned situation with state torture, extrajudicial killings, terrorist tagging of rights defenders, bombing, harassment, threats, intimidation, illegal arrests and detention of innocent civilians by excessive use of military and the power of de facto military rules ignoring the civil and political rights of the civilians.

Recommendations:

In the light of the above situation, the Asia Indigenous peoples caucus would like to draw the attention of the EMRIP, to urge the Governments in Asia for urgent action on the following:

1. To stop the militarization of indigenous territories, and engage in a meaningful dialogue with indigenous peoples towards addressing conflicts and respecting the rights of indigenous peoples for peace, security and sustainable development
2. To implement recommendations made by the past and present Special Rapporteurs on Indigenous Peoples rights especially on remedial measures to address gross human rights violations committed to indigenous peoples

¹ One villager and a young girl were killed near gold mine by military. A young 8 years old girl that kill was held hostage and killed. Military gave 736 USD to the victim family as compensation. <https://khr.org/2017/09/17-4-nb1/two-separate-killing-incidents-committed-tatmadaw-soldiers-shwegyin-township>

² A women is rape at her tea farm by military. <https://www.irrawaddy.com/news/ethnic-issues/taang-rape-victim-claims-attackers-army-soldiers.html>

3. To end impunity, immediately prosecute the perpetrators of human rights violations against indigenous peoples and ensure indemnification for the victims.
4. To prioritize helping the communities during the COVID pandemic instead of conducting military operations and other sorts of intimidation.