

Claiming the Rights of Indigenous People in South Asia: Exposing the Effects of Militarization

By Sumshot Khular



This article is the first of the six articles to be published by the Women Peacemakers Program (WPP) during the six week *Gender & Militarism Campaign*. The Gender & Militarism Campaign advocates for awareness and action around the multi-layered connections between gender and militarism, and highlights gender-sensitive nonviolent action (people power) as a powerful alternative to address conflict.

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About Sumshot Khular

Sumshot Khular is an indigenous Lamkang Naga from the Chandel district of Manipur, India. She is an active human-rights and peace activist, at present serving as the Program Coordinator of Community Action and Research for Development, a grassroots organization based in Chandel district in Manipur, which works to promote education, human rights, gender, development, and peace. She has previously worked for the Centre for Social Development and the Indian Social Action Forum (INSAF). She is currently a member of the Lamkang Snu Lop, Asian Indigenous Women's Network (AIWN), the Indigenous Women's Network of Northeast India (IWFNEI), Naga Women's Union Manipur (NWUM) and Naga Peoples Movement for Human Rights (NPMHR). She is actively involved in the peacebuilding and reconciliation processes after the Kuki-Naga conflict and has been engaged in mediation at the local level. She was elected Vice President of the Naga Women Union last October 2013 for a term of three years. Khular holds an MA in the Theory and Practice of Human Rights from Essex University, UK. She participated as a trainee in the WPP 2012-2013 Asia Training of Trainers Cycle "Together for Transformation: Gender-sensitive Nonviolence for Sustainable Peace".

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Respected Madame, Chair, I am Sumshot Khular and I am presenting a joint statement for South Asia, endorsed by Community Action for Research and Development, Asian Indigenous Peoples Pact, the Shimin Gaikou Centre, the Kapaeng Foundation, NEFIN, the Mallaya Foundation, and the Centre for Research and Advocacy, Manipur.

Madame Chair, South Asia is a home to more than 160 million indigenous peoples. However, only a few states recognize indigenous peoples, with some governments claiming that they have no indigenous peoples. The continual denial of recognition by states of their indigenous peoples as distinct peoples, who have been systematically discriminated and marginalized, is against the very principle of achieving social justice as affirmed by the UN Declaration on the Rights of Indigenous Peoples.

The non-applicability of the concept of indigenous peoples as recognized under international human-rights instruments remains a major and critical concern for millions of indigenous peoples. The idea that all citizens of a state are indigenous and thus entitled to the same rights has been used as a justification for denying recognition of particular indigenous peoples, as in India and in Bangladesh. These governments have rejected calls for the recognition of the collective rights by groups identifying themselves as indigenous.

In Nepal, where a new constitution is soon to be promulgated, the indigenous peoples are campaigning for the right to self-government under a federal system of government in order to have control of their social, cultural and political development. However, in spite of the fact that at least 39% of the total population is recognized as indigenous peoples, and the government has ratified ILO Convention 169 on Indigenous and Tribal Peoples, they remain having the least meaningful political representation in the country, with their freely chosen representatives largely excluded from the constitution-making process.

The Northeastern states in India are where the Armed Forces Special Powers Act (1958) has been in place to subdue the indigenous peoples' movement for the right to self-determination. The act formulated extraordinary provisions and powers for the armed forces, which were then applied to the so-called disturbed areas, resulting in human-rights violations with impunity, arbitrary killings, arrests, torture, cruel, inhumane and degrading treatment, and forced disappearances. Moreover, new laws or amendments have been introduced, such as the Unlawful Prevention Act (UAPA), to retain the ban on the organizations proscribed under the repealed Prevention of Terrorism of Terrorism Act (POTA), including many indigenous minority groups from the Northeast. The launching of Operation Uttoron in the Chittagong Hills Tract has resulted in severe human-rights violations among the Jumma indigenous peoples in Bangladesh.





In South Asian countries such as Bangladesh, Nepal, and India, millions of indigenous peoples have been involuntarily evicted, displaced and impoverished due to so-called development projects including coal and uranium mining and oil and gas exploration, without the free and prior consent of the indigenous peoples concerned. This is a direct denial of the universally established right to free, prior and informed consent, as outlined in several international human-rights laws such as the UN Declaration on the Rights of Indigenous Peoples and the recommendations of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the International Covenant on Economic, Social and Cultural Rights (ICESR) and the International Covenant on Civil and Political Rights (ICCPR).

Many countries in South Asia have refused to implement human-rights recommendations to advance indigenous peoples' rights. For instance, the UN Special Rapporteur on the rights of indigenous peoples, Mr. James Anaya, strongly condemned the Mapithel dam construction project for the series of violations and the militarization process in and around the Mapithel dam building site in 2008.

Article 11 of the UN Declaration on the Rights of Indigenous Peoples stipulates that no military activities shall take place in the lands of indigenous peoples, unless freely agreed upon by the indigenous peoples concerned. However, many indigenous territories across South Asia continue to be heavily militarized, and their prime lands, the source of their livelihood and survival, are conscripted for military infrastructures.

False climate-change information has been propagated across South Asia, resulting in, among other things, the construction of a series of mega dams as a source of clean energy with low carbon emission. Additionally, there is currently an aggressive push for bio-fuels plantations, leading to massive acquisitions of farmland and forest areas. The decision-making process regarding climate-change solutions is often exclusive in nature. At the United Nations Climate Change Convention (UNCCC) recently held in Nepal, indigenous peoples from Nepal were not allowed to participate in the conference.

Indigenous women, by virtue of their gender and ethnicity, face particular impacts and increased vulnerability from the consequent loss of traditional livelihoods, displacement, conflict and poverty. Violence against indigenous women is as intricately related to their collective and individual rights to their land, resources and territories as their wellbeing, cultures and identities are. The aggressive development models associated with intensive militarization have been ravaging not only our lands and resources but also our people, especially women and girls.

In Nepal, thousands of young girls and women were trafficked to India and beyond for illegal prostitution. In 2013, the Free Kamlari Development Forum and the National Federation of Indigenous Nationalities stated that, since 2001, about 1,200 Kamlaris had been rescued from bondage, in conformity with the state's Kamaiya Labour Prohibition Act. However, around 100 persons have reportedly fallen back into Kamlari servitude due to a lack of commitment and support services. An estimated 900 Kamlaris in the districts of Dang, Baki, Burdya, Kohlali and Kanchapur still remain bonded to their landlords.

An increasing number of cases of sexual violence and rape have been reported in Chittagong Hill Tracts (CHT, Bangladesh). According to the Kapaeeng Foundation, an organization concerned with the human rights of indigenous peoples, 211 sexual crimes have taken place in the CHT since 2007. Of the 19 cases in the most recent four months, 12 included children being raped, and two rape victims were killed in Kagrachari. Where rape has long been used as a weapon of war, violence against indigenous women is now being used in connection with land grabbing.

The ongoing armed-conflict situation prevalent in the Northeast India has intensified the violence faced by women, taking the form of sexual, mental or physical abuse, killings and clashes. Although all members of the communities are affected by the armed conflict, the impact on women and girls is far greater because of their status in society and their sex. Under the shadow of conflict, the region has witnessed a resurgence of patriarchal values and norms that have brought with them new restrictions on the movement of women and what they are allowed to wear and but also more overtly physical violence such as rape, which is systematically used as a tactic against a particular community. All this is compounded by the long-lasting social, economic and psychological trauma caused by armed conflict.





In all these countries, women have played a proactive role in peacebuilding within the communities. To mention a few examples: the Naga Women's Union, the Naga Mother's Association, Jumma women in CHT, and Nepalese women in their respective states. In conclusion, I would like to make the following recommendations.

Recommendations for the governments of South Asia:

- Ensure the full recognition of and adherence to the principle and the practice of the right to self-determination of all indigenous peoples in South Asia.
- Recognize the rights of indigenous peoples over their land, territories, waters, and resources and their self-determined development of their land and bodies of water in South Asian countries as enshrined in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), 2007.
- Review your state's own national legal framework with a view to incorporate provisions of UNDRIP within your national instruments, especially those with regard to the right to lands, territories and resources, and the right to self-governance and cultural integrity, while at the same time repealing/revising laws and policies that are not consistent with the UNDRIP.
- Stop mega development projects without the prior free and informed consent of indigenous peoples and without recognition of their self-determined development.
- Repeal all emergency legislation that facilitates political subjugation and militarization in South Asia, such as the Armed Forces Special Powers Act (1958) in Northeast India;
- Implement the recommendations of the UN Committee on the Elimination of Racial Discrimination in 2007 to stop the construction of mega dams in the territories of indigenous people, such as the proposed 1500 MW Tipaimukh Dam project and the Chakpi HEP project in Manipur.
- Implement the CHT Accord to demilitarize the indigenous areas of Bangladesh.
- Ensure that international financial institutions and corporate bodies desist from financing and taking up projects in South Asia that would undermine the inherent rights of indigenous peoples over their land and territories and threaten the environmental integrity of the region.

Akpanpaak Chaak Inna, Hambai, Dhanyabad / Thank you, Madam Chair

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