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INTERNATIONAL EXPERT GROUP MEETING
Indigenous Youth: Identity, challenges and hope: Articles 14, 17, 21 and 25
of the United Nations Declaration on the Rights of Indigenous Peoples
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Indigenous youth and Challenges

The present discourse, Indigenous youth identity, challenges and hope with special reference to article 14, 17, 21 and 25 of UNDRIP that has been called for is highly appreciable and the Asia region is obliged for making youth involved in the process of making this world a better place. The concept note was discussed with youth organizations in Asia region and the report is the outcome of various meets and workshop organized by them. It is hence a very comprehensive report based on ground reality and situation.

Every indigenous community usually has certain ceremony after which a person who qualifies it enters the youth phase. Among the Mundas of Jharkhand for example in India the ceremony of *tukui lutur*² is a must before one gets married. These types of ceremonies are also followed in the African continent's indigenous communities. Therefore youth is an intermediary phase between childhood and adulthood. During this phase the youth also become politically active in their societies.

The definition of United Nations about youth seems to be very pertinent and is congruous to the concept and definition provided by the indigenous community. In brief The United Nations, for statistical purposes, defines 'youth', as those persons between the ages of 15 and 24 years³. Here we have made an effort to discuss the major challenges citing examples that is unusually confronted by the indigenous youths.

1. **Land and youth:** Change is an ongoing process that affects all societies and culture. In this context it is but obvious that the indigenous population will also undergo change. The wider world should not expect the indigenous population to be half naked, poorest of poor and people who are anti development. This is not to mean that we are people who refrain from the

² Roy, S.C, 1912. "The Mundas & Their Country", Crown Publication, Ranchi

³ United Nations Educational and Scientific and Cultural Organisation

forces of betterment and amelioration. What we intend to say is that all the process of development should not be at the cost of indigenous population's land and resources. If at all it becomes necessary to utilize our resources it should be strictly followed under the article 3 of UNDRIP of free, prior and informed consent and that too with a partnership of indigenous population that is to be affected. We also insist that the process of development should be in a sustainable way such that the bio diversity of the area is not disturbed aggressively.

2. **Language and Identity:** Language is the wheel of culture of any community. It is also a very important marker of indigenous feature. Each indigenous community has a distinct language and this is different from main stream language. The language carries various significant features of that particular community. It is the language that posses the uniqueness of an indigenous community. The greatest challenge to indigenous language has been the blind persuasion of foreign culture since the colonization days. The colonization augmented the affinity to foreign culture and language and this has endangered the indigenous language. It has also been estimated that every two weeks a language disappears and the most recent example was from the Great Andamanes of Andaman Nicobar islands in India where the last speaker Boa Senior of the Bo language died in 2010⁴.

Good Practices

In India, 2 indigenous languages were recognized under 8th schedule of Indian constitution by the government lately namely Santhali and Bodo. There are some IP's who are being successful in making their languages recognized. One of the best example of preservation promotion of indigenous language is from the Dumri block, where a school known *Loor dippa* of Jharkhand, India where the medium of instruction is entirely in

⁴ http://www.andamanese.net/BoaSr_Obituary.html

indigenous language Kurukh (Mother Tongue of Oraon IPs) and English. Here the indigenous youth learn to balance between native community and wider world.

3. **Educational pattern:** There are 2 major issues with the educational pattern. First of all, majority of educational institutions including government never promote the use of indigenous language. This is directly and adversely affecting the indigenous language and learning skills of indigenous youth. Educationists also affirm that when something is taught in mother tongue, the learner is able to associate the concepts in a better and quicker manner. There are countries in Asia like Indonesia, India, Malaysia, Thailand, Philippines who have government policies on the use of mother tongue at primary level in the schools but it becomes difficult for the schools to implement the inclusion of traditional practices in their curriculum because of the lack of skills and capacity of the teachers to teach the indigenous language and culture because majority of the teachers belong to the non indigenous community. Under such circumstances the indigenous children and youth are at loser ends since the teacher and the taught are of different cultures in majority of schools⁵.

Secondly, the curriculum at schools is also not pro to indigenous culture and history. It has been noticed that the schools seldom include the factors such as the glorious history of tribal heroes, the unique way of indigenous life, highly adaptive cultural practices, sustainable and cordial relationship with nature and mother earth etc. which may have induced a sense of pride and confidence among the learning indigenous youths. In many countries of Asia the higher education is a costly affair and hence it is not affordable. In many case the educational institution are located far from the villages due to difficult and inaccessible geographical location and the case of

⁵ Asia Preparatory meeting on UN mechanism, Baguio, Philippines, 2011

Philippines stands a good example. Among the challenges faced by the indigenous youth in the Philippines is on the accessibility of quality and affordable education. In the Cordillera, 4 out of the 7 State Universities and Colleges (SUC's) recently increased their tuition fees in June 2012 due to the limited education budget provided by the Philippine Government. This is also the case in Mindanao and other regions of the Philippines most of which are IP territories. These challenges result in poor performance of indigenous youth both at school and college level. There are increased number of dropout and low attendance⁶.

4. **Migration-** Migration and displacement also lead to loss of language and culture. There are those who migrate to the urban areas or other place in order to seek better opportunities while others are forced to migrate due to loss of their lands and resources. In either case there is loss of culture and language due to settlement in a new or alien environment. In India the emerging trend of recent migration of tribal youth to metropolitan areas, like Delhi, is causing a sudden break from the tradition at a very vulnerable age. The process of migration is a compulsion for many but they are themselves conscious about the upcoming plight. It is not that the tribals are not aware about the traumas they may face when they are in the metropolitan world but unfortunately they have but few options. They have seen many young girls returning to their native place as unmarried mother, this in turn also affect the position of other females who are migrants and diminish the possibility of their successful marriage. It was essential to study this new phenomenon to understand its cause and socio-cultural effects before it is too late and the indigenous culture is put to jeopardy.

⁶ Asia Preparatory meeting on UN mechanism, 2011

5. Issue of development- Dams, mining and land grabbing.

Indigenous communities are largely seen and assumed as people who are anti-development. It is pertinent here to mention that indigenous populations are NOT against development but are definitely against development at the cost of their land and natural resources. Development related displacement is not unknown to the indigenous peoples of India, Burma, Malaysia, Nepal, Philippines, Thailand and Indonesia etc⁷. In India there is no official figure for displacements due to development projects. It is estimated that at least 60 million people have been displaced by development projects across the country since 1947⁸. The example of forceful eviction and involuntary relocation of villagers affected by Mapithel dam in Manipur and the Oil Exploration and Drilling in Tamenglong, Churachandpur, Jiribam in Manipur is a violation of article 25 of UNDRIP. Recently in 2012, the state of Jharkhand the government forcefully claimed the indigenous land of Nagri Block that is highly productive agriculturally in the name of setting up of Indian Institute of Management. There was a huge protest and one of the indigenous activists Mrs. Dayamani Barla was put behind bars for more than 55 days and the hearing of which was deliberately delayed. This violation was never heard by the government and even the protest by the indigenous community was not effective and there were many calamities during the entire struggle.

In 2010, indigenous peoples in Indonesia continued to experience various forms of coercion, discrimination and exploitation of their lands, territories and resources while the state's claim to and control over land and natural resources in indigenous territories is still ongoing. It is ironic that, on one hand, the government has committed itself to reducing carbon

⁷ The Indigenous World, IWGIA, 2006, 2011, 2012

⁸ The Indigenous World, (page 356), IWGIA, 2012

emissions by 60% in 2012 while, on the other, it continues to issue policies and regulations in the name of development that not only trigger the exploitation and destruction of natural resources but also threaten indigenous lands, territories and resources⁹. In 2011, Indonesian society was haunted by more than 1,000 cases of agrarian conflicts, leading to deprivation of indigenous peoples' territories in almost every province. In the course of these conflicts, several indigenous communities were deprived of their territories. HuMa, an Indonesian NGO working for law reforms concerning natural resources, noted 108 conflicts, Sawit Watch, an NGO committed to social justice for farmers, workers and indigenous peoples, 663 conflicts and the Consortium for Agrarian Reform (KPA) 163 conflicts, while AMAN recorded 130 agrarian conflicts. These conflicts often involved violations of indigenous human rights, mainly committed by police and other security forces¹⁰.

In Sumatra, a state-owned plantation company, PTPN II, has occupied the lands of the indigenous peoples of Rakyat Penunggu in four of North Sumatra's districts (Deli Serdang, Medan, Binjai and Langkat). Indigenous land covering more than 350,000 hectares has been converted into oil palm and sugar cane plantations. Indigenous peoples in these regions have experienced various forms of harassment from the company and police officials¹¹.

On 16 October 2011, on the orders of the state-owned logging company Perhutani Lumajang, dozens of people destroyed and burnt down the homes of the Tenggers in the village of Kandang Tepus, Senduro district, East Java. The forest management said that the Tenggers were guilty of

⁹ The indigenous world, (page 275), 2012

¹⁰ The indigenous world, (page281-282), IWGIA , 2012

¹¹ The indigenous world, (276), 2011

encroaching on the forest, illegal logging activities and inhabiting 60 hectares of land in the protected forest¹².

The planned construction of 16 dams in Sabah and 23 in Sarawak continues despite the protests and demands of the affected indigenous communities. These dams were planned without consulting the affected communities in advance, let alone fulfilling the duty to obtain the free, prior and informed consent (FPIC) of the indigenous peoples on whose lands these dams would be built¹³.

6. **Land and youth- A new paradigm.** Land is life for any tribal or indigenous community. It is not a commodity for them from where they earn their secondary living. It is but a primary source of their living and it is the land that signifies their identity, their culture, their world views, rituals and almost everything. Land is a decisive marker of ethnic identity. All villagers in Cambodia no matter if they have land dispute or not, express their closest bond to the land they have traditionally cultivated. They cannot imagine leaving agricultural cultivation as it is their traditional livelihood and the literal ground base of their community. Loss of land, restricted access to land and insecurity over land issues is eroding a once sustainable livelihood to its foundations, while the indigenous groups feel that they have not sufficient alternatives to compensate. Fear is huge amongst them that the expulsion from their land will lead them to economic impoverishment at an unknown level. One Phnong elder describe the importance of land to them with the following metaphor:

¹² The indigenous world, (284), 2012

¹³ The indigenous world, (283), 2011

“Not cultivating the *chamkar* is like a car without gasoline”¹⁴

It is here imperative to discuss that the contemporary youths are at the cross roads of development. On one hand they are experiencing the forces of modernization and urbanization and on the other hand they are also very much associated with the indigenous culture and indigenous way of life. Under such circumstances the identity of indigenous youth is also under question because of these processes of change. It is indigenous youth who will have to strike a balance between which part of factors of modernization has to be assimilated and integrated and which part they have to strictly adhere and preserve. The indigenous youth should strictly adhere to the traditional factors of indigenous way of life and then also assimilate the knowledge of technological advancement.

- 7. Relationship with elder indigenous mentors & participation in decision making process-** it has been observed during several youth meets conducted in Philippines, Indonesia, and India that youth are generally kept at margin and there is a clear cut demarcation between the elderly indigenous mentors and the budding youth leaders. It is but obvious that the youths are the future of any community, state or a nation. Among indigenous communities since there has been a vogue of gerontocracy where the elders are chiefly the decision makers, youths are many times left behind only to the role of execution of orders. This forbids the youths from capacity building. Here it is highly recommended that since the Contemporary Indigenous youths are more aware about the technological advancement they are having a fair awareness about their rights and privileges. Indigenous youth population can now be a great

¹⁴ Chhim, Kristina. ILO/CAS Indigenous and Tribal peoples and Poverty Reduction Strategies in Cambodia, Geneva, International Labour Office, 2005

support to the elderly indigenous working group or activists. In this way the youths are projecting a major support in fighting for the rights and in this sense it becomes pertinent for the youths to call for participation in decision making and other process concerning indigenous communities.

One of the good practices is from the case study of Yolngu Tribe. A program initiated by Indigenous elders of a minority community is in Northeast Arnhem Land by six women of the Yolngu tribe provides an example. The women came together to help the youth of the community, many of whom have low self confidence and a lack of interest in the Yolngu culture. Substance abuse, drug addiction, teen suicide and TV and video-induced apathy are widespread among the youth in the community. After much discussion the women decided on a holistic plan of action that emphasized cooperation and reconciliation. They believed in two-way education: Aboriginal and non-Aboriginal. And it was the Aboriginal education that was not given priority by the government. The women wanted to teach the youth about their Yolngu tradition so “that people are proud of who they are and where they come from”¹⁵

Good practices: Youth Dormitories or youth center also known as house of learning is central to the Naga way of living in North-East India. Unfortunately because of advent of Christianity and modern forms of education it is becoming thing of past, but the good thing is some of the NGOs are attempting to teach the children through the traditional system in partnership with Sarva Sikksha Abhiyan i.e education for all and it is here that the Indigenous children learn weaving, farming and other vocational courses.¹⁶

¹⁵ McIntosh, 'Global Youth Culture and Youth Identity', Case study: Elders of The Yolngu Tribe, 2002

¹⁶ Bijoy, C.R. Gopalakrishnan, Shankar. Khanna, Shomona. 2010. India and The Rights of Indigenous peoples, (page137), AIPP, New Delhi

8. Domestic worker

A number of adverse cases of young women domestic worker have been reported from countries like India, Philippines, Nepal, and Bangladesh. In India alone the number of domestic worker is more than 2 lakh¹⁷ and of which mostly hail from the states of Jharkhand, Orissa, Chhattisgarh, West Bengal, and Assam. they out-migrate from their villages in search of better livelihood especially to the metro cities of India. The absence of any legislation to protect these women workers is in gross violation of the United Nations Declaration on the Rights of Indigenous Peoples. Domestic work in India is the most unrecognized and disorganized. According to an estimate, in Delhi alone there are more than a hundred thousand young women from tribal communities. These domestic workers do the most menial and arduous tasks, have impossible long hours with no benefits of social security, no security of employment, no wage raise, no paid leave or medical facilities. They are excluded from labour laws. They are abused in various ways especially in the form of long hours of work, bad or no pay, ill treatment, physical and sexual harassment and even murder. According to a study 90% of households prefer to hire young tribal women domestic workers because they are submissive, simple and hardworking. However, they are denied right to liberty, right to security, right to privacy, access to health services, right to self determination, right to return to own community, right to representation and right to be heard¹⁸. There are more than 1600 cases of denial of wage payment after work, misbehavior with the domestic worker, missing, cheating;

¹⁷ Rough data given by Domestic Workers Forum, Chetanalaya, New Delhi

¹⁸ Joint Statement of 3 Organisations on the agenda item 3- violence against indigenous women and girls in terms of article 22 (2) of the United Nations Declaration on the Rights of indigenous Peoples in Eastern India, UNPFII, New York. 2012

sexual harassment, work without payment etc. that have been filed by the domestic workers forum in the year 2011-2012¹⁹.

Good practices: On 16 June 2011, the International Labour Conference of the International Labour Organization adopted the Convention concerning decent work for domestic workers, which is also referred to as the Domestic Workers Convention, 2011 (No. 189), ILO 189. Mauritius and Philippines has already ratified. This good practices should followed by other member state of United Nations.

Rescue operation of Geraldine a Filipino lady. It was brought out to the notice of APIYN India chapter that a Filipino woman was under house arrest at the City of Chandigarh. She married an Indian Sikh youth with a promising life but all was dismay and she was later rescued by the Joint efforts of APYIN, Naga Peoples Movement for Human rights last year in 2012 and Human rights organization from Chandigarh.

Recommendation: Collective representation is essential for the promotion and protection of workers' rights. We urge the Permanent Forum to initiate a study to ascertain the plight of the tribal women domestic workers in view of facilitating legislation in conformity with ILO 169, ILO 189 and other Human Rights and Indigenous Rights mechanisms to address the issues of women workers from the Indigenous communities.

9. **Militarisation-** The human rights situation of indigenous peoples in Asia pacific region continues as grave, with indigenous youths suffering enormously, as most nation states failed to recognize the inherent rights of indigenous peoples, especially the right to self determination. Indigenous peoples effort for political control over their land, territory and resources and reacted by states with heavy militarization, justifying it with political jargons, including 'state sovereignty' and 'national security', best exemplified in situations like cordillera in

¹⁹ Data given by 'Domestic Workers Forum', Chetanalaya, New Delhi

Philippines, karen, Chin, Mon states in Burma, west Guinea, West Papua in Indonesia, Manipur, Nagaland in India, Chittagong hill tract in Bangladesh and Nepal in south Asia. The militarization process in south Asia is also associated with imposition of extra legal legislation, sanctioning institutionalized climate of impunity, where justice is perennially denied.

In Chittagong Hill Tract (CHT) in Bangladesh, the Bangladesh military forces and Bengali settlers has been committing a horrible legacy of violence, rape, loot, murder, sacrilege of religion and forcible occupation of Jumma peoples' land and property.

In West Papua, since transfer of colony to Indonesian administration the Indonesian military has taken control over natural resources in West Papua, this has resulted in many illegal activities; illegal logging, illegal fishing, even illegal prostitution is a project with full backing by Indonesia military.

Indigenous peoples in the Philippines, indigenous youths were targeted to extra judicial execution, torture, rape and other forms of violations. Youth organizers are being harassed by the military and their offices put under surveillance. The militarization process has also destroyed the cultural, historic and environment legacy of indigenous lands and resources. The land and resources, source of survival and sustenance of indigenous peoples and youth has been destroyed and are being thrown into the perennial cycle of violence. Youths are bound to take up armed rebellion.²⁰

Recommendation:

1. Urge Upon UNPFII to call upon all States to end impunity by prosecuting all military personnel involved in blatant human rights violations in Nepal, Burma, West Papua in Indonesia ,

²⁰ Statement given by Asia Pacific Indigenous Youth Network at 6th Session of United Nations UNPFII. 2007, New York on Agenda Item 5: Human Rights

India 's NE States of Manipur, Tripura, Assam, Nagaland etc, Chittagong Hill Tract (Bangladesh), Philippines (Cordillera, Mindanao).

2. That the Permanent Forum conduct a study on impact of Militarization on Indigenous Peoples and especially on youths and children with due identification and impacts of emergency or special laws, decrees and orders that facilitate full scale and free militarization and utilization of indigenous peoples lands, territories, and resources, and its multidimensional impacts on indigenous peoples. Calls upon States to repeal all Emergency, extra legal, draconian laws, decrees and orders imposed
3. Collective representation is essential for the promotion and protection of workers' rights. We urge the Permanent Forum to initiate a study to ascertain the plight of the tribal women domestic workers in view of facilitating legislation in conformity with ILO 169, ILO 189 and other Human Rights and Indigenous Rights mechanisms to address the issues of women workers from the Indigenous communities.
4. We would like to request the UNPFII to urge upon the Government of India to implement the provisions of, UN Declaration on the rights of Indigenous peoples and to ensure that indigenous Right to Self Determination and their right over their land and resources are full respected in accordance with the. UN ' Declaration on Indigenous Peoples.
5. The indigenous youths would like to affirm our request and call upon all members of the permanent forum to recommend to all states, intergovernmental organizations, united nations agencies and indigenous peoples organization to support the efforts and initiatives of indigenous youths to build solidarity to empower and consolidate capacity to enable us to contribute constructively in the indigenous peoples movement for asserting our rights to a self determined future.

Acronyms

APIYN-Asia Pacific Indigenous Youth Network

AMAN- Aliansi Masyarakat Adat Nusantara

FPIC-Free Prior and Inform consent

SUC-State Universities and Colleges

ICITP- Indian Confederation of Indigenous and Tribal Peoples

IPRA- Indigenous People's Rights Act

IPs- Indigenous peoples

ILO –International Labour Organisation

UNDRIP- United Nations Declaration on the rights of Indigenous peoples

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