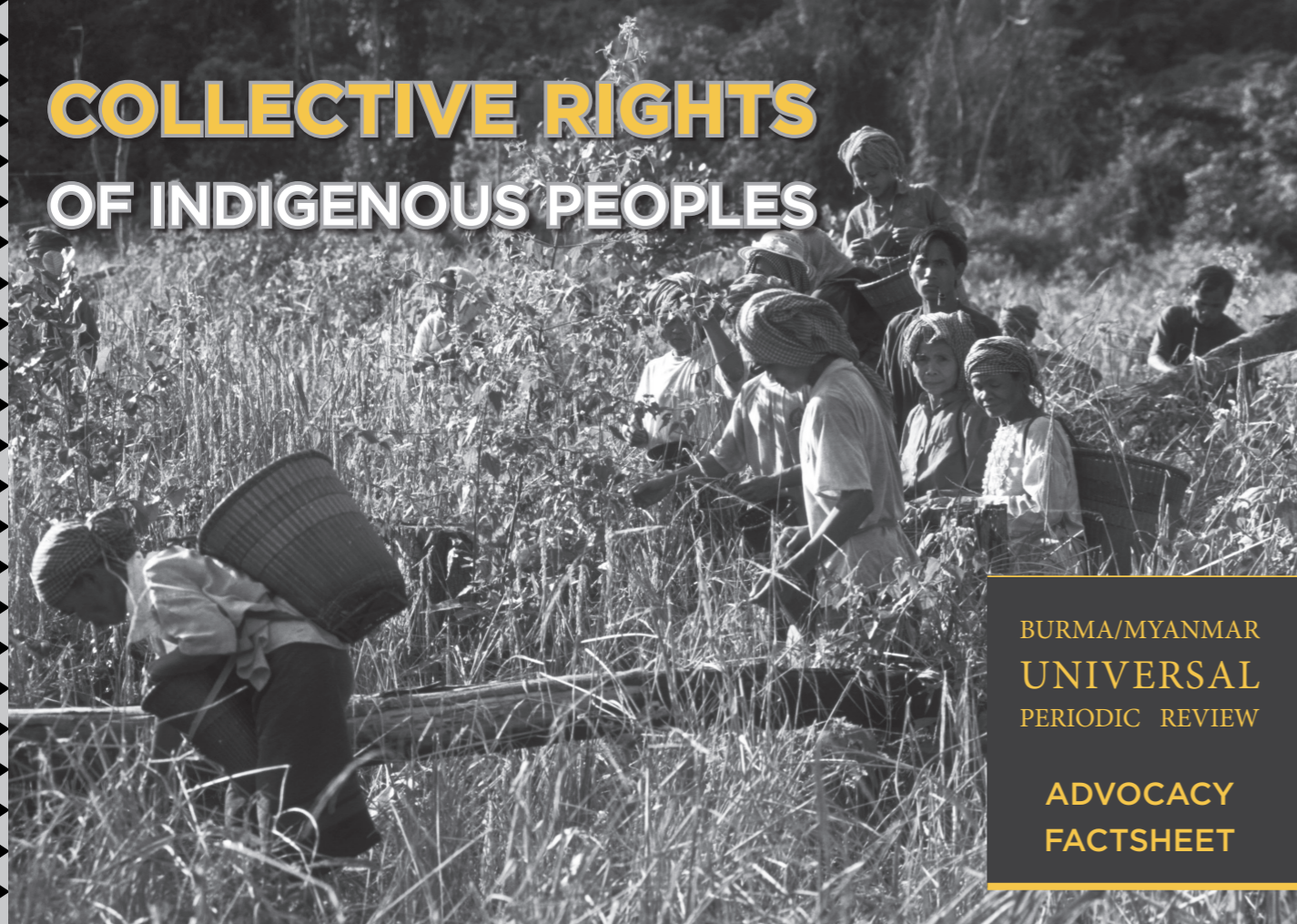


# COLLECTIVE RIGHTS OF INDIGENOUS PEOPLES



BURMA/MYANMAR  
UNIVERSAL  
PERIODIC REVIEW

ADVOCACY  
FACTSHEET

Burma/Myanmar is one of the largest and most diverse countries in Southeast Asia with a population of about 54 million. The 2014 National Census did not reveal the ethnic composition data, thus there is no accurate information about Indigenous Peoples, partly due to lack of recognition and restrictions on self-identification in the census. Estimates suggest that Indigenous Peoples comprise around 40 percent of the population and occupy 60 percent of the land in the country. Indigenous Peoples are broadly sub-grouped under the eight main categories known as 'national races' – Kachin, Kayah, Kayin, Chin, Mon, Bamar, Rakhine, and Shan, which undermines their rights to self-identification. For example, Naga, Danu and Tavoy (Dawei) Indigenous Peoples do not identify themselves as belonging to any of those broad categories. Although Burma/Myanmar voted in favour of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007, the 2008 Constitution of Myanmar does not recognise the existence of Indigenous Peoples and instead refers to the national races.

Burma/Myanmar did not accept a 2nd cycle UPR recommendation to ensure that national legislation is in accordance with the UNDRIP, proposed by Denmark. Under current economic reform processes, the lands and natural resources belonging to Indigenous Peoples have become targets for exploitation. The prevailing models of mega-development projects fuel grievances of Indigenous communities regarding their autonomy over the use of traditional land and have been a catalyst for escalating conflict. Indigenous and Environmental Human Rights Defenders are criminalized, harassed or killed for their work to prevent land grabbing and negative environmental impacts. Health and education facilities are chronically underfunded and understaffed in Indigenous areas. Protracted armed conflict has contributed to intergenerational illiteracy, particularly in remote Indigenous areas. Violations by the Burma/Myanmar army amounting to possible war crimes and crimes against humanity against civilians in Indigenous Peoples' areas continue unabated.

## RECOMMENDATIONS BY THE COALITION OF INDIGENOUS PEOPLES IN BURMA/MYANMAR:

1. In full cooperation with Indigenous Peoples and the UN Permanent Forum on Indigenous Issues, Burma/Myanmar should develop and implement a National Action Plan to achieve the ends of the UNDRIP by mid-UPR cycle.
2. Fully recognize customary land tenure and land use management in the forest and agricultural sectors in a National Land Law, and reform all existing law related to land and natural resources in accordance with the National Land Use Policy and the UNDRIP, with the full participation of Indigenous Peoples' organizations at every level of the law-drafting process.
3. Reform the Central Committee for Scrutinizing Confiscated Farmlands and Other Lands to ensure independence and transparency and representation of Indigenous Peoples' at all levels. Expand the Central Committee's mandate to cover current land confiscation practices under the recently amended laws, strengthen its investigative powers, and decentralize those to State and Region level along with decision-making powers, to make it a more accessible and effective mechanism for dealing with Indigenous Peoples' grievances.
4. In cooperation with Indigenous Peoples, develop comprehensive FPIC guidelines in-line with UNDRIP provisions and incorporate those guidelines into national legislation. Fully implement the process of FPIC in policy and practice, specifically on the issue of consent. Enforce the guidelines on FPIC for any project that is implemented in Indigenous areas, including actions in the name of international climate change agendas.
5. Cease military offensives and halt military expansion in Indigenous Peoples' areas. Begin a time-bound process of demilitarization as part of a sustained effort to end human rights violations against Indigenous Peoples' in Burma/Myanmar.
6. Consult with Indigenous communities and all relevant Ethnic Armed Organizations prior to all large and small-scale development projects, in line with the Nationwide Ceasefire Agreement. Clear information on benefit sharing should be provided in consultation and full participation with project-affected Indigenous communities. Undertake comprehensive conflict and risk assessments plans to mitigate negative impacts related to mega-development projects in Indigenous areas which are conflict prone.
7. Ensure the safety of Indigenous Peoples as they defend their rights to land and natural resources, including by amending existing laws to end the criminalization of Indigenous and Environmental Human Rights Defenders.
8. In order to begin reversing the impacts of chronic under-resourcing of healthcare provision in Indigenous areas, implement special measures over the next five years to significantly improve healthcare provision and ensure accessible and affordable basic healthcare services to all Indigenous Peoples.
9. In order to address barriers which result in low educational attainment of Indigenous children, introduce special measures. These should include significantly increased funds and resources for schools in Indigenous areas which support culturally appropriate methods of teaching and mother-tongue curriculum development.
10. Immediately end restrictions on the cultural activities of Indigenous Peoples. Respect their rights to protect and revitalise cultural traditions including key festivals, national days and other events of cultural significance.

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