

**CIVIL SOCIETY COALITION ON HUMAN RIGHTS IN MANIPUR
AND THE UNITED NATIONS**

**SOLIDARITY STATEMENT TO THE HIGH
LEVEL MEETING OF THE UNGA, ALSO
KNOWN AS WORLD CONFERENCE ON
INDIGENOUS PEOPLES, 22-23
SEPTEMBER 2014**

**END MARTIAL LAW GOVERNANCE, INDIGENOUS PEOPLES' RIGHTS VIOLATIONS
AND DEVELOPMENT AGGRESSION IN MANIPUR, INDIA: PROMULGATE A FITTING
PUBLIC POLICY TO PROTECT INDIGENOUS PEOPLES IN MANIPUR**

“Protecting indigenous peoples is protecting the Earth.”

[CSCHR, Solidarity Statement to the WCIP 2014]

EMBARGOED TILL 22 SEPTEMBER 2014

1. Manipur, an ancient indigenous native state of Asia known by various names in the past – Mekley, Kathé, Kangleipak – now an Indian provincial State located in its North East territories aptly embodies the struggles indigenous peoples worldwide are undergoing today, at the same time tragic and heroic in character.
2. Like most indigenous peoples territories, from the Amazon and the Andes to North American plains and river basins, from the southern Africa to the Asia and the Pacific, where indigenous peoples and their communities have always lived close to each other and shared their natural inheritance, Manipur is a province with a territory shared by 33 communities indigenous to the region that straddles South and South East Asia.
3. Throughout the greater part of the modern period of India’s independent history, from the 1950s till today, the indigenous peoples of Manipur comprising broadly of the Meitei, Naga and Kuki-Chin groups face three critical areas of threat that are relentlessly obliterating us, destroying our lands and extinguishing our great cultural heritage.
4. Protecting indigenous peoples is protecting the Earth. The Government of India must end its denial of the existence of indigenous peoples within its territories, and embrace totally the undertaking in the United Nations to secure the rights of indigenous peoples.
5. **Revoke Martial Governance, Militarisation and Military Laws in Manipur:** The state response to our ongoing movement for our self determination has been extensive and prolonged militarisation and promulgation of special military laws, such as the Armed Forces (Special Powers) Act, 1958 (AFSPA) that derogates the fundamental “Right to Life”. India’s continued perception of threats from its neighbours and its native indigenous peoples has entrenched overwhelming military deployment and martial governance in Manipur and its neighbouring provinces for decades. This model of governance and military involvement in civil administration is responsible for the establishment of localised autocratic power elites and a systematic pattern of human rights violations with impunity targeting indigenous peoples of Manipur. Extrajudicial executions, enforced disappearances, institutionalised torture, cruel, inhuman or degrading treatment or punishment, arbitrary detentions, rape, sexual abuse and/or harassment and other forms of violence against women and children have been the order of the day in Manipur for several decades. The Unlawful Activities Prevention Act, 1967, the National Security Act, 1980, Section 144 (prohibitory orders) of the Code of Criminal Procedure, 1983 are other legislations widely abused in Manipur in perpetuating human rights violations.
6. The Manipur Police along with the Indian armed forces deployed in Manipur unleashed a reign of terror in Manipur through torture and hundreds of extrajudicial, summary or arbitrary executions in ‘fake encounters’. The Supreme Court of India commissioned high-level Justice (retired) Santosh Hedge Commission, the National Human Rights Commission and the High Court of Manipur have all confirmed ‘fake encounter’ killings in Manipur. The apex Court of India is presently examining a writ petition regarding 1528 cases of ‘fake encounters’ in Manipur amounting to cold blooded murder committed by the Indian armed forces and the Manipur Police. No prosecution procedures have been initiated against those who have been implicated in these gruesome crimes.

7. Indigenous human rights defenders and their organizations demanding repeal of AFSPA and other draconian laws and respect indigenous peoples' right are subjected to violations of the fundamental rights to the freedom of expression, association and movement, and are criminalised. Miss Irom Chanu Sharmila, who has been on hunger strike demanding the black law's repeal since November 2000 continues to languish in prison for over 13 years.
8. Various independent experts of the United Nations including Mr. Christof Heyns, Special Rapporteur on extrajudicial, summary or arbitrary executions and Ms. Rashida Manjoo, Special Rapporteur on violence against women have, after completing their official missions to India, unequivocally recommended the repeal of AFSPA. The former UN High Commissioner for Human Rights, Ms Navi Pillay strongly criticised caste-based "untouchability" as the apartheid in 'new' India and recommended the repeal of AFSPA during her official visit to India in 2009. The second Universal Periodic Review of India had also clearly recommended the repeal of this draconian military law. The Government of India must repeal this anti-democracy law, and refrain from taking refuge in its domestic constitutionality.
9. **Regulate through fitting public policy and regime the influx of non-indigenous persons into Manipur:** One of the serious challenges confronting indigenous peoples of Manipur is the state sponsored influx of non-indigenous persons since 1951 when the Government of India abolished the existing "permit system" to regulate the entry and exit of non-natives in Manipur. The permit system did not allow any non-native to acquire or purchase land properties in Manipur, and it also provided an important source of revenue for the State. Annual and decadal population growth in Manipur made a quantum jump after 1951.
10. We are deeply concerned that such uncontrolled influx is surreptitiously, and with design, threatening our survival as peoples and also leading to land alienation, economic subjugation, political repression, loss of indigenous culture and traditions, conflicts and socio-cultural anomie.
11. Infusion of non-indigenous populations has long been considered as an assimilation strategy of the Government of India¹ to dilute and weaken our struggle for a self determined future of Manipur.²
12. Indigenous peoples of Manipur are further worried that with the opening of India's economy and its border to International Free Trade Agreements, such as the India-ASEAN Free Trade Agreement of 2009 and Indo-Myanmar border trade agreement of 1994 and the pursuance of India's Look East policies, series of large scale infrastructure projects, such as the Trans-Asian Railways and Trans-Asian Highways projects in Manipur have led to unabated influx of non-indigenous populations from outside Manipur. The dams to be build over the rivers of Manipur under the Manipur Hydro-Power Policy 2012 will lead to further influx of non-indigenous labour populations.
13. Non-indigenous people from mainland part of India and other adjoining countries such as Nepal, Bangladesh and Myanmar, entering India for economic, food security and political reasons are also settled in Manipur without local peoples' consent. This has also led to conflicts over access to land and resources. The Indian state with its military facilitates such process and engenders conflict; Manipur's indigenous peoples will have no future.

¹ India has yet to ratify ILO Convention No. 169, and renounce ILO Convention No. 107.

² We are already rendered a minority in Manipur and there's wide apprehension that non-indigenous populations will completely overrun our land, local economy and undermine our survival soon. According to reports, the total population of non-indigenous peoples in Manipur is 704,488 while the Naga and Kuki-Chin indigenous groups combined population is 670,782 and that of the Meitei indigenous group is 751,822. (Source: FREINDS). Given the indications of the report, non-indigenous populations will very soon outnumber indigenous peoples in Manipur. Outsiders constitute around 60 percent of Jiribam Sub-Division (Imphal East District of Manipur) population while the rest belong to indigenous peoples.

14. There has been a drawn out people's movement in Manipur to protect our land and territories from uncontrolled and unabated influx and settlement of non-indigenous populations. The Joint Committee on Inner Line Permit System (JCILPS) has been demanding the formulation of an appropriate public policy and regime to ensure the protection of our peoples, our lands and natural resources. Members of JCILPS continue to be beaten, tortured, threatened, intimidated and arbitrarily detained while campaigning and advocating for indigenous peoples' rights.
15. The government of Manipur's initiative in establishing an "All Political Party ILP Committee" to make recommendations for promulgating an appropriate public policy and permit regime is a constructive development; so also the recent invitation for consultations extended to JCILPS by the government of Manipur.
16. **Halt Development Aggression in Manipur:** Development choices and processes, incompatible to the traditional values and aspirations of our communities are introduced. "Sustaining an existence in an environment that changes from season to season, cycle to cycle, has had significant impact on the evolution of culture. The life of the people became a reflection of the life of the earth and our ancestors became intimately connected and inseparable from these natural realities. Through many years of experience, trial and error, hunger and hardship, our ancestors learned that the depletion of plant and animal life in their immediate environment meant starvation and death."³ Exploiting the land to extinction would ultimately mean our own extinction.
17. There is no dispute in Manipur, among all the indigenous communities, that development is a desirable goal. The divergence between the indigenous communities and the government arises in its understanding, perceptions, approaches and constructs. The province has consistently lagged seriously behind in implementing public health, education, social welfare, agriculture and public works policies, projects and programmes. There are no appropriate public policies to protect wetlands and rivers, the commons, sacred groves and cultural heritage. Yet, the state persists in introducing highly controversial policies on urban development, land use, tourism, and hydropower without any public consultative process.
18. Students pursuing their legitimate and democratic demands for more teachers and adequate infrastructure according to the norms laid down by the Right to Education Act (The Right of Children to Free and Compulsory Education Act, 2009)⁴ and other public policies relating to education are criminalised regularly, fired upon by the police using mock bombs, tear-gas and rubber bullets and physically tortured.
19. Petty corruption and greed drives the government into the heights of fanciful and deluded notions of 'development' schemes that are solely for the benefit of the comprador classes. According to the government, the best schemes are those that give the fastest and highest profitable returns to the contractors and agents. Greed and stakeholder identity misunderstanding lie at the heart of aggressive development.
20. Heavy and high-input infrastructure development forms the body of development aggression in Manipur, though there are many other aspects to this form of capital-driven development.

³ Clarkson, L. et al. 1992. *Our Responsibility to the Seventh Generation: Indigenous Peoples and Sustainable Development*. International Institute for Sustainable Development, Winnipeg, 1992

⁴ India became one of 135 countries to make education a fundamental right of every child when the Act came into force on 1 April 2010. The Act describes the modalities of the importance of free and compulsory education for children between 6 and 14 in India under Article 21A of the Indian Constitution. A critical development in 2011 has been the decision taken in principle to extend the right to education till Class X (age 16) and into the preschool age range. The Right to Education of persons with disabilities until 18 years of age is laid down under a separate legislation - the Persons with Disabilities Act.

Hydropower development is one component of this model where indigenous peoples' rights are both ignored and violated, particularly the right of free, prior and informed consent.

21. The Government of India has aggressively been pushing for mega-dam projects, such as the 1500 MW Tipaimukh Multipurpose Hydroelectric Power Project and others without the free, prior and informed consent of affected communities. The Tipaimukh dam will submerge more than 27,000 hectares of forest land and will destroy the livelihood sources of several indigenous communities of Manipur resulting in a resettlement and rehabilitation nightmare.⁵
22. The Manipur Hydroelectric Power Policy, 2012 makes no reference to indigenous peoples' rights over their land and territories or to the right to free, prior and informed consent.
23. The signing of Memorandum of Understanding with the North Eastern Electric Power Corporation (NEEPCO) on 28 August 2014 to initiate four power projects, viz, 60 MW Irang HEP, 51 MW Tuivai HEP, the 67 MW Khongnem Chakha and 190 MW Pabram HEP projects in Tamenglong, Churachandpur and Senapati Districts, as part of the larger dam building plans over Rivers of Manipur under the Manipur Hydroelectric Power Policy, 2012 is another attempt of the Government to create further destruction of indigenous peoples livelihood and survival sources in Manipur. The agreement to build these dams has been entered in the absence of taking the free, prior and informed consent of communities to be affected by such mega dams.
24. Extractive industries such as oil and gas exploration and extraction are pursued by the Government of India through its Ministry of Petroleum and Natural Gas, granted license to Jubilant Oil and Gas Private Limited, a company based in Netherlands, for exploration and drilling works in two vast oil blocks in Manipur.⁶
25. Development that is sustainable and ecologically friendly, with an emphasis away from carbon-based models has to be revisited and present destructive models revised in keeping with India's international commitments to the earth's environment and the UN Declaration on the Rights of Indigenous Peoples.

⁵ The Mapithel Dam construction commenced without taking the free prior and informed consent of the affected villagers and today, the Mapithel dam site is one of the most militarized regions of Manipur. The 105 MW Loktak Multipurpose Hydroelectric Project already submerged more than 80,000 hectares of prime agriculture land and loss of several indigenous fish varieties. There is an ongoing plan to build the Chakpi Dam over Chakpi River.

⁶ Located in the Jiribam (Imphal East), Tamenglong, and Churachandpur districts, this is a straightforward case of violation of indigenous peoples' right to self determined development over their land.