



Submission on Self-Determination under the UN Declaration on the Rights of Indigenous Peoples to the Expert Mechanism on the rights of indigenous peoples

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1 Overview

1.1 Summary

1. The Unrepresented Nations and Peoples Organization (UNPO) presents its submission on self-determination to the Expert Mechanism on the rights of indigenous peoples. UNPO as an organization is underpinned by the goal of achieving full and equal respect for the fundamental human right to self-determination all peoples. Guided by such a vision, UNPO members, many of whom are indigenous, embrace multiple forms of self-determination, with each member framing their political aspirations based on their own local realities.
2. As the Expert Mechanism is keenly aware, self-determination in international law stands in stark contrast to other human rights in which the respective body of law and jurisprudence has greatly developed over the past 30 years. Unfortunately, the right to self-determination operates today more as a “political” than a legal right, fundamentally undermining basic guarantees of legal certainty which underpin other forms of human rights law. The right therefore by-and-large operates in name only and its implementation has given rise to a variety of state practice at the heart of some of the bigger political crises that we see today. Many States routinely view self-determination as a threat in need of containment rather than as a foundational human rights and essential tool for sustainable development and friendly relations. Adding to the body of jurisprudence around the right to self-determination is critical in order to give the right more definition and to ensure a more predictable application. As a result, we view the forthcoming report by the Expert Mechanism with great importance.
3. Acknowledging the existing lack of substance to the right, the UNPO launched in 2019 a campaign titled *Reimagining Self-determination* with the aim to inspire a renewed global debate to modernize the current definition of the right. The future of self-determination looks beyond merely unresolved colonial claims and non-self-governing territories to include forms of sovereignty that may be plural and multiple, grounded in mutual respect and ongoing negotiated power relations. A modernized concept of self-determination that reflects challenges of the 21st Century must embrace new notions of power-sharing principles and mechanisms for joint governance responsibility based on an equal and fair recognition of individual and collective participatory rights.
4. A renewed focus requires self-determination to be viewed not as a driver of conflict but as the critical human right and tool of peace, conflict prevention and sustainable development that it is. Lasting peace can only be secured through legitimate self-determination processes. The United Nations’ Sustainable Development Goals, including Goal 16’s objective to promote inclusive and peaceful societies and reduce inequalities, provide a road map to realize these objectives. Such efforts require democratic structures that guarantee rule of law, indigenous and minority rights and equal enfranchisement of all of the constituent people of a given society.
5. The contents of this submission recognize the importance of self-determination to ensuring equal opportunity and lasting peace and are divided into thematic categories informed by the experiences of UNPO members. Each of these areas represents common challenges faced by peoples’ movements seeking a more engaged and inclusive path to control their own destiny.

1.2 The submitting organization

6. **The Unrepresented Nations and Peoples Organization (UNPO)** is an international movement and organization established to empower the voices of unrepresented and marginalized peoples worldwide and to protect their rights to self-determination. The peoples represented within the UNPO membership are all united by one shared condition: they are denied equal representation in the institutions of national or international governance. As a consequence, their opportunity to participate on the national or international stage is limited, and they struggle to fully realize their rights to civil and political participation and to control their economic, social and cultural development. In many cases, they are subject to the worst forms of violence and repression.
7. The UNPO consists of 46 active member organizations, each representing a nation or people lacking in full self-determination, primarily indigenous communities from around the world. All-told, current UNPO members represent over 300 million people. In addition, the UNPO has 59 former members, most of whom have left the organization after having achieved the goals of enhanced self-determination that they were seeking within the organization, whether that be formal recognition of minority or indigenous status, improved national or international governance systems granting greater access to the voices of the respective nation or people, or greater local self-governance via forms of autonomous or independent governance.
8. This submission is based on the combined experience of the UNPO's 105 current or former members, as well as the UNPO Secretariat's considerable expertise working with self-determination movements from within and beyond the UNPO's membership, including the experienced gained with a nine-year project aiming to improve respect for environmental and land rights of indigenous communities in the Americas. It focuses particularly on the events in the last three years (i.e. since 2018).

2 Self determination themes

2.1 Peace and Self-Determination

9. UNPO has seen in its 30 years of existence, based on the extensive experience of its members, that self-determination is a form of conflict prevention. Attempting to avoid the issue entirely, or label it a problem to be avoided, does not make the underlying structural issues related to self-determination disappear. Peoples' right to participate in their development will remain, enshrined in the international legal order. UNPO therefore actively campaigns for a productive approach, avoiding, as observed in the Expert Mechanism's Concept Note on Self-Determination, "skewed discussions" which are often "fenced in by the State and other external actors such as UN bodies and corporations".
10. Understanding what self-determination is meant to address is the first step towards re-framing the discussion. UNPO has found that a lack of political representation is one of the key drivers of intra-state conflict. When a community is blocked from exercising their right to participate in decision-making processes over issues affecting their lives and have their language, education and cultural rights denied, resentment grows. Self-determination is, simply, an international legal right intended to ensure participation in decision making processes. The international community must support those actors dedicated to nonviolent resolution of conflict and ensure that they have a seat at the table during peacekeeping and peace-building processes, rather than

ostracize them on the basis of affiliation with a mistaken and generalized conception of self-determination as an inherent threat to the nation State.

11. This is particularly relevant in light of the UN's adoption of the 'sustaining peace' approach, which is aimed at managing peace, embracing prevention and handling post-conflict strategies. Restoration of dialogue and consultation with local communities relies on the credibility and support from public and private individuals and collective stakeholders, to frame new settings and to encompass critical root causes and dynamics that have contributed to fuel the conflict. To this end, UNPO simply does not believe that any peacekeeping or peacebuilding process can have long-term success without grappling with the difficult question of self-determination of the peoples at conflict. Any attempts to avoid such discussion will ultimately not result in a viable long-term resolution of existing conflict or tensions. Lasting peace is only guaranteed through realization of the rights of individuals and development of peoples, including as outlined in UN SDG Goal 16 which aims to promote peaceful societies based on the rule of law with the protection of basic freedoms and access to justice. As observed in the findings contained in the present submission, and supported by findings of the UN Office of the High Commissioner on Human Rights, ensuring this goal is "important given the increasing number of indigenous peoples who experience harassment, killings and disappearances due to their political engagement in environmental or human rights issues... [the] SDGs related to peace and reduction of violence could promote indigenous peoples' access to transitional justice, participation in peace processes and protection of indigenous human rights defenders."¹
12. The UNPO believes that the role of International Organizations and actors in preventing violent conflicts driven by self-determination issues is not to be overlooked. As part of the efforts to build understanding of how self-determination can be a tool of peace, UNPO believes well informed policymakers and state officials, encouraged by an effective international environment, provides an important opportunity to consider how to address self-determination conflicts at the earliest possible stage.
13. States genuinely committed to avoiding the breakout of violent conflict internally are the ones who understand the need to address self-determination claims. The case of **Bougainville** provides a constructive insight on how a devastating decade-long civil war which claimed nearly 20,000 lives can be ended and sustained by bilateral agreements. Bougainville is an archipelago in the Solomon Sea between Papua New Guinea and the Solomon islands consisting of 200 000 people. In a referendum in 2019, the indigenous people of Bougainville, former UNPO members, voted overwhelmingly to become an independent state, in a refreshing instance of a minority group exercising its right to choose its own political status and to determine its own form of economic, cultural and social development.²
14. On the other hand, several states that had taken positive steps in addressing conflicts driven by self-determination issues have failed to implement peace accords. In **Ethiopia**, following the promising start of Prime Minister Abiy Ahmed -- prematurely rewarded with a Nobel Peace

¹UN - Briefing Note Indigenous Peoples' Rights and the 2030 Agenda <https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2016/10/Briefing-Paper-on-Indigenous-Peoples-Rights-and-the-2030-Agenda.pdf>.

²Bougainville Referendum: An Example for Governments Everywhere <https://unpo.org/article/21712>.

Prize -- the persisting autocratic tendencies of the Ethiopian state have reappeared. Most concerning are the tightening of basic civil and political liberties³ and a postponement of elections⁴ by the Ethiopian government, predicated on the Coronavirus pandemic, and the publication of a report by Amnesty International that brought to light gross human rights violations committed by Ethiopian security forces between December 2018 and December 2019 in the Oromo and Amhara regions.⁵ How Ethiopia manages its forthcoming elections, while meaningfully engaging with multiple indigenous populations, will be essential to formulate any lasting peace. The conflict in the north has led to statewide information blackouts and crackdowns on perceived dissent.⁶ The UNPO members **Ogaden National Liberation Front** and the **Oromo Liberation Front** represent non-violent⁷ self determination⁸ movements continuing to insist on meaningful and constructive dialogue with the government.

15. In Bangladesh, the UNPO member representing **Chittagong Hill Tracts (CHT)** continues to struggle with the lack of implementation of the main provisions envisaged in the 1997 Peace Accord, which has led to an increase in tensions between the central government and the indigenous communities. These tensions derive in particular from the presence of the military in the region, more than two decades after the signing of the document, as well as from the worsening of the restriction of rights and level of human rights violations committed against the local population. The UNPO General Assembly passed a resolution calling on the Government of Bangladesh to declare a roadmap for the speedy and proper implementation of the Peace Accord giving priority to devolution of authority.⁹ The resolution further calls upon the United Nations, the European Union and the international community to support proper implementation of the Peace Accord with priority given to the land issue and good governance as well as to provide necessary economic assistance to the CHT in line with the provisions of the CHT Accord and to exert their good offices upon Government of Bangladesh for implementation. In 2020, amidst the global fight against coronavirus, the human rights situation in the CHT has only worsened and included communal attacks; land grabbing; religious persecution, arbitrary arrest and torture, house searching; and violence against indigenous women.¹⁰
16. In Indonesia, the **Acheh-Sumatra National Liberation Front (ASNLF)** continues to advocate for the full implementation of the 2005 Memorandum of Understanding following the end of the conflict in Acheh signed with the Government. There is still inadequate support for a recently established Truth and Reconciliation Commission required by the memorandum, while no progress has been made on a Human Rights Court. The Government's failure to support these agreed upon terms, coupled with its continued refusal to allow any referendums related to self-determination, prevents both accountability and the opportunity for the ASNLF to ensure human rights for their people.

³Coronavirus: Ethiopia's Communications Blackout Criticized by UN <https://unpo.org/article/21816>.

⁴Ethiopia: Opposition Leaders Slam Postponement of Elections <https://unpo.org/article/21942>.

⁵Ethiopia: State Forces Accused of Violations <https://unpo.org/article/21912>.

⁶Ethiopia: Political Crisis Not Showing Signs of Abating <https://unpo.org/article/22049>.

⁷Oromo: OLF Emphasizes its Firm Commitment to Democracy and Nonviolence <https://unpo.org/article/22101>.

⁸UNPO General Assembly Adopts Resolution on its Presidency Member Dr Shigut Geleta, Arbitrarily Detained in Ethiopia <https://unpo.org/article/22014>.

⁹UNPO Member Resolution - CHT -GA2017 <https://unpo.org/downloads/2191.pdf>.

¹⁰Chittagong Hill Tracts: Human Rights Situation Worsens <https://unpo.org/article/21799>.

17. In **Nagaland**, three years after the signing of the framework agreement between the Prime Minister Narendra Modi and the leadership of the National Socialist Council of Nagalim (NSCN(IM)), the fulfillment of the peace deal still seems distant. Given that the negotiations with the Indian leadership have been ongoing for decades, Nagas have lost faith in the process and demand an immediate political solution to the issue. The UNPO General Assembly issued a resolution endorsing third party intervention under the supervision of the United Nations to act as a monitor/mediator between the Government of India and the NSCN and urging the Indian Government to expedite the Indo-Naga peace negotiations.¹¹

2.2 Compromised spaces

18. The UNPO was established to ensure representation for its members in national and international governance structures. This is no more relevant than before the United Nations, the realization of the global community's will towards a peaceful and just international order, which stands as the beacon for self-determination movements. Unfortunately, this space is increasingly inaccessible to the movements and peoples who most need such access.
19. These issues are detailed in the UNPO reports *Compromised Space: Bullying and Blocking at the UN Human Rights Mechanisms*¹² and *Compromised Space and Undiplomatic Immunity: The Impact of Covid-19 on the Ability of Unrepresented Diplomats to Engage UN Human Rights Mechanisms*.¹³ Advocates for unrepresented peoples often face harassment and intimidation from some UN Member-states, which resort to a range of "blocking" tactics to silence their voice. Among the many obstacles for effective participation of NGOs and 'unrepresented diplomats' at the UN is the politicization of ECOSOC registration: the practice of keeping large numbers of NGOs that engage the UN within the grey area of being officially unregistered.
20. Another particularly deceptive tactic used by some member states has been to establish and/or support government-affiliated NGOs (GONGOs). Once registered with ECOSOC, these GONGOs can operate within UN NGO forums and spaces, and counter human rights accounts with government propaganda, all while in the guise of being genuine, independent bodies. In this context, a recurrent tactic employed by states is the misuse of labels attributed to 'unrepresented diplomats'. Some states brand defenders from unrepresented nations as 'separatists', while other defenders are falsely labeled as 'terrorists'. There is a pattern of state bullying and repression tactics against activists engaged in promoting the right to self-determination of their communities, including through criminalization of their activities, arbitrary arrests, and torture and cruel and inhuman treatment.
21. Covid-19 has led to new forms of compromised space impacting indigenous populations. Side-events, which provide a vital forum for civil society participation, have been routinely canceled, denying opportunities for indigenous populations to important in important events. Remote participation for certain communities can be made further difficult due to state internet shutdowns, cyber-security concerns, surveillance and state reprisals.

¹¹Naga: UNPO VIII GA Adopts Resolution on Situation in Naga <https://unpo.org/article/5756?id=5756>.

¹²Compromised Space: Bullying and Blocking at the UN Human Rights Mechanism <https://unpo.org/downloads/2559.pdf>.

¹³Undiplomatic Immunity: The Impact of Covid-19 on the Ability of Unrepresented Diplomats to Engage UN Human Rights Mechanisms. <https://unpo.org/downloads/2690.pdf>.

22. Over the past 3 years UNPO has been working with our partners at the University of Oxford and the Tibet Justice Center to document instances of reprisals taken out against unrepresented peoples and work to address the concerns enumerated in our reports.¹⁴ Under an increasingly reduced space for civil society worldwide, the democratic nature of multilateral international bodies is at stake. United Nations mechanisms must become more open and accessible for unrepresented nations and peoples, who do not have a formal seat at the UN table.
23. In the broader context, the UNPO is also preparing a series of consultations on compromised space within the European Union. Foreign governments have increasingly resorted to physical and digital attacks on diaspora and asylum seekers from their territory, notably China, Iran, Turkey and Russia. These attacks range from assassination and physical intimidation to electronic surveillance and malware. Foreign powers also utilize inconsistencies in the European Union's legal framework to issue red notices leading to arbitrary detention of legal EU citizens and residents. The consultations aim to promote increased harmony in the response by the European Union and its member states and raise awareness of the growing threat in this area.

2.3 Disenfranchisement of unrepresented peoples

24. Disenfranchisement, of course, is a serious issue for indigenous peoples in all facets of existence. It is, put simply, 'the action of taking away the right to vote from a person or group' resulting in lack of political representation either at the national or international levels. Lack of such representation can also be caused by economic, legal or political disenfranchisement, whereby indigenous peoples do not have meaningful access to institutions of governance. These issues, and self-determination more broadly, is closely related to sustainable development goals including SDG 16. As noted by the UN Office of the High Commissioner on Human Rights, SDG Goal 16 promotes "effective, accountable and inclusive institutions" and includes a target on "responsive, inclusive, participatory and representative decision making", which can address the root causes of indigenous peoples' lack of access to decision-making and denials of their basic rights. The UNPO General Assembly recognized the importance of SDG 16 in a resolution detailing many of the issues contained in this submission. UNPO members also continue to face significant disenfranchisement at all levels of governance.¹⁵
25. In **Guam**, the indigenous CHamoru people continue to face harms brought about by disenfranchisement and aggravated by a massive military buildup and expansion of the U.S. military footprint in Guam. The UNPO recently filed a joint petition before the Inter-American Commission on Human Rights alleging systematic violation of the right to self-determination of the CHamoru people by the government of the United States of America.¹⁶ The petition centered on the refusal of the US federal courts to allow a non-binding referendum for the native inhabitants of Guam on their status. The UNPO continues to advocate for the right to hold a plebiscite for the Chamoru people, fundamental to their right to self-determination, whom routinely face insufficient consultation in critical decisions concerning them and a total disregard of their peoples right to free, prior and informed consent.

¹⁴<https://www.unrepresenteddiplomats.net/>

¹⁵UNPO General Assembly: "Self-Determination Critical to Sustainable Development" <https://unpo.org/article/22011>.

¹⁶Guam: UNPO petition highlights violations of right to self-determination of CHamoru People <https://unpo.org/article/22122>.

26. In the **United States** more broadly, segregation and disenfranchisement of minorities and indigenous communities has been a distinct feature of its history since the end of slavery. Today, a variety of means perpetuate this practice, such as gerrymandering, voting ID requirements and laws that directly disenfranchise certain categories of voters, the majority of whom are minorities.
27. In Vietnam, the indigenous **Khmer-Krom** community lack access to government institutions, economic livelihood and their own cultural institutions. These interrelated challenges emanate from government policies which prevent free religious and cultural association, make access to civil service jobs increasingly difficult, expose peaceful protesters to arbitrary detention, deny access to historical farmlands, fail to promote education in their native language and do not address climate change concerns impacting their way of life. Emblematic of these challenges is the ongoing detention and criminal prosecution Khmer-Krom farmers attacked by police for peacefully farming historical lands.¹⁷
28. Disenfranchisement also affects the **Haratin**, in Mauritania.¹⁸ Despite the abolition of slavery in 1981, its criminalization in 2007 and its qualification as a crime against humanity in 2015, the Haratin are still subject to slavery, a condition which is inherited. This is largely due to the governments unwillingness to effectively implement the law, which muzzles cases brought before jurisdictions and tries to dissuade victims from bringing a case. Directly connected to their political disenfranchisement, they are also relegated to the lower ranks in the army, the gendarmerie and the police. In the same way, they are not represented on national television and radio, and anti-slavery and anti-discrimination activists like our IRA-Mauritania Members are systematically accused of using ‘racist expressions’ and ‘inciting hatred’, being still not legally authorized by the government despite numerous efforts since 2010. Biram Dah Abeid, head of IRA-Mauritania, has been arbitrarily detained multiple times. Following an intensive international campaign co-organised by UNPO, he was freed on 31 January 2019.¹⁹
29. On 21 April 2020, the UNPO submitted a communication²⁰ regarding alleged cases of child slavery in Mauritania to the SR on contemporary forms of slavery, and an urgent appeal to the SR on the situation of human rights defenders and to the SR on freedom of expression regarding the case of Mariem Cheikh, arrested for her Facebook posts which ask for equality of all Mauritanian citizens before the law.²¹ Recently, in July 2020, UNPO and its Member have jointly filed a report to the United Nations Office of the High Commissioner for Human Rights for consideration of the 37th Session of the Universal Periodic Review (UPR) of the Islamic Republic of Mauritania.²²
30. In **Iran**, five of our members suffer different levels of persecution and discrimination due to Tehran’s institutionalized policies that perpetuate the dominance of Persians in political life.²³ The 1% of the population belonging to recognized non-Muslim religious minorities are second-

¹⁷Khmer Krom: Vietnamese Police Attack Farmers <https://unpo.org/article/21894>.

¹⁸Haratin: Slavery and Repression in Mauritania; UNPO/IRA Report <https://unpo.org/article/21969>.

¹⁹Timeline: Crackdown on Anti-Slavery Movement in Mauritania Continues after Release of Biram Dah Abeid <https://unpo.org/article/17712>.

²⁰UNPO and SAHEL Submit Joint Report for CRC Review of Mauritania <https://unpo.org/article/21008>.

²¹Haratin: Release Mariem Mint Cheikh! <https://unpo.org/article/21827>.

²²UPR Joint Submission <https://unpo.org/downloads/2622.pdf>.

²³UPR Joint Submission <https://unpo.org/downloads/2543.pdf>.

class citizens, and non-recognized religious minorities are afforded no constitutional rights. The 10% of the Iranian population that is Sunni Muslim rather than Shi'a is largely non-Persian. As a consequence, any attempt to increase minority representation is considered as a secessionist practice. Given how restrictive granting of permits to form a political party is, effective representation of minorities within the government is non-existent in practice.

31. To fight against the disenfranchisement of our Members UNPO submitted a joint UPR report²⁴ for minorities in Iran in March 2019, as well as advocated at the European Parliament for the inclusion of minorities in the resolution passed in the same month.²⁵ We have also organised a series of events to address the continuing human rights violations against the Kurds, such as a round-table discussion at the European Parliament and various advocacy meetings to present the matter to the European Union.²⁶ The UNPO also actively campaigned against the death sentence issued by Iran against Ramin Hossein Panahi, representative of the Komala Party of Iranian Kurdistan²⁷, and joined the twitter campaign against unlawful shootings of Kurdish people.²⁸
32. In **Cameroon**, since the unification of the Anglophone and Francophone regions of Cameroon, the Anglophone Cameroonians have been increasingly marginalised in public space. They enjoy little political representation and most important political positions are reserved for Francophone Cameroonians. As such, the Anglophones are forced to learn French as a means of survival, career advancement and acceptance by a political and socio-cultural system that perceives and treats them as second-class citizens.
33. Disenfranchisement can also be expressed beyond the domestic level. Due to the “one China rule”, Beijing has systematically hindered **Taiwan’s** participation in international fora, particularly at the UN General Assembly or at UN special agencies like the World Health Organization (WHO). In view of COVID-19, Taiwan sought to share its concerns about human to human transmission and its good practices, but has been largely ignored by the WHO. Even before the outbreak of COVID-19, UNPO participated in the second political march held in Brussels in May 2019 for the international recognition and understanding of the consequences of Taiwan’s exclusion from international fora such as the UN and WHO.²⁹
34. On 5 February 2021, UNPO filed a letter of allegation with the UN Special Procedures regarding the People's Republic of China's (PRC) policy aimed at removing the **Mongolian** language as the primary language of instruction in schools in the so-called, "Inner Mongolia Autonomous Region."³⁰ For many years, the ethnic Mongolian population have suffered from repeated efforts to eradicate their culture and identity, including population transfers, central government erosion of autonomy and minority rights guaranteed under the Constitution and laws of the PRC, and efforts to undermine the use of Mongolian language in employment and regular life.

²⁴Minorities in Iran: A joint UPR report <https://unpo.org/article/21443>.

²⁵European Parliament Adopts Resolution on Human Rights Defenders in Iran <https://unpo.org/article.php?id=21419>.

²⁶Commemorating the 30th Anniversary of the Assassination of Dr. A. R. Ghassemlou <https://unpo.org/article/21573>.

²⁷UNPO Strongly Condemns Death Sentence of Ramin Hossein Panahi Issued by Iran <https://unpo.org/article/20419>.

²⁸<https://mobile.twitter.com/UNPOintl/status/1095010760563085313>.

²⁹Taiwan: Second Political March Held in Brussels <https://unpo.org/article/21506>.

³⁰Southern Mongolia: UNPO, SMHRIC File Letter of Allegation with the UN Special Procedures <https://unpo.org/article/22125>.

35. The UNPO has also engaged in consultations concerning forgotten citizens in contested territories in Europe who are subject to extreme disenfranchisement.³¹ The discussions are intended to consider how the international community can best support individuals caught up in illegal occupations or living in states with limited recognition, particularly with respect to how to enable such persons to travel and take up educational and cultural opportunities. The consultation paper highlights that generations of young people are being left behind or pushed towards illiberal countries and contains important considerations for indigenous populations subject to such conditions. The UNPO's initial findings show that a people-centered approach which includes realistic, neutral policies is the best guarantee to prevent disenfranchisement.

2.4 Criminalization of self-determination movements

36. A number of nonviolent self-determination movements have become criminalised in their respective countries and UNPO members have been particularly targeted by the state's attempt to suffocate legitimate voices.
37. In particular, UNPO has witnessed an increase in the use of short-term arrests as a means of silencing speech and expression of self-determination movements around critical moments, such as elections. UNPO members and/or media reports have shown this phenomenon in a wide variety of settings including but not limited to Nepal, Spain, Nigeria, Indonesia and Ethiopia.
38. For example, In **Catalonia**, Spanish authorities have cracked down on the civil society movement as a response to the October 2017 referendum. Subsequently, the leaders of the National Catalan Assembly (ANC) were forced into exile and a number of politicians who stayed in Catalonia have been imprisoned for treason, under a highly contested judicial process. Efforts to silence the movement have led Spain to push antiterrorism legislation too far, taking the Supreme Court to quash efforts to criminalize people on Twitter, leading to the arrest of Catalans on these charges. Spain has also abused the European Arrest Warrant process, issuing and withdrawing EAWs to get the Catalan leaders and trying to harass them wherever they go, in a way reminiscent of China's abuse of Interpol Red Notices. Against this backdrop, UNPO has worked extensively with the ANC at fora such as the EU and the UN to improve freedom of speech and expression in Spain, as well as to raise awareness in the international community of Spain's crackdown on the freedom of civil society.³² In July 2020, UNPO and its member ANC organised an international online roundtable on the deterioration of civil and political rights in Spain, especially against the Catalan minority and its pro-independence movement.³³
39. Similarly concerning practices have been highlighted by the the **Biafra Independence Movement-Movement for the Actualization of the Sovereign State of Biafra (BIM-MASSOB)** which has raised concerns over arbitrary arrest and detention of Biafrans by the Government. In Indonesia, the **Acheh-Sumatra National Liberation Front (ASNLF)** has raised similar concerns of military intervening to arrest peaceful protesters in Acheh. The **West Papua Human Rights Center** has voiced similar concerns with respect to detention and violence against peaceful protesters.

³¹UNPO Report: Forgotten citizens in contested territories in Europe <https://unpo.org/article/22124>.

³²UNPO UPR Joint submission <https://unpo.org/downloads/2562.pdf>

³³International Digital Roundtable: Civil and Political Liberties at Risk in Spain? <https://unpo.org/article/21980>.

40. The Volta region of Ghana, known as **Western Togoland** to its inhabitants, is home to a sizable population of Ewe people, who span the border into Togo to the east. The period of 2019-2020 has been tumultuous for the people of Western Togoland – the continued moves against them by the Ghanaian authorities, culminating in the Homeland Study Group Foundation (HSGF, representatives of Western Togoland seeking self-determination) declaring the independence of the Volta region in November 2019.³⁴ The resulting backlash by the Ghanaian authorities was brutal. Numerous HSGF activists were arrested and detained, with many others fleeing into the wild to escape arrest. Currently, the HSGF are still being denied their human rights and many that have not yet been arrested are still in hiding. There have also been a number of reported cases of torture at the hands of the Ghanaian authorities. The UNPO has been working with the HSGF over the last year to offer a counter-narrative that promotes the protections of HSGF members’s fundamental rights and ensure they have proper access to justice. This most recently has taken the form of UNPO collaboration with our partners at the University of Aix-Marseilles, with whom we are striving to form a legal case that can be applied to international legal institutions like the UN and the African Commission.
41. More generally, the UNPO is working on a detailed report on this phenomenon to be released this year. We are concerned that these tactics have long-term implications for peace and conflict resolution. By silencing non-violent voices in this manner, States push movements towards more reactionary elements, on the one hand, and their political systems develop in a manner that does not reflect the true desires of their constituent peoples on the other, in violation of the positive obligation on states to foster and include those voices as outlined in international treaties including CERD General Recommendation No. 21 on self-determination.

2.5 International trade and self-determination

42. The UNPO and its members continue to confront how different development partnerships, business deals and preferential trade schemes make liberal democracies, such as the European Union and its member states, complicit with states notorious for their appalling human rights records.
43. In April 2020, the UNPO released the report *A Tale of Three Ports: The Impact of the Belt and Road Initiative on Unrepresented Peoples in Pakistan and China*, showing how the Chinese model of developments and investments under the Belt and Road framework is exacerbating the plight of unrepresented peoples and weakening democratic mechanisms of governance worldwide.³⁵ Drawing on information provided by the people of **Balochistan, Sindh, Gilgit-Baltistan** and the **Uyghurs**, the report sheds light on the expansion of land sea ports in Gwadar, Urumqi and Duisburg, and how they are all interlinked.
44. Given the restricted political space and the limited media coverage of the implications of the Chinese developments in these regions, this aim of the report is to show the existing pattern of oppression with far-reaching consequences for these ethnic minorities. In doing so, the UNPO is pushing the European Union – and Germany in particular – to take immediate action with

³⁴UNPO Calls for Dialogue and Non-Violence in Western Togoland <https://unpo.org/article/22078>.

³⁵A Tale of Three Ports: The Impact of the Belt and Road Initiative on Unrepresented Peoples in Pakistan and China <https://unpo.org/downloads/2590.pdf>.

regards to its relationship with China as to avoid being in complicity with potential crimes against humanity.

45. **Pakistan** enjoys one of the EU's most favorable trade schemes, the GSP+. However, since the country obtained the preferential status, the systematic persecution of journalists and activists, enforced disappearances, extrajudicial killings and torture have only escalated. Religious minorities are the hardest hit. Noting that the EU approach to the issue contrasts sharply with US foreign policy, the UNPO released the policy paper Religious Persecution in Pakistan and the EU's Generalised Scheme of Preferences Plus (GSP+): Inspirations from US Policy³⁶, in which we urged the European Union to launch a temporary withdrawal procedure of the EU's GSP+ trade preferences to Pakistan until the monitoring process is reassessed and actual improvement of human rights - most notably regarding enforced disappearances and religious freedom - become tangible. The policy proposals put forward by UNPO are currently being assessed by the European Commission and Parliament.
46. Regarding the EU-Vietnam Free Trade Agreement (EVFTA), the UNPO has joined an international campaign urging the European Union to reconsider the agreement until the government of Vietnam shows concrete improvements in its deteriorating human rights record.³⁷ The enforcement of a draconian cyber-security law and worrying reports of forced land-grabbing against **Khmer Krom** and Catholic citizens have coincided with the announcement of the ratification process of EVFTA. UNPO's understanding is that if the EU is serious about its pledges to use trade as a tool to promote human rights, then it must demand concrete, robust signs that Vietnam is willing to revert its crackdown for this deal to move forward.

2.6 Indigenous land: commerce and climate

47. Across communities, indigenous peoples have strong ties with their ancestral lands. Besides carrying a cultural and spiritual meaning, their territories are often the principle source for securing livelihoods. The relevance of this connection is enshrined *inter alia* in the right to self-determination and the right to property of indigenous people. Moreover, the principle of free, prior, and informed consent (FPIC) stipulates that they must be consulted on matters regarding their territories, e.g. on resource exploitation projects. However, the UNPO has observed gross violations of these rights over the past 18 months, triggered by commercial activities and business interests at the expense of indigenous people's right to freely determine the use of their lands.
48. One of the most prominent issues facing UNPO members involves the destruction and harm of their natural habitat and resources in the name of 'development' and resulting from oppressive regimes and environmental degradation. The intersection between the implementation of the right to self-determination and the UN Sustainable Development Goals (SDGs) is increasingly prevalent in UNPO advocacy, where we highlight the importance of the right as an instrument of long-term global peace, democratic reform and sustainable development. In particular, The UNPO emphasizes SDG13, which requires all member states of the United Nations to "take

³⁶Religious Persecution in Pakistan and the EU's Generalised Scheme of Preferences Plus (GSP+): Inspirations from U.S Policy <https://unpo.org/downloads/2606.pdf>.

³⁷Alongside Other NGOs, UNPO Urges the EU to Postpone Vote on Vietnam Free Trade Agreement <https://unpo.org/article.php?id=21337>.

urgent action to combat climate change and its impacts”. It is critical for traditionally marginalized and unrepresented populations, often unprepared for and susceptible to the most serious climate change consequences, to be included in national and international dialogues. The UNPO sees the promotion of the right to self-determination as a fundamental step without which SDG13 cannot be achieved.

49. The **Ogoni** in Nigeria have been struggling under ruthless exploitation of oil in their ancestral lands since 1957. Extractive activities had severe consequences for people’s livelihood systems as well as the environment, while the “Ogoni Clean-up” campaign has failed to improve the situation. Progress was seen in the *Kiobel v Shell* case, an effort to hold Shell accountable for gross human rights violations in Nigeria. At the same time, the case shows the various obstacles indigenous people face when trying to receive justice for wrongs committed by multinational companies. Notably, 2020 marked the 25th anniversary of **Ken Saro Wiwa**’s execution by the Nigerian government: he was founder of the UNPO member ‘Movement for the Survival of the Ogoni People’ (MOSOP), a devoted human rights and environmental activist, and a symbol of Africans’ resistance against military dictatorships.
50. The territories of the **Hmong** in Laos are not only of economic and cultural importance, but also serve as refuge from state-sponsored persecution. Many Hmong fled to isolated regions in the Laotian jungle such as the Phou Bia to hide from violence by the military, including murder, rape and torture. The past 18 months saw a growing threat of these territories being forcefully cleared for governmental land concessions. Similarly, many villages face environmental problems such as erosion, reduction of wildlife and fisheries due to gold mining, the construction of dams, and illegal logging.
51. In **Pakistan** the federal government has recently established the Pakistan Coastal Development Authority (PCDA) which enables it control of the Sindh’s 350km coastal belt for project development purposes. Similarly, Pakistan has enacted the National Island Development Authority (NIDA), which has been issued an ordinance to occupy the Bundhar and Dhangi islands of Sindh. The impact of these development projects not only aggravates the environmental deterioration of the Sindh coastal areas, but also places the Sindh people in a particularly vulnerable position in terms of potential displacement of communities and loss of livelihood. Additionally, the construction of mega dams such as Tarbela and Mangla and numerous canals have impacted water flow to Sindh which has seen a decrease by as much as 90% since the 1970s. This has brought about persistent droughts resulting in the destruction of ancient habitats, desertification, deforestation and destruction of the Indus delta and the displacement and loss of local communities and their livelihood.
52. The **Khmer-Krom** of Vietnam also face considerable challenges in light of changing climate conditions and impositions from the government. Increased yield requirements lead to over farming of available land, coupled with requirements to buy more expensive commercial products, leading to degradation of the land and increased debt by farmers. Due to the decreased fertility of land from salt deposits the rice yield has decreased by between 50 percent and 90

percent in the last 30 years in some regions. These salt deposits worsen with the increased use of irrigation systems using the waters of the Mekong. The irrigation canals proliferate in some regions, with flooding an intensifying factor to this problem, causing a large number of deaths every year and the destruction of vital harvests. The resulting swelling of the water of the Mekong is exacerbated by the weak slope of the river, low dams, weak drainage of the surrounding river lands and the continuing problem of deforestation.

53. In **Brazil**, the election of President Jair Bolsonaro undermined long efforts of indigenous civil society organizations to protect their lands from exploitation. For example, the power of demarcation of indigenous lands has been transferred from the national indigenous association Fundação Nacional do Índio (Funai) to the Ministry of Agriculture. Moreover, policies were introduced to ease commercial usage of indigenous lands, including deforestation of the Amazon rainforest, while the process of creating indigenous reserves has been complicated.
54. Indigenous people and residents of small island territories or coastal settlements are among the most vulnerable to the effects of climate change. For example, **Guam** records rising temperatures and sea levels that change the island's topography and put its people at multiple risks. Damages to corals and fishery also impact tourism, an important branch of the local economy. As noted previously, while the indigenous CHamoru of Guam have been fighting for their right to self-determination and decolonisation, the island remains an unincorporated territory of the U.S., which fails to represent the islander's interests in its climate policies.
55. In contrast, former UNPO Member **Palau** has achieved full independence and gained representation in the United Nations, where it can voice its concerns over climate change effects. Besides direct impacts to the environment such as rising sea levels and extreme weather changes, they indirectly affect Palau's economy and people's health. Finally, **Bougainville** provides shelter for the Carteret Islanders, the world's first "climate refugees." A combination of geological disadvantages and political conflicts rendered them highly vulnerable to environmental hazards. While international efforts towards permanent resettlement are slow, people are suffering from the loss of their lands. The most vulnerable to climate change induced hazards continue to have the least say in international environmental governance.

3 Conclusion

56. Over the 30 years of its history, UNPO has observed that true peace and stability can only be achieved through inclusive societies that respect ethnic and religious diversity and equal rights to self-determination of all peoples. The member States of the United Nations have recognized this and have each committed to promoting inclusion and diversity through international human rights treaties and the UN Sustainable Development Goals, commitments which they are working to achieve by 2030. Sadly, today it is becoming increasingly mainstream for governments to justify repression, forced assimilation and other violations of basic human rights on the basis of false notions of "national unity".
57. These practices, as outlined in this submission, include the current campaign by the Communist Party of China to suppress and forcibly assimilate the Uyghur, Southern Mongolian and Tibetan people and its belligerence towards Taiwan. Calls for national unity over human rights are heard whenever the Islamic Republic of Iran decides to systematically target minorities living in Iran, such as the Kurdish, Ahwazi, Baluch, Assyrian and Azeri people.

58. And these practices are not limited to the world's most repressive regimes. Over the past few years, false notions of national unity have been used by the Government of Spain as justification for its campaign against the self-determination efforts in Catalonia and the courts in France as a means to justify the de-registration of NGOs working for the rights of the people of Savoy.
59. We have also witnessed liberal democratic states tying themselves in knots trying to avoid recognizing the scale of repression of minorities and indigenous communities, which would force them to cancel or amend economic trade and military cooperation agreements with strategic powers, such as China and Pakistan. Too often, these justifications fall prey to repeating the national unity justifications made by those repressive states or undermining the power and universality of international human rights treaties by falsely claiming that repression is justified by cultural differences.
60. The UNPO strongly objects to any State action that does not recognize the primacy and universality of human rights and the critical need for respect for diversity and inclusion in any society.
61. The UNPO observes that there is no right to national unity that is equal to or greater than fundamental human rights. The United Nations has clearly affirmed these principles and observed that the fundamental aim of the modern international community is to promote and encourage respect for all peoples without distinction to race, sex, language, religion or other characteristics. State sovereignty does not justify or allow national unity to be used as a basis to repress the rights of minorities and indigenous communities. Nor does simply denying the existence of these communities as currently done by states as diverse as Greece, Namibia, and Laos.
62. To the contrary, states have obligations to ensure the rights of all of their peoples, including minorities and indigenous peoples. All countries in the world have agreed that human rights are universal values as well as binding rules governing the relationship between citizens and the state. International laws, not generic, ill-defined cultural norms, dictate treatment of all citizens. The interests of the majority disguised as national unity efforts are not a legitimate aim of any national government.
63. The UNPO also observes that genuine national unity, and meaningful security and peace, can only exist when national governments promote diverse and inclusive societies. Engagement and access to state institutions does, of course, require meaningful engagement by both majority and minority communities. But the UNPO has seen in its 30 years of existence, based on the extensive experience of its members, that inclusive policies which respect diversity and ensure meaningful self-determination are the best form of conflict prevention.
64. Underlying structural issues related to diversity or self-determination do not disappear when ignored, or worse are sacrificed at the altar of false notions of national unity. Instead, promoting the rights of peoples to participate in their development will remain the best path towards peaceful and just societies as enshrined in the international legal order. And it is the responsibility of all countries to ensure that this is respected everywhere.
65. The UNPO has, accordingly, targeted its efforts to develop and promote the right to self-determination as a tool of conflict prevention requiring the full and effective participation of the people in conflict spaces, and more generally to highlight that true sustainable development can only be achieved through inclusive societies that respect the equal rights to self-determination of

all peoples. We have also been campaigning to create space within increasingly restrictive national and international systems for minority and indigenous community participation, and demanding that the global powers refrain from being complicit in the repression of minorities and indigenous communities by publicly justifying the actions of repressive States or rewarding these actions through economic and trade agreements. The UNPO believes that these efforts are critical to ensure meaningful self determination.

4 Recommendations

1. Establish a specific United Nations mechanism to consider the right to self-determination, including for example the establishment of a relevant Special Rapporteur or Working Group, in order to enable the development of more comprehensive jurisprudence and promote a cross-sectional understanding of self-determination that is unable to be fully formulated by existing mechanisms.
2. Urgently revise United Nations participation mechanisms to ensure that indigenous peoples can safely participate free from politics inherent to the ECOSOC process and from reprisals from governments. Examples of such a reformed process may be taken from the Paris Accords and the opportunity for indigenous peoples to participate without a United Nations approval process.
3. Better integrate self-determination into other existing United Nations processes including, for example, the United Nations Conference on Trade and Development, the UN Business and Human Rights Forum and discussions around the Sustainable Development Goals, in order to better evaluate how a lack of self-determination can have implications across economic development issues.
4. Pursue a Secretary General opinion on self-determination in United Nations peace building activities to guide not only the United Nations own activities but also those of major State actors in conflict and conflict-impacted areas.
5. Create an annual reporting cycle in which United Nations member states can report on progress in the implementation of the various peace-accords or peace-negotiations, including those outlined in this submission, that are ongoing related to indigenous communities