Our Lifeways, Our Survival: Indigenous Peoples’ Rights to Lands, Territories and Resources

The total population of indigenous peoples worldwide is over 350 million, which is 5% of the global population. It’s estimated that 15% of the poorest of the poor are indigenous peoples.

Asia is home to two-thirds, estimated at around 260 million, of the world’s indigenous peoples population. Indigenous peoples in Asia have developed their customary land use and tenure systems through time, which have existed since time immemorial and continue to be practiced until today. These customary land use systems are largely community-based and managed according to the livelihood needs and practices of the community. Generally, the right to use and manage the land and resources is regulated collectively within the community and allows equal opportunities to community members for access to resources. Ownership rights over a particular resource or stretch of land depend on the nature of the land or resource and is handed down or transferred from generation to generation. Different land use patterns and complex land ownership systems are practiced, which may include individual, clan and community ownership.

The recognition, protection and fulfillment of indigenous peoples’ right to lands, territories and resources are crucial, not only for their physical but also for their cultural survival and wellbeing. States need to respect the economic, social, cultural and spiritual values and importance that indigenous peoples attach to their lands, territories and resources, and take immediate steps to ensure the full exercise of indigenous peoples’ customary land rights for their sustainable development, peace and security.

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"Pana Nong" is a peaceful indigenous village surrounded by mountains, rivers and forests.

One evening, a group of elders were sitting around the fire, drinking while the children were playing nearby.
I'm tired already.

Let's go and ask our elders to tell us a story.

Yes!!

Elders, can you tell us a story please?

Alright, here's a story about our village. But first...

... Does anyone of you know how big our village is?
I think the river at the south is one of the boundaries.

It separates our territory from neighboring Agani village.

You are right, Thang Guru. The river in the south is our southern border.

The end of the grazing field in the east, the lake in the west and the mountain range in the north are the other boundaries of our territories.
Can any of you tell us about what villagers do for a living?

My father is a hunter. He hunts animals for our food. He also goes-fishing in the river and lake.

Just like my friends’ parents, my parents are farmers. They farm in paddy field as well as in shifting cultivation areas.

We also collect wild vegetables like bamboo shoots and mushrooms from our forests.
Now children, what if someone comes and takes away our lands and the forests, and does not allow us to fish, or destroys our river and lake?

What do you think will happen to us?

If that happens, I don’t know where our villagers will go to get food.

Now you know how important our land, forest and river are to us. These are important not only because our livelihoods depend on them, but also because they are parts of our culture, beliefs and traditional knowledge.
That’s why our ancestors and we protect our territory with sweat, blood and tears so that young people like you can continue to survive.

It’s quite late now. Tomorrow, we will take you around our land and further explain about how we manage our land and resources.

Hey Alie, we are explaining to your brother and his friends about our village. We plan to take them around our territory to explain our way of life, and how we manage our resources. As a youth leader, can you accompany us tomorrow?

Yes elder. I’ll also bring some other youth as well. They can also learn something from you.
That's good. Children, come and gather here tomorrow morning.

Don’t forget to pack your lunch. It might take a whole day.

Yes Elder...

Hey Than Guru, hurry! Let's go and cut some banana leaves.

We need to pack the lunch for today's trip.
We can go now, sister. I've already packed our lunch.

Ok. Let's go!

Are you all ready? We'll go to the mountain range in the north first.

We are here in our northern most area.

Yes!

Yes! we are, elder!
The lands and forests on top of this mountain range are the sacred lands and forests that we share with our neighboring tribe.

This is the place where we do rituals together with our neighboring tribe for the spirits to look after the wellbeing of both our communities.

Our ancestors and dead relatives are also buried in this area.

Why are the trees so big in this sacred forest, elder?
It's because no one is allowed to cut trees from this forest, my son.

Why elder?

Because the source of our drinking water starts here, and more importantly, our ancestors' spirits and other spirits also live here.
If we allow people to cut trees here, the headwater may dry up and the spirits will have no place to live.

Uncle Babu, what are you doing?

I am tying my newborn son's umbilical cord to the big tree.

Can you explain to the children why you are doing that?
Hey children, you see that big tree? That’s my spirit tree because my father tied my umbilical cord there when I was born.

... and as big as his or her spirit tree. Each of you also has a spirit tree in this forest.

We tie our umbilical cord to a tree because we believe that a baby will grow as strong...

When you grow a bit older, your parents will tell you which one of the trees is yours.
If someone comes and cuts trees from the sacred forest, what do we do, elder?

We have rules about what you can do and what you cannot do in the sacred forest.

Our community and our neighboring community members set those rules.

We have the Sacred Forest Protection Committee that looks after the forest and makes sure that people are following the rules.
Can you tell us the rules, and who are in the committee?

The committee is composed of village members, elders, women and youth leaders from both communities.

The first rule is that no one is allowed to cut any big tree from the forest.

You already know why.

The second rule is that only medicinal plants and wild vegetables are allowed to be collected from the forest.

The third rule is related to hunting.
Oh.. Uncle Buta. What a big pig you have got there.

Yes my son, it took us the whole night to hunt this pig.

Buta, come here. We are explaining to the children about some of the rules of the sacred forest.

You may explain to them about the rules on hunting.
I know that hunters are not allowed to hunt animals in their breeding season...

... and when the animals are pregnant.

One must not kill young and breast-feeding animals in the forest.

We now know how important the sacred forest is...

... to our neighboring tribe and to us.

Are there any other resources that we jointly manage with our neighboring tribe?

Yes, my daughter. The river south to the village and the lake in the west are the other common resources...
Those are jointly managed by us and neighboring tribes.

So, there must be rules on the use of the lake and river as well.

Yes! there are.

For example, villagers can only use traditional fishing system, which is more sustainable.

Nobody is allowed to fish upstream in the summer because that's the season when fishes will lay eggs there.
Let's go down to our reserved forest.

These are the reserved forest areas that belong to our community.

... such as hunting, collecting wild fruits and vegetables and cutting wood for communal buildings.

What if a villager cuts trees in the reserved forest for selling?

We are keeping these forests for young people and children like you. For now, only limited activities are allowed...

We make use of the natural resources from our land and forest only to support our livelihood.

We avoid overusing these resources because it's our responsibility to protect and keep them for the next generation.
We only take what we need just like our ancestors.

We have rules that the Reserved Forest enforces.

... Protection Committee enforces.

According to the rule, the trees from this forest can be used to build...

... communal structures and houses for new families.

Before cutting the wood, the villagers will have to inform the purpose of logging to the committee first.
The villagers can only collect hard wood from the reserved forest only if the committee permits.

Are there any other resources that belong to our community and managed by us just like this reserved forest?

The grazing field in the east of our village is another communal land managed by our community.

Anyone from our village can feed and graze their cattle and buffalos in that field.

Now.. let’s go down to the shifting cultivation areas.
Look, my sons and daughters, these areas are for our food security.

When I was young, some of the areas were still part of our reserved forest.

But as the village population grew, we expanded...

... the shifting cultivation area up to here to meet the needs of a growing population and new families.

Please, explain how the community decides and allocates shifting cultivation fields for each villager, Elder?

Normally we choose land that has been rested for about seven to ten years.
Then, within that land, each family will get a plot to farm for two years. The size of allotted land depends on the number of the household members within the family.

After two years of farming, the community will then again choose another piece of land within the shifting cultivation area and rest the previous farm land.

The rested land will be used for farming again in the next seven to ten years.

Why do we need to rest the land?

When we rest the land, soil in that area will be fully recovered so that when we do farming there next time,
It will produce higher yield. During the rested period, forest and other plants will regrow, and that will also provide abundant sources of food and other products for us and our animals.

Hey Ms. Anit! You are preparing for your shifting cultivation field quite early this year.

Yes Elder, a few days ago, my husband saw several groups of birds flying to the west.

We are expecting early rain this coming monsoon season.

What are you planning to grow this year?
From last year, I kept several seeds including local corn, rice, sweet potato and bitter gourd.

So, I'll be planting them here.

I hope you will have a bountiful harvest this time.

It's a bit late already, let's go back to the village. We will explain to you about our paddy fields and residential area ownership system tonight.

Unlike the communal lands and resources that we've explained today, your family paddy fields and houses are owned by your family.

Then, does it mean we can do whatever we want with our houses and paddy fields including selling.

Yes and No, my son.
Yes, in a sense that your family can give or sell the paddy fields and house to you or to your relatives or...

to other families in the village. But no, in a sense that our customary laws do not allow anyone from the community to sell any land in our territory to outsiders.

Why can’t we sell our family-owned land to strangers, elder?

Well, because we need to protect the land in our territory for our future generations, for young people like you my sons and daughters.

So that you can continue to practice and further develop our indigenous way of life.
What about our neighboring villages?

Are their land and resources governance system the same with us?

Not exactly the same, but we have similar system, rules and beliefs.

Now, you know the importance of our land, territories and resources for our survival, culture and governance system, my sons and daughters.

Yes Elder. We now know that we must protect our land and territory together...

... with our neighboring indigenous tribes.
As indigenous peoples who have protected and nurtured the land and resources for generations, we have the right over our lands and territories so we can collectively survive and...

...continue practicing our culture and way of life here at "Pana Nong" village.

The indigenous peoples’ right to their land, territory and resources is affirmed by the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)
The Free, Prior and Informed Consent (FPIC) of indigenous peoples is required when their land, territory and resources including their cultural heritage are impacted by any project.
UNDRIP Articles on Indigenous Peoples
Rights to Lands, Territories and Resources

Article 25
Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 26
1. Indigenous Peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditionally occupation or use, as well as those which they have otherwise acquired.
3. State shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Article 10
Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Article 8
1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for:
   a. Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
   b. Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
   c. Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
   d. Any form of forced assimilation or integration;
   e. Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

Article 27
States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 28
1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

Article 29
1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmers for indigenous peoples for such conservation and protection, without discrimination.
2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.
3. States shall also take effective measures to ensure, as needed, that programmers for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.
AIPP at a glance

The Asia Indigenous Peoples Pact (AIPP) is a regional organization founded in 1988 by indigenous peoples movements as a platform for solidarity and cooperation. AIPP actively promotes and defends indigenous peoples rights and human rights, sustainable development and management of natural resources and environmental protection. Through more than two decades, it has developed an expertise in grassroots capacity building, advocacy and networking from local to global levels and strengthening partnership with indigenous organizations, support NGOs, UN agencies and other institutions. At present, AIPP has 47 members from 14 countries in Asia with 14 National Formations, 15 Sub-national Formations and 18 Local Formations. Of this number, six are Indigenous Women’s Organizations and four are Indigenous Youth Organizations.

Our Vision

Indigenous peoples in Asia are fully exercising their rights, distinct cultures and identities, are living with dignity and enhancing their sustainable management systems of lands, territories and resources for their own future and development in an environment of peace, justice and equality.

Our Mission

AIPP strengthens the solidarity, cooperation and capacities of indigenous peoples in Asia to promote and protect their rights, cultures and identities, and their sustainable resource management systems for their development and self-determination.

Our Goals

- To empower indigenous peoples in Asia to promote and defend their human rights and fundamental freedoms and claim legal recognition to their identities, collective rights under UNDRIP and other international human rights instruments
- To build the broadest solidarity and cooperation of indigenous peoples in Asia to strengthen indigenous movements
- To promote and protect the integrity of nature and the environment and enhance the sustainable resource management systems of indigenous peoples including their traditional knowledge, food sovereignty and biodiversity by having full control over their land, territories and resources.
- To attain full and effective participation and representation of indigenous peoples, particularly indigenous women and youth at all levels of decision-making
- To strengthen solidarity and cooperation with other social movements towards achieving equity, equality, peace, democracy and justice.


AIPP is accredited as an NGO in special consultative status with the UN Economic and Social Council (ECOSOC). It is also an accredited observer organization of the United Nations Framework Convention on Climate Change (UNFCCC), the Convention on Biological Diversity (CBD) and the World Intellectual Property Organization (WIPO).

AIPP is also a member of International Land Coalition (ILC) and Global Environment Facility (GEF) NGO Network.

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