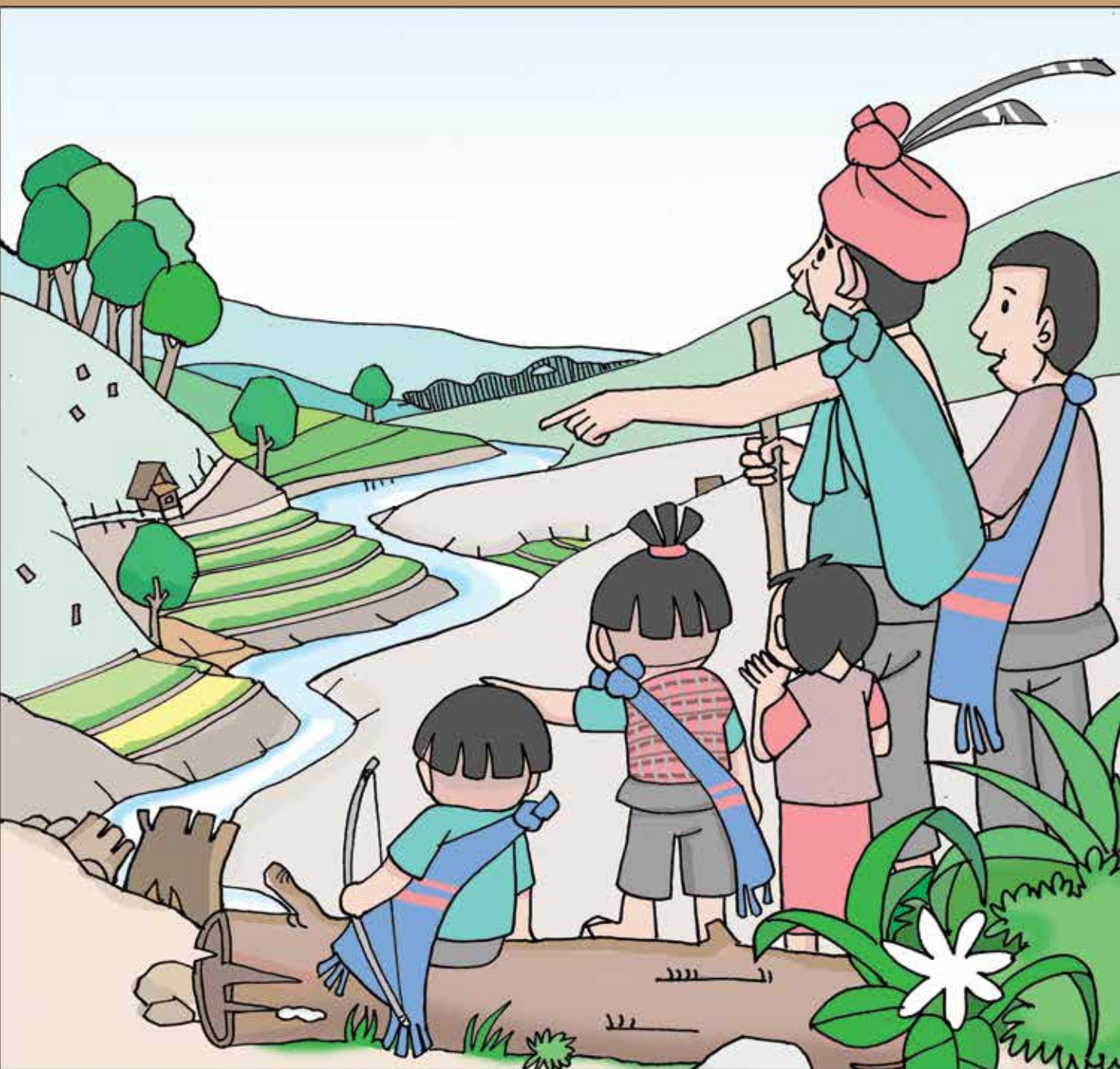


# Our Lifeways, Our Survival

Indigenous Peoples Rights to Lands, Territories and Resources



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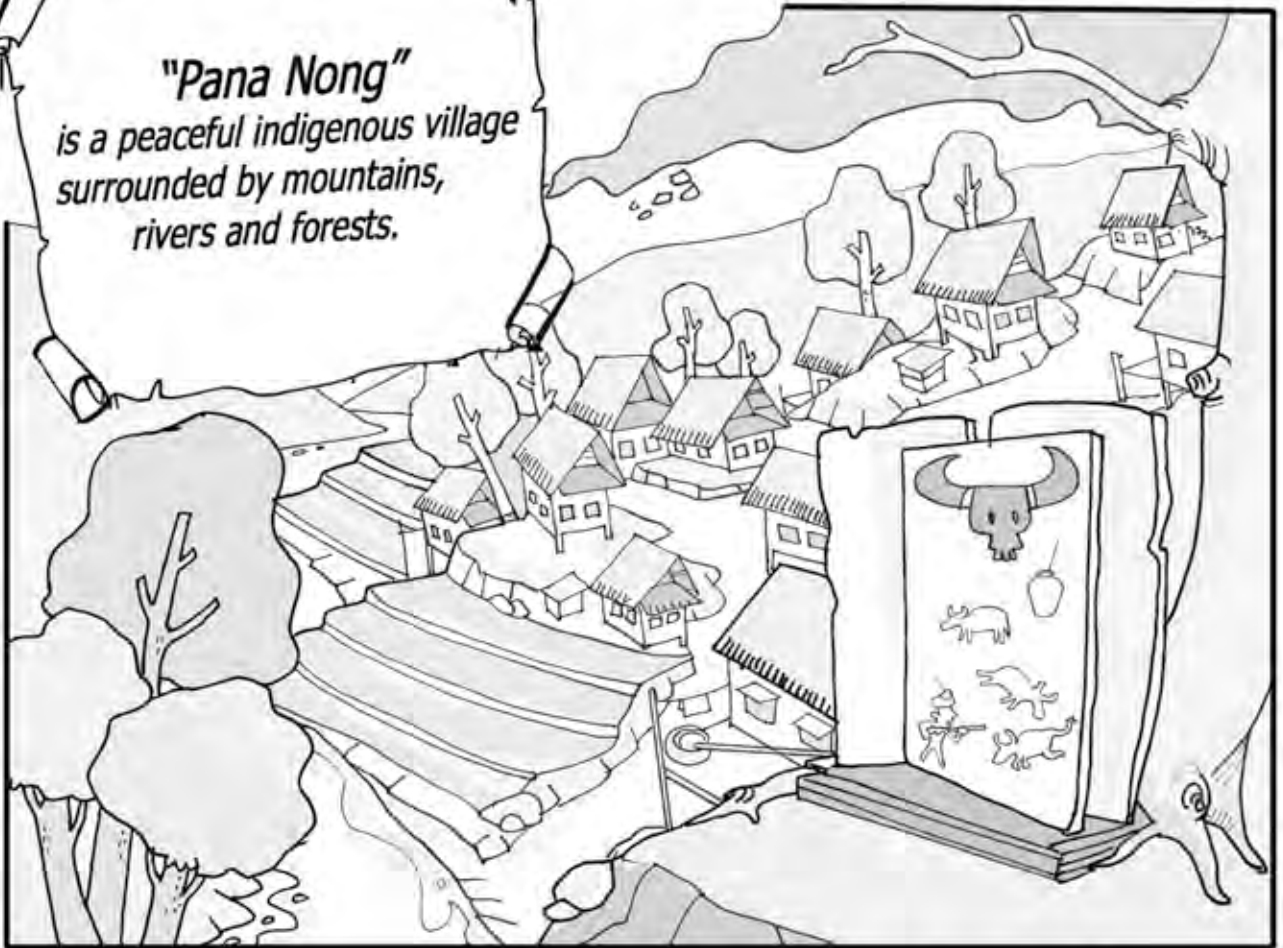
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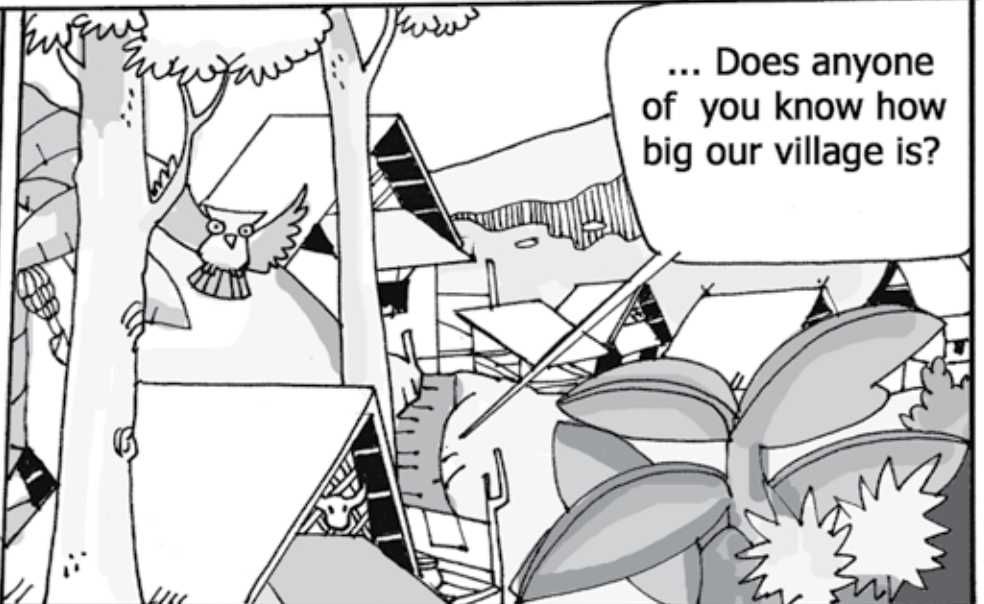
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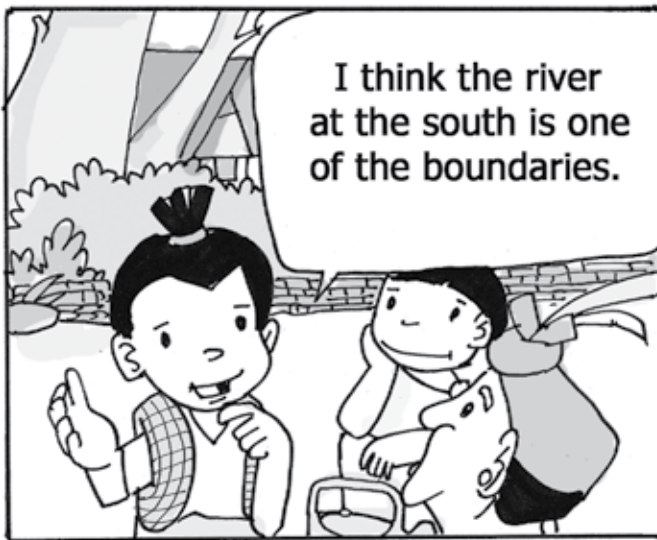
**"Pana Nong"**  
is a peaceful indigenous village  
surrounded by mountains,  
rivers and forests.



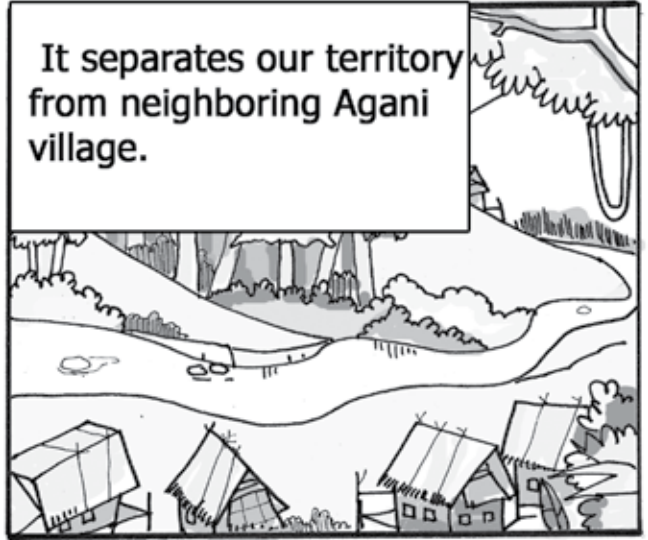
One evening, a group of elders  
were sitting around the fire,  
drinking while the children were  
playing nearby.







I 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.

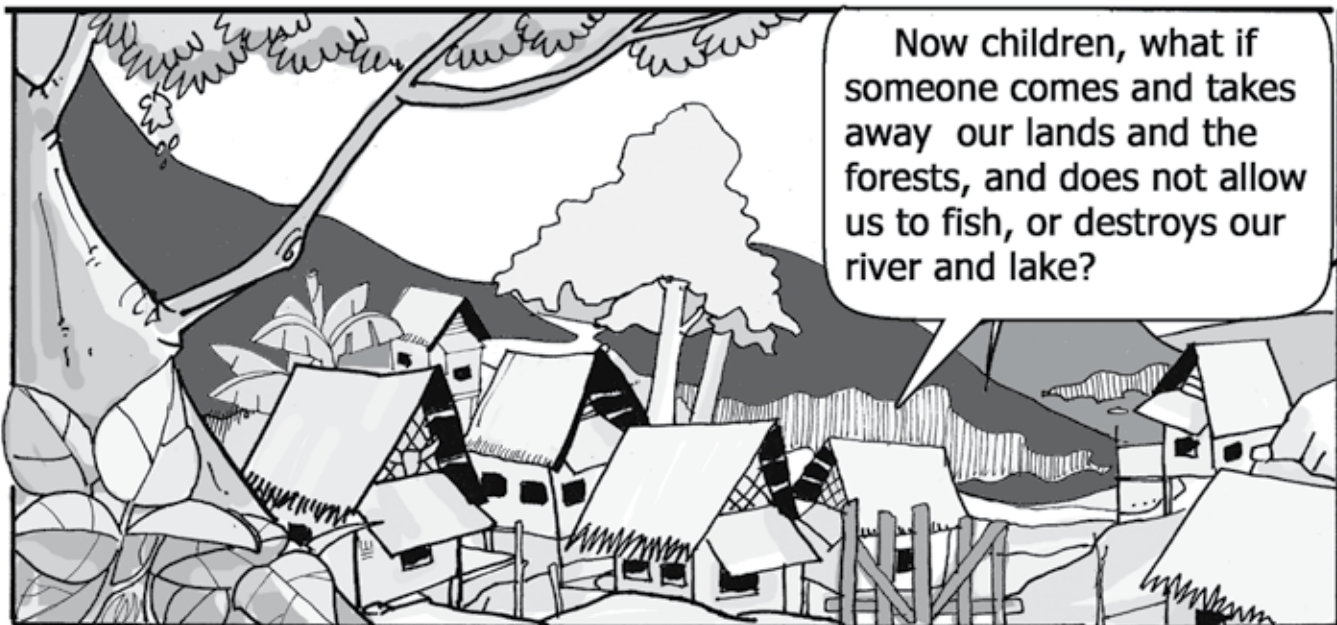


Just like my friends' parents, my parents are farmers. They farm in paddy field as well as in shifting cultivation areas.



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.



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..



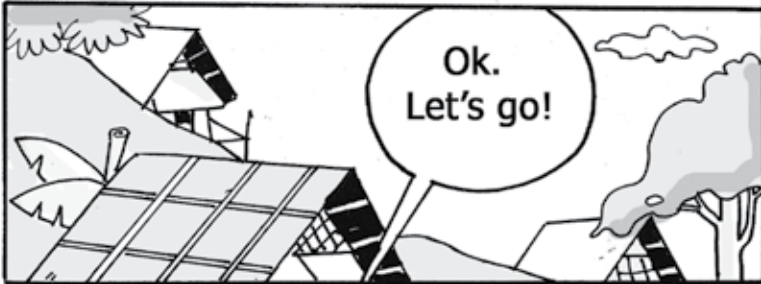
Hey Than Guru,  
hurry! Let's go and  
cut some banana  
leaves.



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.



Yes!

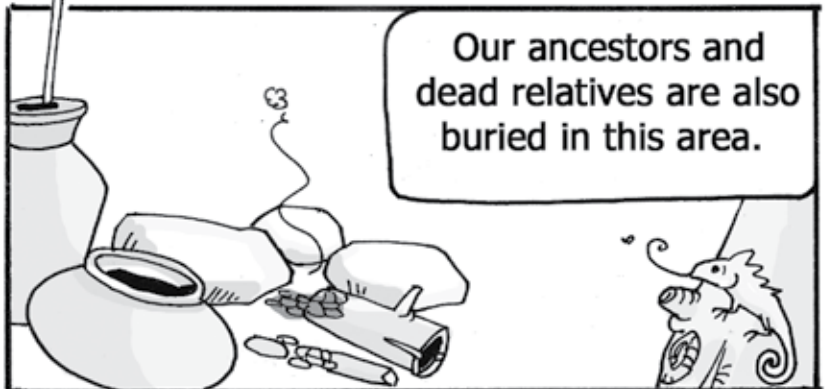
Yes!  
we are,  
elder!

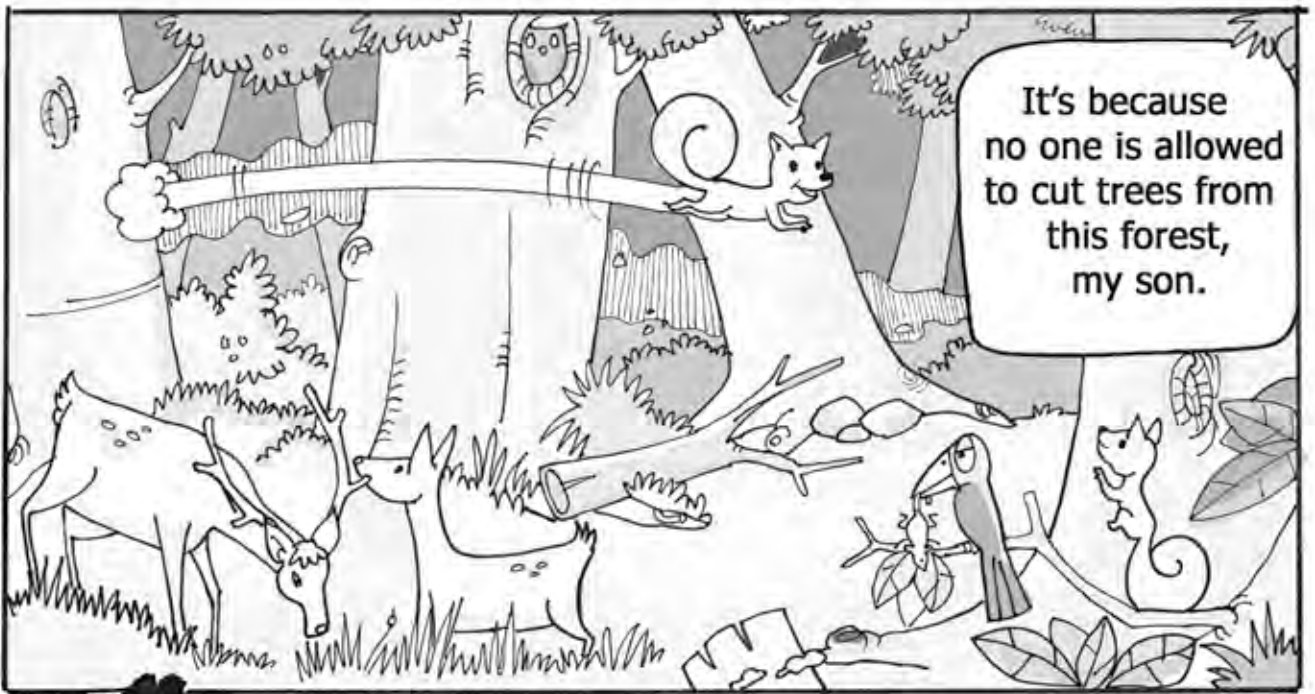


We are here  
in our northern  
most area.



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.

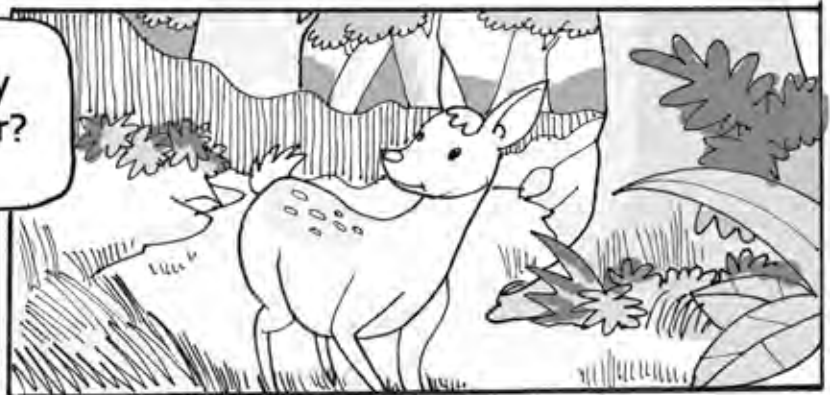




It's because no one is allowed to cut trees from this forest, my son.



Why elder?



Because the source of our drinking water starts here, and more importantly, our ancestors' spirits and other spirits also live here.



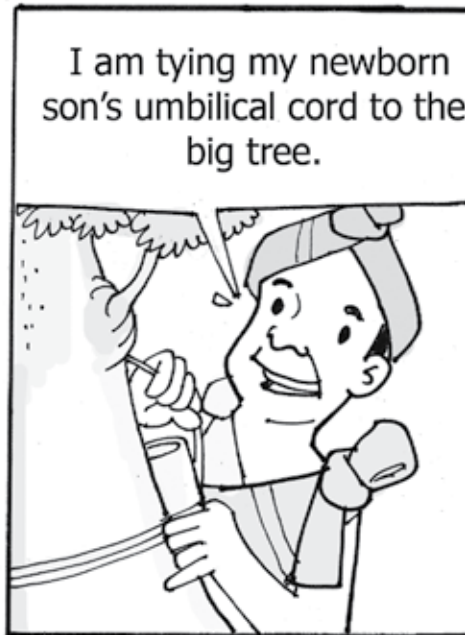
If we allow people to cut trees here, the headwater may dry up and the spirits will have no place to live.



Uncle Babu, what are you doing?

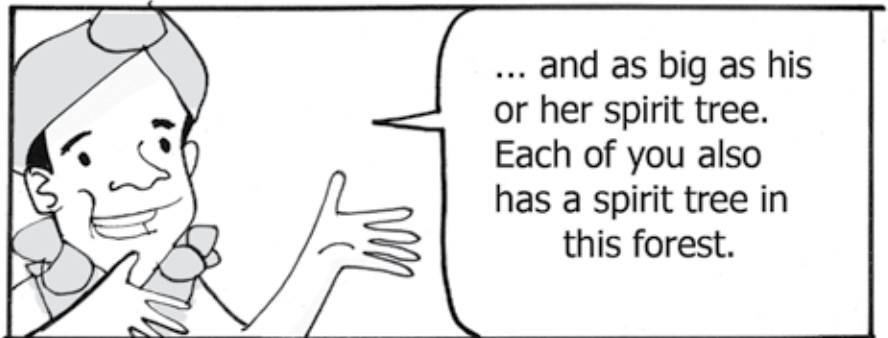
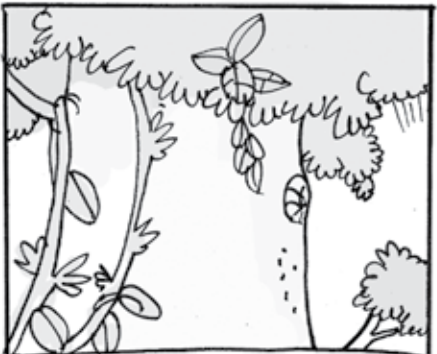
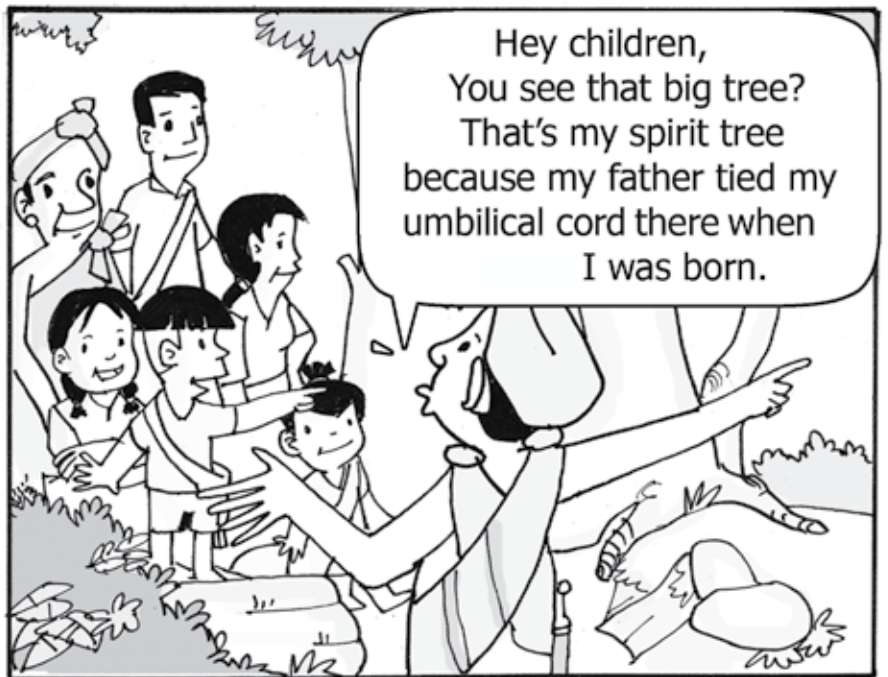


I am tying my newborn son's umbilical cord to the big tree.



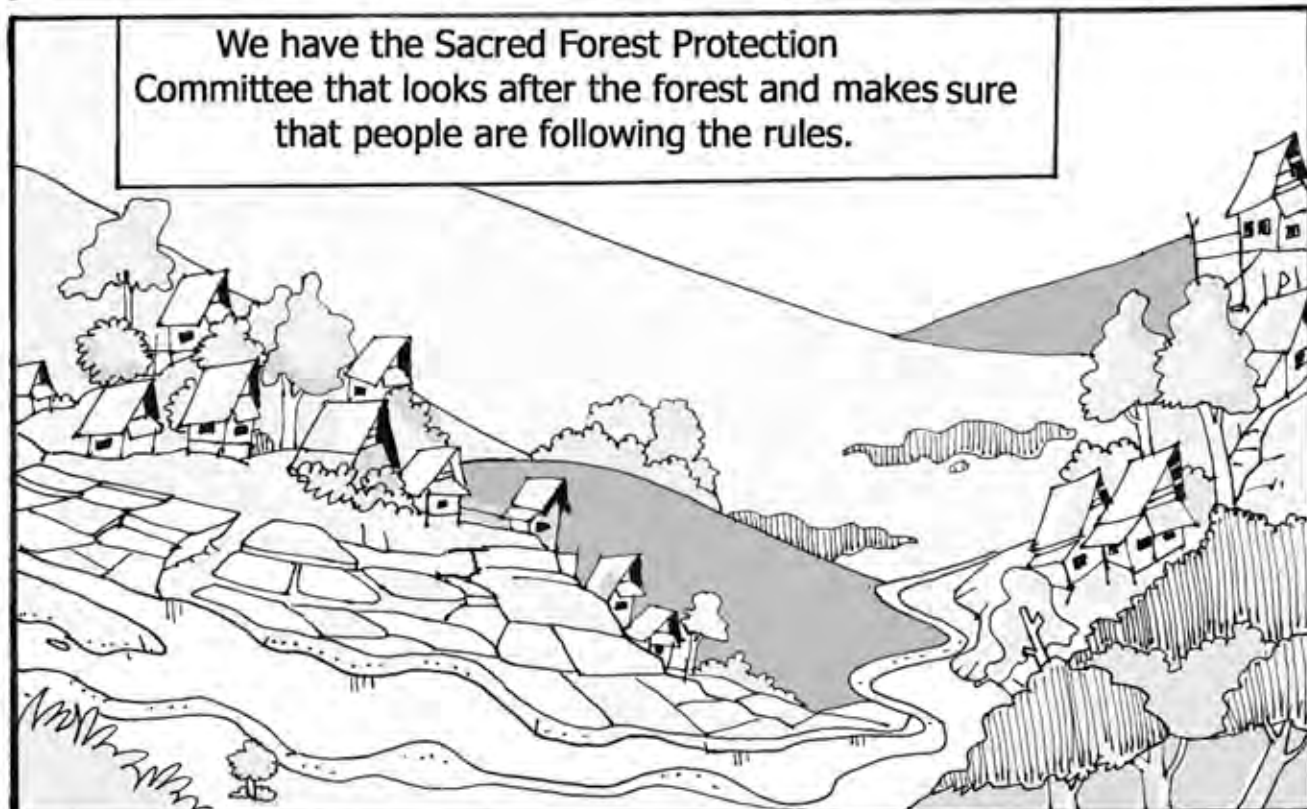
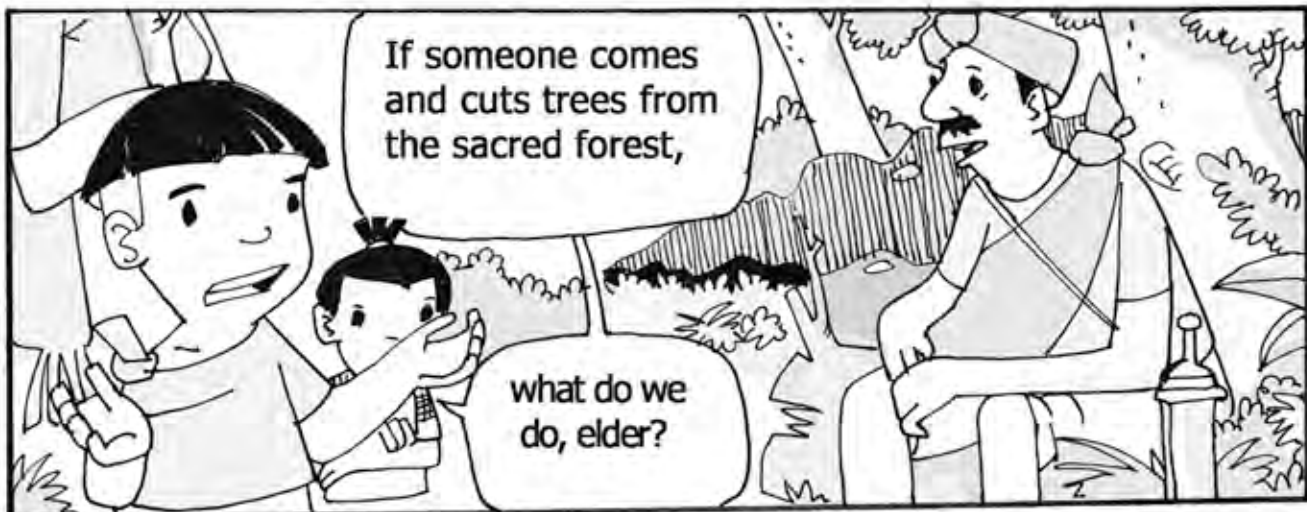
Can you explain to the children why you are doing that?





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





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.

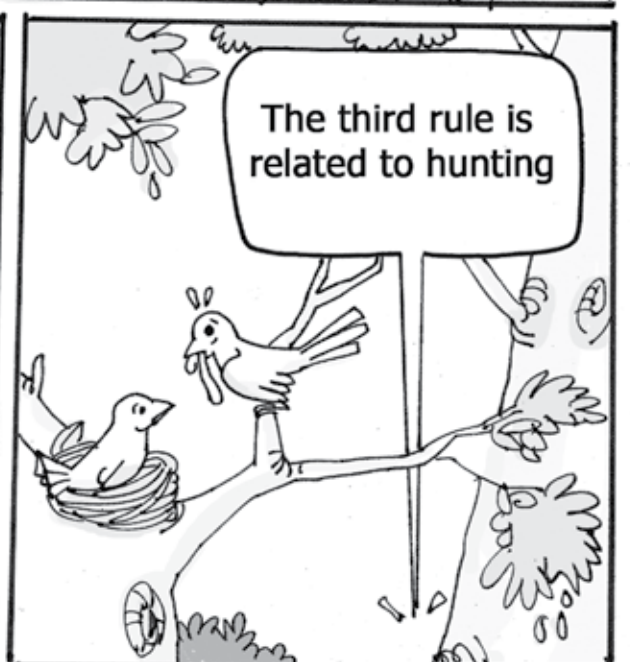
You already know why.



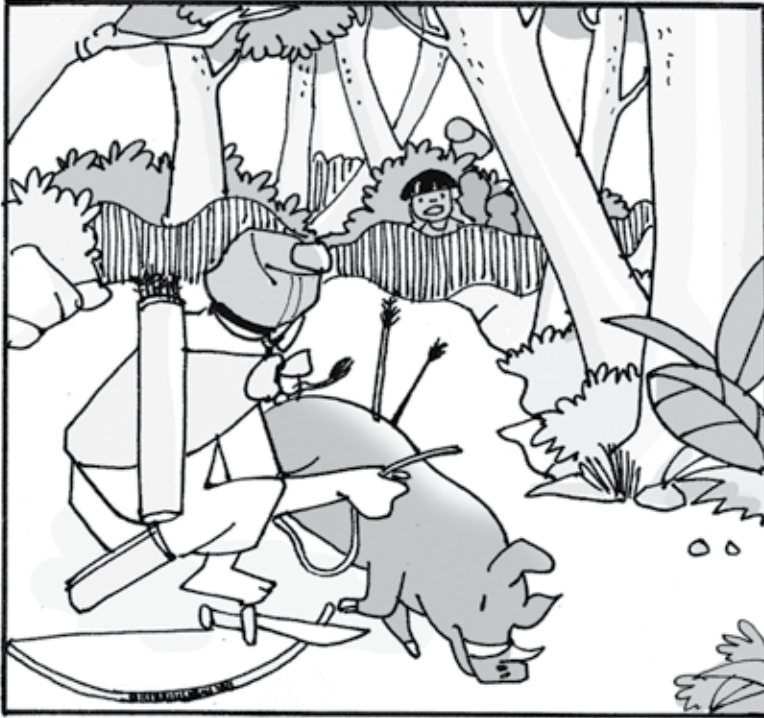
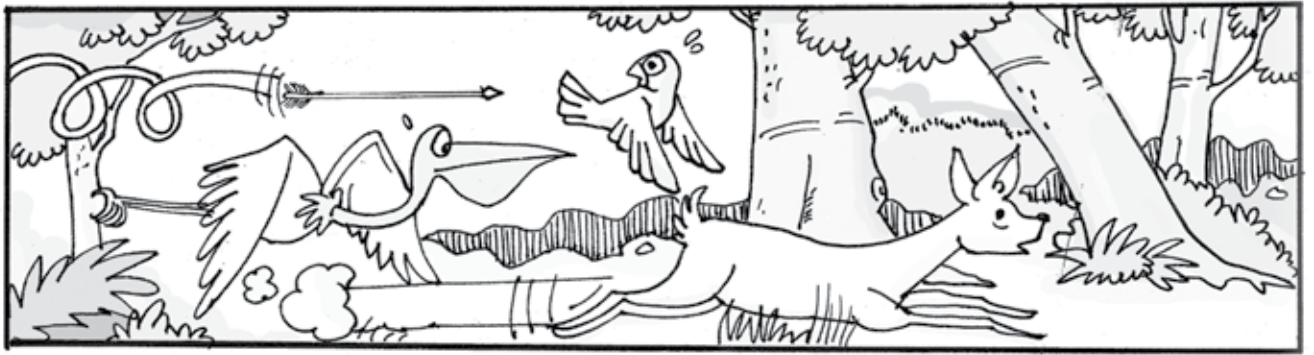
The second rule is that only medicinal plants and wild vegetables are allowed to be collected from the forest.



The third rule is related to hunting





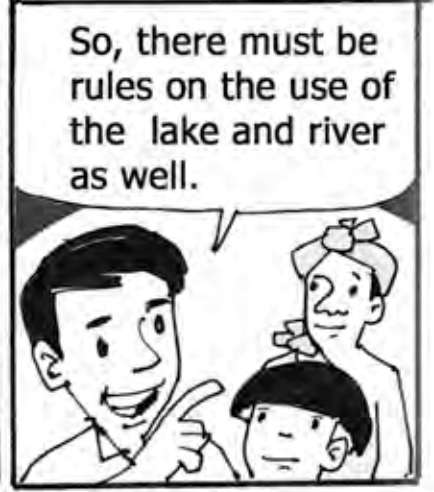




Those are jointly managed by us and neighboring tribes.



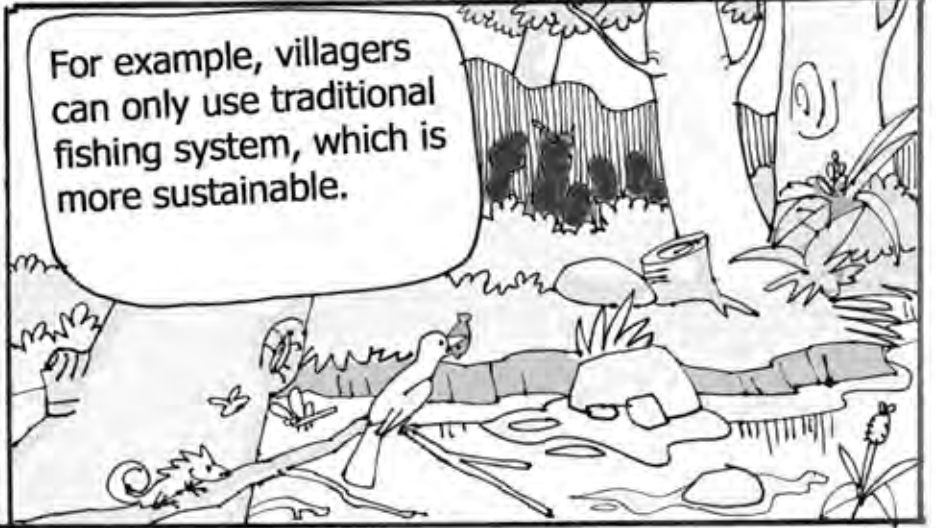
So, there must be rules on the use of the lake and river as well.



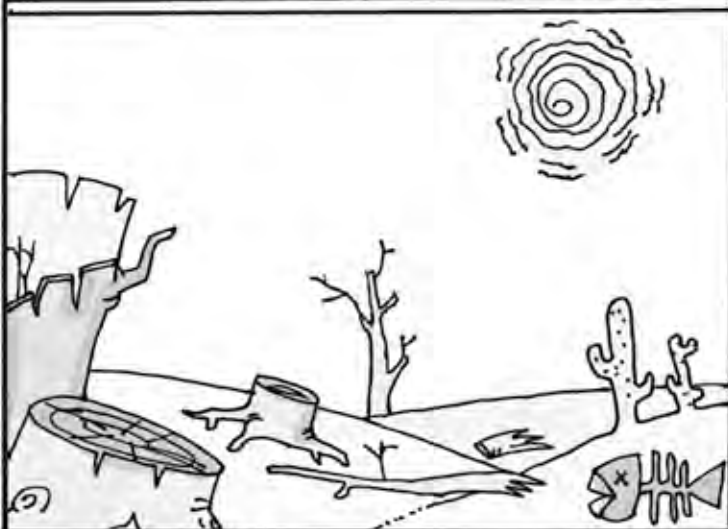
Yes! there are.



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



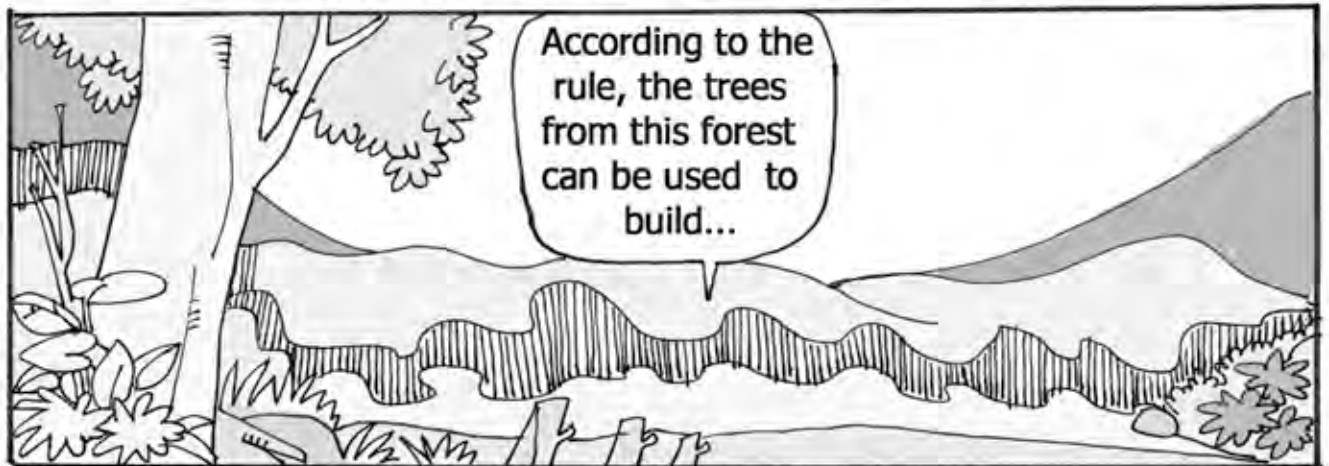
Nobody is allowed to fish upstream in the summer because that's the season when fishes will lay eggs there.





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



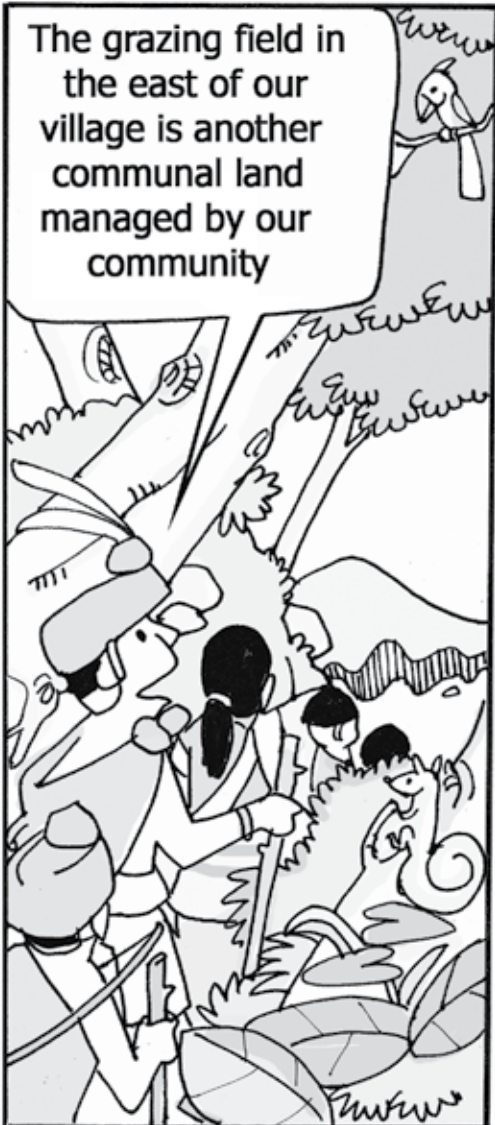




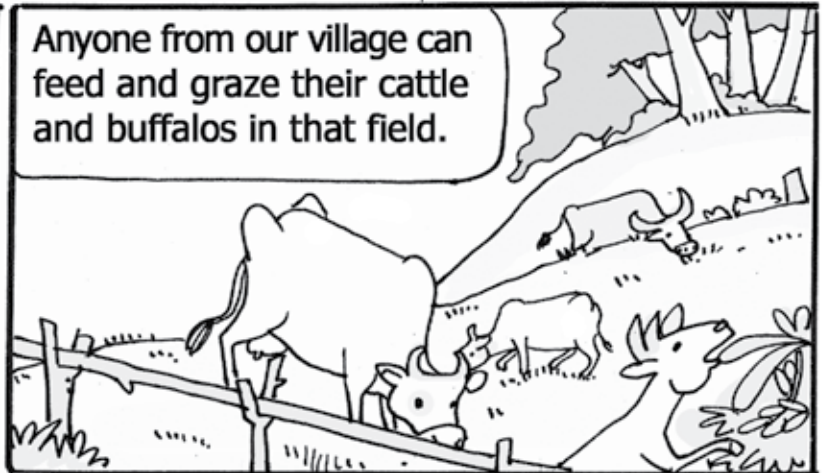
The villagers can only collect hard wood from the reserved forest only if the committee permits.



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



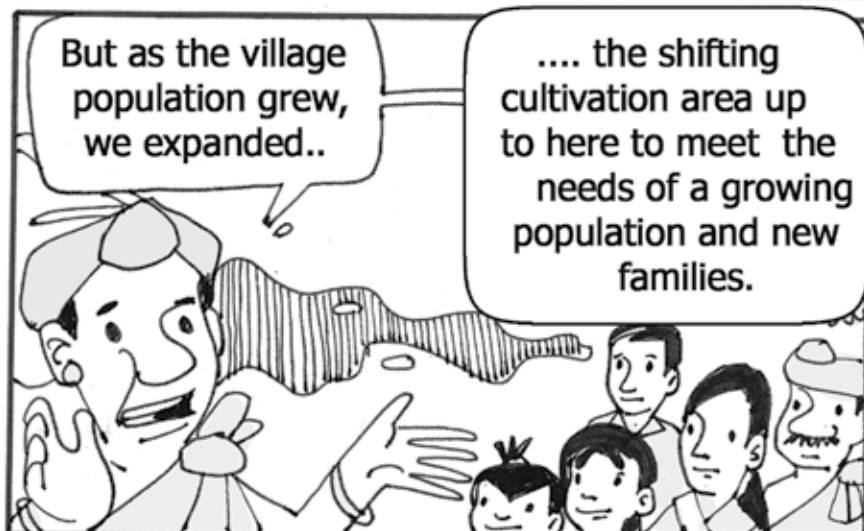
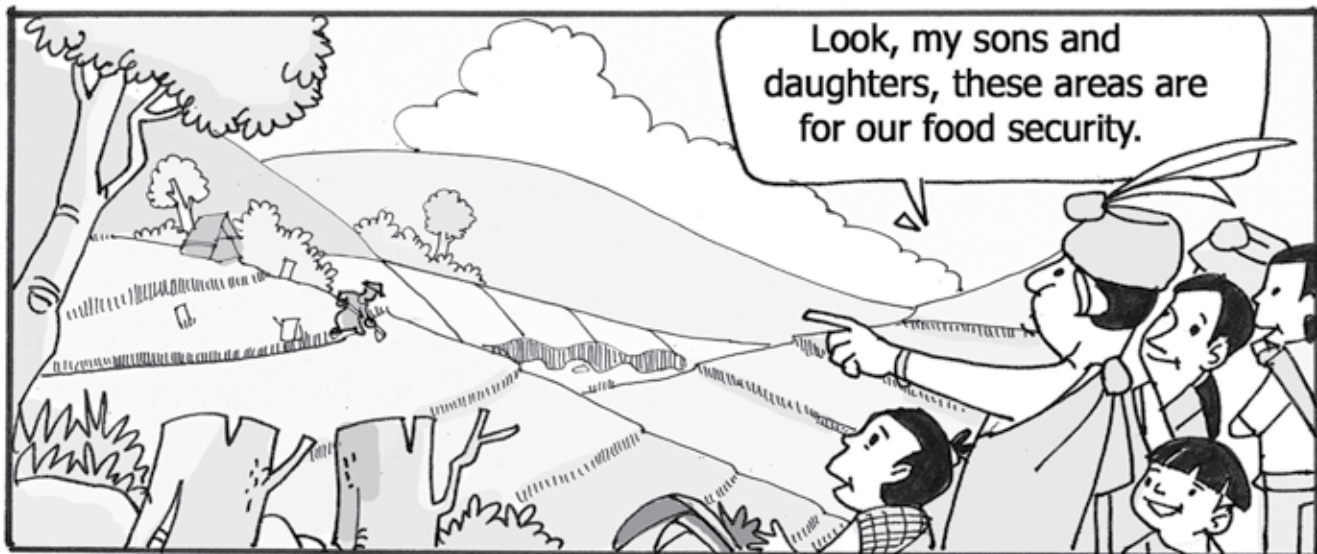
The grazing field in the east of our village is another communal land managed by our community

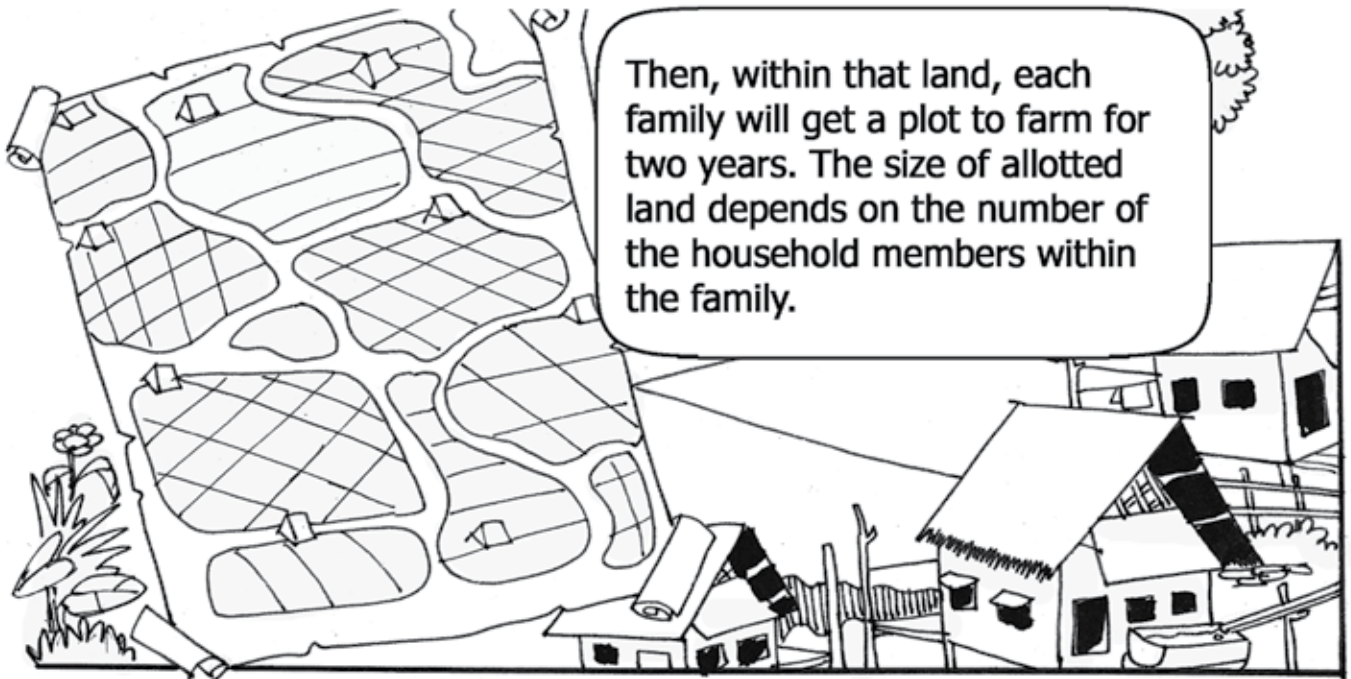


Anyone from our village can feed and graze their cattle and buffalos in that field.



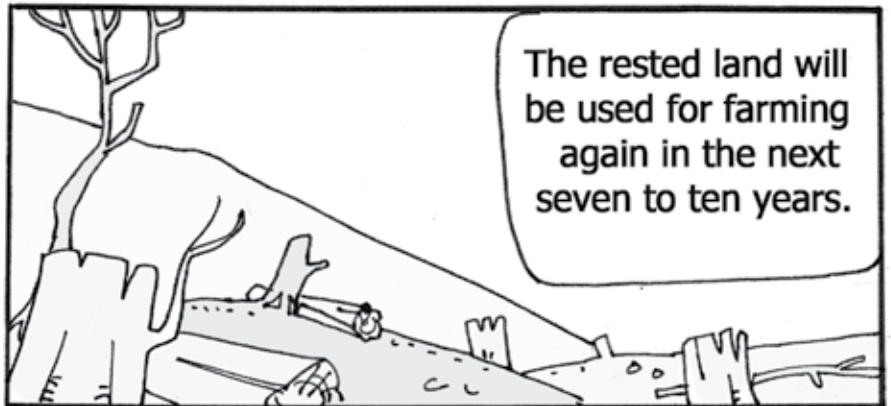
Now.. let's go down to the shifting cultivation areas.



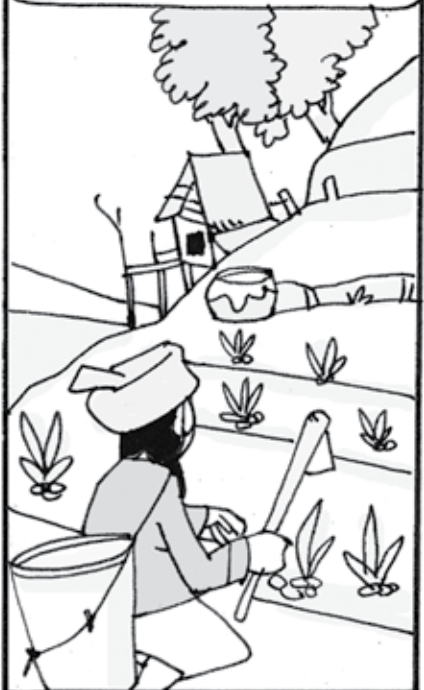


Then, within that land, each family will get a plot to farm for two years. The size of allotted land depends on the number of the household members within the family.

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.

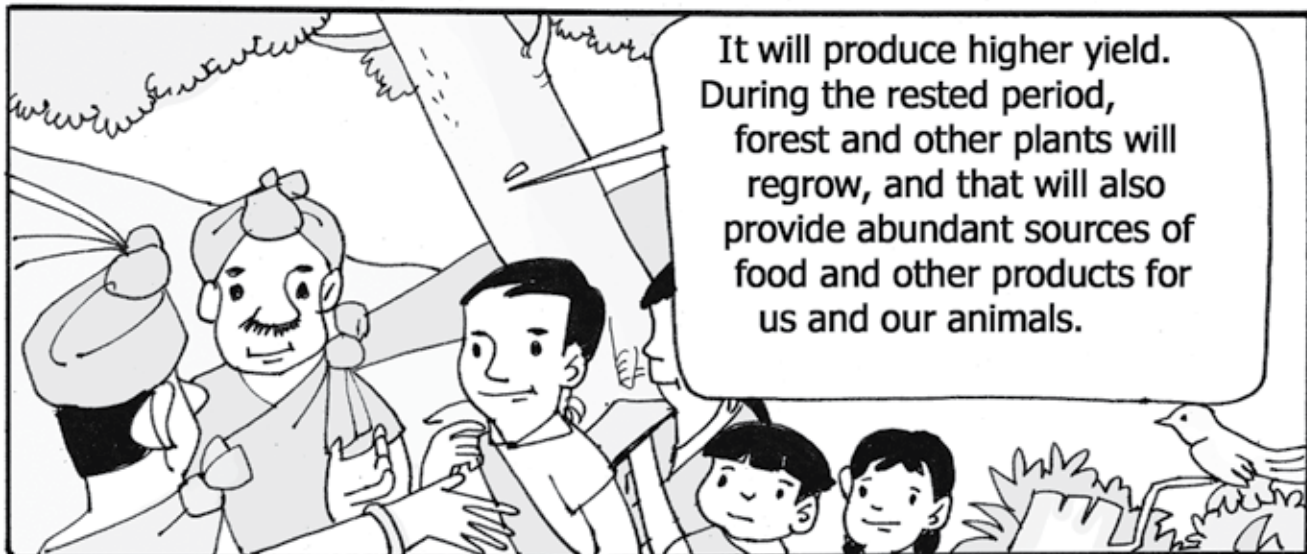


Why do we need to rest the land?

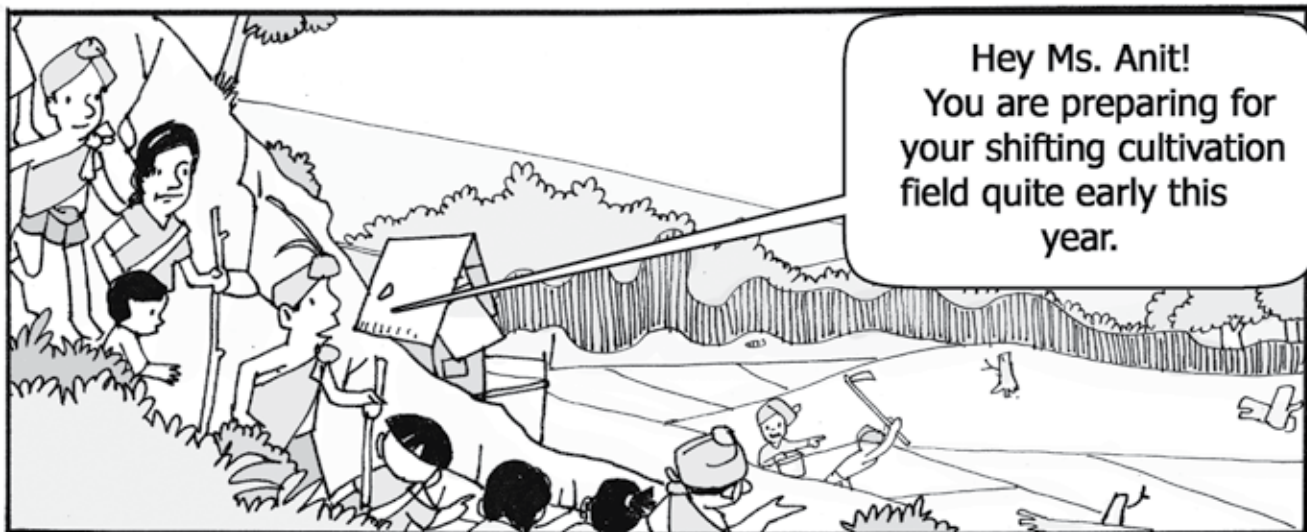


When we rest the land, soil in that area will be fully recovered so that when we do farming there next time,





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.



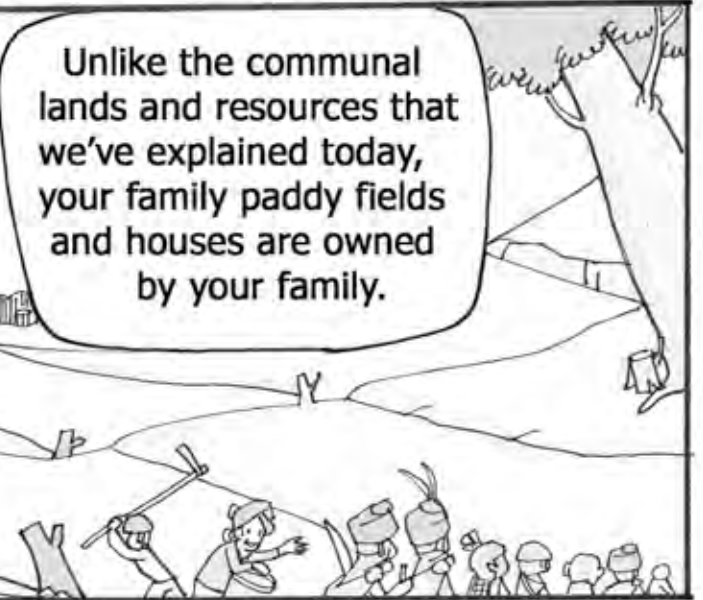
Yes Elder, a few days ago, my husband saw several groups of birds flying to the west.

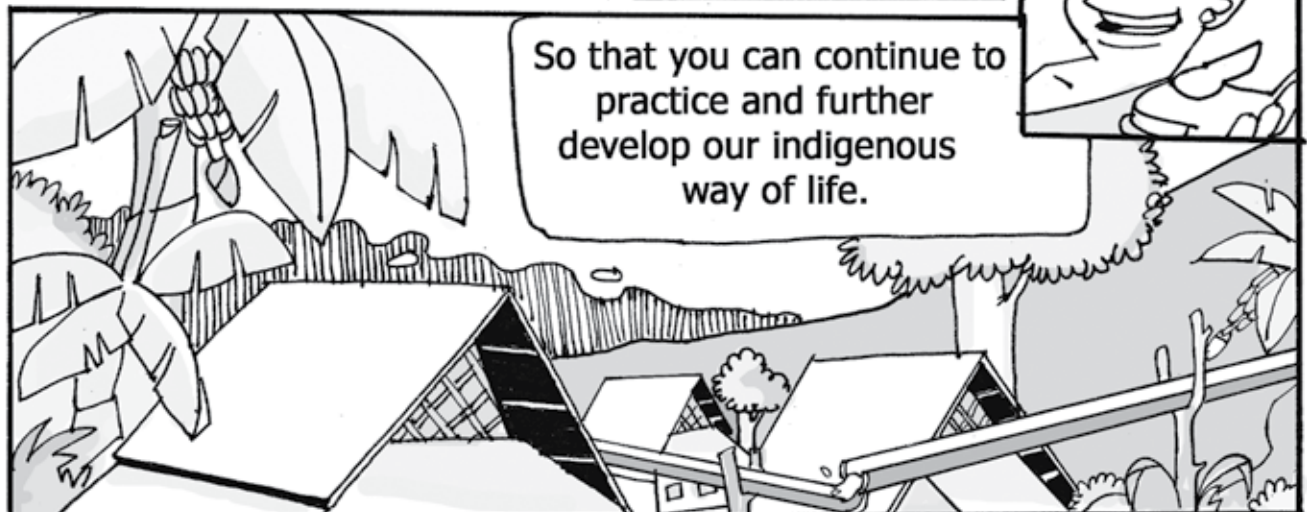


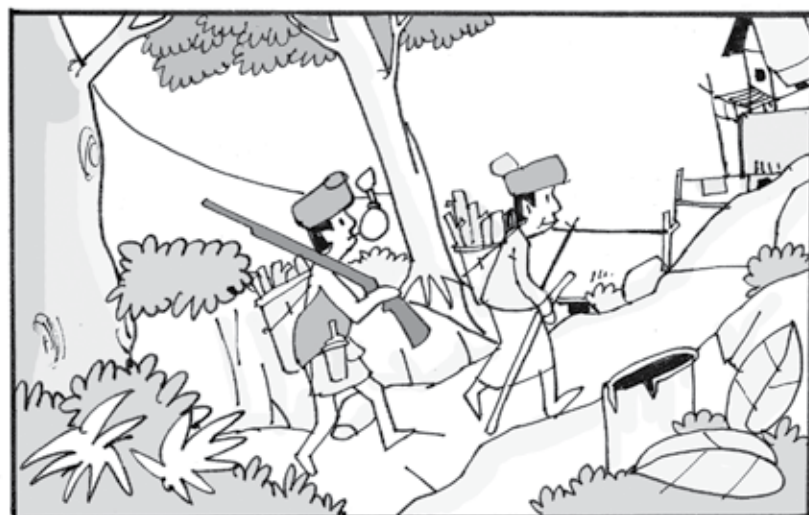
We are expecting early rain this coming monsoon season.



What are you planning to grow this year?





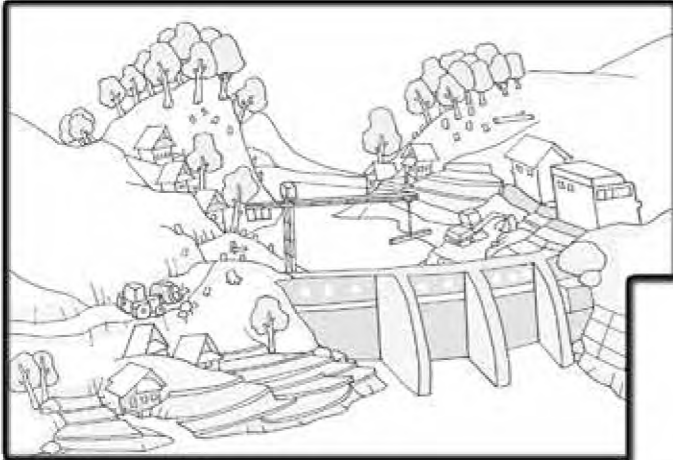




The indigenous peoples' right to their land, territory and resources is affirmed by the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

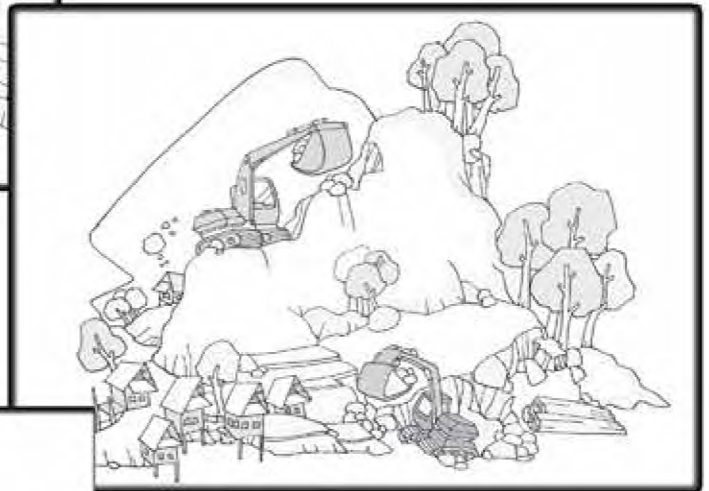


The Free, Prior and Informed Consent (FPIC) of indigenous peoples is required when their land, territory and resources including their cultural heritage are impacted by any project.

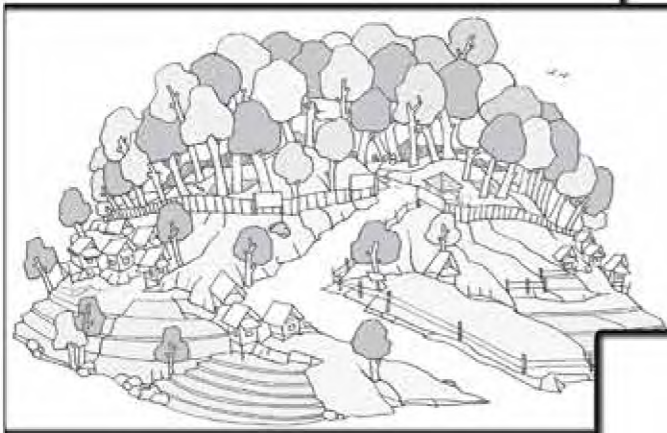


**Mega development projects**

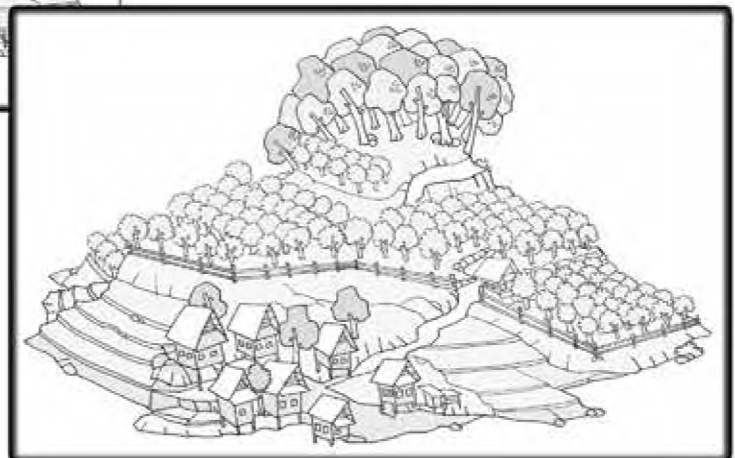
**Extractive industries**



**Conservation for national park**



**Concession to mega plantation 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 traditional 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 programmes 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 programmes 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 Programmes:** -Human Rights Campaign and Policy Advocacy - Communication and Development - Regional Capacity Building - Environment - Indigenous Women - Organizational Strengthening.

AIPP is accredited as an NGO in special consultative status with the UN Economic and Social Council (ECOSOC). It is also an accredited observer organizations 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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