

# **Extractive Industries and Energy Projects and Their Impacts to Indigenous Peoples in Asia: A Briefing Paper**



**Asia Indigenous Peoples Network on Extractive Industries and Energy (AIPNEE)  
and Asia Indigenous Peoples Pact (AIPP)**



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*(Cover photo and page 6 photo)*

**Mining Activity in Halmahera , North Maluku**

Source: KILKODA, M. (2014, April 21). "Extractive Industries, Threats to Indigenous Peoples in Indonesia Life, Study North Moluccas." [PowerPoint Presentation]. Presented in the Asia Indigenous Peoples Regional Workshop on Extractive Industries, Energy and Human Rights, at Sagada, Mtn. Province, Philippines.

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## BACKGROUND

Asia is the largest of the world's continents, covering approximately 1/3 of the Earth's land area. It is the world's most populous continent, with roughly 60% of the world's total population, and the most demographically diverse.

*"Asia's natural resources are among the richest and most diverse in the planet. The region holds 20% of the world's biodiversity, 14% of the world's tropical forests, and 34% of global coral resources, including the greatest number of marine species in the world. Asia's natural ecosystems and biodiversity provide numerous social and economic benefits, providing local livelihoods, supporting food, water and energy security, and regulating the global climate."*

It is also, where many of the poor and developing countries of the world are located. With its large and diverse population and its economic underdevelopment, Asia is a huge source of cheap and skilled labor, with the Philippines, Malaysia, Singapore and India providing a work force relatively proficient in English.

*"Inside Asia itself, there is a growing gap among developed economies such as Singapore, Hong Kong, Japan and South Korea; developing economies*

*such as China, Indonesia, Malaysia, the Philippines, Thailand and Taiwan; and emerging economies such as Cambodia, India and Vietnam.*"<sup>1</sup>

According to the World Bank-UNPFii, Asia is also home to the majority, or approximately 2/3, of the 300 to 370 million of the world's Indigenous Peoples. States and governments formally refer to them as *tribal peoples, hill tribes, scheduled tribes, janajati, orang asli, masyarakat adat, adivasis, ethnic minorities, or nationalities*. Regardless of terminology, the common problems faced by Indigenous Peoples include non-recognition of land rights, discrimination, marginalization by and neglect of government, misrepresentation in governance, militarization, and commercialization of culture.

*Worldwide, "IP suffer higher rates of poverty, landlessness, malnutrition and internal displacement than other members of society do and they have lower levels of literacy and less access to health services. While IP constitute about 5% of the world's population they make up about 1/3 of the world's 900 million extremely poor rural people."*<sup>2</sup>

This situation of Indigenous Peoples is most ironic as indigenous lands, territories, and waters are rich in natural resources and biodiversity. According to reports, most of the remaining natural resources worldwide – which are valuable and essential to the survival of all peoples – are in indigenous territories. States, governments and corporations have extracted and exploited these resources for decades in the name of "*national development*" or "*national interest*" but such extraction and exploitation have had very little or no benefits at all to Indigenous Peoples. In fact, these have been disastrous for Indigenous Peoples as a whole.

One of the gravest and most urgent threats facing Indigenous Peoples and all peoples of Asia and the world are extractive industries which include large-scale destructive mining of minerals, oil and gas; corporate energy projects; commercial logging; and economic land concessions for mono-crop plantations.

The extraction of natural resources of Indigenous Peoples has been intensified by the widening scale and deepening intensity of the profit-oriented and market-based economy and, in the recent years, the economy's growing focus on Asia through the Association of South East Asian Nations (ASEAN) Regional Integration. Along the lines of corporate globalization, Asian governments and States review, amend and enact national laws in

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<sup>1</sup> Reorganization of Investment and Services in the New ASEAN Regime, Bonnie Setiawan, November 2011

<sup>2</sup> [http://www.ruralpovertyportal.org/en/topic/statistics/tags/indigenous\\_peoples](http://www.ruralpovertyportal.org/en/topic/statistics/tags/indigenous_peoples)

order to remove measures that restrict the exploitation of natural resources and that impede the free flow of foreign investments, trade, services and labor into the region. These changes in national laws have worsened violations of Indigenous Peoples' rights to lands, territories and water.

The growing incorporation of Asia into the global free-trade market has worsened the poverty and marginalization of Indigenous Peoples of Asia and the non-recognition and violation of their rights. Common problems regarding the violation of the Indigenous Peoples' right to self-determination and to Free Prior Informed Consent (FPIC) as well as the continuing non-implementation of project agreements and benefits continue to worsen. There is no Indigenous Peoples' consent to and involvement in the design and decision-making processes, and neither is there transparency in the said processes and in funding. Asian States and governments respond to protests largely with violence – arrests, threats, harassments and militarization of indigenous communities.

Asian economies have pursued trade and investment liberalization in accordance with the General Agreement on Tariffs and Trade (GATT)-World Trade Organization (WTO). Economies of East Asia, in particular, are also subject to the Asia-Pacific Economic Cooperation (APEC). The APEC remains important for governments and States of East Asia and most important for the US, as it is the only multilateral economic forum that links the US with the region. However, even before the GATT-WTO, Asian economies have already been carrying out the liberalization, privatization and deregulation of their respective economies as part of conditions, including Structural Adjustment Programs, imposed by the International Monetary Fund and World Bank for the release of loans or debt reductions.

#### **ASEAN REGIONAL INTEGRATION: GLOBALIZING ASIA**

At the core of the integration of Asia to the global profit-driven and market-based economy lies the Association of South East Asian Nations (ASEAN), despite the fact that regional trade and economic expansion has increasingly centered on China. The ASEAN was established in 1967 and is composed of ten countries: Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Vietnam.

The geography of ASEAN countries serves strategic purposes in the economy of Asia and the world. The region forms the crossroads of China and India, two of the world's biggest economies, with deep infrastructural links re-emerging gradually through Myanmar (Mekong sub-region). Containing the Straits of Malacca, it also functions as the



main channel, for most of the world's oil flows between the Near East and Far East.

Like other Asian countries, ASEAN member-States hold valuable natural resources that are considerably unexploited and serve as vast sources of cheap and skilled labor.

Fast-tracking globalization, ASEAN launched its Initiative for ASEAN Integration (IAI) or ASEAN Regional Integration in 2001, rolling out the slogan "*no development gap*" (NDG). The Initiative was designed to supposedly accelerate growth and lessen the gap between member-States especially with its newer member-States – Cambodia, Lao PDR, Myanmar, and Vietnam or the so-called CLMV. ASEAN Integration is consistent with negotiations under the GATT-WTO, and other Free Trade Agreements (FTA) and Economic Partnership Agreements (EPA) which the ASEAN has signed.

In October 2003, ASEAN leaders agreed to establish by 2020, which has later been moved earlier to 2015, an ASEAN Community. The ASEAN Community will be comprised of three pillars – the ASEAN Security Community (ASC), the ASEAN Economic Community (AEC), and the ASEAN Socio-Cultural Community (ASCC). It aims to build the ASEAN as a single market and production base that is highly competitive and fully integrated into the global economy by 2015. This entails the free flow of goods, services, investment, capital and skilled labor.

In 2007, the member-States signed the AEC agreement formalizing their goal of regional integration. In line with this, the ASEAN also signed several main agreements: an expanded ASEAN Free Trade Agreement (AFTA) through the ASEAN Trade in Goods Agreement (ATIGA) and ASEAN Framework Agreement on Trade in Services; and the ASEAN Comprehensive Investment Agreement (ACIA) which covers manufacturing, agriculture, forestry, fishery, mining and quarrying.

The AEC accelerated ASEAN economic integration with the AFTA as its core. The AFTA established the ASEAN Free Trade Area and successfully eliminated quantitative restrictions and other non-tariff barriers on a wide range of products and reduced tariff rates to 0-5% under its Common Effective Preferential Tariff (CEPT) Agreement.

Aside from these intra-ASEAN contracts, the ASEAN as a regional bloc also embarked on several FTAs and EPAs with other countries in Asia and beyond. It collaborates with China, Japan and South Korea in the ASEAN +3, and joins with Australia, New Zealand and India in

the ASEAN +6 frameworks. There are specific FTAs with China, South Korea, India, and Australia/New Zealand and an EPA with Japan. Aside from these, many governments in East Asia have embarked on bilateral and plurilateral trade arrangements with preference on bilateral agreements, which are easier to negotiate.

The ASEAN also serves as a conduit for broader economic and political agreements like the Trans-Pacific Partnership (TPP). Through the Expanded Economic Engagement (E3) with the United States, it brokers the entry of non-member Southeast Asian countries to the TPP.

On the other hand, faster integration is marred by the underdevelopment and the growing economic, logistical and technological disparity among Asian and ASEAN economies. In trying to respond to this situation, the ASEAN adopted in 2010 what it calls the Master Plan on ASEAN Connectivity (MPAC) which has three components:

**1. Physical Connectivity** involves both infrastructure development and harmonization of regulatory frameworks to resolve impediments to movements of vehicles, goods, services and skilled labor across borders. It involves harmonizing standards and conformity assessment procedures and operationalizing key transport facilitation agreements in order to reduce the costs of moving goods across borders. (<http://asw.asean.org/>)

The ASEAN has given priority to the completion of the ASEAN Highway Network Project (AHN) that includes part of the Trans-Asian Highway Network and the Singapore Kuming Rail Link (SKRL), and the development of information and communication technology such as the ASEAN Broadband Corridor. The AHN seeks the completion, construction or upgrading of missing links to primary road standards.

So far, it has identified priorities such as “the North/South – linking South China through Myanmar, Thailand, Lao and Vietnam; the East/West – linking Myanmar, Thailand, Laos, and Vietnam; and the South/South – linking Myanmar’s Dawei deep seaport, Thailand’s Laem Chabang and Cambodia and upgrading the Transit Transport Routes (TTR) or priority routes within the AHN. Thailand’s government has also been talking to China about the high-speed train project linking Laos and Thailand’s Nong Khai to the southern border and Malaysia.”<sup>3</sup>

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<sup>3</sup> [http://www.business-in-asia.com/asia/asean\\_economic\\_community.html](http://www.business-in-asia.com/asia/asean_economic_community.html)



**ASIAN /ASEAN Highway Road Map**

Source: ERIA Study Team (2010), 'Current Status of ASEAN Transport Sector' in ASEAN Strategic Transport Plan 2011-2015, Jakarta: ASEAN Secretariat and ERIA, pp.3-1—3-95.)

It also added as priority the construction of inter-state energy grids and pipelines to feed the energy needs of foreign direct investments in the region. Examples include the Melaka-Pekan Baru Interconnection (IMT-GT: Indonesia) and the West Kalimantan-Sarawak Interconnection (BIMP-EAGA: Indonesia). In the Mekong region, the construction of two of 11 long planned hydro-energy projects in the lower Mekong River, nine in Laos and two in Cambodia has started.

**2. People-to-people Connectivity** involves greater intra-ASEAN people mobility through progressive relaxation of visa requirements, development of mutual recognition arrangements (MRAs), and promotion of tourism. It actually refers to the free movement of cheap labor from so-called developing and emerging economies like the Philippines and Cambodia.

**3. Institutional Connectivity** involves removing the remaining procedural, organizational, and policy barriers to the free movement of vehicles, goods, services, and skilled labor across borders, and reducing the costs of such movements. This highlights the need for member-States to review protective domestic legal frameworks and enact national laws that toe the line of ASEAN FTA and EPA as well as obligations under the GATT-WTO.

Essentially, the ASEAN is gearing to further opening up to investments from within and beyond the region.

In recent years, there has been an increase in foreign direct investments in mining, energy and biofuels, agri-business and economic land concessions in Asia. A big chunk of investments especially those in ASEAN countries came from China, now the third-largest foreign investor in the world.<sup>4</sup> Vietnam, Laos and Myanmar have also relaxed their boundary controls.

The grand scheme of Asian/ASEAN integration needs huge financing. ASEAN member-States and other Asian countries source this out by reallocating public funds and resources meant for public services, increasing local revenues, investing in infrastructure in the form of Public-Private-Partnerships, and incurring new loans subject to structural adjustments.

Complementing ASEAN Integration is the US Pivot to Asia, which is vital to US economic recovery and to the US' maintenance of economic and political advantage in the Asia-Pacific region. It involves increased US military presence, trade, and investments in the region especially because the ASEAN is one of the biggest importers of US goods and market for US weapons.

Regional Integration and its connectivity component spell disaster for Indigenous Peoples. The noticeable result is the expansion of extractive industries toward rural and remote areas in Asia especially in South East Asia. In order to attain the targets that were made and uphold the priorities that were set, the abundant resources located in the said countries must be exploited. Majority of these areas, however, are IP territories.

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<sup>4</sup> <http://www.ibtimes.com/southeast-asia-receives-more-foreign-direct-investment-fdi-china-which-now-worlds-third-largest>

## **SUMMARY of CASE STUDIES**

Amidst this background, the Asia Indigenous Peoples Pact (AIPP), the Philippine Task Force on Indigenous Peoples (TFIP) and the Cordillera Peoples' Alliance (CPA) together with the Asia Indigenous Peoples Network on Extractives and Energy (AIPNEE) and Indigenous Peoples Human Rights Defenders (IPHRD) Network organized an Asia Indigenous Peoples Regional Workshop on extractives, energy and human rights on 21-22 April 2014 in Sagada, Mtn. Province, Philippines.

The said workshop presented Philippine case studies conducted by TFIP, Kalipunan ng Katutubong Mamamayan sa Pilipinas (KAMP) and Tangguyub People's Center and Asian case studies prepared by indigenous peoples' organizations, supporters, and defenders from Indonesia, Malaysia, India, Nepal, Myanmar, Bangladesh, and Cambodia. These case studies examine land use conversion brought about by extractive industries and energy extraction projects, and its effects on indigenous communities.

### **Large-scale Mining**

Asia plays a major role in large-scale mining. "Indonesia is the second exporter in the world and first in ASEAN of coal, tin and nickel. The Philippines is the fifth richest country in the world in minerals, which include nickel, gold and copper."<sup>5</sup> "Myanmar holds potentially profitable deposits rich in copper, antimony, nickel, zinc and gemstones. Cambodia along with its strong industrial mineral resources also hosts bauxite, copper, gold and iron ore that are largely situated in the north-eastern provinces of Mondulkiri and Ratanakiri; and Malaysia is one of the world's leading producers of tin and also an important producer of copper, bauxite, coal, gold and ilmenite."<sup>6</sup>

The enactment of the Philippine Mining Act of 1995 completely liberalized the Philippines' mining industry. According to KAMP, a national federation of Indigenous Peoples' organizations, the government has approved 712 mining applications covering 967,530 hectares all over the country. Of these, 251 applications covering 532,368 hectares or 51% of the total land area approved for mining operations are in indigenous communities.

In North Moluccas, Indonesia alone, the government permitted 346 mining business licensed operators (IUP), three Multinational Contractors [PT Weda Bay Nikel (Eramet – Prancis - Nikel), PT Nusa Halmahera Mineral - Emas (Newcrest – Australia) dan PT Aneka Tambang – Emas dan Nikel

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<sup>5</sup> <http://exportvirginia.org/south-east-asia-mining-industry/>

<sup>6</sup> <http://www.im-mining.com/wp-content/themes/immining/pdfs/regionfocus-seasia.pdf>

(Perusahaan Negara)], and five oil palm plantations that threaten the lives of 48 indigenous communities in the province.<sup>7</sup>

In Central India, there are 944 reported mines.<sup>8</sup>

## **Energy Projects**

Corporate energy projects come as a package with mining operations to provide cheap and continuous electricity for the latter's operations. Governments and corporations falsely represent these projects, which include mega-dams, as clean and green energy, when in reality they destroy the environment. Playing a prominent role in funding various energy projects in Asia are international financial institutions (IFIs) like the World Bank (WB), Asian Development Bank (ADB) and import-export banks.

In Northeast India, there are 200 hydro-energy projects (HEP) for construction. Of these, 20 dams are in Manipur alone under the Manipur Hydroelectric Power Policy of 2012. It is reported that the World Bank funds the construction of transmission lines across the area, the JBIC directly funds some dams, and the ADB supports road infrastructure projects and power deregulation. Companies even make false claims about carbon credits from these HEPs.<sup>9</sup>

Aside from excavating giant pits on the ground, the Phulbari Coal Project in Bangladesh involves the construction of at least one 500 MW coal-fired power plant, a new rail corridor and a new road; the realignment of an existing portion of a railway of two existing roads; and the diversion of two rivers. The project affects around 470,000 people, including 50,000 Indigenous Peoples, in 67 villages in Phulbari, Nababganj, Birampur and Parbatipur upazilas (sub-district). The project will uproot not only numerous houses and government offices, but also fifty educational institutions, including six colleges and 18 madrasas and 171 mosques, 13 temples and other religious establishments at Phulbari and its adjacent areas.<sup>10</sup>

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<sup>7</sup> KILKODA, M. (2014, April 21). "Extractive Industries, Threats to Indigenous Peoples in Indonesia Life, Study North Moluccas." [PowerPoint Presentation]. Presented in the Asia Indigenous Peoples Regional Workshop on Extractive Industries, Energy and Human Rights, at Sagada, Mtn. Province, Philippines.

<sup>8</sup> MUNDA, M. and JERAI, R. (2014, April 21). "Issues of Mining in Central India: Special Reference to Jharkhand." [Power Point Presentation]. Presented in the Asia Indigenous Peoples Regional Workshop on Extractive Industries, Energy and Human Rights, at Sagada, Mtn. Province, Philippines.

<sup>9</sup> JUMNAM, J. (2014 April 21). "Challenges of Oil Exploration and Mega Dams in Manipur." [Power Point Presentation]. Presented in the Asia Indigenous Peoples Regional Workshop on Extractive Industries, Energy and Human Rights, at Sagada, Mtn. Province, Philippines.

<sup>10</sup> CHAKMA, B. et. al. Bangladesh



### **No to Tipaimukh Dam.**

Source: Centre for Research and Advocacy, Manipur - Committee on the Protection of Natural Resources in Manipur

A similar situation is seen in Central Nepal with the Khimti-Dhalkebar Electricity Transmission Line Project under the Nepal Power Development Project funded by the World Bank through a USD 50.4 million loan and US 25.2 million grant. The project includes building a 75-km and 220-kV high capacity electricity transmission line from north to south through five districts Dolakha, Ramechhap, Sindhuli, Mahottari and Dhanusha. It affects more than 114,000 people, many of whom are Indigenous Peoples.

The affected communities filed a case before the Supreme Court of Nepal to suspend the project, citing social and environmental issues, while those from Sindhuli District have filed before the World Bank accountability mechanism cases pertaining to violations of its policy on Indigenous Peoples. According to the affected communities, many of whom are Indigenous Peoples, there is lack of information and consultation about the project design and potential health and environmental impacts from the lines. The planned route for the transmission line covers residential and urban areas, as well as four schools. Indigenous Peoples' villages



located directly under the planned route have not been given information about the project, were not consulted, and have not been resettled.<sup>11</sup>

In Malaysia, the government through its Sarawak Corridor of Renewable Energy (SCORE) is aggressively marketing for energy-intensive industries in the region. It guarantees unlimited and inexpensive energy supply, and boasts of the ability to generate more than 28,000 MW of power, 20,000 MW of which will be sourced from 10-12 hydroelectric dams in Murum, Baram and Baleh which will be constructed by 2020. These dams shall flood rainforests, home to the indigenous Kenyah, Kayan and Penan peoples, and displace them.

The case of the Myit Sone Dam on Irrawaddy River in Kachin State, Myanmar is no different. The dam's reservoir will submerge important historical and cultural sites at the Mali and N'mai Hka rivers, the source of the Irrawaddy River, which is widely recognized as the birthplace of Burma. It is also located in a region that is one of the world's top biodiversity hotspots and a global conservation priority. If built, it would inundate approximately 766 sq. kms. of forested area and cause irreversible damage to Burma's key river system and to downstream rice paddy communities. Intense opposition, local and abroad, forced the military rule to halt the project from 2011 until 2015.<sup>12</sup>

In the Philippines, Chevron's geothermal project and numerous dam projects are in the pipeline to support mining operations and other development projects.

### **Economic Land Concessions**

Fast emerging as another issue of land grabs adversely affecting Indigenous Peoples are economic land concessions (ELC) granted to agro-industrial businesses or the lease of lands to private entities.

In Cambodia, the government opened up the country's agriculture sector to private investments by highlighting economic land concessions to agro-industrial plantations in 1990. It said the move would create jobs and generate income for people living in the rural areas.<sup>13</sup> However, "activists say the government's freewheeling issuance of land concessions have denuded large swaths of forests, robbed rural communities of their livelihoods and vitality, and could undercut the country's fragile development. Already, officials have transferred control of 2.6 million hectares of land to private

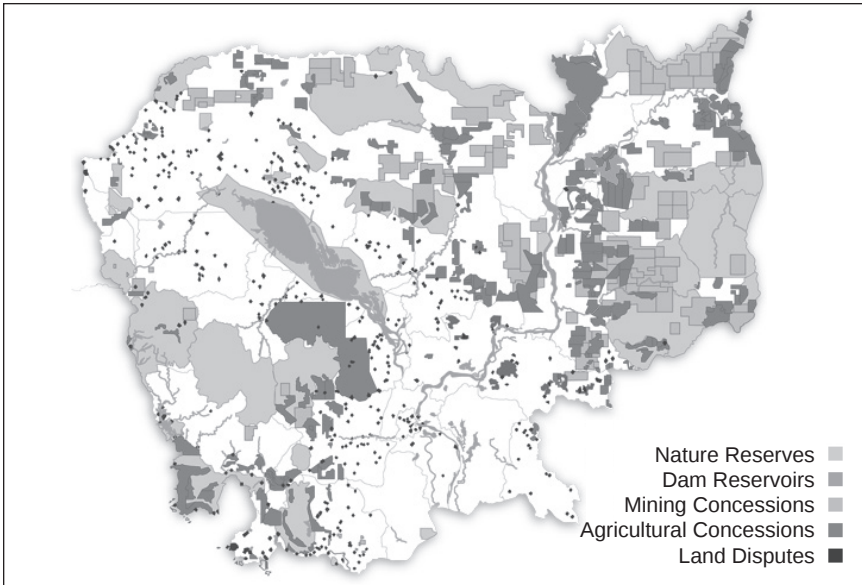
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<sup>11</sup> CHOUDHARY, D. Nepal

<sup>12</sup> <http://www.internationalrivers.org/campaigns/irrawaddy-myitsone-dam-0>

<sup>13</sup> <http://www.elc.maff.gov.kh/>





### Land Concessions in Cambodia

Source: <http://www.rfa.org/english/news/special/landconcessions/map.html>

business from mostly subsistence farmers, affecting 700,000 people and 73% of the country's arable land in the past decade."<sup>14</sup>

*"Land disputes and landlessness have sharply risen since the mid-2000s (NGOF 2011). By 2007, indigenous minorities had lost 30 % of their traditional forestlands and poverty had risen from 40 to 58 % percent in the mountainous/plateau provinces of north-eastern Cambodia (MoP and UNDP 2007). Some of these ELCs exceed by far the 10,000 has. set as the legal limit under the Cambodian Land Law of 2001 (OHCHR C 2007). This contrasts sharply with the total of less than 7,000 ha of land that was allotted by December 2011 to land-poor and landless farmers in the pilot sites for Social Land Concessions (SLCs) supported by various donor agencies under the Land Allocation for Social and Economic Development (LASED) program."<sup>15</sup>*

A similar situation is seen in other countries in Indochina as governments appropriate lands, including agricultural lands, to local big businesses and foreign investors for commercial purposes.

<sup>14</sup> <http://blogs.wsj.com/searealtime/2013/09/30/activists-doubt-cambodia-pledge-to-stop-land-concessions/>

<sup>15</sup> [http://download.springer.com/static/pdf/266/art%253A10.1007%252F%10806-013-9446-y.pdf?auth66=1400046239\\_d6733e70824966221afe3bb8cf37a3bd&text=.pdf](http://download.springer.com/static/pdf/266/art%253A10.1007%252F%10806-013-9446-y.pdf?auth66=1400046239_d6733e70824966221afe3bb8cf37a3bd&text=.pdf)

## **Violence and Repression**

When Indigenous Peoples in affected communities defend their lands and territories, and assert their right to self-determination, they are often met with repression. State security forces – the police, military and paramilitary – are deployed to defend investments, to quell and prevent opposition to extractive industries. Governments often confront peaceful protests with fierce dispersals and police brutality. The intensified extraction of natural resources and plunder of Indigenous Peoples' territories goes hand-in-hand with unprecedented violations of Indigenous Peoples' rights.

Last November, armed police forces arrested, detained and charged a group of Penan Indigenous Peoples including two minors protesting at the Murum Hydroelectric Project site in Malaysia as the dam began impoundment. The protest was initiated by affected Penan families to condemn the lack of transparency and accountability in crafting the project's plan. They have previously held actions directed at various state-based and national channels to seek information and expose the absence of consent as well as the negative impacts of the project on their livelihoods.

In the Philippines, the extra-judicial killings of activists including Indigenous Peoples and anti-mining activists continue unabated. The current Aquino government has not brought to the bars of justice the perpetrators of the 168 extra-judicial killings of Indigenous Peoples during the previous Arroyo government. Instead, through its counter-insurgency operation plan Oplan Bayanihan, it has added to the list at least 30 extra-judicial killings of Indigenous Peoples' leaders, organizers and activists. Many of the Indigenous Peoples killed were active in resisting extractive industries and energy projects. The perpetrators are widely believed to be part of State security forces.

The cases of Indigenous Peoples in Nepal protesting the electric transmission lines and of Indigenous Peoples in Cambodia protesting ELCs show that when Indigenous Peoples facing eviction and the adverse effects of these projects confront the government and companies, "the government tries to protect the companies." In the case of Cambodia, authorities arrested 201 land activists and protesters in 2012, which is more than double the 98 they arrested in 2011, and higher than any year on record since 2007.<sup>16</sup>

In many other countries in Asia there is an observable increase of military presence in mining and project-affected communities, most of which are

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<sup>16</sup> <http://www.cambodiadaily.com/archives/arrests-of-land-rights-activists-doubled-in-2012-8276/>

Indigenous Peoples' territories. This holds true even in existing conflict areas in Myanmar and in Bangladesh, which has witnessed an alarming increase in the violence against indigenous women and girls.

## **IMPACT to INDIGENOUS PEOPLES**

The following are the impacts to Indigenous Peoples of extractive industries and their accompanying energy projects:

- ◆ Forced evictions and displacements resulting from land and resource grabs. These are highlighted by the absence of Indigenous Peoples' Free, Prior and Informed Consent and the lack of compensation or suitable relocation for them. Indigenous Peoples are made squatters in their own lands. One of the reasons for this is the absence of genuine recognition of Indigenous Peoples' rights of ownership, use to their lands, territories and waters. Majority of Indigenous Peoples do not have legal documents to prove their ownership of lands, and are on that basis denied compensation, relocation, and alternative livelihood.
- ◆ Because these extractive industries and energy projects sever Indigenous Peoples' relation with their land, there is loss of livelihood and food insecurity, and the destruction of indigenous identity, traditional culture and positive values.
- ◆ Forced eviction and displacements worsen the poverty already experienced by Indigenous Peoples who have long suffered from government neglect and denial of basic social services such as health, education and infrastructure. Indigenous Peoples are also made to share the burden of governments' high taxes, budget cuts to social services and other austerity measures that are aimed at paying the huge debts incurred to finance these projects.
- ◆ The resulting poverty, loss of livelihood and lack of sustainable alternatives increase social decadence that victimizes indigenous women and girls and pushes them to human trafficking, prostitution and other forms of violence against women. These factors also cause the spread of social vices such as illegal drug trade and use, alcoholism and gambling among Indigenous Peoples.
- ◆ Devastation and pollution of the environment, ancestral lands, territories and waters, forests, watersheds, river systems, mangroves and coral reefs including sacred sites. Water resources vital for domestic and agricultural consumption are contaminated and dried up and environmental green cover are rapidly diminished. These worsen climate change and further weaken people's remaining defenses against the effects of climate change.

- ◆ Spread of health hazards such as skin and respiratory diseases, adverse effects on the reproductive care of women and congenital diseases on children. Such illnesses can sometimes prove fatal because of government neglect, denial of basic services, and discrimination against Indigenous Peoples.
- ◆ Breaking of community unity and cooperation. Conflicts are created between those who are for and those who are against the projects, among members of the community and between affected neighboring communities. Governments and corporations employ tactics that aim to divide the community. They sometimes form paramilitary forces and provide weapons to these in order to secure corporate/commercial interests in indigenous territories and assist State security forces in both investment defence and counter-insurgency operations.
- ◆ Increased State-perpetrated violations of Indigenous Peoples' civil and political rights in the form of militarization of indigenous communities, criminalization of assertion and defence of rights, vilification of indigenous organizations, communities, and leaders, and arrests and detention of indigenous leaders. Militarization in the form of bombings and military operations in agricultural areas, imposition of curfew, and evacuation of families and communities also negatively affects the economic lives of Indigenous Peoples.
- ◆ In the recent years, there has been an increase in the killings of indigenous and mining activists, human rights, environmental and land defenders.
- ◆ The silencing of the growing initiatives of indigenous communities to develop self-determined, more sustainable, equitable and peaceful forms of development by the exploitative vision of development at the expense of Indigenous Peoples. Such a silencing of Indigenous Peoples' development models is a serious threat to the future of many Indigenous Peoples, to the environment, and to all peoples in Asia and the world.

## **RECOMMENDATIONS**

We reiterate our previous recommendations that aim to uphold respect for and recognition of Indigenous Peoples' rights, and we put forward the following key recommendations.

**ADVANCE THE RIGHT TO SELF-DETERMINED DEVELOPMENT  
OF INDIGENOUS PEOPLES!**

**Declaration of the Asia Regional Indigenous Peoples' Workshop  
on Extractive Industries, Energy and Human Rights**

We, 68 participants of the ASIA REGIONAL INDIGENOUS PEOPLES' WORKSHOP ON EXTRACTIVE INDUSTRIES, ENERGY, AND HUMAN RIGHTS, held in Sagada, Mountain Province, Philippines on April 20-22, 2014; representing 54 Indigenous Peoples' organizations and advocate groups in Asia, Pacific, Africa, South America and the USA; hereby declare our position in relation to the encroachment of extractive industries and energy projects into Indigenous Peoples' territories.

We are alarmed with the aggressive pursuance of neoliberal globalization by our governments and big business, whereby Indigenous Peoples' lands, lives, territories and resources are increasingly privatized. The current development model undermines Indigenous Peoples' sustainable way of life based on our deep respect and care for, and inseparable relationship with, Mother Earth. The overwhelming focus on private sector-led development and Public-Private Partnership in the exploitation of territories and lands, forest, water, aerial and energy resources will further undermine Indigenous Peoples' human rights, culture, tradition, and identity.

With Asia becoming the new economic hub, we are witnessing the massive exploitation of our lands and resources in the name of development. Mining, hydropower dams, large scale plantations, oil exploration, geothermal projects, economic land concessions, special economic zones and economic transformation programs, imposition of commercial agriculture dependent on agrochemicals, security zones such as ESSCOM in Malaysia and national parks and other conservation projects – these are just some of the many projects being imposed on our territories without our Free Prior and Informed Consent (FPIC) and without recognition of our right to self-determination. Food insecurity, pollution, displacement, destruction of sacred sites, militarization, health hazards, trafficking of and violence against indigenous women and girls as well as the trampling on of our civil and political rights are among the many violations we are experiencing.

Furthermore, the current regional cooperation funded by international financial institutions – coursed through governments and regional formations for economic cooperation among governments such as the

ASEAN and SAARC – that are aimed at promoting free trade among countries is increasing our vulnerability and marginalization. A case in point is the power grid, roads and railways being constructed in order to connect Asian countries in preparation for the ASEAN Economic Integration being set on 2015.

Another issue we face is the peace processes, which put our life, identity, sovereignty, land and other resources at stake. This is evident in our misrepresentation/nonrepresentation in current peace processes in Mindanao, Philippines, India, and Bangladesh and among the ethnic nationalities in Myanmar. Our full and effective participation is not being ensured in the said peace processes. Our peace processes are not respected and not upheld in Northeast India and Bangladesh. These crucial issues have driven us to wage struggles and create movements for our right to self-determination and self-determined development against unsustainable development processes. At the same time, we promote our development alternatives through our customary institutions. Our development alternatives are based on respect for and protection of our lands, territories and resources; cultural integrity and empowerment; social and economic well-being of Indigenous Peoples; sustainable resource management; and self-governance.

In light of the alarming situation in Asia and our enduring struggles to defend our rights as Indigenous Peoples, we forward the following key recommendations for urgent and appropriate action by those concerned:

**For governments in Asia:**

1. Stop destructive extractive industries, energy projects, economic land concessions, mono-crop plantations and other intrusions into our ancestral territories. Review and revoke licenses, permits, concessions and other agreements issued to projects that have been found to be detrimental to the interests of Indigenous Peoples.
2. Ensure our constitutional recognition as Indigenous Peoples and our inherent rights as affirmed by the UNDRIP. Review national legal frameworks, and enact legislations and formulate policies consistent with the UNDRIP, and ensure their proper implementation. Repeal or amend legislations violating Indigenous Peoples' rights.
3. Recognize and respect our right to self-determination and Free Prior Informed Consent (FPIC), in accordance with indigenous political structures and customary systems of governance and other forms of collective decision-making, including the decision to say no to development projects and policies that violate our rights.

4. Stop militarization of indigenous communities, human rights violations, killings of Indigenous Peoples and advocates and criminalization of peoples' legitimate resistance in the assertion of our collective rights. Attain justice to victims and hold perpetrators accountable for past violations
5. Establish appropriate consultation and grievance mechanisms with Indigenous Peoples and other development actors at different levels.
6. Establish documentation, monitoring and information mechanisms on the development projects implemented in indigenous territories to ensure transparency.
7. Establish a corporate accountability framework for public and private corporations.

**For International Financial Institutions (IFI):**

1. Stop funding extractive industries, energy projects, plantations and other projects that destroy Indigenous Peoples' land, resources and cultural identity. Ensure that companies have obtained the FPIC of indigenous communities as a prerequisite before extending any financing for projects in Indigenous Peoples' territories.
2. IFI funding for projects where military and paramilitary forces are being used as security forces and result in human rights violations should be stopped immediately and no further support should be extended.
3. Ensure transparency and full and effective participation of Indigenous Peoples in the review process of the safeguard policies of IFIs. Ensure the alignment of these safeguard policies with international human rights instruments including the UNDRIP.
4. Appropriate enforcement mechanisms and sanctions should be strictly observed and properly monitored to strengthen the implementation of the safeguards.

**For Corporations:**

1. Respect international standards on Indigenous Peoples, especially the UNDRIP, ILO Convention 169 and UN Guiding Principles on Business and Human Rights. These international standards should be mainstreamed within corporate policy and practice.
2. Respect FPIC as a process defined and managed by the indigenous communities whose lives are impacted by proposed extractive and

energy projects. Respect Indigenous Peoples' own FPIC protocols or policies where these exist.

**For Civil Society Organizations:**

1. Support indigenous communities' local struggles by extending assistance for research, information, education, advocacy and lobby. Support capacity-building of Indigenous Peoples for the effective assertion of our rights.

**For Indigenous Peoples organizations and communities:**

1. Strengthen our sustainable ways of life for future generations and our resolve in defending our land, territories and resources against destructive projects.
2. Strengthen our organizations to assert our rights when dealing with extractive industries and other projects that impact on our lives and territories. Build alliances among Indigenous Peoples and with wider networks and organizations in order to bring about the broadest possible support for our struggles.
3. Utilize relevant processes and possible avenues of complaint and redress at local, national and international levels. Learn from the experiences of other communities to inform our local decision-making and planning.

We also agree to take the following concrete steps as ways forward:

1. Strengthen and expand the Asia Indigenous Peoples Network on Extractive Industries and Energy Projects (AIPNEE) and the Indigenous Peoples Human Rights Defenders Network (IPHRED).
2. Support ongoing campaigns and organize sustained campaigns on extractive industries, energy, and human rights to support the local struggles of indigenous communities.
3. Conduct national and international lobbying activities targeting governments, ASEAN, SAARC, IFIs, UN, and companies investing and operating in our lands.
4. Extend concrete solidarity support to fellow Indigenous Peoples across the world waging struggles against extractive industries and energy projects, human rights violations, and the current unsustainable development model.

Affirmed on this 22nd day of April, 2014 in Sagada, Mountain Province, Philippines.



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