Development Aggression as Economic Growth: A Report by the Asia Indigenous Peoples Pact
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Publisher:

Asia Indigenous Peoples Pact (AIPP) Foundation
108 Moo 5 Tambon Sanpranate
Amphur Sansai, Chiang Mai 50210 THAILAND
Tel: 66 5338 0168  Fax: 66 5338 0752
Web: www.alppnet.org

ISBN : 978-616-91258-0-8

Printed at:
AIPP Printing Press
32, Moo 2, Tambon Sanpranate
Amphur Sansai, Chiang Mai 50210
Thailand
Email: info@aippprinting.com
Website: www.aippprinting.com

Supporting indigenous peoples’ human rights defenders and sustainable environment

Supported by:

EUROPEAN COMMISSION
Development Aggression as Economic Growth: A Report by the Asia Indigenous Peoples Pact
Acknowledgement

This report has been developed collectively by the Regional Secretariat of the Asia Indigenous Peoples Pact through the guidance of the Secretary-General, Joan Carling. The following staff and volunteers are particularly acknowledged for their contribution towards the completion of this report:

Ashok Chakma
Bernice See
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Charlotte Trenk-Hinterberger
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Lakpa Nuri Sherpa
Peter Johnson
Prabindra Shakya
Richard Gadit
Shrimreichon Luithui Erni

Acknowledgement is also given to those who provided photos like PACOS Trust (Sabah), Non-Timber Forest Products-Exchange Programme (NTFP-EP), Cambodia, Inter Mountain Peoples Education and Culture in Thailand Association (IMPECT), Indigenous Peoples’ Foundation for Education and Environment (I.P.F) Cordillera Peoples Alliance (CPA)

Amy Maling/WWF
Joan Carling
Christian Erni
Shantomoni Chakma

This publication has been produced with financial support from the following:

European Union
Swedish Society for Nature Conservation
International Work Group for Indigenous Affairs
Open Society Institute
OXFAM Australia
Interchurch Organization for Development Cooperation (ICCO)
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<th>Full Form</th>
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<tr>
<td>ADB</td>
<td>Asian Development Bank</td>
</tr>
<tr>
<td>AEC</td>
<td>ASEAN Economic Community</td>
</tr>
<tr>
<td>AHN</td>
<td>ASEAN Highway Network</td>
</tr>
<tr>
<td>AICHR</td>
<td>ASEAN Intergovernmental Commission on Human Rights</td>
</tr>
<tr>
<td>AIPP</td>
<td>Asia Indigenous Peoples Pact</td>
</tr>
<tr>
<td>AMAN</td>
<td>Aliansi Masyarakat Adat Nusantara, the Indigenous Peoples Alliance of the Archipelago of Indonesia</td>
</tr>
<tr>
<td>APG</td>
<td>ASEAN Power Grid</td>
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<tr>
<td>APSC</td>
<td>ASEAN Political-Security Community</td>
</tr>
<tr>
<td>ASCC</td>
<td>ASEAN Socio-Cultural Community</td>
</tr>
<tr>
<td>ATAP</td>
<td>ASEAN Transport Action Plan</td>
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<tr>
<td>CBD</td>
<td>UN Convention on Biological Diversity</td>
</tr>
<tr>
<td>CHT</td>
<td>Chittagong Hill Tracts</td>
</tr>
<tr>
<td>CO2</td>
<td>carbon dioxide</td>
</tr>
<tr>
<td>FPIC</td>
<td>free, prior and informed consent</td>
</tr>
<tr>
<td>GDP</td>
<td>gross domestic product</td>
</tr>
<tr>
<td>HDI</td>
<td>Human Development Index</td>
</tr>
<tr>
<td>HEP</td>
<td>hydro electric power</td>
</tr>
<tr>
<td>HTI</td>
<td>Hutan Tamanan Industri (industrial timber plantation)</td>
</tr>
<tr>
<td>IDP</td>
<td>internally displaced persons</td>
</tr>
<tr>
<td>IFI</td>
<td>international financial institution</td>
</tr>
<tr>
<td>IPRA</td>
<td>Indigenous Peoples Rights Act of the Philippines</td>
</tr>
<tr>
<td>LCMC</td>
<td>Lepanto Consolidated Mining Company</td>
</tr>
<tr>
<td>LSC</td>
<td>Lafarge Surma Cement</td>
</tr>
<tr>
<td>MIGA</td>
<td>Multilateral Investment Guarantee Agency</td>
</tr>
<tr>
<td>NCBA</td>
<td>national biodiversity conservations area</td>
</tr>
<tr>
<td>NPC</td>
<td>National Power Corporation of the Philippines</td>
</tr>
<tr>
<td>NT2</td>
<td>Nam Thuen 2</td>
</tr>
<tr>
<td>OP</td>
<td>Operational Policy</td>
</tr>
<tr>
<td>PPP</td>
<td>public private partnerships</td>
</tr>
<tr>
<td>Rio+20</td>
<td>United Nations Conference on Sustainable Development</td>
</tr>
<tr>
<td>SALCRA</td>
<td>State-owned Sarawak Land Consolidation and Rehabilitation Authority</td>
</tr>
<tr>
<td>SASEC</td>
<td>South Asia-Sub-regional Economic Cooperation</td>
</tr>
<tr>
<td>SMM</td>
<td>PT Sorik Mas Mining</td>
</tr>
<tr>
<td>ST</td>
<td>scheduled tribes</td>
</tr>
<tr>
<td>TMHEP</td>
<td>Tipaimukh Multipurpose Hydroelectric Project</td>
</tr>
<tr>
<td>UNDRIP</td>
<td>United Nations Declaration on the Rights of Indigenous Peoples</td>
</tr>
<tr>
<td>WB</td>
<td>World Bank</td>
</tr>
<tr>
<td>WBN</td>
<td>PT Weda Bay Nickel</td>
</tr>
<tr>
<td>WCD</td>
<td>World Commission on Dams</td>
</tr>
<tr>
<td>WCED</td>
<td>World Commission on Environment and Development</td>
</tr>
<tr>
<td>WSSD</td>
<td>World Summit on Sustainable Development</td>
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</table>
Executive Summary

The world leaders are meeting in Rio de Janeiro, Brazil in June 2012 to discuss the state of the world’s biological resources and sustainable development. The United Nations Conference on Sustainable Development, or Rio +20, comes amidst a time when the world’s resources are now controlled by a few, and where economic development is driven by unbridled resource extraction. Even before sustainable development became a global agenda, indigenous peoples had been practicing their own sustainable, self-determined development in their homelands. It is for this reason that the Rio Conference in 1992,1 under Principle 22 of the Rio Declaration and Chapter 26 of Agenda 21, recognized the vital role of indigenous people in sustainable development and identified indigenous peoples as one of the nine Major Groups. This was reiterated by the World Summit on Sustainable Development (WSSD) in 2002 where more that 100 Heads of States “…reaffirm[ed] the vital role of the indigenous peoples in sustainable development.”2 It was the first time that a High Level UN Summit used the phrase “indigenous peoples” with an “s” in its Outcome Document. This was the result of the intense and sustained advocacy and lobby efforts of indigenous leaders, organizations and movements.

Asia’s indigenous peoples would like to reflect, from their own perspective, on how the global agenda on sustainable development was implemented in the past 20 years. This report tackles the impacts of the implementation of the development model espoused by governments, international financial institutions (IFIs), and corporations in relation to the exercise of indigenous peoples’ collective rights, their culture, spirituality, and dignity as distinct peoples. It also highlights the specific issues of indigenous women who continue to be victims of multiple and systematic discrimination, while their vital role and contributions to sustainable development remain invisible in the eyes of policy makers and development actors. Through this report, indigenous peoples hope to contribute positively in the debate on sustainable development using a rights-based approach that puts peoples as the key actors and players in determining their future.
In Asia “indigenous peoples” as a term is contentious. The fact remains, however, that individual and collective rights of peoples who self-identify as indigenous peoples are being violated on a daily basis. Indigenous peoples in Asia share a common situation as those in other parts of the world—they are at the bottom rung of the development ladder. Two-thirds of the approximate 370 million self-identified indigenous peoples are in Asia. They provide the enormous cultural and linguistic diversity of the region. They have strong cultural attachment to and dependence of their livelihoods on land, forests or the sea, and the natural resources therein. They have unique collective historical connections with, and ownership of their territories, that have continuously been developed and maintained through complex and diverse customary land and resource use management systems. Their lands, territories and resources are repositories of tangible and intangible wealth that are largely expropriated and exploited in the name of national development.

Indigenous peoples in Asia have historically been dominated through colonization and/or through nation-state building and the subsequent globalization. They are currently marginalized and subordinated economically, politically, and culturally. They suffer disproportionately from poverty and inadequate access to basic services. Based on human development indicators, Asia’s indigenous peoples are overrepresented among the poor, illiterate, malnourished, and stunted. Many face discrimination and racism on a daily basis. All too often, their territories are sacrificed for state-sponsored development and corporate projects that lead to gross and wide-scale violations of their collective rights, especially to their lands, territories, and resources. Militarization, plunder of resources, forced relocation, cultural genocide, and discrimination in everyday life are common experiences.

For indigenous peoples, the goal of development is individual and collective wellbeing. Indigenous identity and development vision are based on 10 aspects or components of indigenous systems that are interrelated, interdependent, and indivisible. The growth and expansion of indigenous systems in a holistic way encompasses the diverse elements in their life, to wit: (1) Culture, (2) Social system, (3) Spirituality, (4) Politics/institutions, (5) Juridical system, (6) Education/ways of learning, (7) Economy, (8) Natural resource management, (9) Technology and innovations, and (10) Health.

The wellbeing and development of indigenous peoples is directly related to the respect, recognition, protection and enjoyment of their individual and collective rights. The interrelated rights of indigenous peoples to lands, territories and resources and to self-determination are fundamental to the collective survival and development of indigenous peoples based on their distinct identities, cultures, spirituality and socio-political institutions. The very poor Human Development Index of indigenous peoples, along with other economic indicators of their wellbeing, demonstrates that a critical factor for their marginalization and deprivation is the continuing violation of their individual and collective rights.

Almost all countries in Asia voted for the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) on September 19, 2007. Many states,
however, do not recognize indigenous peoples as distinct peoples with inherent collective rights. Legal measures, policies and programs to achieve social justice, non-discrimination and promotion of sustainable development for indigenous peoples—in line with the States’ international human rights obligations—are mainly non-existent.

The denial by modern states of pre-nation state autonomous societies of indigenous peoples—with their own territories and self-governance systems—is one of the fundamental and underlying causes of the violations of the collective rights of indigenous peoples. The state, underpinned by its modern legal system, vests itself with the right to allocate, regulate and determine land and resource ownership, use, control, and development. This system, imposed on indigenous peoples, does not recognize the historical and customary use of lands and resources that indigenous peoples have nurtured and managed for centuries as the basis of their prior right to lands, territories and resources.

The right to land, territories and resources and the right to self-determination of indigenous peoples under international human rights instruments has been systematically violated with impunity, inspite of the requirement for free, prior and informed consent (FPIC), as stipulated by the UNDRIP. Achieving “national development” has always been the excuse to justify the massive exploitation and appropriation of indigenous lands, territories and resources.

The unilateral declaration of national parks and conservation areas, the granting of concessions for mining, logging, plantations, and other extractive industries—as well as infrastructure development for national development—has dispossessed and marginalized many indigenous peoples in Asia. These impositions and outright non-recognition of their rights are causing widespread and escalating conflicts, forced displacements, massive environmental degradation, food insecurity, ethnocide, and the weakening of the distinct socio-cultural systems and cohesion of indigenous peoples. This has also led to the loss of the cumulative collective indigenous knowledge and worldview that they have developed through time. Their indigenous knowledge systems have enabled them to inhabit their fragile homelands and sustainably enable them to develop unique societies based on their diverse cultures and ways of life.

The building of large dams affecting indigenous peoples in Asia from the 60s to the present has caused massive displacements, loss of livelihoods, and food insecurity of indigenous peoples in India, Philippines, Lao PDR, and Malaysia. Although the government and corporations extract tremendous revenue from hydropower, indigenous peoples adversely affected by these projects are left with no food, no light, no home, no livelihood, no land, no spirit tree, no sacred grave, no right, and no dignity as stated by victims. As concluded by the World Commission on Dams, “Due to neglect and lack of capacity to secure justice because of structural inequities, cultural dissonance, discrimination and economic and political marginalization, indigenous and tribal peoples have suffered disproportionately from the negative impacts of large dams, while often being excluded from sharing in the benefits.”
The human costs of large-scale dams on indigenous peoples is appalling that they can be called Blood Dams. Dam building, however, is now considered as “green technology” under the Clean Development Mechanism (CDM) of the climate change convention. With this license to build more dams, the members of the Association of South East Asia Nations (ASEAN) and the South Asian Association for Regional Cooperation (SAARC) have made grand plans to build hundreds of large dams across Asia. These dams are claimed to propel economic growth and sustainable development. These projects, however, pose very serious threats to the continuing survival and wellbeing of millions of indigenous peoples.

Another major source of massive destruction of indigenous peoples’ lands, territories and resources in Asia is the large scale mining operations. Asia is rich in mineral resources largely found in indigenous territories. Large-scale mining is one of the region’s growing economic sectors.

Of the more than a hundred corporate mines currently operating in indigenous territories in Asia, there is no single mining company that has undertaken a credible process of obtaining the FPIC of the affected indigenous peoples. In fact, some governments have even provided security services to these companies in the face of growing resistance of indigenous peoples and other affected communities (e.g., in Indonesia and the Philippines). The use of military and paramilitary forces to protect mining operations has resulted to massive human rights violations such as extrajudicial killings, torture, arbitrary arrests, and detention of indigenous peoples, as well as sexual violence and abuse of indigenous women.

Furthermore, as a result of land grabs by mining corporations and governments, millions of indigenous peoples have been physically displaced and have lost their sustainable livelihoods due to the destruction of their lands and resources, depletion of water resources, and environmental disasters such as sedimentation of rivers, land slides and subsidence. Water and air pollution has also led to health-related problems. Mines have destroyed sacred sites and further weakened socio-cultural systems and community cohesion due to conflicts, marginalization, and a sense of helplessness.

Asian governments are now amending national mining and related laws to attract huge foreign investments to fuel economic growth. On the other hand, legal measures to protect human rights and the environment are not in place, inspite of government’s claim of promoting people-centered development and sustainable development.

Conservation programs of governments and their partners (e.g., national parks and protected areas) have also impacted heavily on indigenous peoples. Forest-dependent indigenous peoples, as well as those relying on coastal resources, have been forcibly evicted from conservation areas as they are considered the destroyers of nature. Indigenous peoples are treated as enemies of conservation, and as a consequence, their sustainable resource management systems and traditional livelihoods have been curtailed and illegalized. The eviction of indigenous peoples and prohibitions of their livelihood activities in conservation areas have resulted to food insecurity, loss
Executive Summary

of biodiversity, and conflicts, among others. On the other hand, commercial logging and commercial fishing, which impact negatively on the environment, and indigenous peoples’ rights and livelihoods, take over their lands and waters and continue unabated.

The non-recognition of indigenous peoples’ collective rights over their land, territories and resources is inextricably linked to the denial of indigenous women’s role in sustainable resource management, inter alia, their position in society. Their knowledge and skills in subsistence agriculture is considered irrelevant or even considered unscientific as a result. The destruction of forests and other natural resources (and access to these) from which women have developed their knowledge and expertise, is resulting to loss of their valuable traditional knowledge. With the loss of access and control over land and resources, and of subsistence economies, indigenous women’s role and participation in sustainable development is compromised. Furthermore, indigenous women often face discrimination in accessing education, health services, and in decision making. Thus, addressing the gender dimension of indigenous peoples’ issues is a prerequisite for sustainable development.

In the pursuit of national development, governments have partnered with international financial institutions such as the World Bank (WB) and the Asian Development Bank (ADB). The projects of these IFIs (e.g., large dams, land concessions, commercial agriculture, and even conservation programs) have led to massive violations of human rights of indigenous peoples in Asia. In many countries, indigenous peoples have been subjected to displacement and loss of traditional livelihoods, among others. Although IFIs have their own safeguard policies that purportedly aim to protect the rights of affected indigenous peoples and prevent harm, the provisions on the respect for the collective rights of indigenous peoples—especially to their lands, territories and resources—are weak and their implementation, problematic. Even with the claims of both the WB and the ADB to have contributed significantly to poverty alleviation and national development, these continue to have a bad legacy to indigenous peoples who have largely become the victims and not the beneficiaries of the development interventions of these multilateral banks. Indigenous peoples persist in demanding greater accountability of the World Bank and the ADB under a human rights-based approach to development.

With the drive for sustainable development, the Association of Southeast Asian Nations (ASEAN) is exerting all efforts to achieve a single market economic community by 2015. ASEAN is now considered as the center of economic growth amidst the global economic crises. One of the means to achieve this is to increase investments in the mineral, energy and transport infrastructure sectors, and the so-called “green economy.” Physical connectivity of ASEAN countries will be done through a multi-modal transportation system through land, water and air.

For indigenous peoples in ASEAN, the avowed rhetoric of sustainable development as people-centered and for environment protection is merely lip service. There are no specific policies and measures for legal and environmental protection of indigenous peoples’ rights over their lands, territories and resources. The development approach
of ASEAN is based on a failed model of economic growth that puts emphasis on capital-intensive, large infrastructure projects such as energy, transportation and mining that largely benefit big business corporations and those in power. Sustainable agricultural production for food sufficiency is sacrificed for biofuel plantations and production for export. The grand plan of ASEAN in the name of sustainable development is likely to cause further exploitation of resource-rich indigenous territories, human rights violations and conflicts, widespread disasters, as well as the further marginalization of indigenous peoples who remain invisible in ASEAN.

As stewards of their territories and nurturers of their homelands, Asia’s indigenous peoples have been contributing to sustainable development and green economies through their own traditional practices. Traditional occupations\textsuperscript{6} are still the chief sources of livelihood of most indigenous peoples in Asia, accounting for 50 to 95 percent of indigenous peoples’ livelihoods. Traditional knowledge—especially of indigenous women—has been critical in the food security of indigenous peoples, enhancement of biodiversity, the practice of herbal medicine, and the innovation of indigenous technologies. All these have contributed to sustainable development.

Indigenous peoples in Asia, along with indigenous peoples around the world, have submitted their recommendations to the Outcome Document of the Rio+20, emphasizing the urgent need that the framework and strategy of sustainable development shall adopt principles and approaches, which are human rights-based, ecosystems- and territorial-based, knowledge-based, intercultural, and gender sensitive.\textsuperscript{7} These shall include the UNDRIP as a human rights framework, and in particular, the legal recognition of the rights of indigenous peoples to their lands, territories and resources; the requirement for the free, prior and informed consent of indigenous peoples on matters that affect them; and the recognition of the contributions of traditional knowledge of indigenous peoples to sustainable development.
The world leaders are meeting in Rio de Janeiro, Brazil in June 2012 to discuss the state of the world’s biological resources and sustainable development. The United Nations Conference on Sustainable Development (Rio +20) is taking place at a time when the distribution of benefits from the earth’s resources is now controlled by a few, and when economic development is driven by unbridled resource extraction. This development approach has been adversely impacting on indigenous peoples and marginalized sectors and is characterized by systematic violation of their individual and collective rights.

In June 1992 at the Rio Earth Summit, more than 178 government leaders adopted Agenda 21 as the comprehensive blueprint to deal with matters that impact on the
environment, particularly linking economic growth, social equity and environment as parts of a whole if development is to be sustainable. The other outcome document, the Rio Declaration on Environment and Development (Rio Declaration), spelled out 27 principles that define peoples’ rights to development and their responsibilities to safeguard the common environment. Principle 22 of the Rio Declaration and Chapter 26 of Agenda 21 recognized the vital role of indigenous people in sustainable development” and identified indigenous peoples as one of the nine Major Groups.

Together with these aspirational documents, 150 governments also ratified the UN Convention on Biological Diversity (CBD), a legally binding treaty that translates the principles of Agenda 21 into operational objectives and plan of action. The 193 Parties to the Convention today commit themselves to undertake national and international measures to achieve the following objectives: the conservation of biological diversity, the sustainable use of its components, and the equitable sharing of benefits arising out of the utilization of genetic resources. All Asian countries are Parties to the CBD.

The Rio Conference also adopted the UN Framework Convention on Climate Change and the Convention to Combat Desertification. The UNFCCC aims to stabilize greenhouse gases “at a level that would prevent dangerous anthropogenic (human induced) interference with the climate system.”

In the follow-up conference in 2002, the World Summit on Sustainable Development in Johannesburg, South Africa, more that 100 Heads of States “…reaffirm[ed] the vital role of the indigenous peoples in sustainable development.” It was the first time that a High Level UN Summit used the phrase “indigenous peoples” with an “s” in its Outcome Document. This was the result of the intense and sustained advocacy and lobby efforts of indigenous leaders, organizations and movements.

The term “sustainable development” was popularized in Our Common Future, a report published by the World Commission on Environment and Development (WCED) in 1987. Also known as the Brundtland report, Our Common Future included the “classic” definition of sustainable development:

“...development, which meets the needs of the present without compromising the ability of future generations to meet their own needs” (WCED p. 43)."

In this often-quoted definition, sustainable development is seen as a model of economic growth in which resource use aims to meet human and environmental needs not only in the present, but also for generations to come.

Now, 20 years after Rio, another global summit is again taking place in June 2012. The Asia Indigenous Peoples Pact (AIPP), a federation of indigenous peoples movements in Asia is presenting this report to highlight the reality of indigenous peoples in Asia relating to sustainable development. This is in the context of 20 years after governments committed to rethink economic growth, advance social equity and ensure environmental protection through a comprehensive approach that will
ensure human development for all. This report tackles how development projects by governments, international financial institutions (IFIs), corporations and business groups have affected indigenous peoples in relation to the exercise of their collective rights, their culture, spirituality and dignity as distinct peoples, and how they are again sacrificed and exploited in the name of development. It also highlights the specific issues of indigenous women who continue to be victims of multiple and systematic discrimination, while their vital role and contributions to sustainable development remain invisible in the eyes of policy makers and development actors. Through this report, AIPP hopes to contribute positively in the debate on sustainable development using a rights-based approach that puts peoples as the key actors and players in determining their future.

A. Background

1. Who are indigenous peoples in Asia?

Based on the study of discrimination against indigenous peoples conducted by Jose Martínez Cobo, the UN Special Rapporteur on Prevention of Discrimination and Protection of Minorities, indigenous peoples are defined as:

“...those which, having a historical continuity with pre-invasion and pre-colonial societies that developed their territories, consider themselves distinct from other sectors of societies now prevailing in those territories or parts of them. They form, at present, non-dominant sectors of society and are determined to preserve, develop, and transmit to future generations their ancestral territories and their ethnic identity as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems.”

With the estimated 370 million self-identified indigenous peoples in 70 countries of the world, two thirds of these peoples live in Asia. Indigenous peoples in Asia share common experiences and issues while they remain culturally diverse. They have historically been dominated by others, either through colonization and/or through nation-state building and subsequent globalization. The history of colonization, subjugation and domination has been characterized by violations of their individual and collective rights and denial of fundamental freedoms. Because they are different from the national culture, they are often looked down and discriminated by the dominant society. They remain marginalized and subordinated economically, politically and culturally even though they provide the ethnic and cultural diversity of nation-states.

On the other hand, indigenous peoples’ resource-rich territories have been a major source of national revenues that have supported national development. This is often
at the expense of indigenous peoples’ lives, lands and ways of life. Indigenous peoples’ lands, territories and resources are their source of identity, culture and spirituality, which defines their worldview.

There is enormous diversity among Asia’s indigenous peoples, but common to all of them are the strong cultural attachment to and the dependence of their livelihoods on land, forests or the sea, and the natural resources therein. The unique collective historical connection with, and ownership of their territories that they continue to maintain and nourish through complex and diverse customary land and resource use management systems, remain under threat by national development priorities and economic globalization agenda. Indigenous peoples remain either in the margins or victims of development and not the beneficiaries or central actors.

Indigenous peoples are called by many names by governments and outsiders. At the local level, the peoples themselves use the names that their ancestors have given themselves. However, through their struggles, indigenous peoples have been able to link with each other worldwide and create the movement that now claimed the term Indigenous Peoples as a political reference for groups with distinct identities that are entitled to certain collective rights under international human rights instruments. Over the past decades, the concept of Indigenous Peoples has evolved beyond the original meaning still found in dictionaries. It is in this context that indigenous peoples identify themselves and continue to struggle for their legal recognition along with their collective rights.
### Table 1: Indigenous peoples in Asia

<table>
<thead>
<tr>
<th>Country</th>
<th>Common external designations, reference</th>
<th>Estimated population/est. % of nat’l population</th>
<th>No. of peoples (in million)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brunei</td>
<td>Pahari, Jumma, Adivasi, Tribal</td>
<td>71,000/16.7%</td>
<td>8 (7 – 11)</td>
</tr>
<tr>
<td>Bangladesh</td>
<td>Pahari, Jumma, Adivasi, Tribal</td>
<td>1.7 – 3.7 million/1.2 –2.5%</td>
<td>45</td>
</tr>
<tr>
<td>Cambodia</td>
<td>Indigenous Minorities</td>
<td>197,000/1.34%</td>
<td>24</td>
</tr>
<tr>
<td>China</td>
<td>Ethnic Minorities</td>
<td>105 million</td>
<td>Ca. 400 (grouped into 55 officially recognized “ethnic minorities”)</td>
</tr>
<tr>
<td>India</td>
<td>Scheduled Tribes (ST), Adivasi</td>
<td>84.32 million/8.5%</td>
<td>622 (recognized as STs)-635</td>
</tr>
<tr>
<td>Indonesia</td>
<td>Masyarakat Adat</td>
<td>50–70 million/20-29%</td>
<td>More than 700 indigenous groups but only 365 are recognized by government as “isolated adat communities”</td>
</tr>
<tr>
<td>Japan</td>
<td>Indigenous Peoples (now officially applied to the Ainu)</td>
<td>Ainu: 50,000 – 100,000/0.04-0.08% Ryukon: 1.3 million/1%</td>
<td>2</td>
</tr>
<tr>
<td>Lao PDR</td>
<td>Ethnic Minorities</td>
<td>2.4 – 4.8 million/35 -70%</td>
<td>Ca. 200 (49 officially recognized)</td>
</tr>
<tr>
<td>Malaysia</td>
<td>Orang Asli, Natives, Orang Asal</td>
<td>3.4 million/12%</td>
<td>97</td>
</tr>
<tr>
<td>Myanmar</td>
<td>Ethnic nationalities/Minorities</td>
<td>14.4 – 19.2 million/30-40%</td>
<td>135</td>
</tr>
<tr>
<td>Nepal</td>
<td>Adivasi, Janajati, Indigenous Nationalities</td>
<td>10.6 million/37.1%</td>
<td>Over 80 (59 recognized “Indigenous Nationalities”)</td>
</tr>
<tr>
<td>Pakistan</td>
<td>Adi vaas, Tribal People</td>
<td>35 – 42 million/21-25%</td>
<td>Over 20</td>
</tr>
<tr>
<td>Philippines</td>
<td>Indigenous Cultural Communities, Indigenous Peoples</td>
<td>12 – 15 million/10-15%</td>
<td>110 officially recognized</td>
</tr>
<tr>
<td>Thailand</td>
<td>Ethnic Minorities, Hill Tribes, Hill/Mountain People</td>
<td>1.1 million/1.5%</td>
<td>34 (10 officially recognized “hill tribes”)</td>
</tr>
<tr>
<td>Vietnam</td>
<td>Ethnic Minorities</td>
<td>10 million/13.8%</td>
<td>Over 90 (53 officially recognized as “ethnic minorities”)</td>
</tr>
</tbody>
</table>

*Source: AIPP Briefing Papers: ASEAN’s Indigenous Peoples; Who We are: Indigenous Peoples in Asia.*
2. The legal status of indigenous peoples in Asia as distinct peoples with collective rights

Even with the self-identification of indigenous peoples in Asia and their sustained assertion of their distinction from the rest of the national population, many Asian governments continue to deny the recognition of their collective rights under international human rights instruments. The recognition accorded to many indigenous peoples in Asia is more related to their being culturally different from the rest of the population. It does not provide for their rights to their lands, territories and resources, and the right to self-determination. Some of the legally recognized terms are ethnic minorities in Vietnam, ethnic groups in Lao PDR, national minorities in Myanmar, Masyarakat Adat in Indonesia (refer to the table from previous page).

On the other hand, states with progressive laws relating to indigenous peoples and their rights have unreliable and inconsistent record of implementation. These include India with the legal recognition of the Scheduled Tribes, also known as Adivasi, and the enactment of the Forest Act; the Philippines with the Indigenous Peoples Rights Act (IPRA); Cambodia with the Land Law of 2001; and Nepal in the recognition of Indigenous Nationalities.

The adoption of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in September 2007 is a milestone achievement of indigenous peoples across the globe. Indigenous peoples in Asia participated actively in the lobby and negotiations with states for the adoption of the UNDRIP, coupled with their struggles at the local and national levels for the recognition of their identities and collective rights. Inspite of this development, many states continue to deny the existence of indigenous peoples in their respective countries as can be gleaned in the official statements of certain government officials. During the 10th session of the UN Permanent Forum on Indigenous Issues (2010), Iqbal Ahmed, 1st Secretary, Bangladesh Permanent Mission to the UN, declared that “Bangladesh did not have any indigenous population.”

On July 26, 2011, Bangladesh Foreign Minister Dipu Moni told representatives of development agencies operating in Chittagong Hill Tracts (CHT) and foreign ambassadors in Dhaka that the tribal populations living in the CHT region were not indigenous peoples. The Local Government and Rural Development Ministry issued a directive to all deputy commissioners to launch a campaign through electronic and print media that Bangladesh has no adivasi (indigenous peoples) and to collect information and evidence to prove that the country has no indigenous populations.

“JAKOA does not promote the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) because the government considered Indigenous Peoples to refer to the Malays when it adopted the declaration at the UN General Assembly.”

- En Nisra Nisran, Deputy Director General of the Department of Orang Asli Development (JAKOA), himself of Temiar-Orang Asli origin
As a result of the refusal of many Asian governments to legally recognize indigenous peoples, the implementation of the UNDRIP in their respective countries is therefore a major challenge. This denies protection by the very instrument that governments have jointly developed with indigenous peoples to address the historical discrimination and injustice committed against them. This is a fundamental cause of the worsening marginalization of indigenous peoples across Asia.

### 3. Development Indicators: Indigenous peoples at the lowest rung

The international standard used to measure the economic and social wellbeing of the world’s population is the Human Development Index (HDI), which is also used as a key indicator of a country’s development. These indicators include level of income, literacy, nutrition and health indicators, among others. Based on the HDI, it is widely agreed—and in some cases even vastly documented—that indigenous peoples are among the world’s most disadvantaged and impoverished groups. However, a major limitation in measuring and depicting indigenous peoples’ status is that national statistics are rarely disaggregated by ethnicity. Information on indigenous peoples’ situation and marginalization by country, as well as an analysis of the core drivers of poverty, remains lacking if not distorted, which also significantly constrains the implementation of policies for the progress of indigenous peoples. Likewise, many of the indicators are inappropriate in measuring the wellbeing of indigenous peoples from their own perspectives.

In the following paragraphs, the data provided are by no means complete but provide key indicators on the level of the marginalization of indigenous peoples in several countries in Asia. Inter alia, five indicators are considered: (1) the under five mortality rate; (2) the prevalence of safe water deprivation; (3) the prevalence of stunting; (4) the male and female literacy rate; and (5) the male and female net primary enrollment rate. However, this approach reflects only one possible concept of development—how indigenous peoples define their own development often differs from the notion underlying the Millennium Development Goals (MDGs). Nevertheless, these data demonstrate the disproportionate level of marginalization of indigenous peoples compared to the national population.

### India

Scheduled tribes (ST) have lower indicator levels than the national sample as a whole in a survey conducted in 2005.

- Under five mortality rate for the ST household samples is 112 per 1,000 as compared to 85 for the national sample;
- Prevalence of water deprivation rate of 16.9 percent for sampled ST households is 2.6 times that of the national sample;
Photo credit: Christian Eni
• Prevalence of stunting among ST children is 25.3 percent compared to the national sample level of 19.5 percent; 53 percent are stunted, 29 percent are severely stunted and 55 percent are under-weight;

• Literacy among female ST members is 33.6 percent, which is almost half the 58.5 percent rate among males;

• Female net primary enrollment exceeds male net primary enrollment at 62.1 percent to 55.7 percent;

In states with high tribal populations (more than 10% of the state’s total population), Adivasi households exhibited poverty rates that were higher than the rates across the nation as a whole in 2004–05;19 Bihar, Jharkhand and Madhya Pradesh (the latter two have substantial tribal populations) are the India’s “hungriest”20 where nutritional indicators are “worse than the abysmal national averages; “scheduled castes” and “scheduled tribes” are the poorest of the poor and the most at risk, and where most reported starvation deaths occur.21

The health of adult indigenous peoples is often poor, especially in communities whose traditional livelihood and environment has been destroyed and are being replaced by unemployment, poor housing, and drug abuse. In the worst case, systematic repression and deprivation threaten indigenous peoples’ demographic survival.22

“Mortality of tribal children starts off on par with that of non-tribals, but gets rapidly worse in rural areas by the time the children are five years old. Maharatna (1998, 2000) has documented the more sustainable practices that Scheduled Tribes follow and which have historically kept rates of fertility and mortality among them lower than the national average, and how this began to change as tribals had to give up their traditional practices. The existing pattern of excess mortality of tribal children is in keeping with ethnographic and media reports and data from administrative records, and remains one of the starkest markers of tribal deprivation in India.”23

Nepal

• Access to and use of a range of health and family planning services is consistently lower among Dalit and most Janajati women in a 2001 survey;24

• Among the Hill Janajatis, poverty rate is 43 percent compared to the 31 percent national average,25 but as much as 58 percent of the population from among the Gurung, Rai, Magar, Tamang and Limbu nationalities are below poverty line;26

• By 2003/04 the Hill Janajatis, had the deepest poverty among the poor sectors (Dalits, Muslims, and Janajatis);27
The poverty headcount ratio for inner Tarai Janajati in 2004 was considerably greater than the national average.28

Bangladesh

- In an ethnically disaggregated 1998 survey,29 the CHT (where the Jumma indigenous peoples live) results for all health and education indicators are lower than the national or rural average;
- Water deprivation rates among the sampled household members in CHT, the territory of indigenous peoples, for all groups, is 64.1 percent;
- Female literacy rates are generally comparable to that of the national sample at 56 percent, with the exception of the sample identified as Garo at 71.6 percent and those identifying as Santal at 29.2 percent;
- Access to primary schools remains difficult for many paras (villages) in the CHT and not all children have enrolled at school. Multilingual education has yet to be realized as schools offer lessons only in Bengali and not in local languages;
- In a study conducted in 2007-2008, 50 percent of indigenous peoples were not getting fair price for their agricultural products, 61.44 percent face discrimination, 49.39 percent complained that they are not getting treatment in public hospitals, 41.86 percent are victims of corruption, 18.67 percent evicted from their ancestors’ land, 30.12 percent were not getting educational facilities, while 22.89 percent of them were facing threats and violence.30

Indonesia31

- Ninety-five percent poverty in the remote eastern islands, homeland to many adat or indigenous communities.

Laos, Thailand, and Vietnam

- In 2006, ethnic minorities accounted for only 14.5 percent of the total population, but they made up 44.7 percent of the poor and 59 percent of the hungry;32
- The rate of water deprivation ranges from 87.4 percent among the Hmong sample in the 2006 Vietnam Multiple Indicator Cluster Surveys (MICS) to 60.6 among the Hmong sampled in the 2000 Lao MICS;
- Female literacy rate of hill tribe girls is approximately two thirds of the national level, and the net primary enrollment rate for hill tribe boys is 42.7 percent, well below the 55.3 percent for girls;
- Worst water deprivation rates—among the hill tribes in Thailand, the Kammu and Leu in Laos, and the Hmong, Muong and BaNa peoples in Vietnam;
Stunting among children is worse among the Hmong in Laos while Thailand’s hill tribe exhibits the lowest deprivation rate;

Poverty and extreme poverty are most common in mountainous regions in Laos, where the majority of ethnic minority peoples live. In upland areas where land for cultivation is substantively less available, the poverty rate is as high as 43 percent, compared with about 28 percent in the lowlands. The poorest groups in the lowlands are those who have been resettled from mountain regions;

Ethnic women and girls, especially those in the highlands of Laos, are the most vulnerable members of rural communities. Women in ethnic groups comprise 70 percent of the illiterate population and suffer further isolation, given that so few of them speak the national language.

If poverty is defined as lack of economic growth, 38.6 percent of the Lao population would be considered poor, and of this number, 93 percent are ethnic minorities (National Human Development Report). The same report points out that ethnic minorities reside in the upland areas and practice subsistence farming, and acquire needed basic needs through barter. Furthermore, wealth is not measured in terms of cash, but in terms of the acquisition of ritual power and fertility (PPA). Because of the delicate balance between use of and supply of natural resources, anything that upsets this balance may lead to impoverishment.

...poverty in Lao PDR is new poverty, engendered by loss of sociocultural equilibrium. It was not an endemic condition. In most cases, poverty among ethnic minorities is not synonymous with hunger. To compensate for agricultural losses, poor villagers have resorted to a bounteous environment to supply food. But natural resources are hardly infinite and now show signs of dwindling. In addition, as production decreases, new expenses increase. The cost of education, health, transportation, and new temptations in the markets all add to the over-exploitation of natural resources. In some cases, poverty has led to depression and opium addiction among highlanders.

-National Human Development Report 2009

Malaysia

Although indigenous peoples in Malaysia are only 10 percent of the population, they compose more than 40 percent of all poor people in Malaysia. The poorest people are in Sabah, a state whose dominant population is indigenous peoples;

The poverty incidence in Sabah remains high, at around 25 percent in 2004. Using the international poverty line of US$2.00 per day, Malaysia has about
seven percent of its inhabitants living with less than $2.00 per day. This is lower than comparable countries in the region, such as Thailand with about 11 percent, but at least four times the number for Singapore or Korea.

Indigenous Peoples’ Perspectives on Sustainable Development

Indigenous peoples define their own indicators for wellbeing as follows: security of rights to territories; lands and natural resources; integrity of indigenous cultural heritage; gender; respect for identity and non-discrimination; fate control and self-determination; full, informed and effective participation; culturally-appropriate education; health; access to infrastructure and basic services; extent of external threats; as well as material wellbeing. Thus, the question remains open to what extent commonly used development indicators reflect indigenous peoples’ concerns and values.

From an indigenous peoples’ perspective, sustainable development is defined as:

“The growth or progress of an indigenous community in their originality or within the context of their ethnic identity, in a holistic way.”

Indigenous identity and development vision are based on 10 aspects or components of indigenous systems, which are interrelated, interdependent, and indivisible. The growth and expansion of indigenous systems in a holistic way encompasses the diverse elements in their life, to wit: (1) Culture, (2) Social system, (3) Spirituality, (4) Politics/institutions, (5) Juridical system, (6) Education/ways of learning, (7) Economy, (8) Natural resource management, (9) Technology and innovations, and (10) Health.

The wellbeing and development of indigenous peoples is directly related to the respect, recognition, protection and enjoyment of their individual and collective rights. The interrelated rights of indigenous peoples to lands, territories and resources, and to self-determination are fundamental to the collective survival and development of indigenous peoples based on their distinct identities, cultures, spirituality, and socio-political institutions. The very poor Human Development Index, along with other economic indicators of the wellbeing of indigenous peoples, demonstrates the continuing violations of their individual and collective rights as a critical factor to their worsening marginalization.
II. Asia Indigenous Peoples’ Key Issues in Sustainable Development: From Our Common Future to the Future We Want: What Happened in Between?

A. Key Issues in the Past and Present

In Rio and Johannesburg (1992 and 2002), indigenous peoples reported their situation and their proposals for human and sustainable development. These are contained in the Kari-oca Declaration and Indigenous Peoples Earth Charter, and the Kimberley Declaration and the Indigenous Peoples’ Plan of Implementation on Sustainable Development. The situation of indigenous peoples worldwide was characterized as one of centuries of deprivation, assimilation, and genocide.
Deprivation came in terms of rights—the non-recognition of the right to traditionally-owned and managed land, territories and resources, and to development. The dominant concept of development has meant the destruction of land and in many cases indigenous peoples are exterminated in the name of a development. The concept of *terra nullius* or “Doctrine of Discovery” has been used in domestic laws to deny indigenous peoples' ownership of ancestral lands and territories. Internal colonization of indigenous peoples by the state is seen through the notion of majority rule and/or national development and security to decide the future of indigenous peoples. There had been a worldwide move to remove indigenous peoples from their lands, forcing them out from their traditional territories in order to facilitate “development.”

Forests that have been nourished for centuries and form the material base for indigenous peoples’ sustenance were being destroyed in the name of development and environmental conservation but do not actually benefit human beings. The logging concessions and incentives to the timber, cattle and mining industries have been negatively affecting the ecosystems and the natural resources on which indigenous peoples depend for their survival and identity. Encroachment, exploitation and appropriation of indigenous peoples’ lands and resources have led to their impoverishment and hunger. Unsustainable extraction, harvesting, production and consumption patterns lead to climate change, widespread pollution and environmental destruction, and eviction from lands—creating immense levels of poverty and disease.

As the world leaders again meet to discuss sustainable development, the concerns expressed by indigenous peoples 20 years ago are still burning issues. Two decades after governments committed to comprehensively address economic growth, social justice and environmental protection, economic globalization remains one of the main obstacles in the recognition and respect of the rights of indigenous peoples. Transnational corporations and developed countries impose their global agenda on the negotiations and agreements of the United Nations system, the World Bank, the International Monetary Fund, the World Trade Organization and other bodies, which reduce the rights enshrined in national constitutions and in international conventions and agreements. The activities of multinational mining corporations on indigenous territories have led to the loss and desecration of lands, caused immense health problems, interfered with access to and occupation of sacred sites, destroyed and depleted Mother Earth, and undermined indigenous cultures.

Development in indigenous lands and territories is commonly decided by those who are unfamiliar with local conditions and needs, without the consent of those who own the land. In many instances, governments have socially engineered the process of seeking consent from indigenous peoples by creating artificial entities such as “District Council” or “Tribal Council,” which then “give” consent to a project.

In the following section, key issues for indigenous peoples with cases from different countries are presented. These are mostly large-scale projects, such as dams, mines or plantations, that impact on the lives of indigenous peoples. The collection of cases is by no means complete, but rather tries to give a sense of the scope of the projects’
destructive potential. All these cases raise the issue of lack of free, prior and informed consent (FPIC), non-recognition of the existence of indigenous peoples and their collective rights to their exercise land, territories and resources, amidst the exercise of eminent domain by the state.

B. Large-scale Dams: Blood Dams

By virtue of the geographic location and the hydro resources of their lands and territories, indigenous peoples in Asia had been sacrificed for the post-World War II reconstruction and development drives of the then emerging nation-states and continuing until the current drive to gain “developed nation” status. Development had been equated with economic growth, and economic growth is fueled by energy. Dams offered, and offer until now, the so-called “cheap” and “clean” energy and irrigation for cash crop production. Indigenous peoples’ livelihoods and livelihood sources have been taken away in order that more will be fed, factories will run, cities will be aglow, homes will have lights. BUT, indigenous peoples have no food, no light, no home, no livelihood, no land, no spirit tree, no sacred grove.
“Large dams have had serious impacts on the lives, livelihoods, cultures and spiritual existence of indigenous and tribal peoples. Due to neglect and lack of capacity to secure justice because of structural inequities, cultural dissonance, discrimination and economic and political marginalization, indigenous and tribal peoples have suffered disproportionately from the negative impacts of large dams, while often being excluded from sharing in the benefits.”

The World Commission on Dams (WCD) came out with their ground-breaking report entitled “Dams and Development: A New Framework for Decision-Making” in 2000, which clearly identified the lack of free, prior and informed consent of indigenous peoples as a key issue in dam projects in indigenous territories. The cases that are included in this report are all of this type. In many instances, indigenous peoples are promised good opportunities in the relocations sites but in the end, they end up with much less or nothing at all. The more sinister impact of physical displacement for indigenous peoples is not only their deprivation from the river and ecosystems and forests where they depend on their traditional livelihoods but from the river and ecosystems that shaped their culture and worldview, which may be tantamount to ethnocide. In dam projects funded by the Asian Development Bank (ADB), several eligibility requirements for resettlement programs are discriminatory to indigenous peoples, e.g., no title-no compensation and citizenship requirements. Many indigenous peoples have no legal title to their lands. All these sacrifices are continuing and this paper cannot accommodate all the information on all the dams in Asia in which indigenous peoples have had to give up lands, lives and futures.

Despite the horrendous human costs of large-scale dams, governments, international financial institutions, banks and business are pushing for the continued construction of such infrastructure. Worse, hydropower is now seen as “clean energy” to be promoted as part of climate change mitigation. This human rights-blind development paradigm is not clean. If diamonds can be labeled blood diamonds, why not dams, which takes away the right to life of indigenous peoples and other affected communities? The exploitative and oppressive manner in which indigenous peoples and other affected communities have been treated in the building of large-scale dams, which in real terms is a deprivation of their right to life, requires that these kinds of dams be labeled BLOOD DAMS. The findings of the WCD on the impact of large dams on indigenous communities rings so true today as it did more than 10 years ago:

“... (indigenous communities) ended with lower incomes; less land than before; less work opportunities, inferior housing; less access to the resources of the commons such as fuel-wood and fodder; and worse nutrition and physical and mental health.”

Currently, many indigenous peoples in Asia are fighting for their lives against government hydropower plans being forcefully built on their rivers, threatening their lives, indicative of the lack of their FPIC. People in Northeast India are fighting against
several dams. The Tipaimukh Dam Project proposed to be built in the Barak River in Manipur will directly submerge about 311 km² of indigenous territory, covering 90 villages with 1,310 families, mostly Zeliangrong and Hmar tribes (some 15,000 of them), and also 27,242 ha of their forests and cultivable land. Violence has erupted in the Siang District due to the strong opposition of Adi and Galo tribes to the construction of the Lower Siang Hydro Electric Project on the Siang River. Twenty-three of their villages on the banks of the Siang River will be directly affected by the project threatening their right to life, land and livelihood—their very survival. Apart from those directly affected, the project will have profound and adverse effects on local ecology, biodiversity and fragile way of life of the state’s 20 plus indigenous tribes. There are more than 80 other such projects planned in the other state of Arunachal Pradesh alone. India has declared the Northeast as the “powerhouse of India” with 168 large dams being planned in the region with at least 48 actively under consideration, besides 900 mini and micro-hydroelectric dams. Most victims of development-induced displacement and project affected peoples are tribals—about 40 percent of them (Menon, et al. 2003).

Along the lower Mekong River, one of the world’s longest last stretches of free-flowing rivers, 12 dams are being planned for construction, with some actual preparatory works being mostly in Laos. Already in the upper Mekong, China has 17-19 dams in operation, under construction or consideration. Aside from the ecological implications of damming the length of the Mekong River, the impact of these dams on millions of people who depend on the river is unimaginable. The 2,800km-long Salween River in Burma, the second longest river in Southeast Asia and so far uninterrupted by large dams, may not deserve that designation anymore. From its headwaters in China, the Salween cleaves Burma and Thailand. Five large-scale dams are being proposed in the Salween of Burma, and 13 in its upper part, called the Nu River in China. Apart from hydropower, the waters will be diverted to Thailand. In Burma, an estimated six million people depend on the Salween for their lives. Along the Burma-Thailand border, at least 13 ethnic nationalities have their homelands along the river. Lao PDR wants to claim the title as the “battery of the Mekong.”

In the state of Sarawak, Malaysia, indigenous communities from the Kayans, Kenyahs, Kajangs, Kelabits, Lun Bawangs, Ibans, Penans, Bidayuhs, Kedayans, Trings, and Ukits are demanding immediate resolution of all outstanding issues of importance to people affected by the dams that are already in place or currently under construction, as a consequence of the construction of the Batang Ai, Bengoh and Bakun large-scale dams. More importantly, they are demanding that government stop all planned 12 megadams in the state and instead hold a referendum on dam construction. The Bakun Hydro Electric Project, Southeast Asia's largest dam, affected 12,000 Kayan, Kenyah, Ukit, and Penan peoples, while 69,000 ha, including 23,000 ha of virgin rainforest, were destroyed. The Batang Ai dam, built in 1982, displaced 3,000 Ibans from 26 longhouses. Government neglect and broken promises, and the hardships faced after the relocation are bitter lessons that are still fresh in peoples’ collective memories. For this reason, some 250 families (about 1,500 people) from four villages
Proposed Salween Dam Map

13 dams planned for the Salween (Nu) River in China

Upper Thanlwin dam site
Nawngpha dam site
Ta Sang dam site
Ywathit Dam site
Wei Gyi Dam site
Dagwin Dam site
Hat Gyi Dam site

Legend:
- Proposed Dam
- River
- State / Division Boundary
- Coastline / National Borderline

Scale at 1:8,500,000

affected by the Bengoh Dam rejected government resettlement plans and instead resettled themselves on other parts of their traditional territory upstream of the Kiri River that will not be included in the 8.72 km² of land that will be submerged by the dam.57

The Himalayas, which is home to all of the world’s eight highest mountain peaks, has also the most glaciated large areas in the world, outside of the North and South Poles. This makes it the repository of huge stocks of water that form the headwaters of some of the largest rivers in Asia—the Brahmaputhra, Indus, Ganga, and Irrawady—and whose basins are home to millions of people. The hundreds of rivers originating from the Himalayas is then seen as one of huge potential in hydroelectric energy generation in the region. Currently, massive plans are underway in Pakistan, India, Nepal, and Bhutan to build hundreds of dams in the region in the next 20 years, possibly making the Himalayas as the region with the highest concentration of dams in the world. The consequence of the damming of the rivers of the Himalayas will have tremendous human and ecological costs, with grave implications for the culture and identity of local peoples, who are often distinct ethnic groups small in numbers.58

1. Philippines: Repeating historical injustice

The three dams along the Agno River, Benguet Province, Cordillera

In 1948, the Ambuklao hydroelectric dam project was conceived to be constructed in Ibaloi territory along the Agno River, the longest river system in the island of Luzon, Benguet Province, Philippines. Construction of Ambuklao Dam started in 1952, and before it was made operational in December 1956, another dam started to be constructed 19 km downstream at Binga. Binga became operational in 1960. The energy generated from the dams and the waters it kept were meant to serve the energy and irrigation needs of the lowlands.

Apart from displacing about 200 families from self-sustaining Ambuklao villages, it permanently destroyed 500 ha of their productive irrigated rice field, vegetable farms, orchards, forests, habitats, and watersheds when the waters submerged the valley they called home. The government, through the National Power Corporation (NPC), offered scandalously low prices for their lands, which most people refused. Those who accepted were never fully paid. No relocation plan was put in place. In Binga, 150 ha of farmlands belonging to 100 families were completely submerged, and no compensation nor relocation were promised. Worse, the government invoked Public Land Act of 1905, which declared the Binga Ibaloi homeland as public land and therefore the original inhabitants were considered “lessees” on public land, their ancestral land. They were thus not entitled to compensation or resettlement. Until now, the issues of uncompensated properties submerged and covered by the dams,
the non-relocation of those displaced, and compliance to provisions on employment of locals in the powerplant have not been addressed properly. But the story does not end here.

The steadily rising level of silt in the dam reservoirs and along the Agno River upstream of the dams is covering a wider and wider area around the dams and continues to destroy more rice fields. This situation threatens to displace more communities, even 17 km away from the predicted edge of the reservoir due to rising water level and accumulation of silt upstream along the Agno River. The displacement of the Ibalois, particularly those directly affected in Barangays (villages) Ambuclao and Tikey, claimed their experience is an act of historical injustice.

Again, the story does not end there. In 1998, despite opposition from communities, the government started to build another dam along the same river, the San Roque Multipurpose Dam, one of the largest dams in Asia. The construction affected 2,500 families, including displacing 660 families, as 4,000 ha of their lands were expropriated. More than 10,000 gold panners from the downstream province of Pangasinan were economically displaced while around 20,000 indigenous peoples of Itogon, Benguet are expected to be adversely affected by the operation of the dam due to siltation build-up. At the start of the construction, over 160 families have already been forcibly displaced despite lack of a resettlement site, the fully-equipped resettlement site that the same NPC promised. Thousands downstream were predicted to be affected by flooding, which was proven to be true. In 2004 and 2009, several towns of downstream provinces were severely flooded due to water releases from the dam.

2. Bangladesh: Unresolved historical injustice

Kaptai Dam, Chittagong Hill Tracts

The Kaptai Dam in the CHT in the southeastern part of Bangladesh, was built on the Karnafuli River in the heartland of indigenous Jumma peoples for electricity, flood control, irrigation and drainage, and navigation. It was commissioned in 1962 with funding from the United States Agency for International Development in the then-Pakistan. It flooded 1,036 km² of lands, submerging 54 percent (21,853 ha) of the best arable lands of the valley and large parts of Chengi, Kassalong and Maini valleys containing lush paddy fields and vegetable gardens, including the original Rangamati where the Chakma chief’s palace was located. The reservoir created a vast 550 sq miles of lake. It displaced about 100,000 Jummas, among whom were about 40,000 Chakma (1/6 of their then population) who were forced to migrate into India; and about 20,000 other Jummas had to take refuge in Myanmar. Serious conflicts arose between the refugees and local communities in Arunachal Pradesh.
The Kaptai Dam completely damaged the agro-based main economy of the CHT, destroyed the economic backbone of the indigenous Jummas, and brought about a permanent disintegration of the Jummas on one hand, and led to the inroads of Bengali Muslim population into the Buddhist region in large numbers, on the other. It created jobs and business opportunities for the Bengali Muslim while the uprooted Jummas were neither compensated properly for their lands and homesteads nor provided land for their rehabilitation as resettlement plans were not part of the project. Land shortage and the transmigration policy have led to persistent conflicts, including sexual violence against indigenous women, between the oustees and the Bengali settlers that take on an ethnic character. Military occupation accompanied the construction. Of the many demands of the Jummas for a resolution to their plight, until today, only 66 temporary army camps (including a brigade out of 543 camps) were withdrawn so far. The rest of the temporary camps are yet to be dismantled. Out of 12,222 families, 9,780 families of repatriated Jumma refugees are yet to be reinstated in their lands, homesteads and orchards and many villages of the returnees are still under the occupation of the settlers. Besides that, more than 90,000 internally displaced Jumma families still have not yet been rehabilitated. In contrast, Bengali settlers have been included as IDPs (internally displaced persons), violating the provisions of the CHT Peace Accord.
3. Laos PDR: Ethnocidal tendencies

Particular importance is being placed in the case of Laos for this report. Laos is one of the most ethnically- and culturally-diverse countries in Asia, if not the world. Diversity is greatest in the remoter uplands, the homelands of many of the indigenous peoples who have very small populations, and coincidentally where national biodiversity conservations areas (NCBAs) are concentrated. In one NCBA, 28 languages have been identified, which is more than 12 percent of Lao’s known linguistic diversity within only 1.5 percent of the country’s land area.63

Houay Ho Dam, Champasak and Attapeu Provinces: Endangered people

The Houay Ho Dam is located at the Boloven plateau, a high mountainous area in the south of the Laos.64 The plateau is rich in biodiversity, and supports a wide range of plants and wildlife. It is also a culturally affluent area, and is home to two Mon Khmer language-speaking groups of indigenous peoples, the Jrou and the Hueny/Nay Heun.65

The Houay Ho dam construction started in late 1994 and by 1997, its reservoirs started filling up. In 1996 even before the dam was finished, the Lao government started another dam, Xe Pian Xe Nam Noy Dam on the other side of the Houay Ho across the plateau. As the reservoir filled up, about 2,500 ethnic Nya Heun and Jrou peoples from 11 villages who were living in the dam’s watershed or reservoir areas, as well as areas on the Boloven plateau that would be affected by the Xe Pian Xe Nam Noy Dam, were moved to resettlement sites in Pak Song District, where there is insufficient arable land and fresh water supplies. The disruption caused by relocation, and the separation from their ancestral lands and traditional communities, has led many villagers to abandon their traditional cultural practices.

In 2003, a visit to the Houay Kong resettlement area found eight villages, mainly Heuny, that were relocated there covering 475 households of 1,752 people, of which 849 are females. The available information on the Nya Heun indicate that they are a threatened people with only a population of 5,150 in the 1995 census.66 They inhabited 30 villages in southern Laos, primarily in the eastern part of the Boloven plateau mostly in Champassak province, and others are found in Attapu and Xekong provinces and in Pakxong, Bachiangcharunsouk, Xaisettha, and Laman Districts. Their general territory is within the Se San and Se Kong basins, one of the four biodiversity hotspots in the Greater Mekong Sub-region. There is no evidence that there are Nya Heun people living outside of Laos.67 The people are animist and thus hold strong beliefs with respect to nature and the spirits of nature and in nature, like the spirit of trees, water, thunder, and mountains. Shamans regularly conduct propitiation rites for the protective spirits and the offended spirits are identified through a ritual involving rice and the organs of a chicken. For natural disasters or epidemics, special ceremonies are conducted for healing.
A matter of urgent concern is that for the Nya Heun people, the possibility of the Xe Pian Xe Nam Noy Dam being built in their same homeland in the Bolaven plateau will completely obliterate their ancestral lands, leading to ethnocide. In 2008, reports were made that the displaced Nya Heun families from the Houay Ho Dam in Laos were suffering from severe lack of food, shortage of arable land and insufficient clean water.68

In the 200369 study, it was found that at least half (50%) of the people, especially elders, want to return to their native lands, or even near them, but the government refuses to allow them.70 They miss most the old fertile lands, the large productive fruit trees and their co-existence with nature. They are worried daily about their decaying traditions because they do not live together now as in the old villages and have no time to bond either. Many are scattered selling their labor so that they end up living day to day, with not much food to eat. An old woman in the resettlement village stated: “I miss my former village and I want to return to it because I used to live there for a long time. I’ve left behind the trees that I used to collect fruits from every year. I miss them a lot. Whenever I think of them, I cry a great deal. Here in the resettlement village, we cannot eat any fruits because they are stolen before they are ripe.”

The artificial merging of villages of peoples with different cultures, in a limited space, in a contrived environment, with not enough livelihood and not enough food, is creating many social problems. For instance, because many do not have enough to eat, some resort to petty crimes like stealing of chickens, metal roofing sheets, and agricultural products. In the old village, this is unthinkable as food was available in the forest and rivers. The displaced ethnic people feel humiliated, which has led to social decay and many disputes and quarrels, ultimately, disempowerment. The villagers do not trust their neighbors anymore. “Before the dam was built, we used to have enough to eat. We fished the rivers, collected vegetables in the forest and had plenty of rice. We lived on our own without having to depend on aid or support from anyone else. Now in the resettlement areas, we are totally impoverished and dependent on others,” a Nya Huen man lamented in 2003.

Dams in the Mekong of Laos had been controversial because these affect the other riparian countries of Cambodia and Vietnam. One of the controversial ones, the Xayaburi Dam, which would have impacts on the Tonle Sap lake of Cambodia and the Mekong part of Vietnam, has recently been cancelled as of latest news.71
Asia, particularly ASEAN, is rich in mineral resources and mining is one of the ASEAN region’s fundamental economic sectors. ASEAN claims there is a vast wealth of important industrial ores and precious metals yet to be explored and exploited throughout the ASEAN member-countries and that many important and large international mining ventures are in the region.

Indonesia possesses some of the world's largest deposits of nickel. This represents more than 12 percent of global production, ranking second to Russia. The US Government’s Geological Survey ranks Indonesia seventh in the world in terms of gold production and sixth in terms of reserves. Total proven and probable reserves are 4,200 tons, with much of the wealth located in Papua, the ancestral domain of Papuans. Sizeable potential gold deposits are also located in Java, Kalimantan and Sulawesi (the last two being predominantly indigenous peoples’ territories). At the 11th session of the United Nations Permanent Forum on Indigenous Issues, representatives from Aliansi Masyarakat Adat Nusantara (AMAN), the Indigenous Peoples Alliance of the Archipelago, presented the issue of mining and indigenous peoples. Although good progress in terms of policy has been made, there is the fundamental issue of the development framework of the government, which is focused on land concessions and extractive industries. It was reported that approximately 1.5 million ha of land are converted for mining per year, leading to increasing poverty among indigenous peoples and locking them out of permits and high-paying jobs in the mining agencies, and increasing environmental damage and pollution in the indigenous lands where mines operate. It was also reported that more than 100 cases of criminal persecution of indigenous activists against landgrabbing are ongoing and it is felt that the government will not follow up with concrete protection of indigenous lands and its inhabitants.

Malaysia’s iron ore potential, and reserves of bauxite, coal, tin, and gold is expected to contribute to national industry growth expected to be US$68 billion by 2015, from $43 billion in 2010. Vietnam’s Central Highlands, the homeland of various ethnic minorities, are believed to hold the world’s third largest reserves of bauxite, put at some 5.4 billion tons—but it could be at least double this figure. Vietnam has enormous coal reserves and is the world’s second largest exporter of anthracite coal.

The Philippines, in addition to Indonesia, has huge resources of nickel, along with high grade chromite deposits, an abundance of copper, and significant gold deposits. Thailand is the world’s second largest exporter of gypsum after Canada. The region is also rich in mineral resources with some minerals being significantly large in terms of reserves. Half of the global tin resources currently come from only three ASEAN countries—Indonesia, Malaysia and Thailand.

The Philippine gold ore reserves are estimated at four billion tons, the third largest in the world. Its 7.9 billion tons of copper ore deposits are the fourth largest in the
world and its 815 million tons of nickel ore represent the fifth largest globally. Gold and copper are mainly concentrated in Northern Luzon and on the eastern side of the island of Mindanao, almost all in indigenous peoples territories. It is estimated to possess at least $1 trillion of untapped mineral resources and much of the country’s 300,000 km² of land is yet to be appraised for its mineral content. To date, 1,046,350.87 ha or three percent of the Philippine’s total land area have mining applications.

Myanmar has not undergone a full geological survey for more than 75 years but most of the mineral wealth is located in the ethnic states. The Shwe Gas Project, for instance, is located in Arakan State and its planned pipelines will traverse Shan State (Shan people). Despite the campaigns to stop the gas project due to its environmental and human rights impacts, Myanmar is pushing through with the project. India has significant mineral resources of metallic and industrial minerals. The country’s reserves and resources of barite, bauxite, chromium, coal, iron ore, limestone, and manganese ore were among the 10 largest in the world, and those of bauxite accounted for 6.8 percent of the world’s supply. In terms of production, the country was among the world’s eight leading producers of aluminum, barite, bauxite, chromium, coal, iron ore, kyanite, manganese ore, mica (sheet), steel, talc, and zinc (Ministry of Mines, 2011, p. 144–145).

Out of 4,175 mines in India, 3,500 are located in indigenous peoples’ homelands (as of 1991). The major mines in Northeast India (Arunachal Pradesh, Assam, Manipur, Mizoram, Nagaland, and Tripura) are coal, natural gas, oil, and limestone; while Assam and Meghalaya have large coal deposits. Among the displaced persons by mining projects, more than half of them belong to the “scheduled tribes.” More than half of these numbers are in indigenous peoples’ ancestral lands. Jharkhand in central India has about 29 percent of India’s coal reserves and 14 percent of its iron ore reserves. Jharkhand supplies about nine percent of India’s fuel minerals.

Apart from a favorable investment climate in minerals, the region also offers some of the necessary infrastructure. For instance, Malaysia is also home to significant refiners and smelters, including Malaysia Smelting Corporation, the world’s second largest supplier of tin metal and is thus expected to support more mineral extraction. In the Philippines, a potential giant venture will be Sumitomo’s $3 billion nickel ore project in Surigao del Norte in the south, which would be the largest nickel processing plant in the country.

ASEAN as a body and its member countries are intent on making mining development a vital factor in their economic growth. Efforts are being made at the regional level, through the ASEAN Minerals Cooperation Plan 2011-2015, to freely open up this sector for investments. One of the strategies it has adopted under this plan is “Facilitating and Enhancing Trade and Investment in Minerals.” Under this, its program includes creating a climate conducive for trade investment in minerals, and providing a favorable policy environment that aims to see the harmonization of mineral policies among the member countries.
Legislation ensuring the commitment of foreign companies to long term projects is a vital factor in the region’s mining development. Some countries have already made changes in their laws and policies to attract investments in the extractive industries. Cambodia’s new mining laws have created more certainty for investors and have speeded up the grant of mining permits. As a result, the government expects mining investment to reach US$6 billion by 2012, compared to US$2.5 billion in 2010. Indonesia’s 2009 law on mining of minerals and coal and its supporting framework of regulations, are designed to provide investors with the necessary regulatory certainty to stimulate new investment in the sector. Changes to the country’s regulatory framework allow mining in some previously protected areas, the decentralization of the grant of mining concessions to local governments and a clampdown on unlicensed mining activities. Investment in the Philippines’ mining potential has been aided by a court decision confirming the right of foreign companies to retain 100 percent ownership of their investment to exploit the country’s mineral resources.

The large-scale destructive mining operations in indigenous territories have been a curse for many indigenous peoples in Asia. In several communities, like the Ibaloi and Kankanaey communities in the Cordillera, Philippines, small-scale mining for gold had been a traditional supplementary livelihood source way back before Spanish colonization. With the entry of large-scale corporate mining, these resources, including their lands, have been taken away from them. At the same time, the large-scale mining operation for decades are now causing disasters, depletion of water resources, and lack of sustainable livelihoods of indigenous peoples in the mined-out areas.

Of the corporate mines currently operating in indigenous territories in Asia, there had been no free, prior and informed consent obtained before the mines entered the communities. In recent past, governments have even provided security services to these companies. In Indonesia, the military has been part of the operating expenses of mining corporations as security forces for their operations. In the Philippines, so-called paramilitary “investment defense forces” have been allowed by the President for the same purpose.

The cases below highlight some of the cases, which are reflective and at the same time provide some specific situations, of the struggle of indigenous peoples against large-scale destructive mining activities. Wherever they are, mines have brought about the destruction of sacred site, mountains, landslides and subsidence, air and water pollution, sedimentation of rivers rendering farms unproductive depriving indigenous peoples of livelihoods. They also brought commercial entertainment culture, commodification of and sexual violence against women.
1. India: Against a giant

Orissa, Kalahandi District

In Kalahandi District, Orissa State, the 8,000-strong Dongria Kondh live in villages scattered in the Niyamgiri Hills, their sacred mountain. They call themselves Jharnia, meaning “protector of streams,” because they protect their sacred mountains and the life-giving rivers, all of which their entire life is built. They see themselves as the guardians of the hundreds of perennial streams that flow from Niyamgiri Hill. The reason for this abundance of streams is the presence of bauxite, the base material for aluminium. The mining giant Vedanta sees this as wealth to be scooped out of the earth through open-cast mining.

The Dongria Kondh live by the resources available from the hills through subsistence horticulture. In defense of their land, the Dongria Kondh launched a sustained campaign at all levels to stop the mining, and through various fora to fight Vedanta, as they were already living with the hazardous impacts of the Vedanta aluminum refinery plant, which was built without their free, prior and informed consent. As a matter of fact, it was built through deception. Vedanta's open pit mine would destroy the forests, disrupt the rivers and spell the end of the Dongria Kondh as a distinct people. India's Ministry of Environment and Forests blocked Vedanta's bid to open the bauxite mine and also its plans to expand its alumina refinery. It is appealing the case in the Supreme Court. The latest in the Dongria’s struggle is that the Minister of Environment and Forests held in abeyance Vedanta's plea to pursue the mines. Because it is not cancellation, there is no reason for the Dongria Kondh to slacken their vigilance.

2. Philippines: Mined-out

Altogether, 65 percent of the Cordillera region is covered with various mining applications, as large mining continues to operate in Benguet province. Six of the national government’s 23 priority projects are located in the Cordillera region. While some mining TNCs (transnational corporations) have temporarily exited the Cordillera due to people’s opposition, new ones have made their presence known.

Lepanto Consolidated Mining Company (LCMC) runs the first large-scale mine in the Philippines, located in Mankayan, Benguet, the ancestral lands of Ibaloi and Kankanaey. The Lepanto mine is barraged with environmental and wage issues since it started in 1936. The expansion of the mines to adjacent provinces is now being widely opposed by the potentially affected communities. The mining operations caused a number of violations of indigenous peoples’ rights. For example, the mine has been in operation
since 1936 without any consent from the local community. The mines of LCMC have dislocated the indigenous Kankanaey and Ibaloi peoples from their ancestral lands and traditional livelihoods.

The mining patents granted by the government to LCMC have deprived indigenous communities of their rights to ownership and control over their ancestral lands and resources, which are the basis of their continued existence and identity. In terms of livelihood, mining concessions have taken over lands used by indigenous peoples for
their traditional livelihoods—ricefields, vegetable gardens, swiddens, hunting, and grazing livestock. Additionally, the impacts of the Lepanto mine on the environment are tremendous. Continuing subsidence of town above the mines have been experienced, leading to destroyed houses, schools and their compounds, and even deaths. Siltation due to mine tailings have destroyed the productivity of farms along the Amburayan and Abra rivers. The loss in aquatic life is a major change in the life system of the communities who rely on the river for daily food. Health impacts on the surrounding indigenous communities have been extensively documented.80 Contamination of water, soil and air contributes to increased toxic build-up in people’s bodies. Asthma and other respiratory problems often affect local communities as well as mine workers.81 LCMC is also well-known for its unfair labor practices and labor law violations. The extensive violations of the worker’s rights encompass illegal dismissals, retrenchments and indefinite work suspensions for employees. Recently, it partnered with one of the world’s large mining companies to expand its operations further into indigenous territory, raising the specter of continuing issues of land, water, traditional livelihoods, and culture.

D. National parks/plantations/economic land concessions/timber, pulp and paper industries

Lands of indigenous peoples have historically been considered “vacant,” “unoccupied,” “sparsely populated,” although these had been heavily forested and surely biodiverse, and homelands to indigenous peoples. In the name of national patrimony, all lands within national borders are claimed in the name of the state. Because of the vast lands and forest resources in indigenous territories, and the sparse populations in these, the governments look at these areas simply as resources to be exploited and the indigenous peoples who are forest dwellers and forest-dependent as objects that can be moved here and there; and whose homelands can simply be appropriated for other uses and given to others. Indigenous peoples are seen to have no better use of these resources apart from being the source of their subsistence and the state and corporations are supposed to have more sensible use that will contribute to national development and coffers. The granting of concessions for tree plantations for fast-growing trees, and now biofuels, for national parks, mines, resorts over farmers’ and indigenous peoples’ villages, farmlands and forests, has caused a lot of human rights violations, environmental degradation, food insecurity, and lost opportunities for people-centered and driven sustainable development.

Thus, even without indigenous peoples’ knowledge, they have become squatters in their own lands. The state has appropriated lands, forests and minerals under its jurisdiction. Policies on the establishment of national parks and protected areas have caused forced relocation, destruction of livelihood, and arrest of many indigenous
villagers living in these areas. This resulted to increased food insecurity, poverty and alienation of indigenous peoples from their lands and resources that they have taken cared of for so many generations.

What is trivialized is the cumulative collective knowledge that has been developed through time that enabled indigenous peoples to inhabit such environments and sustainably enabled them to develop unique societies. What has become reality are the appropriation of indigenous peoples’ forest homelands as national parks, logged out of its timber, concessioned out as plantations, resource mines, and other extractive industries. Discrimination against indigenous peoples in Asia is so rife it is tantamount to killing them off. They are treated as incapable of deciding for themselves what to do with their lives, not even entitled to be informed of plans in their homelands. Their knowledge of and contribution to natural resource management is considered unscientific. Since they are small in population, they do not have to be factored in the national development agenda, and their lives can be willfully disregarded in the pursuit of national development. Their cultures are “minor” so these can be ignored, even eliminated. The experience of indigenous peoples losing their lands, territories and resources needs volumes to be documented.

One of the main producers of pulp and paper in Southeast Asia is Thailand. This status was achieved with the blood, sweat and tears of farmers and indigenous peoples.

The Thai government’s most brutal plan to promote the establishment of tree plantations started in 1991, when the then-military government launched the “Land Distribution Programme for the Poor Living in Degraded Forest Areas,” a project known by its Thai initials as Khor Jor Kor. The project was to be implemented by the military’s Internal Security Operations Command and aimed to evict 2,500 villages from reserve forests over an area of 2.24 million ha in northeast Thailand. Thai and foreign companies would then be able to lease the land for eucalyptus plantations. Massive pro-democracy protests in May 1992 in Bangkok forced the military government to resign. In the following months, thousands of affected villagers protested throughout northeast Thailand and eventually farmers resettled under Khor Jor Kor were allowed to return to their land.82
1. Cambodia: The kingdom of economic land concessions

Ratanakiri, Mondulkiri, Kratie, Stung Treng, and other Provinces

As of 2007, the government granted 97 economic land concessions in 16 provinces and municipalities of Cambodia. Only 59 concessions, however, remained operational for an area covering 943,069 ha in 15 provinces, which “constitutes approximately 5.2 percent of the total land area in Cambodia, and 14.5 percent of all arable land in Cambodia.” Most of these are in indigenous territories and do not include concessions less than 1,000 ha. These lands and forests are converted to rubber plantations, ecotourism, and other economic activities.
At least 25 economic land concessions are known to affect indigenous territories in Ratanakiri, Mondulkiri, Kratie, Stung Treng, Oddar Meanchey, and Kompong Thom, provinces where there are a significant number of indigenous populations. Other concessions were granted over indigenous lands, e.g., in the provinces of Kompong Speu, Pursat and Preah Vihear. The alienation of lands from indigenous peoples have come through force, intimidation, deception, and political patronage. In Mondulkiri province, the affected communities include the Bunong indigenous peoples; in Ratanakiri, the Jarai indigenous peoples.

The Cambodian Center for Human Rights records show that at “least five percent of Cambodia’s total land area is subject to a conflict or has been in the last four years.” The nature of the conflicts is mostly disputes on economic land concessions, ownership/control of lands, land grabbing, and forced eviction. Related human rights violations are confiscation of property and illegal destruction, arbitrary/illegal arrest or detention/violation of rights of an accused in relation to detention, physical assault/injury, violation of rights to privacy, violation of rights to own land/retain property, threat, including death threat, failure to provide fair and public hearing by a competent, independent and impartial judiciary, limitations on assemblies/gatherings in public, physical assault/injury, confiscation of property and illegal destruction, and illegal logging, among others. All too often, the case is overturned and the indigenous peoples who are the victims are cited for other crimes like illegal logging for using their traditional forests. Most of these cases have not been acted on. In some cases, the victims are forced to accept negotiated settlements, the value of which are far too low when compared to the value of their lost lands and the opportunities. Oftentimes, this also meant giving up their lands.
2. Malaysia: There is oil in them thar hills

Sabah and Sarawak state

Malaysia is considered as one of the world’s megadiverse countries. Approximately 60 percent of its total land area is still forested. This includes permanent reserved forests (PRF), stateland forests, national parks, and wildlife and bird sanctuaries. The remaining 40 percent are covered by agricultural crops, rubber plantations, oil palm plantations, urban areas, and other uses. Malaysia is the world’s second largest oil palm producer after Indonesia; 4.6 million ha of oil palm plantations and most expansion is now occurring in Sabah and Sarawak; by 2002, expansion in Peninsular Malaysia was down to the last 340,000 ha of conversion forest. Sarawak government plans to double the area under oil palm with a target of 60,000-100,000 ha per year on customary lands.

The government announced that it will spend “24 million ringgit (US$7.7 million) in 2011 and 2012 to counter criticism over the social and environmental impact of palm oil.” This is to protect about 4.5 million ha of oil palm plantations in its territory, and its future plans of increasing this hectarage by about a million more hectares of indigenous forest lands in Sarawak. These plantations do not include those planted to rubber and castor oil.
3. Indonesia: Pulped to death

Siberut Island, West Sumatra Province and others

Since the late 1980s, Indonesia’s pulp industry has been responsible for clearing at least 1.7 million ha of natural forest.

By the end of 2007, of the 10.4 million ha of HTI (wood plantation) licenses issued or pending, 6.0 million ha were allocated for pulp projects, including these in indigenous territories: Papua - 1.6 million ha, South Sumatra - 1.0 million ha, East Kalimantan - 793,000 ha, Riau 653,000 ha, and West Kalimantan 485,000 ha. Riau has suffered the most destruction—it has lost at least 65 percent of its forest cover in the last 25 years.

In Siberut Island, despite half of its area (190,500 ha) being declared a national park (1993) and Man and Biosphere Reserve (1981), logging remains a serious threat, even to its smaller neighboring islands. The indigenous Mentawaians continue to face encroachment by profit-seeking outsiders and major threats to their livelihoods. Whatever is left of the island and its outer islands, these are now being logged. PT Salaki Summa Sejahtera has a concession (HPH) covering 49,440 ha in North Siberut. KAM, a cooperative of Andalas University, has a concession of 49,640 ha slightly further south. HPH concession has 83,330 ha held by Minas Pagai Lumber Corporation, on the neighboring islands of North and South Pagai. The indigenous culture and unique biodiversity are pressured by these externally-driven and unsustainable economic practices.89

4. Malaysia: State machinations to divest Orang Asli of their territory

The Malaysian government proposed an amendment to the National Land Act that would have easily divested the Orang Asli of their territories. As a response, the Orang Asli organized a march in March 2010 to protest this as they claimed that they have customary rights to 129,000 ha of land. The proposed amendment provides them with only 50,000 ha and does not include their traditional hunting and gathering areas.90

More than 2,000 Orang Asli assembled at the Prime Minister’s Department, Putrajaya, in Kuala Lumpur to present a petition, endorsed by more than 12,000 Orang Asli throughout Peninsular Malaysia, but the government did not allow them to submit their petition by not meeting them.91

5. Thailand: The forest is the tree and the tree, the forest

Thailand hosts 409 protected areas, 27 marine national parks, 10 Ramsar sites, 2 World Heritage sites and 4 biosphere reserves. The percentage of protected areas
accounts for 20 percent of the total land area. The total forest area (2000) is 14,762,000 ha, with 9842,000 ha of natural forest and 4,920,000 ha of plantations accounting for 29 percent of the total land area.93

The Thai 1961 National Park Law is framed within a conservationist approach, which adopts the Western concept of wilderness, where protected areas are completely free of people and land use, even when forest-dwellers and forest-dependent people had been there before the promulgation of the law. However, an estimated 460,000 people currently live and depend on the land and resources that the government has set aside for ecological values or tourism potential. Between 2002-2006, 89 percent of the forest-related conflict cases and human right violations filed in various legal fora were related to the management of protected areas and national parks.94

Arrests for violation of forest and wildlife conservation laws are common in Thailand. In 2006, for example, five Lisu people were arrested by the officers of the Wildlife Preservation Authority and the OmKoi District Administrative Authority in OmKoi district in Chiang Mai province for violating the Forestry Act and the Wildlife Preservation and Protection Act. Those who were arrested were actually residents of that area from 1989 to 1994 but had been resettled by the government to an area not suitable for cultivation with the promise that they will be given compensation and alternative sources of income. The authorities however failed to honor these promises and the villagers had no other choice but to move back to their original village and start cultivating their fields again.

**Thung Yai Naresuan Wildlife Sanctuary**95

The two-million-rai Thung Yai forest has been the ancestral home to some 2,000 Karen in six scattered villages. They were been evicted with military force in favor of mining companies. The local mafia, on the other hand, can freely destroy the pristine Thung Yai forest with state approval. “The local godfathers are turning our ricefields into sweet tamarind and parkia (sataw) plantations. We’re evicted to make way for money barons,” said Karen peasant Tao Paopo of Takianthong village. They all have similar tales to tell of eviction by the military and ethnic violence. At Salawa village, for instance, a group of drunken soldiers reportedly used knives to threaten Karen women to move from the forest. At Lai Wo, armed troops reportedly forced the Karen peasants to demolish their farm sheds.

6. Indonesia: Mines over forests

Indonesia has 50 National Parks covering 16.4 million ha (including 7 marine national parks) and 527 nature reserves and game reserves covering as much as 28.3 million ha. Forests in Indonesia cover 88,495,000 ha.
Batang Gadis National Park, Mandailing Natal (Madina) District, North Sumatra

In early 2004, local officials in the Mandailing Natal (Madina) District of North Sumatra made history by declaring a 108-ha swath of forest as protected area under a new scheme allowing local *bupati* or district heads to designate land for protection. In April of the same year, the national government declared this area the Batang Gadis National Park. The park is the headwaters for the surrounding communities and it includes the Sorik Merapi volcanic crater.

Aside from being among the planet’s most diverse floristically, and hosts some of the endangered species like the Sumatran tiger, Asiatic golden cat, leopard cat and clouded leopard, it is also part of a larger critical watershed that supplies the water needs of some 400,000 people and irrigates 42,100 ha of paddy fields. It also serves as headwater for the 46,817.8 ha of coffee and rubber plantations.

The indigenous peoples of Madina come from different ethnic groups but are predominantly Mandailing, Melayu and Minang. PT Sorik Mas Mining (SMM) holds a concession covering 66,200 ha in the national park and by virtue of the emergency regulation signed in 2004 by the Indonesian president, Sorik Mas Mining has been allowed to continue its projects within the Batang Gadis forest.

All the time, the local government and people of Mandailing Natal had been calling for the cessation of all mining activities inside the park. Illegal logging is reported to have become more prevalent due to Sorik Mas's mining activities. Gold exploration by the company has also scarred the area, leaving 400 large pits close to villages. The Ministry of Forestry invoked the Minister Decision No. SK-126-MENHUT-II/2004 dated 29 April 2004 about Functional Change and Appointment as Protected Forest of 108,000 ha area in the Batang Gadis National Forest to exercise jurisdiction over the case. This was, however, challenged at the Supreme Court by SMM. In December 2011, the Supreme Court ruled in favor of SMM forcing the Ministry of Forests to revoke the said Minister Decision, which will lead SMM to be allowed to mine within the national park.

E. Special concerns

Indigenous peoples in Asia face common issues but also have issues that are specific in some countries. Again, because of their vast lands and sparse populations, and thus their dispensability, toxic and hazardous wastes can be dumped in their homelands. Their territories are seen as areas where excess population in highly-urbanized regions can be relocated. On the other hand, they are also seen as national security risks who
have to be hamletted permanently where they can be monitored and purportedly be provided with government services. The cases below provide some of the specific issues that some indigenous peoples face.

1. Taiwan/China: Nuclear waste

Orchid island, Southeast Coast

The Yami people are battling the nuclear waste storage facility on Orchid Island, a small tropical island 60 km (30 nautical miles) off the southeast coast of Taiwan/China. The inhabitants are the 4,000 members of the Tao (or Yami) tribe. In the 1970s, the island was designated as a possible site to store low and medium grade nuclear waste. The island was selected on the grounds that it would be cheaper to build the necessary infrastructure for storage and it was thought that the population would not cause trouble. Large-scale construction began in 1978 on a site 100 m (330 ft) from the Immorod fishing fields. The Tao tribe alleges that government sources at the time described the site as a “factory” or a “fish cannery,” intended to bring “jobs [to the] home of the Tao/Yami, one of the least economically integrated areas in Taiwan.”96 When the facility was completed in 1982, however, it was in fact a storage facility for “97,000 barrels of low-radiation nuclear waste from Taiwan’s three nuclear power plants.”97

For the past 13 years, Taiwan has stored more than 90,000 drums of nuclear wastes on an island of only 45 km² and more than 2,000 indigenous Tao peoples. Under pressure from the media and scrutiny of experts and local people, the officials of the Atomic Energy Commission (AEC) and Tai Power have recently acknowledged that the drums used to contain the wastes are found to be rusted and the contents showing signs of pulverization. The condition can cause contamination once filtration of water occurs. It has been told by local residents who work at the storage site that contaminated water has been periodically and secretly released into the nearby ocean. Under fierce protest from the Tao peoples and pressure from the press, AEC in 1992 “promised to stop any explanation”98 (sic) of the existing facility and complete removal of the facility by the year 2002.99 However, with the facility expected to be full by August 1995, the officials at Tai Power decided to proceed with an expansion plan to add six more storage channels within the existing site.

The Tao people are angered by the continued deception from the authority and cannot withstand any further shipment of nuclear wastes that are threatening the integrity of the environment and the survival of the people. The Tao people do not receive any benefit from nuclear power but have instead endured the serious danger of nuclear wastes.100 They have stood at the forefront of the anti-nuclear movement and launched several exorcisms and protests to remove the waste they claim has
resulted in deaths and sickness. The lease on the land has expired, and an alternative site has yet to be selected.\textsuperscript{101}

2. Vietnam and Laos: Sedentarization program

In the 1960s, Vietnam embarked on programs to address the persistent hunger and poverty among the ethnic minorities, particularly in the upland areas. In its analysis, it identified shifting cultivation, which is a common livelihood source for many indigenous peoples and ethnic minorities not only in Vietnam but also in Asia, as a “primitive manner of production that keeps people in a backward life.”\textsuperscript{102} The solution to poverty brought about by a “perceived” inferior system was sedentarization, i.e., putting the ethnic minorities in permanent settlements, practicing fixed farming. The sedentarization program launched under General Resolution No. 38/CP (1968) has been designed and implemented specifically for ethnic minorities in mountainous areas.\textsuperscript{103} The government is supposed to create the conditions for a sedentary life for these ethnic minorities in new settlements by providing houses and other infrastructure services (roads, electricity and schools); allocating cultivated land; introducing new technology and cultivation methods; and supplying capital and high yielding crop varieties, and so on to upland farmers.\textsuperscript{104} By 1990, after 20 years of implementation of the sedentarization policy, 2.8 million people had been resettled in 26 mountainous areas.\textsuperscript{105} But aside from poverty alleviation, the sedentarization policy also served another agenda: protecting watershed forests allegedly at risk of being destroyed by the highlanders; improving national defense by relocating ethnic minorities from isolated and sensitive border areas to regions under government control; and to assimilate the ethnic minorities into the economic and social life of the dominant society, i.e., the Kinh people.\textsuperscript{106} Although the fixed farming and resettlement programs have achieved significant results in resettling ethnic minorities and reducing poverty, there are issues of note to this program.

First of all, fixed cultivation and sedentarization was not done on the basis of the people’s free will and was not suited to the local traditional practice.\textsuperscript{107} Many of them returned to shifting agriculture as they did not have enough food. The government itself does not have enough resources to really support the transformation of shifting cultivators to do sedentary farming. Resettled areas often lack needed infrastructure and do not allow for customary farming methods. The program has concentrated more on construction, which ate up most of the funds, rather than on making the conditions of the land fit for fixed cultivation and developing long-term strategies for its development.

In terms of social costs, sedentarization has broken down or weakened the traditional social and cultural structure, including system of values, religious beliefs, customary law, languages, and local knowledge. Also affected are village intellectuals, the traditional family form and village organization (ADB, 2002; McElwee, 1999). It has broken the
traditional village lay-out, common property has been replaced by private property, plots have been fenced, and longhouses have been separated (Salemink, 1997). Moreover, social relationships have also changed when those who have potential and capital get rich very fast, while those who lack such conditions become poorer and are pushed to landlessness. This leads to social stratification in the communities, which are traditionally communal and united.\textsuperscript{108}

Lack of participation, consensus, and FPIC characterized the program. For instance, there were no adequate studies done on where infrastructures like roads, public works, irrigation systems, terraces, and wet rice lands were to be built in order to mitigate the effect of heavy rains, floods and the like. It was reported that heavy rains and flash floods have destroyed 461 ha of wet rice, damaged more than 3,000 houses, killed 317, wounded 252, and 38 reported missing.\textsuperscript{109}

In the end, the sedentarization program simply removed the ethnic minorities from their traditional forest abodes but converted these forests into plantations, cultivated farms, and new settlements for lowland migrants. Much more forests were destroyed while poverty still exists. The ethnic minorities were forced to integrate into the dominant socio-cultural and economic framework, but in the end, it was the immigrant who benefitted from the schemes. In the same study conducted by Chinh, a staff of the sedentarization program in one province, said: “I am afraid that if the situation of immigration to Dac Lac continues to increase like today, and no limits for farm land being issued, indigenous people would soon have no more land to survive and shifting cultivation is then unavoidable.”

The Lao government has launched a comprehensive, country-wide resettlement program where almost all of those affected are indigenous peoples. At the beginning of the 1990s, when the program was launched, the Lao government planned to resettle 180,000 households totaling 1.5 million people, of which 60 percent should be resettled before the year 2000. The target has not been achieved and two new resettlement plans have been made with a total of 211,125 people included in the first resettlement plan for 2001 to 2005. An estimated 683 villages, with a total of 164,285 persons, were supposed to be resettled during the second plan between 2006 and 2010. Figures on the actual number of people resettled are not available. Forced resettlement is not an official policy but part of the overall “development” program of the Lao government. Through the program the government aims to eradicate shifting cultivation and the production of opium, provide the resettled people better access to services and the market, and to improve their standard of living, health, food productivity, and food security. However, studies have shown that in most cases, the contrary happens. Resettlement programs have led to increased poverty, malnutrition, a higher mortality rate, and a general deterioration in the health of affected villagers. Furthermore, they often have a negative impact on the environment, running counter to another stated objective: the conservation of forests.\textsuperscript{110} The resettlement of indigenous peoples affected by dams are seen as part of the effort of government to sedentarize the rotational agriculture practitioners as it has not allowed the return
of some of the affected communities like those dislocated by the aborted Xe Pian Xe Nam Noi Dam Project.111

3. Transmigration/population transfer/policies: Terra nullius à la Asia

Some governments in Southeast Asia have launched large-scale internal resettlement programs for various purposes. This involves population transfer from heavily-populated lowland areas to sparsely-populated highland regions, which coincidentally are indigenous territories. This unilateral action of states is an outright violation of the rights of indigenous peoples over their lands, territories and resources. It also demonstrates the ignorance of policy makers of the carrying capacity of highlands, in relation to their sustainable resource management systems, traditional livelihoods and cultural practice, among others. Likewise, this action is now resulting to conflicts between indigenous peoples and migrants.

Between the 1950s and 1980s, state-sponsored transmigration programs for non-indigenous settlers were undertaken by the government of Vietnam to the Central Highlands; the government of Indonesia to West Papua, Kalimantan and other outer islands; the Philippine government to Mindoro, Palawan and Mindanao; and by the Bangladesh government to the CHT. All these transmigration programs have resulted to massive loss of land of indigenous communities and had severely altered the demographic composition and the cultural and political landscape of the transmigration areas in favor of the non-indigenous settlers. In several instances the indigenous peoples were minoritized and the transmigrants became the political and economic powers in the area. These programs have now all been abandoned but the indigenous communities in the affected areas are still suffering badly from the irreversible impacts of transmigration, especially the loss of political power and their economic base—their lands.

Vietnam combined its sedentarization policy with population transfer: forced relocation to provide services to ethnic minorities and teach them modern farming technologies11; transmigration of lowlanders to the highlands to relieve the delta of population pressure; and to help highland minorities and civilize112 them. However, transmigration has placed greater stress on the ethnic populations of these areas because the mountain environment cannot sustain a larger population.113 Migration occurred north to south, to the Central Highlands and Mekong Delta. A total of 710,000 people migrated to the Central Highlands within the program, and 200,000 people were resettled in the northern mountainous areas. Toward the end of this period, planned migration took place at a slower pace due to the shortage of funds and an economic crisis, but this did not stop massive spontaneous migration. The impact on the ethnic minority population of these transmigration policies, political integration and economic programs has been one of displacement and conflict. The first is the degree to which highlanders have steadily lost land through the migration
of hundreds of thousands of lowland Vietnamese, or Kinh, to the region. Some of the settlers came on their own initiative, but many came through state-sponsored transmigration programs that had both economic development and national security goals. Highlanders’ resentment over the loss of land was compounded by the fact that they found themselves lost out to the migrants in education, employment, and other economic opportunities.114

In the world’s largest demographic engineering program that was intended mainly to relieve overcrowding especially in the islands of Java, Bali and Madura, the Indonesian government moved landless farmers and other peoples from the crowded central islands of Java and Bali to the outer islands of Irian Jaya, Kalimantan, Sumatra, and Sulawesi. Between 1903 and 1990, the Transmigration Program resettled more than 3.6 million people at government expense in the outer islands.115 Transmigration was a central policy of the Suharto regime. Between 1950 and 1986, 698,200 families (about 3.5 million people) were moved, most of them to Sumatra.116 The program entailed huge financial, social, environmental, and human rights costs. The World Bank funded this program through seven projects totaling $560 million. In terms of population decongestion, the program has been declared a failure: the government’s then transmigration department acknowledged that transmigration virtually made no dent in the population pressure on Java.117 However, the social and environmental impacts have been irreversible.

An impact evaluation conducted by the Operations Evaluation Department of the World Bank concluded that “Transmigration had a major negative and probably irreversible impact on indigenous people, particularly the Kubu Rimba. With the extensive forest clearing now underway in T2118 as part of the development of the uncleared areas to oil palm, the Kubu Rimba have been (and are being) displaced.”119 What underpinned the transmigration policy of Indonesia is that the islands were “virtually empty” or “underpopulated,” and the notion that indigenous people are “backward” and “primitive.” The natives are supposed to learn what are considered advanced agricultural techniques from the Javanese newcomers, whose intensive farming methods are generally not suited to the vastly different soils and climatic conditions of the islands. As a matter of fact, one of the effects of the transmigration policy was more deforestation because the transmigrants cleared forests for farming, while the indigenous peoples considered these part of their homes and source of subsistence.

Some indigenous peoples responded militantly to this invasion of their territory as the policy did not get the FPIC of the host communities. Tensions between transmigrants and the local populations grew and became violent in some parts. In late 1996/early 1997 and as late as early 2002, the conflict between the Dayaks and Madurese migrants on the island of Kalimantan saw hundreds of people killed, including young children, many of them hacked to pieces and decapitated. Hundreds of thousands of Madurese fled their homes. Many are still living in cramped conditions in temporary camps.120
Indigenous communities regard transmigration as a major threat. In the submission to the UN Working Group on Indigenous Peoples, the Netherlands-based West Papua Volksfront said, “it is because of the transmigration projects and activities of transnational corporations that Papuans are forced to leave their ancestral homeland... Jakarta’s homogenizing approach to development, i.e., the creation of a centralized state, poses a threat to the lifestyle and culture of the Papuans and therefore creates antagonism and social unrest.”

Until now, there had been no solution nor closure to the problems created and exacerbated by this fatal program, which include land disputes, deforestation and massive environmental damage, and social tensions.

## F. International Financial Institutions and development aggression

The international financial institutions (IFIs) were established to assist developing countries to provide social and economic development to their constituents. However, impositions of the western model of development have lead to disastrous results in many of their projects and development program interventions.

The projects of IFIs have had a record of massive violation of human rights of indigenous peoples in Asia. In many countries where these projects have been imposed, indigenous peoples had been subjected to displacement, loss of traditional livelihoods and systematic violation of human rights. Behind the gross human rights violations is the denial of indigenous peoples’ rights to their lands, territories and resources and to free prior and informed consent to projects on development and human development. Among them, the projects related to dams, environmental conservation and highway construction largely have had adverse impacts on indigenous peoples.

While both the World Bank (WB) and the Asia Development Bank (ADB) have their own Social and Environmental Safeguards, their provisions in respecting the collective rights of indigenous peoples are weak and their implementation have been problematic. While there were projects that were implemented better, compared to those implemented in the 70s and 60s, the desired positive impacts of the implementation of these safeguards in ensuring environmental protection and prevention or minimal social adverse consequences have not been achieved from the perspective of indigenous peoples. The ADB has undertaken a review of its safeguards in 2008-2009 and issued a revised Safeguard Policy Statement that includes an improved Indigenous Peoples Policy. The ADB IP Policy now includes the application of the FPIC of indigenous peoples on projects that affect their land, territories and resources, their cultural heritage and on their potential displacement. However, the
respect for the collective decision-making process of indigenous peoples remains weak with the definition of consent as broad community support. Further, the commitment of the ADB partners and staff to implement the ADB IP Policy conscientiously is yet to be tested.

The World Bank, on the other hand, is currently reviewing its Social and Environmental Safeguards. In 2011, WB released an independent review\textsuperscript{122} of the implementation of Operational Policy (OP) 4.10 for the fiscal years 2006-2008 during which the revised OP was in effect.

A summary of the conclusions reached by the review team are as follows:\textsuperscript{123}

1. Although Bank-financed projects have made substantial progress in meeting the requirements of OP 4.10, some areas of substantial improvement are needed. Of 132 projects that triggered OP 4.10, 22 percent were in the South Asia Region while 30 percent were in the East Asia and Pacific Region. Of the 132 projects, 15 were earmarked for indigenous peoples compared to the 12 during the 1993-2004 period. There is some evidence to suggest that there may be some shortcomings in the screening process in order to determine whether OP 4.10 should be triggered or not. This means that some indigenous peoples have been denied their availment of the provisions of OP 4.10;

2. Projects can be classified as proactive (“do good”) projects, which seek to benefit indigenous peoples or projects, which raise safeguards (“do no harm”) issues. It was found that for every five “do good” projects there was one “do no harm” project. Additionally, projects that specifically targeted indigenous peoples had the best compliance followed by projects with components or measures to proactively address the needs of indigenous peoples. However, projects with potential adverse effects on indigenous peoples showed a need for more improvement in addressing their needs;

3. For multi-beneficiary projects where indigenous peoples are only part of the target population, there is budget allocation for them. However, for some projects triggering OP 4.10, which have prepared special budgets earmarked for the implementation of an Indigenous Peoples Plan (IPP), over half of such projects (excluding IP-targeted projects) were allocating less than two percent of total project investment costs to the implementation of IPPs;

4. Under OP 4.10, IPPs are prepared when indigenous peoples are present in, or have collective attachment to, project lands. This IPP should be prepared on the basis of a social assessment and in consultation with the communities involved. For projects involving the preparation and implementation of annual investment programs or multiple subprojects (such as community-driven development projects, social funds and sector investment operations), and when screening indicates that indigenous peoples are likely to be present in, or have collective attachment to, project lands, an Indigenous Peoples Policy Framework (IPPF) should be prepared. IPPs will then have to be prepared for subprojects. There is lack of expertise to determine the correct policy instrument to apply when indigenous peoples are determined to be impacted
by projects. This is shown by some IPPFs being labeled IPPs and the review points out that this confusion may have contributed to the omission in about half of all IPPFs of provisions for the subsequent preparation of IPPs for subprojects as required by the policy;

5. There is an increasing trend in the importance of the Energy and Mining and Transport sectors in the Bank's lending program and the review points out the need for more careful screening of application of the policy in these projects, and increased attention by Bank social staff and more effective implementation of grievance mechanisms at the local level;

6. Regardless of which policy instrument was used, compliance with the specific provisions of the policy showed that projects scored best regarding the inclusion of specific and socio-culturally appropriate activities to benefit indigenous peoples, the avoidance of involuntary resettlement (in the few projects where this was an issue) and, consultation in project design and provisions for consultation during project implementation. Although free, prior and informed consultation provisions scored relatively well, evidence of broad community support showed a lower level of compliance. Other criteria wanting in implementation include the quality of social assessments, inclusion of specific or disaggregated monitoring indicators, in-country disclosure of IPPs or IPPFs, and lastly the policy provisions regarding land and resource rights and the establishment of grievance mechanisms. More importantly, although most projects did identify benefits for indigenous peoples, in many projects they did not address potentially negative impacts and especially the long-term or indirect ones;

7. There is disregard of the protection or promotion of indigenous peoples' rights to lands and resources, and the lack of a grievance mechanism is a matter of grave concern. Even without legal recognition of indigenous peoples, projects that affect land and water rights, which could have had a positive impact on protecting or promoting the application of these rights, did not consider measures to address the land and resource rights, which are often the condition *sine qua non* for the long-term wellbeing and sustainability of indigenous peoples’ societies and cultures;

8. Project information and documentation of project processes is substantially lacking. The review found that evidence of broad community and verifiable information on how the process of obtaining support was done had been limited and is another area that needs substantial improvement.

After some years of withdrawing from funding large dams since the 1990s, the WB recently reentered the business by “adopting new high-risk infrastructure and energy strategies.”124 Its private equity arm, the International Finance Corporation, is also involved in promoting dams, and has partnered with the public sector for dam financing. This same modality is being promoted by the ADB, the so-called public private partnerships (PPPs), in doing business. These developments increases the need to strengthen the safeguard measures and to demand for genuine FPIC process
for affected indigenous peoples in the context of respecting their rights over their lands, territories and resources, and to self-determination.

The following cases are examples of the experiences of indigenous impacted by projects supported by IFIs.

1. Laos

Khammouane Province, Vientiane and Xieng Khouang Provinces

The government of Lao PDR (GoL) considers hydroenergy as the main thrust of growth and economic development. It aims to transform the country into “the battery of Southeast Asia” by harnessing the power of rivers. To achieve this goal, IFIs, e.g. the WB and the ADB, are providing support to the GoL for hydropower projects. In its power development, GoL includes 55 new large dams, seven of which are under construction and nearly 15 more at advanced planning stages. Thirty (30) new more dams are expected to be completed by 2020. In the experience of large dams such as Nam Thuen 2 (NT2) and Nam Ngum 3 (NN3), indigenous peoples in the affected communities suffered serious economic and social dislocations, in addition to loss of biodiversity.

The NT2 dam in Khammouane province directly affected more than 110,000 people by destroying livelihood options, fisheries, flooding of riverbank gardens, and water quality problems. Indigenous peoples in the Nakai plateau (6,200 of them), had been resettled to accommodate the reservoir. The Vietic peoples, the most vulnerable of the indigenous peoples in Laos, were forcefully relocated in resettlement villages in violation of the WB and ADB’s own policies on indigenous peoples. It is reported that many of them have died as a result of living in a (resettlement) village, for both psychological and physical reasons. As of today, affected indigenous families in the resettlement villages have not gotten land and other forms compensations for the loss of their properties as promised.

The commitments remain either completely unfulfilled or partially fulfilled. Due to loss of land and natural resources, food security has remained a major concern of the affected indigenous peoples. Although the material needs for housing, electricity, roads, schools, and health centers are provided at the resettlement villages, there is no guarantee that the people’s livelihoods will be recovered and become sustainable. The poor quality of the land in the resettlement sites continues to cause problems for villagers, who are unable to grow sufficient food to feed their families, and to pay for the electric bills. The long-term production of the reservoir fisheries is in doubt, and outsiders are encroaching on the villagers’ community forest areas. Meanwhile, NN3 dam in Vientiane and Xieng Khouang provinces, which is expected to be completed by
Key Existing and Proposed Dams in Lacs

LEGEND
- Existing Dam
- Dam Under Construction
- Planned Dam
- Border

2016, will submerge an area of 3,769 km² affecting Lao-Tai (42%), Khmu (33%), Hmong (25%), and Yao indigenous groups.

2. Northeast India

Meghalaya, Manipur, Nagaland

In Northeast India, major IFIs—the WB, ADB and Japan Bank for International Cooperation—are most active in providing support for the transportation, power and energy sectors, trade and private sector participation, urban development, agribusiness and tourism. Almost in all projects in Northeast India, indigenous peoples were not properly consulted before big development projects were undertaken. One such case is the Lafarge Surma Cement (LSC) plant, the first project of South Asia-Sub-regional Economic Cooperation (SASEC), a dream for borderless Asia being promoted by ADB. The LSC plant, which is actually in Bangladesh but sources its raw materials from Meghalaya, India, affected the indigenous Khasi people in Meghalaya State of India. As of today, the affected families have been struggling to get compensation for loss of lands and livelihoods due to LSC. Apart from IFI projects, large transport and energy projects have been undertaken or are being initiated by private companies and the government agencies in Northeast India. The Tipaimukh Multipurpose Hydroelectric Project (TMHEP) in Manipur and Mapithel Dam in Manipur are causing serious threat to Hmar, Naga and Kuki indigenous peoples. The TMHEP will submerge about 311 km², including 25,822 ha of forest; permanently displace 90 villages mostly of the indigenous Hmar and Zeliangrong peoples; and will cut down 7.8 million trees and 27,000 bamboo groves.

3. Nepal

In Nepal, apart from financing projects of health and education, the WB and ADB are providing money for transport and hydropower dams. These include recent two hydropower projects—Kabeli A Hydropower and Tanahu Hydropower Project—which are on pipeline. The detailed impacts of these hydropower projects on indigenous peoples could not be ascertained yet. On the other hand, Yamphu (2010) suggests that the “do no harm” projects, e.g., agriculture development projects, do not necessarily bring in good results to indigenous peoples either due to lack of participation or wrong categorization of the projects by the IFIs. The Yamphu, a case study on a commercial agriculture development project financed by ADB, stated that the high value crops (HVC), despite increase in income in the short-term, affected the traditional seeds, soil fertility and pest management systems of indigenous peoples in Nepal.
4. Malaysia

Sarawak Province

The Batang Ai Hydro Electric Power (HEP) project in Sarawak was constructed between 1975-1985 in the heartland of the Iban tradition and culture, near the boundary of Sarawak with Indonesia Kalimantan. It displaced about 3,000 Iban from 21 longhouses who were resettled in the Lemanak -Batang Ai area on a land that was managed by the Sarawak Land Consolidation and Rehabilitation Authority. Funded partly by the ADB, the largest HEP in Malaysia covers some 16187 ha of land, of which 8498 ha. were eventually flooded, destroying large areas of forests and lands held under customary tenure, which include swidden farms, crops and ancestral lands. The resettled Iban natives face many problems and say that they had been treated unfairly. Instead of the 4.5 ha of cleared land that they said they had been promised, each family only received 0.4 ha . It also turned out that they had to pay for their new longhouses when they were informed earlier that these would be free. While some families received cash compensation, they did not know how to deal with their newfound wealth and squandered it away.

Most families were in shock over the new system and new way of living; many could not cope. Land certificates were issued for each family under the husband’s name. Women deprived became In 2009, not only the oustees but the whole of the constituency of Batang Ai were complaining that there was no public bus transport, not enough telephone lines, poor electricity supply, frequent water supply interruptions, not enough health and medical facilities, roads in bad shape, poor mail services, no banks, few job opportunities. These are just a small portion of the long list of socio-economic woes of the 18,000 folks in the Batang Ai state constituency, even though the Batang Ai hydro-electric dam has been running since 25 years ago.126

Asea Brown Boveri supplied equipment for the Batang Ai dam in Sarawak, built in 1975. The Asian Development Bank funded the project. The ADB has described the resettlement of 2,800 Iban displaced by the dam as an example of a “culturally sensitive and economically sound program” because “the policies and plans...were carefully investigated and prepared.”127 Others, however, are more sanguine. As Marcus Colchester, Director of the UK-based Forest Peoples Programme, notes in a review paper commissioned by the World Commission on Dams as part of its assessment on the impact of dams on indigenous peoples: “The Iban were persuaded to move in exchange for promises of free housing, free water, free electricity and 11 acres of land per family. The reality has proved a bitter experience. Not only were they resettled on a government land scheme, but they were also forced to change their way of life radically. Rice cultivation proved impossible on the terraces prepared for them and they were obliged to set up as small-holders on a plantation scheme. Incomes fell to the point that, according to one study, 60 percent of households were
below the State poverty line, with the majority of respondents reporting that lack of land was their main problem.”\(^{128}\)

The State-owned Sarawak Land Consolidation and Rehabilitation Authority (SALCRA) ran the plantation on which the Iban were resettled. Women suffered disproportionately from the resettlement procedures. For example, compensation, which should have been paid to both men and women as co-owners of the land, was only paid to male “heads of household.”

5. Indonesia

PT WEDA Bay Nickel, Halmahera island, North Maluku

The Forest Tobelo (Tugutil) are the nomadic inhabitants of the inland forests of Halmahera island whose subsistence is based on hunting and gathering, and occasional foraging for sago (a starch extracted in the spongy center of various tropical palm stems) in lower areas. Studies have found that the Tobelo Forestry Community can be broadly categorized into two groups. The first group are those Forest Tobelo who have been resettled, but may still return regularly to old sites in the Forest. The second group remain nomadic and identify themselves as *O hongana ma nywa* or “forest people.” Although total numbers are hard to determine, knowledgeable sources estimate a total of 100 individuals.\(^{129}\)

In 2004, the government declared 167,300 ha of this territory the Aketajawe Nature Reserve and the Lalobata Protected Forest to protect at least 23 bird species found nowhere else in the world. However, PT WEDA Bay Nickel (WBN) has been allowed to undertake exploration and other mining development activities inside these national parks. The WBN Project’s Contract of Work covers 54,874 ha, which are part of the proposed buffer zone for the park. It contains mangrove and fresh water swamp forest, various lowland forest habitat types, and lower montane forest. Less than half of the total area is designated Protected Forest by the Ministry of Forestry. In this phase of WBN’s mining operations, it has asked the Multilateral Investment Guarantee Agency (MIGA), a specialized branch of the World Bank, to cover the project with respect to political risks. The MIGA board approved the insurance for the feasibility phase of the project on July 13, 2010 in the amount of $207 million for three years.\(^{130}\) This guarantee covers war, civil disturbance expropriation, non-transfer, and breach of contract.

In the Environmental and Social Review undertaken by MIGA on due diligence conducted in mid-2010, key significant potential impacts of the project were identified that will occur during the construction and operations phases. These impacts include potential erosion, biodiversity, solid residues disposal, and population influx. With
respect to the forest dwellers, it states: “It is possible that Project activities may hamper their movements and cause changes to livelihood patterns and distress...It may also be possible to discover heritage sites belonging to the local indigenous groups.”\textsuperscript{131} The planned mining area is still part of the proposed buffer zone for the park. The forests are also the lands of the Forest Tobelo indigenous peoples, and represent important habitat for a number of endemic and protected species.

Comparably, concerns were expressed that the project will have numerous adverse impacts on biodiversity such as the destruction of at least 4,000-11,000 ha of moist tropical forest, as well as the destruction of at least 2,000-6,000 ha of Protection Forest, or up to 30 percent of the Protection Forest in the mine project area.\textsuperscript{132}

The continued existence of the Forest Tobelo is now put into question with the impact of this mining project in their territory.

Since the 1970s, successive Bangladeshi governments promoted the migration of Bengalis to the Chittagong Hill Tracts. From 1978 to 1983, the military governments had settled an estimated 500,000 plain settlers by providing inducements in order to make indigenous Jumma people a minority in their own land. In 1979, the Rahman regime created a legislative framework through the Settlement Program to allow the entry and settlement of non-indigenous people from the plain areas of Bangladesh to the CHT. Inducements came in cash and kind with a fixed allocation of land settlement per family through a Tk60 million program. The official rationale for the program was that there was land to spare in the Hill Tracts to ease the overcrowding in the plains. This misconception of enormous amounts of available land in the CHT was contrary to official information. The indigenous peoples of the CHT were never included in the decision making, the program formulation or the implementation of the settlement program. They were not inform about the specifics of the proposed plan, including the decision to provide the settlers with land allotments. Nor was their consent obtained or their prior claims safeguarded. Between 1979 and 1984 around 200,000 and 400,000 landless Bengali were settled in the CHT, often on land belonging to indigenous peoples. In an area of 5,098 square miles (approximately the size of Northern Ireland), with an original population of about 600,000, this influx of outside settlers had a major impact. Although the government claims to have halted the settlement program, unofficial sources indicate that families from the plains continue to relocate to the Hill Tracts. Almost 60 years ago, the indigenous peoples constituted more than 75 percent of the CHT population, now they account for only 47 percent.
Indigenous societies are as diverse as are the peoples. As with other societies, indigenous societies traditionally follow gender roles of men and women. These are then reflected in the duties, tasks and responsibilities they assume, and in the needs and interests that they require and aspire for. In Asia, traditionally, indigenous women are generally respected by indigenous men and have had equal access to and control over collective land and natural resources. This access and control, however, has been eroded or is being supplanted through time by the introduction by the state of institutions of private property. Some indigenous women of South and Southeast Asia, like those belonging to some indigenous nationalities of Nepal and certain tribes
of India, Thailand and Cambodia, enjoy a high social position; their status is not low in comparison to their male counterparts. Property is owned by both men and women in the Tharu communities of India, and women spend their income freely without any advice from their male relatives. In several matrilineal tribes such as Khasi, Garo and Jaintia of Northeastern hills of India and among the Karen in Thailand, women are entitled to hold exclusive land rights and inherit ancestral properties. Their elevated status within the family, however, is not reflected in the community. Certain influences of colonial and dominant cultures and traditions on indigenous peoples have placed indigenous women in a difficult situation in terms of playing effective roles as custodians of their cultures. With the loss of access and control over land and resources, indigenous women’s role and participation in sustainable development is compromised. This section looks at the issues of indigenous women and sustainable development and proposes recommendations to address such issues.

A. Key issues of women relating to sustainable development

It is widely recognized that indigenous peoples are among the most marginalized and vulnerable groups and that within indigenous communities, women often represent the most disadvantaged category. Indigenous women throughout the world often face similar experiences and challenges, such as multiple forms of discrimination; poverty; lack of access to education, health care and ancestral land; the depletion of their natural environment and resources; as well as violence and domestic abuse.

As the achievement of sustainable development equally requires the integration of environmental protection, economic growth and social justice, it is crucial to consider indigenous women’s key issues at these different levels of sustainability. Therefore, in the following, adverse impacts of environmental destruction on indigenous women, as well as different aspects of indigenous women’s socio-economic development, will be delineated.

1. Indigenous Women and Environment

a. Indigenous women’s role in natural resource management and biodiversity conservation

Most indigenous communities subsist largely on swidden farming/shifting cultivation
and wet rice cultivation on terraced fields. These are supplemented by hunting and gathering of forest products. Although men and women are both involved in agriculture and other productive work, indigenous women bear the brunt of the work. While men are generally involved in doing work that is regarded as heavy, in general, women are responsible for farm work such as sowing, planting and harvesting, and farm maintenance and seed conservation; as well as for childcare, fetching water, fuelwood, fodder for domestic animals, foraging wild vegetables, and catching fish. They are in charge of managing household consumption, and thus, of the whole family’s health. Women often provide for critical protein, vitamin and mineral-rich vegetables both from gardens, fields, rivers, and forests.

Indigenous women, therefore, have developed detailed knowledge about the forest products they collect and use. They have intimate knowledge of the local forest environment, e.g., where and when particular wild fruits and plants are available. Hence, indigenous women are the keeper of very varied knowledge systems, including ecosystem management and technologies, locally-adapted seed varieties and medicinal plants. For example, the Karen women in Thailand are known for the variety of seeds that they maintain and propagate. At least 40 different foods with many varieties continue to be grown in their swidden fields. Because of the close links between their daily lives and the environment, indigenous women play crucial roles in the management and conservation of natural resources and biodiversity; and they transfer this crucial knowledge to their children and younger generations.
b. Impact on indigenous women due to land conversion and forest degradation

In many cases, globalization and economic liberalization processes have destroyed indigenous subsistence economies. Indigenous women are particularly vulnerable to the effects of environmental degradation brought by the encroachment of development aggression like mining, plantation or logging. They often suffer disproportionally from the loss of land and especially forests as a result of unsustainable development policies due to fewer economic resources and less control over shared resources. They are also mostly excluded from decision making processes.

The non-recognition of indigenous peoples’ rights over their land and resources, large-scale unsustainable land use and land conversion through logging, plantations, and mining have led to a scarcity of critical resources.

Many indigenous women have lost their livelihood as they are no longer able to produce their own goods. For example, in most of the countries in Asia, non-timber forest products are an important source of income for indigenous women. They gather, process and sell these independently of men, which give them a source of cash income and a certain level of economic independence, and thus, a stronger position and better status in the society. Scarcity or the loss of access to forests and non-timber products has made women become more dependent on men and has contributed to the deterioration of their status. With the increase in environmental problems and shrinkage of land and natural resources, the workload and responsibilities of women have also magnified. Sometimes they are forced to join labor markets as they cannot find enough fuelwood, fodder, vegetables, among others, for their households. As a consequence, there are adverse impacts on the living standard of the family and on gender relations as well.
2. Indigenous Women and Socio-economic Development

a. Discrimination of indigenous women in relation to access to education, health services and decision making
Sustainable development has three principal dimensions: economic growth, social equity and protection of the environment. As these different aspects are tightly interconnected, it is also essential to highlight some aspects of the socio-economic situation of indigenous women. They are still confronted with inequality in many social and economic aspects.

Indigenous women face a lack of livelihood and employment opportunities as well as access to credit, capital markets, and other economic activities. They are especially deprived of educational opportunities because they not only face the same barriers to accessing school as men (such as economic restrictions or geographic obstacles), but additionally encounter gender-based discrimination. In some communities, social norms make it difficult for indigenous girls to attend schools: families prefer girls to remain at home to help in domestic chores and child care; others prefer their daughters to be married off at a young age.

Indigenous women often do not have adequate access to health care services and facilities. Frequently, modern health care services are only hardly accessible or completely out of reach for them, because many communities lack facilities and services. Additionally, the costs and the negative attitudes of some public providers make equal access more difficult.

Besides that, indigenous women disproportionally suffer from a lack of participation in decision making processes and institutions, as in many indigenous communities decision making is still mainly a man’s domain. Thus, indigenous women are often underrepresented in the public domain, in decision making bodies of the government, in community councils, or in civil society organizations. As a consequence, their perspectives and needs are imperceptible and widely unknown.

In sum, addressing the gender dimension of indigenous peoples’ issues is a prerequisite for sustainable development processes. Indigenous women in particular play a fundamental role in the stewardship of available natural resources, and they have a high potential as custodian and sustainer of biodiversity. Due to their socio-political exclusion, the socio-economic development of indigenous communities as a whole is constrained. Thus, in order to achieve sustainability, indigenous women’s issues, roles, priorities, and needs must be recognized and supported. Indigenous women hold the keys to fighting poverty and realizing approaches to sustainability.

3. Case examples

The following case examples from some of the ASEAN countries highlight the social and environmental impacts of large-scale development projects on women and their plight resulting from forest degradation, land conversion and development aggression by the states and transnational corporations.
**Oil Palm Plantations**

In Indonesia (e.g., in Kalimantan and Sulawesi) replacement of forests and agricultural land by oil palm plantations have adverse impacts on the indigenous communities, especially on women. For example, in traditional societies, women have important roles in managing natural resources and maintaining sustainable livelihoods, which support their families. These expertise are lost once plantations replace the forests and agricultural land. With the loss of the natural resource base, women’s role is further degraded, their once prestigious position in the community is jeopardized, and they become poorer as their families become poor. There is a clear link between deteriorating natural environments and poverty. Once they enter as laborers in the plantations, they are paid lower wages than men on the ground that they get easier work. Thus, problems for women associated with oil palm plantations are those of poverty and debt. Environmental pollution and health issues are also serious areas of concern for women living in and around plantations. In the village of Keladi, in Ketapang District of West Kalimantan, for example, people are beginning to experience a shortage of clean drinking water because of the pollution of the river by a large oil palm plantation nearby. Women who were provided with agrochemicals by companies often had no idea about the possible effects of the pesticides they used, especially during the early stages of pregnancy. Pesticides and fertilizers stored in people’s homes presented hazards, particularly to women and children who could not read or understand the labels. Because of the loss of cultivable lands, many young women from West Kalimantan went to neighboring Malaysia to look for work. Several of them returned to their village as single mothers. Prostitution is also increasing in most plantation villages as well as the numbers of children born out of wedlock. This development is further causing discord in the community as the single mothers are prone to ostracization and therefore deprived of social support. Plantations have made women’s lives harder in other ways too. They have to go much further to find firewood once the forests have been cleared for oil palm. There are no grazing grounds for livestock close to the village once it is surrounded by plantations, and women have to carry clean drinking water for longer distances.140

**Hydropower projects/dams**

In Sarawak, Malaysia, the building of the Batang Ai hydroelectric dam led to the resettlement of the indigenous Iban community. This brought severe ecological, social, cultural, and economic disruption to the people, especially the women who had lost all traditional rights to land and other resources. In traditional Iban custom, men and women are considered equals—they work in paddy planting, acquire land and settlement rights, and inherit property. In the process of resettlement, however, this was not considered. Compensation was mostly given to the men, under the planners’ false assumption that the men were the “heads of households.” With the commercialization of agriculture and SALCRA’s (Sarawak Land Consolidation
and Rehabilitation Authority) policy of one certificate of ownership per household, women’s land rights were abrogated and a dependency relationship created.

Thus, one of the most traumatic effects of resettlement is that the women now have no land to plant paddy. Traditionally, women are the custodians of the paddy pun (sacred paddy) and most settlers continued to grow paddy on SALCRA land when they first moved into the area as commercial crops were yet to be planted. However, this is no longer possible as the land is now planted with cocoa and rubber. There is therefore rising desperation among the women to find land for their paddy pun to be planted every year in perpetuity\(^{141}\) as part of the Iban peoples’ identity. On the home front, some women reported that their husbands had abandoned them, taking the compensation money and leaving them virtually destitute. Overall, incomes declined, gathering food became scarcer and firewood hard to find. The women also found it hard to carry on their traditional weaving and basketry, as they lost access to forests from which to collect the materials. Summarizing the peoples’ sense of despair, one old woman lamented: “We are already dead.”\(^{142}\) The experience of Sarawak women in resettlement is not unique. India’s National Rehabilitation Policy for Project Affected Families (2004) makes provisions for adult sons to get compensation, but not for adult females.\(^{143}\)
Indigenous Women and Sustainable Development

Mining

In the Philippines, appropriation of indigenous peoples’ lands for mining has led to massive displacement of communities and disintegration of indigenous society, affecting communities in general, and women in particular. The destruction of traditional values and customs that sustain the community has led to increased incidences of alcoholism, drug addiction, gambling, and infidelity. The case of domestic violence against women is also on the rise. The replacement of the subsistence economy by market economy has further marginalized indigenous women as food producers. Besides the loss of land and forests (hence, depleting food sources), many of the communities living around mining areas are also facing serious health problems, with some women-specific disorders, such as impaired reproductive health, spontaneous abortions or deformed fetuses. Furthermore, there is increased militarization in and around mining communities. Thus, indigenous women have become more vulnerable to gender-based violence. In Abra and Mindanao, there are cases of indigenous women who have been raped and sexually harassed. In Mindanao, massive militarization since 2010 had been experienced by indigenous communities due to the entry of mining companies, which use paramilitary forces as security for their investments, with the tacit support of the government. Several indigenous leaders were killed, leaving several widows who were left with young children, but in spite of this, still continue to participate in their peoples’ struggles. Sharon Liguyon, the wife of anti-mining indigenous leader Jimmy Liguyon of Dao, San Fernando, Bukidnon, Philippines who was murdered by the paramilitary group NIPAR (New Indigenous Peoples’ Army) in March 2012, carries on the struggle of her deceased husband against large-scale mining as well as the fight for the security of her community.144

Photo credit: CPA
B. Recommendations on securing the rights of indigenous women in development

1. Governments should formulate strategies that include considerations of gender perspectives on the rights of indigenous peoples, and to integrate the special needs and concerns of indigenous women in policies, programs and budgets relating to economic and social development. This shall include the adoption of national legislation and measure to eliminate and reverse the multiple discrimination of indigenous women. Steps have to be taken to ensure that indigenous women shall fully and effectively participate in all levels of governance, locally, nationally and internationally.

2. Measures should be adopted to enhance indigenous women’s participation in development processes. Within the context of a human rights-based approach to development, indigenous women should be provided with opportunities to further enhance their capabilities and to gain control over valued resources that will help them to gain gender equality. Data disaggregation on key indicators on the wellbeing and development of indigenous women shall be conducted systematically and regularly, and taking into account local and regional cultural/social/economic differences in regards to indigenous women’s issues.
3. The vital role and contribution of indigenous women in natural resource management and protection of environment should be fully recognized, enhanced and promoted. Their roles shall be strengthened in measures, including their ownership rights to lands and access to resources, that seek to effectively control and prevent the destruction of other natural resources. Indigenous women’s effective participation shall be mandatory in consultation and decision making processes in relation to natural resources. Women should be able to fully and effectively participate in the design, implementation, monitoring, and evaluation of environmental programs or projects. The Convention on Biological Diversity (CBD) in its Preamble recognizes: “the vital role that women play in the conservation and sustainable use of biological diversity” and affirms “the need for full participation of women at all levels of policy making and implementation for biological diversity conservation.” Field studies to investigate the negative impacts that large-scale development projects (e.g., mining, logging, and other extractive activities) have on women who live in and around them should be carried out.

4. Increased employment for indigenous women: States shall develop policies to promote special measures for the improvement of indigenous women’s economic and social conditions through the expansion of employment opportunities. Increased employment for indigenous women will empower them in many ways and thus will enhance their social status. The professionalization of their traditional skills especially in arts and crafts can further expand their employment opportunities. Besides that, increased access to resources including micro credit, new technologies, agricultural inputs and other outputs are also able to expand self-employment opportunities. Capacity building can be strengthened by entrusting women’s groups with the direct management of financial resources for development work. Facilitating women’s access to credit through micro finance activities has been successful in generating additional income. With better incomes, indigenous families will be freed from debt bondage and other forms of exploitation and the nutritional status of the family members will be improved.

5. Increased access to education: Education systems should be improved to increase the access of indigenous women and girls to education and skills training. The right to education, including bilingual education, shall be fully respected so that indigenous women have better access to both formal and non-formal education. Governments shall increase funds allocated for education to sustain equitable education programs particularly for indigenous women. Launching literacy programs targeted exclusively at women as well as the raising of family awareness of the benefit of education in terms of social and economic status shall be pursued. Likewise, special educational needs of indigenous women should be culturally-appropriate. Improved educational status of indigenous women will expand their employment opportunities and also empower them in the political processes.
6. Access to health care services: Healthcare systems shall be improved to foster rights-based approaches to health. Indigenous women shall benefit by the adoption of culturally-acceptable and appropriate strategies of health care services. Traditional healing practices should also be recognized and improved. Indigenous women shall have better access to health education and training.
A. Background: The ASEAN and its key components

The Association of Southeast Asian Nations (ASEAN) is a 10-member organization of nation-states, namely: Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar (Burma), Philippines, Singapore, Thailand, and Vietnam. Founded in 1967 by Indonesia, Malaysia, Philippines, Singapore, and Thailand for the purpose of promoting regional peace and stability, acceleration of economic growth, social progress and cultural development, it was only in November 2007 that the Member-States finally bound themselves into a legal entity by creating and ratifying the ASEAN Charter.
In 2003, ASEAN leaders came out with their “ASEAN Vision 2020” to create an ASEAN community by 2020 founded on three pillars: political and security cooperation, economic integration, and socio-cultural cooperation, each with their own Community. In 2009, the ASEAN agreed on the master blueprint “Roadmap for an ASEAN Community 2009-2015,” which consists of the ASEAN Political-Security Community (APSC) Blueprint, the ASEAN Economic Community (AEC) Blueprint, the ASEAN Socio-Cultural Community (ASCC) Blueprint, and the Initiative for ASEAN Integration Work Plan 2. All of these are supposedly closely intertwined and mutually reinforcing for the purpose of ensuring durable peace, stability and shared prosperity in the region.

The Economic Community is deemed to have been attained when economic integration is achieved, i.e., ASEAN is: (a) a single market and production base; (b) a highly competitive economic region; (c) a region of equitable economic development; and (d) a region fully integrated into the global economy.

The Political Security Community’s goal is to promote political development by seeing to it that ASEAN member-states adhere to the principles of democracy, the rule of law and good governance, and respect for and promotion and protection of human rights and fundamental freedoms as inscribed in the ASEAN Charter. The ASEAN Intergovernmental Commission on Human Rights (AICHR) is located under this Community.

The Socio-Cultural Community’s goal is to ensure that the envisioned ASEAN Community is people-centered and socially responsible, with a caring and sharing society that is inclusive and harmonious; and where the wellbeing, livelihood, and welfare of the peoples are enhanced. Such a Community is envisaged to have the following characteristics: (a) Human Development; (b) Social Welfare and Protection; (c) Social Justice and Rights; (d) Ensuring Environmental Sustainability; (e) Building the ASEAN Identity; and (f) Narrowing the Development Gap. It shall also respect the different cultures, languages and religions of the peoples of ASEAN and emphasize their common values in the spirit of unity in diversity.

Throughout the ASEAN’s policy framework, sustainable development is depicted as a comprehensive concept. The ASEAN leaders emphasize that economic interests, social concerns and environmental protection are intrinsically interwoven and must be taken into account accordingly. In this sense, the protection of the environment and the sustainable use of natural resources are being described as essential to the long-term economic growth and social development of the ASEAN countries. Cooperation on sustainable development in terms of this multi-sided concept is guided by various agreements and declarations, as well as programs and implementation strategies.

In 2009, the ASEAN leaders agreed to establish the ASEAN Centre for Biodiversity. Its purpose is to facilitate cooperation and coordination among the members of ASEAN and other stakeholders at the national to international levels for the conservation and sustainable use of the region’s biodiversity, including ensuring fair and equitable benefit
sharing arrangements for the use of such biodiversity.

The ASEAN's commitment towards a multi-sided sustainable development is further acknowledged in its ASEAN Vision 2020. It reiterates one of the basic principles of the ASEAN charter that calls for "a clean and green ASEAN with fully established mechanisms for sustainable development to ensure the protection of the region’s environment, the sustainability of its natural resources and the high quality of life of its peoples."\textsuperscript{151}

Programs, Plans of Actions, Strategies

To achieve the broader goals of ASEAN Vision 2012 and the ASEAN Charter, a series of programs and action plans have been developed and implemented through the years, which set specific activities with measurable objectives, outputs, means of implementation, and mid-term review mechanisms.\textsuperscript{152} The latest, the Roadmap for an ASEAN Community 2009-2015, lays out economic, social and environmental goals, strategies and actions to achieve its goal of an environmentally-sustainable ASEAN Community by the year of 2015, e.g., through the above-mentioned Blueprints of the ASCC, the AEC, and the APSC.\textsuperscript{153}

1. ASCC Blueprint:\textsuperscript{154} Social Development and Environmental Protection

Measures to achieve social development and environmental protection are spelled out in the ASCC Blueprint. According to ASEAN, sustainable development also has to secure a fair distribution of the wealth gained through increased economic growth. To ensure a decent quality of life for its people, ASEAN addresses two main social development concerns: poverty and health, as well as their connection with the environment. ASEAN’s biodiversity is very rich, its environment and natural resources are unique and manifold, and half a billion people in ASEAN rely on these resources for their livelihood. However, terrestrial ecosystems are under threat due to rapid population growth, accelerated industrialization, increased resource extraction, and urbanization. It should be noted that the Socio-Cultural Community is envisioned to have a culture that promotes human and social development, respect for fundamental freedoms, gender equality, and promotes and protects human rights and social justice through activities that are people-oriented and environmentally friendly.
2. Economic Development

Sustained economic growth is considered as the key element of sustainable development. From this perspective, economic development is enabling people to improve their living standards, including adequate access to health and education. Furthermore, economic growth is seen as allowing measures to be taken to preserve and protect the environment and natural resources, which in turn build the basis for life and permit further economic growth. Steps undertaken by ASEAN towards accelerated growth comprise, among others, the ASEAN Free Trade Area and the ASEAN Investment Area. To facilitate economic growth, a good infrastructure network is considered obligatory, such as highways, telecommunications, power grids as well as water and gas pipelines. ASEAN Vision 2020 requires development in the fields of energy, gas and water within the region through the ASEAN Power Grid and the Trans-ASEAN Gas Pipeline and Water Pipeline; as well as the use of alternative energy resources (cf. ASEAN Economic Community Blueprint, Section B, Competitive Economic Region).155
B. The reality - ASEAN Sustainable development: Economic growth for more business as usual

The ASEAN vision and rhetoric of “sustainable development as people-centered” and for “environment protection,” and its ambitious targets for economic growth are full of contradictions, belying any sincerity and strong commitment of ASEAN states to achieve sustainable development for all peoples of ASEAN. Its stress on economic growth is dependent on massive resource extraction and exploitation, capital investment for large infrastructure projects, and massive production of goods, among others. This is geared to serve the global market rather than the needs of the peoples of ASEAN. These target projects for economic growth are big business opportunities for profit that will continue to benefit private and business enterprises, corporations and investors. It will exacerbate the economic disempowerment of the majority living in rural communities who are dependent on the resources targeted for exploitation and destruction in the name of economic growth. As a consequence, it will widen the gap between the rich and the poor. Furthermore, its focus on production of goods for the global market is based on unequal trade and competition, to the detriment of producers and workers. Likewise, sustainable agricultural production for food sufficiency is sacrificed for biofuel plantations and production for export.

Strategic provisions and delivery of the basic social needs of the people such as education and health services are not prioritized as state responsibilities. ASEAN’s claim to be people-centered is highly discredited, given their consistent refusal to even engage with civil society in any constructive dialogue. ASEAN remains a closed door for its citizens, while the business community is accorded the red carpet in ASEAN’s major meetings. Likewise, the full recognition and protection of the rights of indigenous peoples over their lands, territories and resources, land tenure of farmers and tillers, and rights of workers, women and migrants, are not provided. Mechanisms for corporate accountability have not been established, while specific policies and measures for environmental protection are absent. ASEAN does not have any binding environmental safeguards, and serious environmental issues such as air and water pollution are worsening by the day.

This model of sustainable development based on lopsided economic growth targets will cause, among others, widescale disasters; economic and physical dislocation of millions of indigenous peoples; destruction and exploitation of indigenous peoples lands, territories and resources; hunger and food insecurity; resource conflicts; and massive human rights violations. The extractive projects, based on the experiences of indigenous peoples highlighted by cases previously presented, will only worsen their marginalization and impoverishment—not only in economic terms, but also in the social and cultural dimensions. The destruction of their lands will lead to the weakening of their social and cultural cohesion and institutions as distinct peoples, resulting to ethnocide. For indigenous peoples that are not legally recognized, such
as some groups in Thailand, Malaysia, and Lao PDR, they will become even more vulnerable to physical dislocation and all forms of exploitation and abuse as they are forced to leave their territories and fend for themselves.

**C. Priority integration areas of the ASEAN Economic Community likely to have adverse impacts to indigenous peoples**

1. **Infrastructure development in the transport sector**

An ASEAN Transport Action Plan (ATAP) 2005-2010 covering maritime, land and air transport, and transport facilitation has been put in place, to include multi-modal transportation. It is intended to establish an efficient, secure and integrated transport network in order to support and facilitate the ASEAN Free Trade Area, as well as to enhance the attractiveness of the region as a single production, tourism and investment destination.

For the ASEAN-Mekong Basin Development Cooperation, ASEAN aims to complete the missing railway connection for the Singapore to Kunming Rail Link (SKRL) in Cambodia and Vietnam; as well as for the completion of Poipet-Sisophon Rail Link. To broaden the network coverage, ASEAN is committed to build the spur lines linking Myanmar and Thailand and between Laos and Vietnam. Another priority is the ASEAN Highway Network (AHN) Project, in particular, road construction/improvement of below-Class III road (two narrow lanes with double bituminous treatment) sections of designated Transit Transport Routes.

There is a dearth of information on the transportation infrastructure that had been undertaken to make the AHN possible, especially in the remote areas where indigenous peoples are located. Nonetheless, the potential impacts of these projects on indigenous peoples, based on experiences in the past, will include displacements, unfair compensation, and loss of livelihoods, among others.

2. **Energy**

Besides infrastructure development, the ASEAN’s energy development plan is expected to have a tremendous impact on indigenous peoples’ land and territories.

Southeast Asia’s oil and gas resources are destined to play an increasingly influential role in global oil and gas markets. Insatiable demand, particularly from China, India
and South Korea as well as from within the region, is instilling new dynamism into the ASEAN region’s hydrocarbon sector. The aim of the ASEAN energy program is to secure a reliable supply of energy, including biofuel, in order to support and sustain economic growth, greater economic integration, and international competitiveness. The Trans-ASEAN energy network consists of the Trans-ASEAN Gas Pipeline and the ASEAN Power Grid (APG). These projects are intended to allow for maximizing the potentials of the region’s energy resources.

As has been discussed in the section on dams, the rivers in Southeast Asia are being dammed for hydroelectric power generation, some of which are to be sold to neighboring countries. In Lao PDR, the buyer is Thailand and in Sarawak, the buyer is supposedly Peninsular Malaysia. These more than 100 large dams are part of the APG. Millions of indigenous peoples are directly affected because of the rivers to be dammed are located in indigenous homelands. Although sourced from their territories, indigenous peoples do not benefit from the generated power:

Electrification is still not accessible to the greater majority of populations, except for Brunei, Malaysia, Singapore, and Thailand. Although 87 percent of households in Vietnam have access to electricity, the power supply is still erratic in the rural areas. Only five percent of Burma’s population have access to electricity (as of 2000) and while Lao PDR only serves 38 percent of its population, most of these are in urban or urbanized areas as only eight percent or rural households have electricity. The Philippines is 87.1 percent energized but about 20 percent are not yet reached. Indonesia is energized at 57 percent but still 90 million do not have access. Most of these unreached areas in Burma, Indonesia, Thailand, Philippines, Laos, and Vietnam are in rural, difficult areas populated mostly by indigenous peoples. Except for Thailand, all these countries have huge hydropower and geothermal potentials that are considered “underexploited.”

The renewable energy sources and energy efficiency measures will grow in importance over the next few years, as the region moves to reduce its dependence on energy imports and strives to reduce greenhouse gas emissions, one source of investment. In particular, biomass, biogas and energy efficiency projects are seen to offer significant profitability. Discussions are underway involving independent power producers, paper mills, plantations, and other parties in Malaysia, Indonesia, Thailand, Vietnam, and the Philippines. The new venture also aims to expand its basket of projects into reforestation, as well as into less developed economies such as Cambodia, Myanmar and Lao PDR.

The implications of the ASEAN energy plan are dams, oil and gas projects, more pipelines, more plantations—meaning more displacements, more human rights violations as gas and oil resources are located in indigenous territories. An example for the enormous destructive potential of large-scale oil and gas projects is the Shwe Gas and Burma-China Pipeline Project.
Shwe Gas and Burma-China Pipeline Project

The Shwe Gas and Burma-China Pipeline (SG&P) Project is one of Burma’s largest extractive industry developments. The project primarily involves the extraction and export of natural gas from domestic offshore fields, and the transportation of crude oil (from the Middle East and Africa) via nearly 800 km dual oil and gas pipelines. These pipelines traverse the entire country from the coast through Arakan State, Magwe Division, Mandalay Division and Shan State before entering the Burma-China border in southwest China. One pipeline will transport gas and the other oil. The pipelines will cut into 20 townships across Burma, and will directly affect approximately 15,000 people. While 97 percent of Arakan’s population does not have consistent access to electricity, all of the extracted gas will be sold to China for its power generation requirements, among others. The development of the gas extraction and the coastal infrastructure is well underway, with large areas of land already cleared and concrete foundations already laid.

On the coast of Arakan State, people living on Maday Island and in Gone Shwein and Marakyaun villages on Ramree Island will be those most directly affected by the project. Maday Island covers approximately seven square miles and has a population of 2,900. It is likely that all current Maday residents will have to relocate from the island once the deep sea port and crude oil terminal complex becomes fully operational. The population of Gone Shwein village is approximately 2,250 (450 households), most of whom have agricultural land or homes in the path of the onshore natural gas pipeline.
The onshore gas refinery and terminal complex will cover 43.71 ha in Marakyaun village that has a population of 1,250 (250 households). The exact number of people who will lose their land for this pipeline corridor has yet to be determined, but it is likely to be significant, especially in the densely populated divisions of central Burma. In Shan State it is not yet clear how many people will lose their houses and land for the pipeline corridor, but seven townships and 159 villages lie in the path of the corridor. The livelihoods of local fishermen in Arakan State’s Kyaukphyu, where a port is being built, have also been destroyed as a direct consequence of the offshore infrastructure development.

There have already been a number of human rights violations, such as the lack of free, prior and informed consent from affected communities. The project further raises a number of social and environmental concerns and the potential of serious negative impacts.

**Examples of social impacts**

Instigating conflict in ethnic areas:

- The project corridor includes several ethnic regions such as Arakan and Shan states, which largely see themselves as separate states and are at odds with the military junta. Before the government begins natural resource projects, it often employs military offensives against ethnic groups to clear project areas.

- Increased militarization along the pipeline, and its contribution to civil war between the Burma military and non-state armed groups in the project area;

- Land confiscation, forced eviction and forced relocation; disruption of local livelihoods, e.g., restricted access to fishing grounds, and destruction of crops and rice paddy;

- Forced labor on project infrastructure and “security” infrastructure; labor exploitation—unsafe conditions, low wages and overtime without pay—on project-related construction jobs;

- Potential for increased state violence against communities in the project area under the guise of “project security,” including rape and sexual violence.

The project runs through several ecologically sensitive areas across Burma. These vulnerable forests are critical to storm protection and are home to endangered species. Without proper preparation and environmental management, pollution from offshore natural gas projects can destroy marine life, further decimating the livelihoods of communities near the project. Nevertheless, there have not been adequate environmental impacts assessments (EIAs) conducted for all of the various SG&P project components. The EIAs that have been conducted did not include full community participation nor have the findings ever been made public.
Examples of environmental impacts

- Offshore natural gas drilling and onshore coastal infrastructure are a threat to important fish and turtle populations;
- Potential for oil spills from the crude oil terminal and along pipeline corridor and for leakages and “Deepwater-Horizon style” offshore rig explosions; potential for mercury contamination in the area of the natural gas terminal;
- The onshore project infrastructure and dual pipeline corridor will pass through important coastal mangrove forests and fragile mountain ecosystems in the Arakan Yoma range;
- The pipeline corridor and related road construction will accelerate timber exploitation, animal poaching and soil erosion.

3. Mining

ASEAN aims to enhance trade and investment and strengthen cooperation and capacity in geological and mineral sector for sustainable mineral development in the region. This will be achieved through the promotion of environmentally and socially sustainable mineral development, among other actions.

As described in previous sections, many of the most important and largest international mining operations are located in Southeast Asia, with mining established as one of the ASEAN region’s fundamental economic sectors. The region’s large deposits and reserves of mineral wealth is being promoted as a significant investment for exploitation and exploration.

Thus, to meet increasing competition for foreign direct investment flows, ASEAN is continuing with efforts to create a more favorable investment climate. As ASEAN member-states have pledged to move towards a more liberal and transparent investment environment, indigenous peoples’ territories will be further encroached upon, appropriated and their resources extracted. With this economic plan, indigenous peoples are threatened with displacement, increased deprivation of traditional livelihoods, food insecurity, socio-cultural disintegration of communities, and even ethnocide especially in the absence of any legal requirement for FPIC in mining projects. The target for poverty alleviation, particularly of indigenous peoples, is highly questionable given past experiences Indigenous peoples and from evidence-based studies on the economic contribution of mining operations vis-à-vis its environmental and socio-cultural adverse consequences.
D. ASEAN and “green economy”?

Lately, the term “Green Economy” has found its way into the debate on sustainable development. The United Nations Environment Program defines a green economy as one “that results in improved human wellbeing and social equity, while significantly reducing environmental risks and ecological scarcities.” Accordingly, the Rio +20 advocates sustainable development based on a “Green Economy.” In the face of Rio +20, ASEAN is asked to reconsider its dedication to a greener form of sustainability, primarily in order to avoid a development model that is basically focusing on economic growth. So far, ASEAN has included the term “Green Economy” in some of its statements and has held several conferences on the issue, reiterating its commitment to cooperate on the concept. However, experts agree that a “Green Economy” initiative requires comprehensive measures as well as structural change.

ASEAN’s indigenous peoples, who remain invisible in the grand plans of ASEAN, shall continue to assert the recognition of their collective rights and contributions to sustainable development. ASEAN shall be made to account for the dire consequences of its economic growth plans that violate the rights of its citizens, as well as the accompanying disasters and widespread environmental problems these projects will cause.
Massive land conversion to oil palm plantation, Sabah, Malaysia.  Photo credit: Joan Carling
The indigenous peoples in Asia, in general, live in remote communities in the mountains, plains, river basins, forests, and coastal areas. They live in some of the most biodiversity-rich areas of the world, where they engage in a range of occupations for livelihood. While there is enormous diversity among indigenous peoples, common to all are a strong cultural attachment to the land and the dependence of their traditional livelihoods on the land, forests or sea, and the natural resources found therein.

Traditional occupations are still the chief sources of livelihood of most indigenous peoples in Asia. During the Fourth Indigenous Development Conference in Asia held in Sabah, Malaysia in 2008, traditional occupations were estimated to account for 95 percent of indigenous peoples’ livelihoods in Timor Leste, 90 percent in Cambodia,
80 percent in Malaysia, 70 percent in Thailand, and 50 percent in the Philippines. Their traditional occupations include farming, livestock raising, fishing, hunting and gathering, making of handicrafts and food items, sale of local products, small scale mining, among others.

1. Bangladesh: Jhum as sustainable resource management system

The practice of jhum (shifting cultivation) of the Chittagong Hill Tract indigenous peoples has been recognized as an environmental friendly and integrated farming system of agriculture and forestry, fish culture, and domestic and wild life rearing. This has contributed to the regeneration of forests and soil fertility, conservation of biodiversity and watersheds, and protection of the environment. Most of the indigenous communities, such as Bawm, Chakma, Khumi, Pankhua, Mro (or Murung) and Tripura, are dependent on jhum and follow the traditional processes, including taking precautionary measures to prepare fire lines to protect forests and useful species from the damaging effects of the jhum fire. The jhum provides a variety of food throughout the agricultural cycle, e.g., bamboo shoots, harvest rice, vegetables and different cash crops like ginger. Through this cycle, the jhum is able to provide family subsistence for at least 6-10 months of the year.
The traditional jhum, in general, generates not only the food sovereignty of the traditional farmers but also facilitates animal and wildlife rearing, prevent conflict between people and wild animals, and provides the latter safe sanctuary, corridor and food. In addition, it fosters the practice of community leadership and demonstrates the process of indigenous consultation, which promotes good faith, trust and respect for others. Further, in this system, the women are entrusted with the responsibility of preserving seeds of vegetables, cash crops and spices, as well as provide advice on good sites in the jhum field for sowing seeds. They participate in almost all phases of jhuming except cutting forests and bushes.

2. Cambodia: Wild honey gathering

The Bunong communities of Prey Rodang and Prey Krung Ratuon in Mondulkiri, Cambodia have been involved in gathering honey from the forests as part of their traditional livelihoods, allowing them to engage the market economy and to manage their forest resources. Aside from generating income, the honey project also promotes community solidarity, enhances their identity and traditional livelihood skills, and provides a greater sense of responsibility to protect their forest resources.

This project was started in 2008 when two Bunong communities in Krangteh and Puchrey communes in Pichrada District began a pilot project on sustainable wild honey harvesting and marketing. This project now covers eight villages in the two communes with over 90 members and almost 200 families participating and benefiting from the project. A joint management structure has been agreed upon among the community organization leaders and members of Prey Rodang (in Puchrey) and Prey Krung Ratuon (in Krangteh) to manage and operate their joint honey business.\(^{172}\)

Since 2009, the communities have been hosting an annual honey festival, which has revived forest collection rituals, to open and celebrate the honey season where they also share the experience and knowledge about sustainable honey collection. The honey hunters of Mondulkiri carry a strong voice in the national marketing and branding of Cambodian wild honey, upholding the principle of sustainable harvesting, forest protection, and respect and support for traditional livelihoods particularly of indigenous communities.\(^{173}\)
Honey Collection, Mondulkiri.
Photo credit - NTFP-EP, Cambodia
3. Malaysia: Tagal system

The *tagal* system of Sabah, Malaysia, is a sustainable community-based fisheries resource management, which actually originated as a traditional system for the protection, restoration, conservation, and management of the freshwater fishery resources. The tagal system, which literally means “fishing in rivers is prohibited by the concerned communities for a certain pre-agreed period of time,” aims to restore depleted fishery resources, keep the rivers free from pollution, and generate income for the concerned communities. The implementation of the tagal system is being promoted to empower the local communities based on Section 58 of the Sabah Native Courts Rules of 1995 (Native Customary Law) and Section 36 of the Sabah Inland Fisheries and Aquaculture Enactment (2003). At the moment, the number of tagal areas established in Sabah has multiplied to 212 involving 107 rivers in 11 districts.
4. Indonesia: Sasi System in Haruku Indigenous Community (Moluccas)

The natural resource management in the Haruku indigenous community from Moluccas, Indonesia is based on customary rules known as sasi law. Sasi can be described as a community conservation measure that prohibits the harvesting of certain natural resources, like plants and animals, in order to ensure their sustainable reproduction to allow for the equitable distribution of benefits from nature. The implementation and application of sasi are carried out by the traditional institutions called kewang (customary police). Sasi law enforcement is categorized into two, namely, sasi for a particular area,\(^\text{176}\) and sasi for certain types of natural resources.\(^\text{177}\) These are promulgated in order to maintain the capacity of the environment and natural resources. The application of both types of sasi on the natural resource management systems as enforced and guarded by the kewang, aims to keep potential and protected areas intact. The impact is monitored from year to year, so that Haruku and the community in general can increase their economic income.

From the social point of view, the sasi affects the relationship between individuals and clans as it strengthens their relationship as brothers. Any violations of sasi laws face enforcement of sanction by the kewang. The Haruku community believes that solving problems among themselves is more effective when settled by customary law because the conflict would be resolved without a grudge. Bringing the problem to the public police can resolve the issue but there can be dissatisfaction on either side because the conflict resolution process is different, and this can create new conflicts. In the Haruku cultural system, there are rituals to open and close sasi, which directly give good lessons to Haruku generations about the importance of maintaining the rules of customary law.

5. Thailand: Shifting cultivation and community forestry as sustainable resource use

Huay Hin Lad is a Karen community in Chiang Rai province, Northern Thailand. The community lives in a watershed area, which is origin for 14 small streams. It is situated between a National Forest Reservation area and the Khun Jae National Park. The major economic activities of the community are upland rice farming, cultivation of tea and some other commercial crops, and gathering forest goods. In 1986, when the community area had been destroyed by a Thai logging company, local Karen tried to restore their forest. Nevertheless, for decades the highland peoples have been
accused of deforestation, destroying natural resources and causing carbon emission through grass burning and forest fires. In 1993, when the area was declared a National Park, the Thai government tried to expel the community members from their own lands. The villagers joined forces with other ethnic groups who faced similar problems and fought for their rights to stay on their own territories. Huay Hin Lad succeeded. They formed a community forest committee, drew a community map and established a variety of rules and activities on natural resource management.

The community conducts a mixture of self-sufficient and commercial agriculture. The major sources of income are selling tea leaves, forest products, corn, and livestock. Ninety-two percent of the food consumed comes from household production and only eight percent from markets outside the community. The whole community is self-sufficient in rice. Of the 100 different sorts of vegetables, around 90 varieties are from shifting cultivation. Seventy percent of the meat consumed is from their own production. Out of the staple food such as rice, tubers and vegetables, 53 percent is from paddy fields, 34 percent from shifting cultivation, and the remaining 13 percent from forest and tea plantation. The Huay Hin Lad community’s energy consumption is substantially lower than that of urban communities. It is not connected to the public electric power grid but derives electricity from solar panels. The community members use fuel for motorbikes and a few cars. Two cubic meters of firewood is used for cooking per head, per year.
The highland production patterns are shifting cultivation and community forestry. When practicing shifting cultivation, various plants and crops are cultivated on one field. First, a piece of land is selected and the trees are cut. The cut wood and grass is left to dry and then burned. The ashes serve as organic fertilizer. After the first rain in April, short-term crops are planted; in May rice is sown. The plants and rice have different bearing periods and thus farmers are able to harvest various kinds of foods until the rice is ready to be harvested in October. After the harvest, the field is used to graze cattle. Later the soil is left to rehabilitate for 6-10 years. Generally, only around 10 percent of the total farmland is used for cultivation. In addition the Huay Hin Lad community commercially grows corn for their income. The use of chemicals on corn fields, however, is substantially low.

Since the people depend on forest goods as food, herbs, firewood and timber, the forest is equally important for the community’s existence. Watershed areas are overseen by community members and the building of firebreaks prevents seasonal forest fires from spreading. All these activities show that forest conservation is basically a community value.

Although the consumption level of highland peoples is low, the state accuses them of destroying the forest and being responsible for high carbon emission caused by their shifting cultivation activities. State policies and measures relating to climate change mitigation and adoption continue to put the community at risk of losing their land.
In fact, all farm activities induce emission of greenhouse gases. These gases are in turn absorbed by green vegetation and agricultural plants. Research conducted in Huay Hin Lad community has shown that during restoration, forests require huge amounts of carbon to reproduce stems and new leaves.\(^{178}\) It is for this reason that rehabilitating forests (in other words, fallow fields) have high capacity to sequester carbon dioxide (CO\(_2\)). The study revealed that the total forest area (around 3,120 ha) is able to store 661,372 tons of carbon, the agricultural areas another 59,255 tons of CO\(_2\)—together, a sum of 720,627 tons of carbon. Only an equivalent of 2,042.46 tons of CO\(_2\) is released into the atmosphere from community agricultural activities. In conclusion, the CO\(_2\) emission from community activities is very low as compared to the community’s capacity to store carbon. Further, burning and shifting cultivation, which is blamed for causing air pollution and contributing to climate change, has proved not to be harmful to the environment. In 1-10 of years rehabilitation time, the field stores 17,641 tons of CO\(_2\), while burning produces only 476 tons.

The study concludes that ways of life and agricultural patterns of highland peoples do not contribute adversely to climate change. In contrast, traditional livelihood practices of these peoples are helping to balance the ecological system, effectively mitigate the adverse impacts of climate change and maintain a sustainable food security. The research has proven the three main facts: First, farming activities of the Huay Hin Lad community causes little carbon emission. The community’s capacity to store carbon however is high. Annual carbon emission is only 0.08 percent of the carbon stored. Second, consumption patterns of the community are low, both in terms of food intake and utilization of natural resources of various purposes. The consumption is properly managed through their sustainable resource management system that is regulated and guided by their beliefs, wisdom and community regulations. The community’s consumption level is much below the carrying capacity of its natural resources. The ecological system is thus in balance. Third, the community prefers locally produced food over commercially processed food. Most of this local food is produced from shifting cultivation and other farming systems. Shifting cultivation bears further advantages such as food security in general and low use of chemicals, high biological diversity, different harvest periods for different crops, and self-sufficiency in particular.
1. The UN Declaration on the Rights of Indigenous Peoples should be a key international standard and framework for the realization of sustainable development.

It is clear that the UNDRIP has evolved to be the minimum international standard, which should ensure the dignity and survival of indigenous peoples. The effective implementation of the UNDRIP by UN member-states, by the UN bodies, agencies, programs and funds, corporations and business is crucial to make sustainable development a reality. It will pave the way for the resolution on ongoing conflicts that hampers their development based on their
perspectives. States in Asia shall take immediate action to legally recognize indigenous peoples with their distinct identities and collective rights.

2. **The legal protection and respect for the rights to indigenous peoples’ to their lands, territories and resources is a precondition for sustainable development.**

This measure is an act of social justice. It will also facilitate the effective participation of indigenous peoples in the achievement of sustainable development that takes into account their own perspectives and contributions. Likewise, this will lead to enhanced protection of the environment, as well as sustainable livelihoods and vibrant local economies that will contribute to poverty alleviation. Along the line of respecting the rights of indigenous peoples over their lands, territories and resources, the requirement for the free, prior and informed consent of indigenous peoples shall be guaranteed, especially in extractive development projects as well as conservation programs that affect indigenous peoples.

There should be a stop to land and resource grabs in indigenous territories, as well as moratorium on extractive projects without the consent of indigenous peoples. The declaration of national parks and conservation areas shall be reviewed in the context of recognizing the rights of indigenous peoples, especially in relation to respecting their sustainable resource management systems and governance, as well as their traditional livelihoods. Mechanisms to ensure corporate accountability shall be established in relation to their activities in indigenous peoples territories.

3. **Recognition of the distinct and crucial contribution of traditional knowledge and diverse local economies to poverty eradication**

The traditional knowledge, innovations and practices of indigenous peoples have ensured the preservation and protection of several ecosystems. Empirical data show that most of the last remaining ecosystems in the world today are found in indigenous peoples’ territories. These ecosystems include forests and woodlands, wetlands, drylands, marine and coastal, mountain and polar, inland waters, and islands. Indigenous peoples’ traditional knowledge and values of reciprocity, harmony with nature, their customary sustainable use and management of resources, and their resistance against the wanton exploitation and plunder of their territories are the key factors, which continue to ensure this.

Diverse local economies and livelihoods such as those found in indigenous peoples’ territories, which primarily serve local needs and which are underpinned by traditional knowledge are cornerstones of a green economy. Such local economies are examples of green economies, which are integrated within social-ecological production landscapes and systems, promote local livelihoods, ecosystem resilience and community solidarity. Local economies have provided these multiple values, beyond the generation of
profit. Indigenous peoples’ diverse local economies, and self-determined development are critical components of resilient economies and ecosystems.

4. The cultural pillar should be included as the 4th pillar of sustainable development

Indigenous peoples continue to challenge the development model based on resource extraction, exploitation and market-based models, which fails to recognize that human beings are an integral part of the natural world, and also fails to respect human rights, including the inherent rights of indigenous peoples. This development model, which continues to destroy Mother Earth, is putting at risk the survival of the entire human family. Indigenous peoples’ worldviews and respect for natural law, spiritualities and cultures, values of reciprocity, harmony with nature, solidarity, collectivity, and caring and sharing are crucial in bringing about a more just, equitable and sustainable world.

5. The framework and strategy for sustainable development shall adopt principles and approaches, which are human-rights based, ecosystem or territorial-based, knowledge-based, intercultural and gender-sensitive. This holistic framework should integrate the indicators of wellbeing and sustainability, which are defined by Indigenous Peoples should promote sufficiency economy principles and approaches.
Endnotes

1 The UN Conference on Environment and Development (UNCED) held in Rio de Janeiro in 1992 had several outcomes such as the Rio Declaration on Environment and Development and the Agenda 21.


4 The CDM is a climate change mitigation mechanism under the Kyoto Protocol of the UN Framework Convention on Climate Change.

5 ASEAN is composed of 10 member countries, namely, Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Burma (Myanmar), Philippines, Singapore, Thailand and Vietnam.

6 The traditional occupations of indigenous peoples in Asia include farming, livestock raising, fishing, hunting and gathering, making of handicrafts and food items, sale of local products, small scale mining, among others.


8 The UN Conference on Environment and Development was held on 3-14 June 1992 in Rio de Janeiro, Brazil.


The data can be found in detail in Hall & Patrinos (2012). Indigenous Peoples, Poverty and Development. Cambridge University Press.


Ibid.


Ibid.


Ibid.


UN Department of Economic and Social Affairs. Division for Social Policy and Development, Secretariat


Ibid.


Ibid.


See more details in Section (IFIs and development aggression).


Information in this paragraph has been sourced from Lao-Swedish Forestry Programme Vientiane (2001). “Review of the National Protected Area System in Lao PDR; http://www.mekong-protected-areas.org/laopdr/docs/review.pdf.

Altogether, Laos PDRs forests cover about 41.5 percent (9.7 million ha) of its total land area. There are 21 National Biodiversity Conservation Areas (NBCAs), which also include two corridors. There are 44 Important Bird Areas (IBAs) identified within the country’s protected areas where ornithological data are available.

These two groups have historically inhabited areas on either side of the Xe Nam Noy River, the Jrou to the west, and the Heuny to the east (Khamin, N., 2000). Most of the peoples on the plateau are semi-subsistence farmers. However, the western part of the plateau has become well-known for cash crops, including cabbage and potatoes, and especially coffee.


http://www.joshuaproject.net/people-profile.php?peo3=19027&rog3=LA.


It is speculated that the reason the government does not want the Nya Heun to return to their homeland is that the dam construction has actually been used to justify the sedentarisation of these people who practice rotational agriculture.


Source of most of the information in this section is taken from Investing in ASEAN 2011/2012; http://www.aseansec.org/publications/Investing%20in%20ASEAN%2020112012.pdf.


Scheduled Tribes are people that are given recognition in the Constitution of India.


Incidence of cancer is a cause for further study as it is among the top 3 causes of mortality in some affected communities; Save the Abra River Movement (STARM), 2003.


Cambodia’s protected areas system include seven national parks (7,422 km²), 10 wildlife sanctuaries (20,300 km²), three protected landscapes (97 km²), three multiple-use areas (4,039 km²), six protection forests (13,500 km²), and eight fish sanctuaries (235 km²).

Cambodia recently proudly announced that economic land concessions almost quadrupled from 200,000 ha in 2008 to 750,000 ha in 2011 and that it recently approved a $230 million land concession to a private company. The easy grant of privileges to the construction and agriculture sectors is Cambodia’s come-on to national and international investors.
The terrestrial biodiversity of Malaysia is concentrated in tropical rainforests that extend from coastal plains to mountain areas, with inland waters such as lakes and rivers. Marine biodiversity (e.g., coral reefs and seagrasses) is found among its islands and marine and coastal ecosystems. In 2007, 143,000 km², or 43.3 percent of the total land area of Malaysia, had been published as permanent reserved forest and 19,000 km², or 5.9 percent of the total land area, were published as national parks, wildlife and bird sanctuaries. In the same year, 2,357 km² of marine protected areas were also managed.

Convention on Wetlands of International Importance; http://www.ramsar.org/cda/en/ramsar-home/main/ramsar/1_4000_0__.


(Sic.). The term “explanation” is used in the original document (see: http://guhy.csie.ntust.edu.tw/~lanyu/appeal.html). However, it may be considered whether the term “expansion” is more appropriate here.


Ibid.


Ibid.


Cf. Ibid.


Information on the Forest Tobelo and the impacts of the mining operations of WEDA on them are sourced from MIGA (2010b). http://www.miga.org/documents/WedaBay_ESRS.pdf.


Lang et al. (200)http://www.thecornerhouse.org.uk/resource/dams-incorporated#index-01-01-00-00-fn063.


Ibid.

Ibid.

Cha-am Hua Hin Declaration on the Roadmap for the ASEAN Community (20 09-2015); www.aseansec.org/22331.htm.


Implement the Singapore-Kunming Rail Link (SKRL) sections, as follows: Poipet-Sisophon Railway Link Project (Cambodia); Ho Chi Minh City-Loc Ninh Railway Link Project (Viet Nam); and Spur Lines between Three Pagoda Pass and Thanbyuzayat (Myanmar) and Vientiane-Mu Gia-Tan Ap-Vung Ang (Lao PDR/Viet Nam).

Implement the priority road infrastructure projects for the ASEAN Highway including the Mawlamyine-Thanbyuzayat section in Myanmar; Attapeu-Phia Fai section in Lao PDR; and Quang Ngai-Kon Tum section in Viet Nam.


For example, in August 2009, the Burmese military launched a campaign in Shan State against the ethnically-Chinese Kokaing militia just prior to the planned start of pipeline construction. As a result, an estimated 30,000 refugees fled over the border to China.

These sensitive areas include mango swamps, estuaries, small rivers, and a national marine park in Arakan State; as well as the Mizoram-Manipur-Kachin rainforests, Chin Hills-Arakan yoma montane forests, Irrawaddy dry forests, Irrawaddy moist deciduous forests, Northern Indochina subtropical forests, a wildlife sanctuary, and a bird sanctuary as they move across central Burma to Yunnan.

Additionally, “a green economy is one whose growth in income and employment is driven by public and private investments that reduce carbon emissions and pollution, enhance energy and resource efficiency, and prevent the loss of biodiversity and ecosystem services” (UN Environment Programme (2010). http://www.unep.org/greeneconomy/AboutGEI/WhatIsGEI/tabid/29784/Default.aspx).


Ibid., pp 41, 42, 43.

Ibid., p 146.

Ibid., p 147.


Ibid.
Sasi for a particular area is applicable to a specific territory as well as all natural resources within it like for instance, there is Sasi for the sea and rivers. Sasi on watersheds prohibits any activity that would disturb or alter the condition of the watersheds; there is also Sasi on protected marine area for coral reefs and marine life in the sea, as well as protected “Lompa fish” areas.

Sasi for certain types of natural resources is applicable to certain types of natural resources, which are in the territory of Haruku village. This customary law has rules for the protection of several types of natural resources such as pineapple, walnuts, Cempedak, durian, areca nut, nutmeg, and sago leaves.


These recommendations are based on the Indigenous Peoples Major Group Submission for the zero draft of the Outcome Document of the UNCSRD/Rio+20.

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Development aggression through state, public-private partnerships and corporate projects—large dams, mines, logging, plantations, national parks, resorts, sedentarization programs, and the like—are displacing millions of indigenous peoples from their lands and territories...their traditional sources of subsistence, distinct cultures and ways of life. Indigenous peoples in their resource-rich lands are considered dispensable collateral damage in the name of national development or economic growth. Their individual and collective rights are systematically violated, resulting to their increasing marginalization, exclusion and invisibility. When they resist, they are considered anti-development and even criminals.

As the world leaders meet in Rio to discuss sustainable development, back home, indigenous peoples in Asia continue to be displaced; their communities militarized; their homelands submerged, deforested and grabbed; their practices of and expertise on sustainable development trivialized and vilified; and their societies on the verge of extinction. All in the name of development.

Will Rio+20 deliver any difference?