A BRIEFING PAPER on the Rights of Indigenous Women to their Lands, Territories and Resources in Asia

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It is estimated that more than 370 million indigenous peoples are living in over 70 countries worldwide\(^1\), the majority of them in the Asia-Pacific region\(^2\). Indigenous women make up approximately 50% of this population. While these are largely diverse indigenous groups, common to them is a strong attachment to their lands, territories and natural resources\(^3\) which have a particular cultural and spiritual meaning and importance as they form the basis for the continued existence of their communities.

In recent decades, indigenous peoples and their intimate relationship with their lands, territories and resources have been increasingly recognized by governments, development agencies, UN agencies and civil society organizations worldwide. The UN General Assembly adopted the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP)\(^4\) in 2007 in acknowledgement of indigenous peoples as distinct peoples with inherent collective rights. The declaration serves as an international and legal human rights framework for the recognition and promotion of indigenous peoples’ rights and fundamental freedoms such as their inalienable rights to the ownership, use and control of lands, territories and natural resources\(^5\).

Likewise, the Indigenous and Tribal Peoples Convention (the ILO-Convention No.169) enshrines the indigenous peoples’ rights to lands, territories and resources\(^6\). Both the UNDRIP and Convention No 169 recognize the specific importance as well as the cultural and spiritual values of land and territories for indigenous peoples, and highlight their right to determine their own priorities and strategies for development and use of their land, territories, and resources. In a broader context, indigenous peoples’ rights to lands, territories and resources is, thus linked to their rights to self-determination, property, non-discrimination, cultural integrity and development\(^8\).

The preamble of UNDRIP, for example, stipulates the importance of securing indigenous peoples’ rights to lands, territories and resources for their continued existence and maintenance of their livelihoods as distinct peoples.

“(...) Control by indigenous peoples over development affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions and to promote their development in accordance with their aspirations and needs ” (UNDRIP, 2007).

Both the UNDRIP and the ILO Convention No.169 stipulate that states need to respect, protect and ensure the collective rights of indigenous peoples in order to rectify the historic injustices committed such as the violations of their rights to lands, territories and resources.
“(…) Concerned that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their rights in development in accordance with their own needs and interests.” (UNDRIP, 2007)

The Declaration and the Convention cover the following key aspects of the indigenous peoples’ right to lands, territories, and resources10:

- Rights to land - the indigenous peoples own, occupy and use the land for the sustenance of their lives and livelihood, which will be handed down to future generations.
- Rights to territories - the indigenous peoples occupy and use the entire environment including areas and zones, i.e. landscapes and resources, rivers, lakes and coasts.
- Rights to resources - the indigenous peoples for generations, own, use, develop, and have control over all available resources, both renewable and non-renewable in lands and territories, e.g. timber, fish, water, sand, minerals, wild fruits, medicinal and herbal plants.
- Collective rights to lands, territories and resources - the indigenous peoples have collective and inherent rights to occupy, own and use the lands, territories and resources in definite territories, as well as the right to be distinct peoples. This is also inherently interconnected with their collective rights to self-determination, non-discrimination, cultural integrity and self-determined development.
- Rights to traditional occupations, indigenous knowledge and practices - the indigenous peoples practice specialized land use and livelihood strategies, such as shifting cultivation, fishing and hunting, weaving, medicinal herbs.
- Right to free, prior and informed consent - the indigenous peoples determine their priorities and strategies for their self-determined development in accordance to their values, aspirations and needs, as well as the right to free, prior and informed consent (FPIC) to the policies and projects that affect them and their lands, territories and resources, including intellectual property and traditional knowledge11.

Despite the growing international recognition of indigenous peoples and their collective rights to lands, territories and resources, the majority of Asian governments continue to ignore the existence of indigenous peoples by claiming that the whole population within their states is indigenous12. Thus, indigenous peoples are not legally recognized as peoples with inherent collective rights, including land and tenure rights. Moreover, many of the human rights violations faced by indigenous peoples are connected to the breach of their collective rights to lands, territories and resources. These often include the loss of their lands and eviction from their ancestral territories, due to land concessions, dispossession, encroachment, and racial discrimination.
I. Situation of Indigenous Women in Asia

Indigenous women and men in Asia manage and share the same resources and livelihood systems in their lands and territories. Nevertheless, they assume gender specific and distinct roles and responsibilities in natural resource management practices and conservation systems. Women in many indigenous societies in Asia, manage and conserve lands, territories and resources and are responsible for ensuring food for the family and securing nutrition, collecting firewood, wild foods and crops, maintaining seeds and harvests, fetching water and managing agricultural fields. Consequently, they have an intimate and interconnected relationship with nature, lands, territories and the natural resources therein, including the sites of cultural and spiritual significance. Women also nurture and transfer the knowledge and wisdom to the future generations.

However, while indigenous women are sustainably leading, conserving and managing forests, resources and rotational farms, their roles and contributions continue to be widely neglected or even outlawed by governments. Moreover, they are particularly vulnerable to the loss or degradation of land as the substantial source of their food and health security. Thus, the increasing destruction of the ecosystem and the environmental degradation severely impact on the physical, social and psychological aspects of their life as well as their cultural integrity.
To counteract this trend, indigenous women have started to advocate for their recognition as indigenous peoples as well as for their collective rights to lands, territories and resources from local to international levels. In line with this, the outcome document of the World Conference of Indigenous Peoples (WCIP) in September 2014 explicitly supports indigenous women in asserting and protecting their rights through the development of legal and policy measures: “(...) Commit to intensify the efforts in cooperation with indigenous peoples, to prevent and eliminate all forms of violence and discrimination against indigenous peoples and individuals, in particular indigenous women, children, older persons and person with disabilities, by strengthening legal, policy and institutional frameworks.” (WCIP, 2014)

II. Challenges faced by indigenous women in Asia

The non-recognition of their rights as indigenous and women makes indigenous women in Asia more vulnerable to repression in the wider society, and they continue to experience multiple forms of discrimination by the state and even within their communities and families. They are often excluded from key decision-making processes, have less access to education, health care and other services and facilities, lack competitive employment opportunities and equitable pay and benefits, lack control over their property and have limited rights to sign contracts or agreements related to their lands and territories. Indigenous women also face poorer health conditions than their male counterparts and often suffer from domestic violence. The situation of indigenous women is worse in some Asian countries (e.g. in Thailand and Japan, domestic violence legislation does not include sexual abuse; in Bangladesh, Indonesia, Malaysia and Nepal, sons and daughters as well as female and male surviving spouses do not have equal inheritance rights to property).

Some of the key and common challenges faced by indigenous women in Asia in relation to their collective rights to lands, territories and resources are highlighted in this briefing paper:

a) The continuing loss of lands, territories and resources due to the establishment of conservation areas, commercial exploitation, land grabbing, forced eviction and displacement from ancestral lands, as well as criminalization of traditional livelihood practices

b) The non-implementation of constitutional, legislative and policy provisions concerning indigenous peoples and indigenous women’s rights

c) The political repression, militarization, persecution and extra judicial killings of indigenous women land rights activists
a. The continuing loss of lands, land grabbing, displacement from ancestral lands

The indigenous peoples’ sustainable lifestyle, livelihood practices and traditional ecological knowledge have significantly contributed to biodiversity conservation, sustainable development and climate change adaptation and mitigation. In fact, indigenous lands and territories are well known for their rich biodiversity.

However, many states still refuse to recognize customary laws, practices, and tenure rights of indigenous peoples due to their governments’ non-recognition of their indigeneity. Indigenous peoples, including indigenous women in Asia are thus highly vulnerable to land grabbing, forced dislocation and involuntary resettlement by governments and private companies in the name of development and conservation. A large number of development projects, including extractive industries, such as logging, mining, and industrial plantations (oil palm, rubber, bananas etc.), energy projects (dams, gas, geothermal plants) as well as declaration of conservation areas are being imposed on indigenous lands and territories. These development and conservation projects are often foisted on their lands and territories without the their free, prior and informed consent (FPIC), and ultimately lead to their forced eviction, displacement, impoverishment and landlessness. Due to their specific culturally and socially defined roles and responsibilities in natural resource management, indigenous women are more severely affected by land loss and land grabbing. Thus in many Asian countries, they are strongly opposing development projects that affect their lands, territories and resources (e.g. Molo women and Karonsie Donge women in Indonesia; Dayak Ma’ayan in Malaysia; Santhali women in India; Oraon in Bangladesh, Palaw’ an women in the Philippines, or Karen women in Thailand).
The loss of access to common resources (e.g. land and forest which support subsistence livelihoods) due to displacement affects women particularly as they are in charge of family food and health security. They can no longer find NTFPs, water, fuel wood and grazing ground for livestock. Faced with landlessness and dispossession, indigenous women are often forced to change their traditional occupations and livelihood practices to cope with the situation. Because they are highly dependent on their lands and resources for the application and maintenance of their traditional knowledge, the destruction of plants, animals and forest renders the transmission of traditional knowledge impossible, ultimately leading to its loss for future generations. The destruction of their resources also leads to hunger, malnutrition and sickness in discontinuity indigenous communities. Moreover, women living around large development project areas often face women-specific health problems due to environmental pollution, such as impaired reproductive health. At the same time, land loss often exacerbates the precarious situation of indigenous women and girls because of their increased vulnerability to violence and exploitation. The loss of traditional sources of livelihood due to corporate and development projects and the in-migration of migrants, including company workers, often result to exposure of indigenous women, especially young women to more vulnerabilities. They often end up as bar girls serving the migrant workers.
Displacement also involves economic and social dislocation because the loss of their natural resource base disables women from supporting the household economy and thus makes them economically more dependent on men. Their status and decision-making power in the family diminish due to their weakened position as income earners. Additionally, the migration of men in search for work increases the women’s workload and responsibilities. The breakdown of villages and social units due to resettlement and the submersion of villages often cause the disruption of women’s social networks with kin and other villagers. As a consequence, women often suffer from a lack of psychological well-being, not only connected to their physical, but also social, cultural and economic needs. While social support structures were able to provide crucial resources in the past (such as information, economic assistance, support in case of sickness, child care and other social support), displacement leads to systems breakdown. Displaced women also frequently feel insecure in the new physical and social space they have been provided. Likewise, in case of food shortage, their nutritional and health status is more likely to be affected than that of the men. Finally, displacement may cause anxiety and insecurity among the men, which, in turn, can contribute to increased alcoholism and other substance abuse, leading to domestic violence against women and children.26

b. Non-implementation of legislative and policies concerning indigenous peoples and indigenous women’s rights to lands and resources

In many Asian countries, collective and inherent rights of indigenous peoples are not legally recognized27. However, in recent decades, some countries in Asia have undertaken positive initiatives related to legislations and policies on indigenous peoples’ rights to land and resources. Examples are the legal recognition of indigenous peoples in the Philippines through the Indigenous Peoples Rights Act (IPRA) in 1997 which recognizes the ancestral land rights of indigenous peoples; and the Thai of Cabinet resolution on the restoration of traditional livelihood practices and livelihood of the Karen people in 2010 which states that the indigenous Karen have the right to stay in their ancestral lands and to continue their traditional agricultural systems28. Likewise, the Forest Rights Act (FRA) in 2006 in India29 and the Land Law in Cambodia30 recognize the collective ownership of lands and 2001 management responsibilities of the communities and customary institutions.
Forced Eviction in Malaysia

In Sarawak, Malaysia, the Bintulu Land and Survey Department (LSC) supposedly at the behest of the Malaysia Agricultural Research and Development (MARDI), forcibly evicted 11 Iban families in the Rumah Nyawin longhouse on 4 January 2007. A total of 200 enforcement personnel from the state capital Kuching assisted by 20 police and 2 bulldozers were mobilized to forcefully displace 120 residents who were alleged as illegal occupants of MARDI property which was granted title over this native customary rights (NCR) land. FPIC was not obtained in the process where the community, including the indigenous women should have been consulted and informed. In a twist of events, the Rumah Nyawin Iban lost their rights to the NCR land and their longhouse. MARDI did not pay nor compensate all the residents’ losses and instead relocated them to a site near the highway without access to electricity and water. The Iban women are particularly affected by the forced eviction as they are responsible for family food security and cash income generation. They lost access to essential food sources and raw materials for the production of their own goods and handicrafts. The dispossession of their land thus led not only to the loss of their rights over their lands, but also to their basic sources of livelihood. Moreover, they lost a crucial part of their culture rooted in their NCR land. As most of the Iban women can neither write nor read, they were unable to take actions, because they were not aware of their rights.

In Malaysia’s national policy framework, there are laws explicitly protecting indigenous peoples’ rights, especially their national customary rights (NCR) land. This case, however, shows that these laws have often been ignored by the authorities.
c. Militarization, political repression, persecution, and extra judicial killings of indigenous land rights activists

Most of the human rights violations faced by indigenous peoples and indigenous women are linked to their collective rights to their lands, territories and resources. These cases include political repression and persecution, threats, abuses and extra judicial killings of indigenous women in Asian countries (e.g. the politically motivated arrest of Bawk Ja, an ethnic Kachin land rights activist; the violent handling and arrest of indigenous Karen Naw Ohn Hla for her fight against mining; violence and rape of Bichitra Tirki, an indigenous Oraon from Bangladesh who resisted land grabbing, amongst many other cases).

In this context, military presence on indigenous lands and territories is very common, especially in development and conservation project areas, mainly to suppress the resistance of indigenous peoples. In Indonesia, mining corporations have allotted operating expenses to the military who serve as security forces for their operations; also in the Philippines, so-called paramilitary “investment defense forces” have been allowed for the same purpose. Other examples include the military back-up of the Lepanto Consolidated Mining Company (LCMC) in Mankayan, Benguet Province, Northern Philippines, and the militarization along the Kaptai Dam in the CHT, Bangladesh, and along the Shwe Gas and Burma-China Pipeline Project.

Militarization and extra-judicial killings in the Philippines

The Blaan community of Bong Mal, an indigenous community in South Cotabato, Philippines, is facing displacement from their ancestral land due to the operation of a mining company, Sagittarius Mines Inc. (SMI) and its large-scale Tampakan Copper-Gold Project. No process to get the free, prior and informed consent of the Blaan community was conducted beforehand, and the company tried to confuse, deceive, and threaten the community into surrendering their lands. With the opposition of the Blaan community, grave human rights violations occurred, and the military detachments of the 27th Infantry Battalion of the Armed Forces of the Philippines were installed at the site. The government created a task force to protect the interests of the company, and civilians were recruited into paramilitary units. There were documented instances of threats, harassment, intimidation, theft and destruction of houses and farms by the military and paramilitary forces. The militarization of the community particularly aggravates the already marginalized situation of the Blaan women who have very limited access to social services. Due to military operations, women were prohibited by the military from going to their farms, resulting to insufficient food for the family. The destruction of farms has also increased food insecurity and psychological stress among the women. As the military’s encampment has contaminated the water, women have to walk longer distances to find safe water for their families. Women and children have also become vulnerable to the attacks of military agents. This includes harassment and intimidation tactics to force wives of tribal warriors to divulge the whereabouts of their fathers and husbands. Thus, women have become scared and less active in the struggle against the company. Since 2002, a number of Blaan has also been killed, among them Juvy Capion, a 28-years old woman leader and wife of Daguil Capion, a tribal warrior, as well as their two sons, 13 and 8 years old (killed on October 18, 2012). Judy was two-months pregnant when she was killed with bullets to her head.
Military operations often involve arbitrary arrests, tortures, killings, forced displacement of the indigenous peoples from their ancestral lands. These result to the loss and destruction of property and culture, weakened indigenous resource management systems, erosion of indigenous governance and customary institutions, as well as intra and inter-tribal conflicts. Women are particularly affected by the militarization of their lands and territories, as harassment, sexual abuse and rape are rampant. For example, rape and sexual harassment of indigenous women in Abra and Mindanao, Philippines, are frequent due to increased militarization in and around areas of mining companies. Sexual violence is frequently used as a method to break resistance or force cooperation of indigenous peoples with companies and the military.

Sexual abuse, rape in indigenous territories in the Philippines

In the Philippines, there are frequent cases of sexual abuse of women and girls by military personnel in militarized areas. A report of the Center for Women Resources describes at least 7 cases of abuse, sexual harassment, rape and gang rape by the military forces and the Citizens Armed Forces Geographical Unit (CAFGU) between 2010 and 2012. Most of the victims were indigenous women and many of these cases of rape and abuse were not recorded. The number of cases is increasing, particularly in areas with large military presence, like in the Cordilleras.

Indigenous women have very limited access to justice. There is a lack of redress or grievance mechanisms to address such violations of indigenous peoples’ rights to lands, territories and resources as well as cases of Violence Against Women (VAW). Even with a justice system or redress mechanism in place, indigenous peoples, especially indigenous women, often have limited access to it. The indigenous women’s access to justice remedies is hampered by a lack of education and illiteracy, language barriers, limited knowledge on their rights as women and as indigenous peoples, as well as poverty. Most state mechanisms are male dominated and often lack response and sensitivity to indigenous women’s access to justice, leaving few spaces for women’s voices and participation. In various conflict areas like in Indonesia and Burma, human rights violations against indigenous women committed by military and paramilitary forces as well as by employees of corporations are not being acknowledged, and most perpetrators escape justice. Many cases of violence, especially sexual violence and harassments are not brought to court due to prevailing patriarchal attitudes among officials within the formal justice system, the lack of financial means of the victims, or a feeling of shame or the social ostracism of the survivors.
III. Indigenous Women’s Rights to Lands, Territories and Resources: What needs to be done?

As main food producers, knowledge holders, healers, culture maintainers and bearers, as well as guardians of natural resources and biodiversity, indigenous women have significant and invaluable roles and responsibilities in their indigenous communities and the wider society. With their particular roles and contributions remaining widely unrecognized, indigenous women continue to face manifold human rights violations. They are systematically deprived of their right to freely determine and pursue their economic, social and cultural development, often in relation to the violations of their right to lands, territories and resources.
The recognition of the indigenous women and their distinct identities is a crucial precondition to promoting and protecting their collective right to lands, territories and resources, their human rights, as well as sustainable development and environmental conservation. As outlined above, the ILO 169 and the UNDRIP enshrine that indigenous peoples are free to use their lands, territories and resources and to determine their priorities and strategies for development. Article 44 of UNDRIP specifically states that all rights recognized under the declaration equally apply to both indigenous men and women. The full and equal enjoyment of all human rights by women is also explicitly emphasized in the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention No. 169 (article 20). Likewise, the Commission on the Status of Women (CSW) the ILO Convention has urged the states to support the economic opportunities for indigenous women particularly through enhancing equal access to productive resources and agricultural inputs, such as land, seeds, financial services, technologies, transportations and information. While the UNDRIP, ILO Convention 169 and other international instruments strongly emphasize equal rights of indigenous men and women in safeguarding collective rights to lands, territories and resources, indigenous women in many indigenous societies in Asia continue to be deprived of these rights.
'Indigenous woman is drying cloves in Haruku, Indonesia, which is main source of income for them'.

Raute Indigenous woman going to collect drinking water.
In that connection, the following actions need to be taken to secure the collective rights of indigenous peoples, particularly indigenous women, to lands, territories and resources.

- Implementation of measures for the legal recognition, protection and implementation of the collective rights of indigenous peoples, in particular indigenous women, over their lands, territories and resources.

- Recognition, protection and promotion of traditional sustainable livelihood practices and systems of indigenous peoples, including shifting cultivation, customary land and resource management systems and practices.

- Recognition of and respect for customary laws, traditional knowledge and forest governance systems, including their systems of collective decision-making.

- Securing full and effective participation and equitable representation of women in decision-making bodies and processes that affect their rights as indigenous peoples and women, as well as the implementation of appropriate measures to ensure their equal rights to participate and represent their communities and countries.

- Establishment of equitable benefit sharing mechanisms and agreements with explicit collective consent of indigenous peoples; development of proper mechanisms to ensure the effective participation of indigenous women in FPIC processes and benefit sharing mechanisms.

- Access to effective grievance mechanisms at the local and national levels; creation of proper forums and justice mechanisms for indigenous women to file cases of discrimination and human rights violations.

- Equal access to healthcare services, traditional medical systems, and nutrition for indigenous women.

- Recognition and respect for rights to property of indigenous women, equal rights to employment opportunities, benefits, and social security.

- Elimination of all forms of discrimination against indigenous women in line with international and domestic laws, including an improvement of the economic and social conditions of women.
However, this is just estimation that vary widely depending on the sources as there is still lack of accurate and disaggregate data of indigenous peoples in the national consensus (Brigitte Feiring, Indigenous peoples’ rights to lands, territories and resources. International Land Coalition)

c. around 70%; http://www.ifad.org/english/indigenous/; the Asian region alone thus holds approximately 2/3 of the world’s indigenous peoples.


UNDRIP was adopted in 2007 by the majority within the UN general assembly that represents global consensus. http://www.iwgia.org/human-rights/international-human-rights-instruments/undeclaration-on-the-rights-of-indigenous-peoples


Caribbean, 4 in Europe, 2 in Asia-Pacific including Nepal and 1 in Africa)

Brigitte Feiring (2013). Indigenous peoples’ rights to land and resources, International Land Coalition (ILC)

Brigitte Feiring (2013). Indigenous peoples’ rights to land and resources, International Land Coalition (ILC)


International Land Coalition, synthesis paper: Indigenous peoples’ rights to lands, territories and resources


Accordingly, many governments use national terms to refer to indigenous peoples, often connected to notions of cultural inferiority, “primitivity” or “backwardness” (e.g. Saka, literally meaning “slave”, used in Thailand for hunter-gatherer groups), or ‘Chuncheat’, meaning “ethnicity” or literally “national people” in Cambodia; AIPP briefing paper on ASEAN’s Indigenous Peoples, 2012


WCIP, 2014, World Conference of Indigenous Peoples Outcome Documents

In Malaysia, for example, married women are required by law to obey their spouses. See also: AIPP (2014): Gender Manual: Good practices and lessons learnt by an indigenous peoples’ organization.


AIPP 2013: 3-4


See: AIPP (2014): HerStory Retold- A collection of personal essays by indigenous women

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See: AIPP (2014): HerStory Retold- A collection of personal essays by indigenous women

A handbook on the CEDAW: Realizing Indigenous Women’s Rights


In most Asian countries, national legal frameworks do not recognize indigenous peoples as distinct collective rights-holders; exceptions are Nepal and the Philippines; Brigitte Feiring (2013). Indigenous peoples’ rights to lands, territories and resources. International Land Coalition

In Thailand, on 3 August 2010, a Thai Cabinet Resolution was adopted on policies regarding the restoration of the traditional practices and livelihoods of the Karen people. It also prohibits the arrest of indigenous Karen forest dwellers.http://www.forestpeoples.org/sites/ftp/files/publication/2012/02/erd-80th-kknf-final.pdf

The FRA, for example, recognizes and protects a broad range of rights of forest dwellers and Scheduled Tribes (STs), including their customary rights to control, manage and use forest land as a community forest resource; UNPD(2012). Recognition of Community Rights under the Forest Rights Act in Madhya Pradesh and Chhattisgarh: Challenges and Way forward. http://www.unpd.org/content/dam/indiaindia/docs/DG/recognition-of-community-rights-under-forest-rights-act-in-madhya-pradesh-and-chhattisgarh-challenges-and-way-forward.pdf

The 2001 Land Law recognizes a new legal category of people,“Chuncheat daoempheak tech” (literally meaning “minority original ethnicity” in Khmer), and it introduces the legal concept of communal land rights to Cambodia.
The 2002 Forestry Law also followed this trend by recognizing these peoples.  

31 Brigitte Feiring (2013). Indigenous peoples’ rights to lands and resources, International Land Coalition
32 For example, customary laws are protected by the Federal Constitution and the Sarawak Land Code. For native customs to have the status of customary laws, they must be given effect by the laws of Sarawak.
33 Instead, the Sarawak government’s current policies and economic development priorities affirm that all lands belong to the State. In the case of NCR land with no titles, natives remain without legitimate customary rights to the land, but occupy the land as licensees of the government. However, the State continues to consider all NCR lands as “idle land” in need of development to alleviate poverty. Thus, the government freely gives this out for use by large-scale development projects. Different interpretations of laws also contribute to the insecurity of people as to their legal ownership of their lands. Despite national legislation, NCR lands often do not have titles. The government’s definition and/or understanding of NCR land claim is only restricted to cultivated areas. Because of such difference in understanding of what constitutes NCR land, instead of resolving the coverage of NCR land, the government continues to issue logging licenses and provisional leases covering communal lands and reserved virgin forests. According to the law, a survey also has to be done before the government leases land in order to determine if indigenous people have rights over the area. This is not often followed. In the case of the Rumah Nyawin Iban, areas covered by leases include the NCR land (AIPP, 2013: Tilting the Balance. Indigenous Women, Development and Access to Justice; http://www.aippnet.org/index.php/publication-sp-2697/human-rights/1266-tilting-the-balance-indigenous-women-development-and-access-to-justice); AIPP (2013): Tilting the Balance. Indigenous Women, Development and Access to Justice
36 See: AIPP (2014): HerStory Retold- A collection of personal essays by indigenous women; moreover, also the assassination attempt and violent intimidation of Aleta Ba’un, an indigenous Molo women engaged in the peaceful fight against mining from Timor; http://www.thejakartapost.com/news/2013/04/18/aleta-baun-environmental-heroine-molo.html
41 AIPP (2012). Development aggression as economic growth: A report by the Asia Indigenous Peoples Pact
46 E.g. violence against women in mining areas and palm oil plantations in Indonesia; rape cases in Burma in the large development project World Conservation Tiger reserve Valley in Kachin State; the survivors in both examples have either no access to justice, or have submitted cases to the authorities, but justice has not been served. AIPP (2013): Tilting the Balance. Indigenous Women, Development and Access to Justice
47 In many indigenous societies, there is a clear gender division regarding certain activities and responsibilities in everyday life: while both genders are involved in productive activities, women are responsible for so-called “light” work (such as gathering forest products, caring for livestock and selling products). Men, in turn, are involved in so-called “heavy” work, such as hunting and logging). Only if women are absent or not able to work, are men also involved in tasks such as collecting firewood or cooking. The double burden of productive and reproductive responsibilities is placing a heavy workload on women
48 UNDRIP, 2007; Article 44
49 Brigitte Feiring (2013). Indigenous peoples’ rights to land and resources, International Land Coalition (ILC)
This briefing paper complements with AIPP’s other publication, especially, the briefing paper recently published on “the Impacts of Land Dispossession on Indigenous Women” and upcoming briefing paper entitled “Recognition of Indigenous Peoples’ Legal Identities and Customary Land Tenure Rights in Asia.”

The briefing paper on land dispossession is the outcome of the project on “Strengthening the documentation and advocacy capacity of indigenous women for the advancement of their rights and welfare on Land” implemented in Cambodia, India and Indonesia from 2013 to 2014. The project mainly aimed to strengthen the capacity of indigenous women in advocating their rights relating to land and the recognition of their vital roles in sustainable resources management, food production and security. The briefing paper has highlighted the specific conditions of indigenous women in Cambodia, India and Indonesia, especially in the areas where development projects are being implemented by the governments. Indigenous peoples, particularly indigenous women in those areas, are grappling with the consequences of their resistance and finding means to forward the advocacy for the recognition and protection of their rights and welfare. The briefing paper captured and presented many cases related to indigenous women’s burden of discrimination and marginalization because of their ethnicity, gender and socio-economic status. Likewise, it has also emphasized on indigenous women’s struggles for their roles of stewardship over the lands and territories. The briefing paper has provided the specific recommendations to the governments including information on the mechanisms and processes appropriate for indigenous women.

The briefing paper on “recognition of indigenous peoples legal identities and customary land tenure rights” has emphasized on legal identities of indigenous peoples, customary land tenure systems including state policies recognizing indigenous peoples’ customary rights to lands and resources and threats to indigenous peoples customary land rights. Indigenous peoples are being recognized in the constitution in some Asian countries, whereas still invisible in the fundamental laws and policies related to land. Despite, non-recognition of their identities and land rights, indigenous peoples in Asia continue to practice their own customary laws and systems recognizing and regulating ownership, access and other rights to lands, territories and resources. Furthermore, it has provided serious consequences of land loss for indigenous peoples and challenges faced by indigenous peoples in the recognition of their customary land rights and specific recommendations.
AIPP at a glance

The Asia Indigenous Peoples Pact (AIPP) is a regional organization founded in 1988 by indigenous peoples’ movements as a platform for solidarity and cooperation. AIPP is actively promoting and defending indigenous peoples’ rights and human rights; sustainable development and management of resources and environment protection. Through the years, AIPP has developed its expertise on grassroots capacity building, advocacy and networking from local to global levels and strengthening partnerships with indigenous organizations, support NGOs, UN agencies and other institutions. At present, AIPP has 47 members from 14 countries in Asia with 7 indigenous peoples’ national alliances/networks and 35 local and sub-national organizations including 16 are ethnic-based organizations, five (5) indigenous women and four (4) are indigenous youth organizations.

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

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

Our Programmes
Our main areas of work among the different programmes are information dissemination, awareness raising, capacity building, advocacy and networking from local to global. Our programmes are:

- Human Rights Campaign and Policy Advocacy
- Regional Capacity Building
- Environment
- Indigenous Women
- Communications Development
- Organizational Strengthening

Through our Indigenous Women (IW) programme, AIPP aims to empower indigenous women through networking, education and capacity building activities with the overall goal for indigenous women to assert, promote and protect their rights as women and as indigenous peoples.

AIPP is accredited as an NGO in special consultative status with the UN Economic and Social Council (ECOSOC) and as observer organization with the United Nations Framework Convention on Climate Change (UNFCCC), Convention on Biological Diversity (CBD), Green Climate Fund (GCF), Global Environment Facility (GEF) and the World Intellectual Property Organization (WIPO). AIPP is a member of the International Land Coalition (ILC).