



RIGHTS AND RESOURCES INITIATIVE | NOVEMBER 2020

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***UNDER THE COVER OF COVID:***  
*New Laws in Asia Favor Business at the Cost of  
Indigenous Peoples' and Local Communities' Land  
and Territorial Rights*

*South and Southeast Asia*

Asia Indigenous Peoples Pact

Coalition for Tenure Justice in Indonesia

Rights and Resources Initiative

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## Acknowledgements

The authors wish to thank the lawyers who generously contributed their time and insight to this report: Asep Y Firdaus, Legal Expert and Director of Epistema Institute; Andiko, SH. MH, Indonesian Sustainability Lawyer; Shomona Khanna, Advocate, Supreme Court of India; Antonio G. M. La Viña and Joy Reyes, Manila Observatory.

We also thank the translators who helped make this report available to speakers of Filipino, Bahasa Indonesia, Hindi, French and Spanish languages: Jo Ann Guillao; Septiari Ayu; Hridayesh Joshi and Dhruva Narayan; Samuel Tribollet; and Pauline Kulstad.

## Introduction

The planet is facing an unprecedented global health crisis as a result of COVID-19. As of September 29, [over 1 million](#) people have died from the virus. A protracted pandemic is increasingly likely as the initial health crisis begins to transform into compounded [food security](#) and economic crises.

Among some of the most vulnerable groups to COVID-19 are Indigenous Peoples and Local Communities (IPs and LCs), who already face entrenched inequalities, stigma and discrimination. Insufficient access to basic health care services, sanitation, and limited internet for online education platforms are some of the [structural problems impacting communities'](#) capabilities to cope with this pandemic. However, when communities enjoy their right to self-determination, they have shown their tenacity in creating culturally appropriate and community-led responses to crises, even COVID-19.

The foundation of successful responses to this crisis are [secure tenure rights](#), healthy and productive ecosystems, and respecting the agency of a community to remain in voluntary isolation by halting all projects requiring their Free Prior and Informed Consent (FPIC) for the duration of the pandemic.

[IPs and LCs customarily manage over 50% of the earth's terrestrial surface](#), however only 10% of this area falls under a secure tenure regime that supports their traditional ownership rights.<sup>1</sup> This tenure insecurity curtails IPs' and LCs' power to implement well-established strategies that would prevent the spread of virulent pathogens, such as voluntary isolation.<sup>2</sup> Furthermore, without secure tenure, communities' territories are at risk of being targeted for their rich reservoirs of natural resources as governments look to cushion the looming global economic recession by expanding extraction. Finally, the pandemic has led to a decline in the enforcement of land rights laws on the books, an increase in

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<sup>1</sup> The recognition of secure collective land and resource rights are broadly recognised by state and non-state actors as contributing towards the advancement of internationally defined [social, economic and environmental objectives](#). In practice, national legislative bodies have been slow to formalise tenurial regimes that support the communities and traditional practices of indigenous peoples, local communities and rural women.

<sup>2</sup> Tribal villages in West Bengal, India, have been proactive in their response to COVID-19 enacting [their own lockdowns and self-isolating migrant workers](#) returning from urban spaces.

land-grabbing, and criminalization of IPs and LCs fighting for their fundamental rights over the socio-ecological systems they steward.<sup>3</sup> Thus, beyond its public health implications, COVID-19 a ‘threat multiplier’ on lands without secure tenure.

The recent release of the fifth Global Biodiversity Outlook by the Secretariat of the CBD found that all Aichi Biodiversity Targets were missed by governments and only six of these were partially completed this past decade.<sup>4</sup> The global economic crisis and “business as usual” solutions have jeopardized the next decade of environmental targets before they are even formally ratified. Pursuing economic development at the expense of social and environmental justice undermines IPs and LCs’ ways of life as well as the wellbeing and health of all of us on this planet. To emerge from this pandemic with more equitable and sustainable societies, we need inclusive and transformative change that redresses fundamental injustices such as tenure insecurity, political marginalization and social discrimination of communities that manage over half of the earth.

This brief discusses legislative developments during COVID-19 in India, Indonesia, and the Philippines that undermine sustainable human-environment interactions and IPs’ and LCs’ [broader enjoyment of their rights over their customary territories](#). While India, Indonesia and the Philippines have yet to ratify the Indigenous and Tribal Peoples Convention, 1989 (No. 169) (ILO 169), all three countries have ratified the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Each of these countries has also promoted national-level tenure reforms over lands and forests, though their implementation has been weak.<sup>5</sup>

In this brief, we first introduce the context to COVID-19 in each focus country. Legislative processes presented here are occurring alongside each country’s pandemic response, including state-led lockdowns, which provides important context. Then, we summarize legislative developments through three themes, which at times overlap:

1. Opportunistic advancements in controversial legislative processes that pre-date COVID.
2. Corporate stimulus and compensation.
3. Top-down pandemic solutions that undermine IP and LC rights.

We find that in India, the Philippines and Indonesia, government initiatives are continuing pre-COVID developmental agendas that have increased the likelihood of vector-borne diseases such as COVID-

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<sup>3</sup> Asia Indigenous Peoples Pact. (2020). *Submission by Asia Indigenous Peoples Pact (AIPP) and its member organizations and networks in partial response to the ‘Call for inputs Report’ of the Special Rapporteur on the Rights of Indigenous Peoples to the General Assembly Impact of COVID-19 on Indigenous Peoples in Asia*. Retrieved from [https://aippnet.org/wp-content/uploads/2020/06/Final\\_AIPP\\_UNSRIP-June2020.pdf](https://aippnet.org/wp-content/uploads/2020/06/Final_AIPP_UNSRIP-June2020.pdf)

<sup>4</sup> Secretariat of the Convention on Biological Diversity. (2020). *Global Biodiversity Outlook 5. Montreal*. Retrieved from <https://www.cbd.int/gbo/gbo5/publication/gbo-5-en.pdf>

<sup>5</sup> Rights and Resources Initiative. (2018). *At a Crossroads: Consequential Trends in Recognition of Community-Based Forest Tenure from 2002-2017*. Retrieved from Rights and Resources Initiative, Washington D.C.: [https://rightsandresources.org/wp-content/uploads/2019/03/At-A-Crossroads\\_RRI\\_Nov-2018.pdf](https://rightsandresources.org/wp-content/uploads/2019/03/At-A-Crossroads_RRI_Nov-2018.pdf); Kumar, K., Singh, N. M., & Rao, Y. G. (2017). Promise and Performance of the Forest Rights Act. *Economic & Political Weekly*, 52(25-26).

19 to proliferate and enter human hosts.<sup>6</sup> These activities have undermined global agendas for addressing climate change and the collapse of biodiversity, and will continue to do so if people-centered responses to the pandemic are discarded in favor of environmentally destructive trajectories.

## Human rights context during COVID-19: Shrinking democratic spaces

While lockdowns are an important strategic component of responses aimed at minimizing the spread of virulent pathogens, they are also being used by authorities to prevent public mobilization.

**The Philippines** are an extreme example where lockdowns and a national state of emergency are used to increase repression in a [highly militarised](#) response to COVID-19. On March 24, 2020, President Duterte consolidated his executive powers through the Republic Act No. 11469 (Bayanihan Act), which delegates legislative power to the president during a national emergency. Duterte can now appropriate funds from other branches of government in order to fund stimulus packages and development projects. The subsequent Republic Act No 11332 created guidelines for the ongoing Enhanced Community Quarantine (ECQ). Together, these two acts are used to push Duterte's development agenda while inhibiting public organisation and further [violating the civil, political and socio-economic rights of the people](#).

On April 1, [President Duterte extended a "shoot to kill" policy to security forces](#), targeting "troublemakers" who protest the ECQ. In the first 20 days of ECQ, over 17,000 people were arrested for violating curfew and lockdown measures. [The ECQ has had severe impacts on IPs and LCs](#) by hindering them from accessing essential natural resources, economic activities, their fields and other communities in need of assistance. For instance, on April 6, around 100 policemen violently dispersed a Tuwali-Ifugao barricade erected to stop the continued operation of OceanaGold's mining. Several Indigenous leaders were charged for violating the ECQ. On June 5, the Bayanihan Act expired and on September 11, Bayanihan 2 was [signed into law by President Duterte](#), extending his [special powers](#) until Dec. 19. With this, a further US\$34 million fund for addressing the health crisis has been provided with a focus on reviving the economy.

Examples of criminalization and displacement are also occurring in **Indonesia** and **India**. During the pandemic period, 37 new agrarian conflicts were recorded, 39 farmers, indigenous people, fishermen were arrested, and 2 people died in agrarian conflicts (KPA data). [Grabbing of farmers' land, forced evictions and community resettlements](#) outside their living areas are still running, even though Indonesia is facing a health and food crisis, and an economic recession due to the pandemic.

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<sup>6</sup>Zoonotic diseases are [common](#) and their [proliferation has long been linked to industrial agriculture, wildlife markets, deforestation and environmental degradation](#). These dynamics create the [ideal environment for pathogens](#) to rapidly proliferate and mutate across reservoirs of species who would otherwise not come into close contact with larger human populations. COVID-19, climate change, the loss of biodiversity and economic activities that contribute to environmental degradation are all interlinked.

In **India**, an overnight declaration of a lockdown in March left [millions of migrant workers](#) stranded in urban spaces and forced to walk hundreds of kilometers to their homes amidst hunger, police repression and death. However, restrictions on movement were not applied to India's mining sector, which has been deemed [essential](#) and compensatory afforestation practices continued to deforest and subsequently afforest the lands claimed and used by IPs and LCs.<sup>7</sup> Over recent months, there have been a [string of displacement incidences](#), including for a [reservoir](#) and [conservation](#) initiatives.<sup>8</sup> Meanwhile, intimidation of activists has increased. For example, the Indian chapter of Fridays for Future, a global climate strike movement led by youth, was served a notice on [July 8<sup>th</sup> under the Unlawful Activities \(Prevention\) Act \(UAPA\)](#) and its website was subsequently blocked. After public outrage at labelling environmentalist youth 'terrorists,' the Delhi police withdrew the notice, claiming it was due to [an administrative error](#). The UAPA is a terrorism-linked law and was used against Fridays for Futures due to their campaign against the new draft EIA 2020 (see Part 1 below). In the notice, Delhi police labelled Fridays for Futures as disturbing the ["the peace, \[and\] sovereignty of India"](#).

## Part 1: Controversial legislative processes

*Before the COVID-19 crisis, all three countries were pursuing neoliberal development agendas that favour the interests of transnational and local elites, undermining the ecological integrity of community landscapes. Many of these laws were fiercely resisted in the months leading up to COVID-19, and the moratorium on public gathering has been used to stamp out resistance.*

In **Indonesia**, President Joko Widodo's government is using COVID-19 to push controversial legislative processes that were widely criticized prior to the pandemic. These are considered by large segments of the civil society as weakening existing environmental protections and enabling businesses to land bank and undermine the integrity of Indonesia's indigenous Adat communities and local communities who practice traditional sustainable resource management.

- **Omnibus law to ease business licensing.** The Workplace Creation Law, known as the Omnibus law, was passed on October 5<sup>th</sup>, despite strong opposition from peasant, IP and environmental organizations, labour unions, student movement. It is a collection of sweeping reforms that deregulate business through more than [1,000 amendments in some 79 laws](#). The Omnibus law deregulates mining, diminishes penalties for environmental violations, removes requirements for EIAs, creates favorable conditions for corruption and exclude IPs and LCs from decision making processes altogether. The amendments within the Omnibus law [collide with Indonesia's decentralisation laws](#), and are likely to lead to a judicial battle. Since ratifying the bill [several versions](#) have circulated, each with important differences, leading to a lack of clarity as to the final form the Omnibus law will take. One important difference extends a ban on traditional subsistence practices that use fire to clear agricultural lands while

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<sup>7</sup> The practice of labelling mining as an "essential" service has been observed in other countries such as South Africa, Peru, Canada, Guyana and others.

<sup>8</sup> In Kaimur, Bihar, [50,000 people, from 108 villages](#), are expected to be displaced for a tiger reserve.

simultaneously making it [difficult to punish plantations using fire to clear forests](#). It has also emerged that [twelve politicians](#), instrumental in promoting the law, have links to the mining sector. In the two weeks since protests began, more than [6,000 people](#) have been arrested. The wave of protest this new law promoted is threatened by the Health Quarantine Law, which so far has not been used.

- **Land grabbing through land banking.** The Omnibus law is accompanied by the Presidential Regulation (Perpres) No. 66 2020 on Land Procurement for Public Interest Development Projects. Perpres No. 66 was [signed and enacted on the 19<sup>th</sup> of May 2020](#) and reintroduces provisions of a controversial draft Land Bill as regard to a Land Bank. This will dramatically accelerate land-grabbing in IPLC territories and puts vast tracts of intact forest landscapes and territories inhabited by IPs and LCs at risk.
- **Customary forests recognition is on a slow track.** The Ministry of Environment and Forestry issued a new Regulation No.17 of 2020 related to Customary Forests, making the procedures for recognition and protection of customary forests longer. Pending claims for recognition of customary forests submitted by IPs, together with their territory maps, already amount to 6 million hectares. However, the issuance of this new Ministerial Regulation has the potential to further complicate the recognition and protection of customary forests.

**India's** BJP Government is attempting to systematically roll back bundles of human rights and environmental protections in the name of encouraging investments in the midst of COVID-19. The mining sector has been a central focus of these rollbacks.

- **The draft Environmental Impact Assessment (EIA) 2020.** The Ministry of Environment, Forest and Climate Change (MoEFCC) released a [draft EIA notification 2020](#) in March 2020, which proposes diminishing public hearings, weakens consultation process, pardons projects with existing environmental violations, and [exempts certain categories of industry from needing EIAs](#). In total, 12 out of 14 clauses within the previous EIA 2006 have been altered in the new draft. Environmental Clearance (EC) for mines looking to expand their operations have also been waived. This entirely deviates from the statutory foundation of the Environment (Protection) Act of 1986, [undercutting India's biodiversity and climate goals](#). The draft EIA 2020 will particularly impact the country's North Eastern region, home to countless tribes protected under the Sixth Schedule of the Indian Constitution. Article 371 and the Sixth Schedule grant communities ownership over their natural resources, and the draft EIA 2020's provision to set up industries within [100km of international borders without public consultation](#) will disproportionately impact these communities. Weakening EIA provisions under draft EIA 2020 will likely have severe long-term impacts by limiting oversight and failing to address socio-ecological risks. Furthermore, the contentious [3,097 MW Etalin hydropower project](#) fails to address seismic activity, climate change linked glacial risks, landslides and the impacts of a Dam related natural disaster on communities. Ultimately, draft EIA 2020 [promotes technocratic development](#) at the detriment of human rights and the environment, concerns that have also been raised by the [UN Special Rapporteurs](#).

The **Philippines'** Duterte regime is known for [silencing opposition](#), [extrajudicial killings](#), and taking [repressive measures against dissent](#).<sup>9</sup> A Global Witness report on land and environmental defenders found that 43 defenders were killed making the [Philippines the second most deadly country for rights defenders in 2019](#), behind Colombia.<sup>10</sup> When taken together and looking towards the future, these developments raise serious concerns.

- **Dissent as terrorism.** During the pandemic the Senate Bill No. 1083 was approved while the House of Representatives approved House Bill No. 6875. These were both consolidated to create the Republic Act 11479, or Anti-Terrorism Act of 2020, which President Duterte subsequently signed to replace the Human Security Act of 2007 on July 18, 2020. This was done against international critique, including from the [OHCHR](#). The Anti-Terrorism Act blurs the lines between legal activism, dissent and terrorism fueling widespread [fears of continued and heightened abuses of power](#) by Duterte's government.<sup>11</sup>
- **Criminalizing Indigenous Peoples.** A controversial law passed in the months before the pandemic and met with strong resistance, [Executive Order No. 70, passed in December 2018](#),<sup>12</sup> is being used extensively during the pandemic to silence dissenters and further criminalize Indigenous Peoples Human Rights Defenders (IPHEDs). Targeting organization and further militarizing IP territories, Executive Order No. 70 compounds red tagging and threats already faced by activists.

## Part 2: Corporate Stimulus and Compensation

*Small and medium enterprises often rely on government support to survive crises. However, as a response to COVID-19, governments are prioritizing expansion of the extractive sector and large-scale developmental projects through provisions that will dictate the economic environment for many years to come. Under the banner of economic renewal during COVID-19, states have implemented a number of business-friendly strategies. These may include deregulation, the streamlining of licensing or tax incentives. IPs and LCs territories are being targeted for economic activities that will contribute towards environmental degradation and climate change.*

**Indonesia** has compensated businesses through automatic renewals of licenses and lifting requirements that certify the legality of produce. In some circumstances, public mobilization has been

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<sup>9</sup> A/HRC/44/22

<sup>10</sup> The Philippines was the deadliest country for rights defenders in 2018.

<sup>11</sup> IPs and LCs are already being red-tagged and labelled as communist sympathizers, imprisoned for defending their ancestral homes against the construction of extractive and infrastructure projects and prevented from organizing, the Anti-Terrorism Act of 2020 is likely to be used to quell dissent and any criticism of the government, including those by IPs and LC communities and their organizations.

<sup>12</sup> The full title of EO No. 70 is 'Institutionalizing the Whole-of-Nation Approach in Attaining Inclusive and Sustainable Peace, Creating a National Task Force to End Local Communist Armed Conflict, and Directing the Adoption of a National Peace Framework'.



able to counter developments, but several compensatory provisions were passed that will have long term implications on Indonesia's forests and the IPs and LCs that inhabit them.

- **Automatic extension of coal mining concessions.** The Mineral and Coal Law (Minerba Law) was revised without any public participation. Article 47 [guarantees mining companies a 10-year-extension, twice](#). In doing so the new law will guarantee the automatic extension of Coal Mining concessions, ensuring the domination of the coal industry oligarchy for another 20 years.
- **Automatic renewals of licenses for plantations, timber, and pulp concessions.** Indonesia's Agrarian Ministry announced an automatic renewal of licenses until the end of 2020 to compensate companies for COVID related losses.
- **Boosting the illegal timber industry.** The Trade Ministry attempted to revoke the legality requirement for wood exports. The [Timber Legality Verification System \(SVLK\)](#) was pioneered by Indonesia in 2003, and removing the legality requirement would have major consequences on deforestation and the monitoring of illegally sourced timbers. Having taken effect on May 27, 2020, fears of illegal timber flooding the market,<sup>13</sup> deforestation and territorial security were mounting. However, Civil Society Organizations, academics, the private sector and even the Ministry of Environment and Forestry (MoEF) successfully campaigned to reinstate the legality requirement.

Rather than strengthening its poorly enforced environmental provisions, **India** is rolling back protocols that define and prevent violations. These developments are accompanied by failures to adequately include and consult IPs and LCs in projects that directly and indirectly impact their traditional ways of life.

- **No provisions for video-based clearances in India's environmental laws.** Rapid approval of EC for projects risks administrative oversight.<sup>14</sup> Between March 24 – June 30, an [analysis](#) of the Forest Advisory Committee and Expert Appraisal Committee meeting minutes showed that approximately 120 projects were recommended, 90 were deferred, 30 projects returned, and 2 projects were rejected. Meetings were conducted through video conference calls due lockdown restriction. A quarter of recommended projects fell in [Fifth Schedule districts and were approved](#) without the required due diligence or respect for rights enshrined within the FRA and with a disregard to the right of FPIC. A total of [30 projects cleared by the MoEFCC are in vulnerable biodiverse hotspots](#).

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<sup>13</sup> 40% of Europe's imported wood products originate from Indonesia.

<sup>14</sup> On May 27, an explosion and subsequent fire occurred in an oil well belonging to Oil India Ltd (OIL) in Assam, 17 days after the Baghjan OIL Project received EC from the MoEFCC. OIL has another three proposals for oil and gas exploration awaiting EC from the MoEFCC. Due to the fact that all on- and offshore oil and gas exploration projects fall under category 'B2' and are exempt from public hearings, OIL's proposals will not receive a public hearing process. In light of repeated yearly floods along the Brahmaputra river, and the explosion's proximity to the river and vulnerable ecosystems, the incident poses severe risks to IPs and LCs as well as wildlife both in India and downstream in Bangladesh. In late June 2020, efforts to contain wildfire were hampered by these very floods. This goes to show how the already weak provisions that allowed projects such as Baghjan OIL need to be strengthened as opposed to weakened or removed entirely. The Baghjan OIL Project was approved under the EIA 2006, enforcing the need to strengthen EIA provisions rather than undermine them such as the Draft EIA 2020.

- **Commercialization of coal mining sector.** On June 11, 2020, the Government of India launched a new coal auction, themed [“Unleashing Coal: New hopes for Atmanirbhar Bharat”](#) involving [41 coal mines across five states](#). This move was accompanied by other legislation, such as the amendment of Section 8A of the Mines and Minerals (Regulation and Development) Act 1956, which will automatically extend all approvals, licenses and valid rights to the successful bidder of mining leases. These approvals were further waived for clearances granted under the Forest Conservation Act, 1980 and the Forest Rights Act 2006 for a period of two years. An amendment to the Coal Mines (Special Provisions) Act, 2015 allows coal industry operations to be undertaken by private companies for the first time. These sweeping reforms in India’s mining sector, in particular coal, are an unprecedented move that will further complicate the implementation of forest tenure reforms introduced by the Forest Rights Act, 2006 (FRA). These coal mines are also located on [Indigenous lands and important biodiverse forests](#).
- **Removing labor protections.** While attempting to ease businesses, India’s States and the Central government are systematically [dismantling the rights of laborers](#) as a means to encourage economic growth. These sweeping reforms will weaken protections on working hours, wages, overtime, occupational health and safety and others. In doing so, India will put the financial burden of economic recovery on the country’s most vulnerable populations, often the hardest hit groups during the government-imposed lockdown.
- **Opening agricultural lands for industry.** The state of Assam passed an ordinance on Micro, Small and Medium Enterprises (MSMEs) that will ease business by removing the need for [permission, clearance or licences](#) opening agricultural land for industrial purposes. India’s central government is also considering creating a National Land Management Corporation to [facilitate the monetization of lands](#) that are “wastelands” on paper but are customarily governed by communities in practice. This will lead to land conflicts, displacement, livelihood disruption and the criminalization of vulnerable peoples who do not hold secure tenure over their lands and resources. The Governor of Karnataka promulgated the Karnataka Land Reforms (Amendment) Ordinance, 2020, that will amend the Karnataka Land Reforms Act, 1961.<sup>15</sup> This opens agricultural lands to non-farmers and alters land ceilings. Farmer associations protest the move as paving the way for [large scale land acquisitions](#) that will favor larger and more powerful non-state actors.

Following the ECQ and renewed executive powers, the **Philippines** has seen funds appropriated from other branches of the government to propel infrastructure plans targeting ancestral lands. These sectors can continue their activities while potentially facilitating the spread of COVID-19 to remote rural areas.

- **Infrastructure as a pandemic band aid.** [On June 4, 2020](#), the government passed House Bill No. 6815, Accelerated Recovery and Investments Stimulus for the Economy of the Philippines (ARISE Philippines), a US \$2.6 billion stimulus package. About 50% of the funds have been

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<sup>15</sup> The amendment, which was promulgated on the 13th of July 2020, drops Sections 79A, 79B and 79C of the Act which put [stringent restrictions on ownership of agricultural land](#).

allocated towards infrastructure projects to [resuscitate the economy](#). However, since then the budget has been slashed to US\$340 million, making the Philippines' fiscal stimulus one of the [smallest in the world](#). Several of the infrastructure projects that will receive stimulus support are in [IPs and LCs ancestral lands](#) and are widely contested.<sup>16</sup> The bill has not yet become a law.

- **Market-oriented development project targets ancestral lands.** The Philippines Development Plan (PDP) 2017-2022 flagship “Build Build Build” program (BBB), was reinvigorated in the context of COVID to promote the [“golden age”](#) of infrastructure. There are over 100 projects within the BBB, many of which target the ancestral territories of IPs and LCs. More than 110,000 indigenous peoples from at least 106 villages could be affected by five proposed dam projects, with a further 230 approved mining applications encroaching on at least 542,245 hectares of ancestral lands.<sup>17</sup> Duterte is using his executive powers under the **Bayanihan Act (extended in Bayanihan 2)** to divert and appropriate funds from other branches of government, through the Senate Bill No. 1474 to prioritize loans to infrastructure projects within BBB, allocating US \$1.3 billion in the fiscal year 2021.

### Part 3: Pandemic “solutions” that undermine IP and LC’s rights.

A [protracted pandemic](#) increases the risks of a food crisis. Lockdowns have widely impacted communities’ abilities to obtain food supplies, access basic amenities and health services. **“Solutions” undermining IPs and LC’s rights put further strains on IPs and LCs and their ability to collect, harvest, grow and distribute food.**

- **Restricting access to forests.** An advisory issued by **India’s** MoEFCC on the 6th of April 2020 instructed all states and union territories to ensure a reduction in human wildlife interactions by restricting the movement of people in National Parks/Sanctuaries/Tiger Reserves. IPs and LCs rely heavily on Non-Timber Forest Products (NTFPs) for their livelihood and these restrictions would immediately [impact 3 to 4 million people living in and around protected areas](#). Limiting rural communities’ access to forest resources that provide them with food and medicine removes an essential lifeline. Lockdowns have also coincided with harvesting season, [undermining the survival of some 275 million people](#) across the country.
- **Rice plantations on contested lands.** President Joko Widodo has instructed state-owned enterprises to open new rice fields on [900,000 hectares across Central Kalimantan](#), Indonesia. Many of the proposed areas are traditional agricultural lands of IP and LCs as well as important peat lands. This proposed government program is likely to cause more agrarian conflicts and land grabbing if not done for and by the people, as well as severe consequences for Indonesia’s Nationally Determined Contribution under the Paris Agreement.

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<sup>16</sup> See earlier footnote. Information provided by the Cordillera Peoples Alliance.

<sup>17</sup> Information provided by the Cordillera Peoples Alliance.

- **Targeting the lands of IPs and LCs for food production.** The **Philippines'** Department of Agriculture (DA) and National Commission on Indigenous Peoples (NCIP) have released a joint proposal for increasing food production which targets the so-called "[idle](#)" ancestral lands of IPs and LCs. The "Plant Plant Plant" program (PPP) has been denounced as a way of opening ancestral lands to industrial agriculture and as landgrab. [These lands are not idle](#), and the PPP will hinder collective action and customary practices of IPs and LCs that promote the sustainable use of natural resources.

## Conclusion

The vulnerabilities of IPs and LCs have been compounded by the COVID-19 pandemic. Criminalization, corruption, threats, gender violence, extractive industries, state inaction and restricted access to culturally appropriate information have all been exacerbated. Yet, these communities are still responding with [resilience and communal success](#). The foundation of this success are self-determined actions, traditional governance systems, and secured collective tenure rights over lands and resources.

**Solidarity among organizations representing IPs and LCs has been the cornerstone of this response.** For instance, across Indonesia, communities began preparing for a food crisis as early as March along the principles of [wilayah bermartabat](#) (a *dignified territory*). Rural-urban solidarity is put in motion by the Agrarian Reform Consortium (KPA) [Agrarian Granary Solidarity Movement](#), through which farmers and fishermen with surplus stocks are donating and selling their produce at low cost for distribution to urban laborers. This example also highlights the importance of community land tenure: the majority of products supported by KPA were grown on disputed lands.

**Communities have also leveraged their land rights to respond to the crisis.** Villages in **India** such as Kukdale in [Gadchiroli district Maharashtra](#), have leveraged their economic independence supported by Community Forest Resource Rights to provide relief to more vulnerable families with weekly supplies. In Riau, a province on the **Indonesian** island of Sumatra, Talang Mamak youth are [contributing to the food security of their villages and promoting community-based monitoring](#). These two examples are visible manifold across hundreds of thousands of IP and LC villages that have organized to ensure the health, safety, and livelihoods of their community members.

*It is critical that legislators and leaders in the post-COVID world, in their economic responses, take inspiration from these actions. The rights and self-determination of IPs and LCs must [be at the forefront of stimulus packages](#) to safeguard nature and prevent the risks of future pandemics. No economic revival can be sustained by compromising the democratic space of the communities most capable of protecting the planet's resources.*

## About the Asia Indigenous Peoples Pact

The Asia Indigenous Peoples Pact (AIPP) is a regional organization established in 1992 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. For more information, please visit <https://aippnet.org/>.

## About the Coalition for Tenure Justice

The Coalition for Tenure Justice in Indonesia gathers diverse member organizations that secure Indigenous Peoples' and local communities' rights to their lands, forests and natural resources. This includes advancing the recognition of Customary Territories/Forests, expanding community managed areas, and accelerating the implementation of a genuine Agrarian Reform. For more information, please visit <http://koaliskeadilan tenure.com/>.

## About the Rights and Resources Initiative

The Rights and Resources Initiative is a global Coalition of more than 150 organizations dedicated to advancing the forestland and resource rights of Indigenous Peoples, Afro-descendants, local communities, and women within these communities. Members capitalize on each other's strengths, expertise, and geographic reach to achieve solutions more effectively and efficiently. RRI leverages the power of its global Coalition to amplify the voices of local peoples and proactively engage governments, multilateral institutions, and private sector actors to adopt institutional and market reforms that support the realization of rights. By advancing a strategic understanding of the global threats and opportunities resulting from insecure land and resource rights, RRI develops and promotes rights-based approaches to business and development and catalyzes effective solutions to scale rural tenure reform and enhance sustainable resource governance.

RRI is coordinated by the Rights and Resources Group, a non-profit organization based in Washington, DC. For more information, please visit [www.rightsandresources.org](http://www.rightsandresources.org).



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