



## ASIA INDIGENOUS PEOPLES PACT FOUNDATION

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**Subject: About the Inclusion of Indigenous Peoples in the ASEAN Environmental Rights Working Group (AER WG) and our non-negotiables for the ASEAN Declaration on Environmental Rights (ADER)**

Dear members of the ASEAN Environmental Rights Working Group (AER WG),

Indigenous Greetings from Indigenous Peoples, Indigenous Women, Indigenous Youth, and Indigenous Persons with Disabilities! Southeast Asia is a region of high biological and cultural diversity, where we, Indigenous Peoples, play a vital role in conserving and managing our land, territories, and resources. Environmental rights cannot be respected, protected, promoted, and fulfilled without recognizing and securing the rights of Indigenous Peoples.

For us, environmental rights go beyond the right to a clean, healthy, and sustainable environment. It is our life, our identity, our culture, and our spirituality. Our worldviews and values guide us to live in harmony with nature. We do not own or privatize nature. The value of nature goes beyond ecosystem services and monetary benefits. It is for our common good.

However, we face challenges. Conservation, tourism, deforestation, extractive industries, and energy projects have taken place on our land, territories, and resources without our Free, Prior, and Informed Consent (FPIC). These have led to environmental degradation and development aggression, disrupting our lives and cultures. Our human rights have been violated, including through killings, enforced disappearances, arbitrary arrests, detention, criminalization, militarization, prosecution, and manipulation.

**Therefore, Indigenous Peoples acknowledge the leadership of the AER WG in drafting the ADER with the objective of advancing and implementing the right to a safe, clean, healthy, and sustainable environment to address environmental rights as human rights. We welcome the reference to the 2007 UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in the preamble and the reference to the FPIC in provision 17 of the current draft (as of 7 March 2024) of the ADER. Also, we acknowledge and thank the members of the AER WG who champion the rights of Indigenous Peoples.**

**However, we are deeply concerned about the process of drafting the ADER with no representation of Indigenous Peoples. We got access to the English version of the draft ADER in March 2024 when we also learned that the AER WG is nearly completing its mandate. This process goes against the principle of ADER on access to information (ADER provisions 13-14). We are now pressured with a limited time to convene and consult among diverse groups of Indigenous Peoples in the region. The ADER and related information has not been made accessible in appropriate languages and formats in a timely manner. This goes against the principle on enabling environment (ADER provisions 9-12).**

Through the support of our allies in the region, Indigenous Peoples, Indigenous Women, and Indigenous Youth from Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Thailand, and Vietnam met in person from 20 – 21 April 2024 to collectively reflect on the draft ADER.

**We, Indigenous Peoples from the ASEAN region, would like to draw the attention of the AER**



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**WG to the fact that all the ASEAN Member States have adopted the UNDRIP.** According to Article 19 of the UNDRIP, States shall consult and cooperate in good faith with Indigenous Peoples concerned through their representative institutions to obtain their FPIC before adopting and implementing legislative or administrative measures that may affect them. UNDRIP recognizes the rights of Indigenous Peoples to participate in decision-making in matters that affect their rights through representatives chosen by themselves in accordance with their own procedures and to maintain and develop their own indigenous decision-making institutions (Article 18 of UNDRIP).

**We, Indigenous Peoples, are rights holders and should be part of the decision-making process. We are very disappointed that AER WG has ignored the inclusion of representative organizations of Indigenous Peoples in drafting the ADER.**

Out of the over 20 members of the AER WG, there is no representation of Indigenous Peoples. This approach goes against the UNDRIP, the whole-of-society approach stressed in the historic Kunming-Montreal Global Biodiversity Framework (KM-GBF) and the meaningful participation of Indigenous Peoples as highlighted in the Cancun Agreement and Paris Agreement on Climate Change. **We reject the non-representation of Indigenous Peoples in the AER WG and bracketing of the term "Indigenous Peoples" in the draft ADER (provision 26 (1)).**

The UNDRIP affirms that Indigenous Peoples are equal to all other people and recognizes the right of all peoples to be different, to consider themselves different, and to be respected as such. **Attempts by the AER WG members to dilute the rights of Indigenous Peoples through generalizations and other terminologies that distort our identity and legal rights are unacceptable.**

**We demand the AER WG use the term "Indigenous Peoples", replace the term "Ethnic communities" of provision 17 with "Indigenous Peoples" and ensure that the term "Indigenous Peoples" remains in the final text of the ADER.**

Indigenous Peoples, Indigenous Women, Indigenous Youth, and Indigenous Persons with Disabilities are not just vulnerable groups. We have been stewards of the environment and defenders of our land, territories, and resources. We are rights holders, knowledge holders, and partners in the fight against climate change, biodiversity loss, and pollution. The reports of the Intergovernmental Panel on Climate Change (IPCC) and the global assessments of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) recognize and respect the rights and knowledge of Indigenous Peoples as effective solutions to environmental crises. **Therefore, to respect, protect, promote, and fulfill the right to a safe, clean, healthy, and sustainable environment requires securing the rights of Indigenous Peoples.** Indigenous Peoples have the right to their land, territories, and resources which they have traditionally owned, occupied, or otherwise used or acquired.



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As rights holders, we strongly assert the following as non-negotiables, and they must be reflected in the ADER:

1. Explicit use of the term “Indigenous Peoples”
2. Right to the land, territories, and resources of Indigenous Peoples
3. Right to FPIC of Indigenous Peoples
4. Full protection of Indigenous Peoples' Environmental Human Rights Defenders and Indigenous Women's Environmental Human Rights Defenders
5. Right to maintain, control, protect, and develop cultural heritage and knowledge of Indigenous Peoples

Further, we request AER WG to demand to the ASEAN Intergovernmental Commission on Human Rights (AICHR) that the same non-participatory and non-inclusive approach is not repeated and ensure the full and effective participation of self-selected representatives of Indigenous Peoples in developing, implementing, and monitoring the Regional Implementation Plan and/or any related policy instruments at regional, national, or local levels.

We have submitted specific comments on the draft text of the ADER to the AER WG members on 30 April 2024, which can be found [here](#).

This statement of AIPP is endorsed by 89 Organizations and 26 Individuals, from Southeast Asia Countries, including; **Cambodia:** Cambodia Indigenous Peoples Organization (CIPO), Cambodia Indigenous Youth Association (CIYA), Cambodia Indigenous Peoples Alliance (CIPA), **Indonesia:** Perhimpunan Pembela Masyarakat Adat Nusantara (PPMAN), Papua New Guinea Indigenous Network, **Malaysia:** Network of Indigenous Peoples in Malaysia / Jaringan Orang Asal SeMalaysia (JOAS), PACOS Trust, Coalition of 20 Villages in Pitas district, Sabah, The Center for Orang Asli Concerns (COAC), **Myanmar:** Research Oriented Accountable Development (ROAD), Indigenous Peoples Partnership (IPP), Karen Network for Social and Environmental Action (KESAN), **Philippines:** Partners of the Indigenous Knowledge Philippines (PIKP), Cordillera Disaster Response and Development Services (CordisRDS), Indigenous Peoples International Center for Policy Research and Education (Tebtebba), Institute for the Development of Educational and Ecological Alternatives, Inc. (IDEAS), Timuay Justice and Governance (TJG), Mindanao, Katribu Kalipunan ng Katutubong Mamamayan ng Pilipinas, **Thailand:** Network of Indigenous Peoples in Thailand (NIPT), Wisdom of Ethnic Foundation (WISE), Highland Environmental Management Network (HEMN), Inter Mountain Peoples Education and Culture in Thailand Association (IMPECT), Ethnic Community Health Association (ECHA), Indigenous Peoples Foundation for Education and Environment (IPF), Ethnic People Development Foundation (EPDF), Tonkla Indigenous Youth Network, Pgakenyaw Association for Sustainable Development (PASD), Karen Network for Culture and Environment (KNCE), Women4Biodiversity, Romphothi Foundation (RPF) and LISU Network of Thailand.

**Asia Region and beyond ASEAN:** ACSILs-Japan, NGO-Federation of Nepalese Indigenous Nationalities (NGO-FONIN), Indigenous Nationalities Women Youth Network (INWYN)-Nepal, Kirat Youth Society (KYS)-Nepal, Kirat Chamling Language Culture Development Association (KCLCDA)-Nepal, Active Society Nepal (ASN), Lawyers' Association for Human Rights of Nepalese Indigenous

Peoples (LAHURNIP), National Indigenous Disabled Women Association Nepal (NIDWAN), Nepal Federation of Indigenous Nationalities (NEFIN), National Indigenous Women's Federation (NIWF)-Nepal, Papora Indigenous Development Association (PIDA)-Taiwan, Central Taiwan Ping-Pu Indigenous Groups Youth Alliance-Taiwan, Srijan Lokhit Samiti-India, Maleya Foundation-Bangladesh, Bangladesh Adivasi Forum, Kapaeeng Foundation (KF)-Bangladesh, and Naga Indigenous Women's Network-Nagaland, WE-Women From Indigenous Nationalities (WE-WIN), Nepal

**Asia Regional Organizations and Networks:** Asia Indigenous Peoples Pact (AIPP), Indigenous Peoples Human Rights Defenders (IPHRRDs) Network, Asia Indigenous Voices in Asia Network (IVAN), Asia Indigenous Peoples Network on Extractive Industries and Energy (AIPNEE), Network of Indigenous Women in Asia (NIWA), Asian Indigenous Women's Network (AIWN), Non-Timber Forest Products - Exchange Programme (NTFP-EP), Indigenous Knowledge and Peoples of Asia (IKPA), and Asia Indigenous Youth Platform (AIYP).

**Organizations from Africa, Latin America, North America, Russia, Europe, and the Pacific Regions:** Benet Mosop Indigenous Community Association-Uganda, MUTASA YOUTH FORUM & COMMUNITY EMPOWERMENT TRUST-Zimbabwe, Kerio Valley Community Organization (KVCO)-Kenya, Centre for Minority Rights Development (CEMIRIDE)-Kenya, Ogiek Peoples Development Program (OPDP)-Kenya, Guadalupe Yesenia Hernández Márquez-Mexico, Indigenous World Association-Canada, Center for Indigenous Cultures (CHIRAPAQ)-Peru, Asociación ProPurús-Perú, Continental Network of Indigenous Women of the Americas (ECMIA), Pastoralists Indigenous NGO's Forum (PINGO Forum)-Tanzania, Indigenous Peoples' Organization-Australia (IPOA), Lelewal Foundation-Cameroon, Mbororo Social and Cultural Development Association (MBOSCUDA)-Cameroon, Julian Cho Society-Belize, Toledo Alcaldes Association-Belize, Ch'orti' Mayan Indigenous Council of Olopa Chiquimula-Guatemala, Banaban Human Rights Defenders Network-Fiji, Village Farmers Initiative (VFI)-Nigeria, Aborigen Forum Network-Russia, African Indigenous Foundation for Energy and Sustainable Development(AIFES)- Nigeria, Organización, Federavión de pueblos indígenas Kechwa Chazuta Amazonía- FEPIKECHA, País. Perú, and The Federación Indígena Empresarial y Comunidades Locales de México

**International Organizations:** Indigenous Peoples Movement for Self-Determination and Liberation (IPMSDL), Indigenous Peoples Rights International (IPRI), International Indian Treaty Council (IITC), International Work Group for Indigenous Affairs (IWGIA), Forest Peoples Programme (FPP), Business and Human Rights Resource Centre (BHRRC), and Cultural Survival.

**Individuals:** Indu Chaudhary (Tharu)-Nepal, Raffly Jeffry-Sabah, Malaysia, Satej Chakma, Sub-Editor, IP NEWS-Bangladesh, Lalnunkimi Colney, East Mojo, Guwahati-India, Lelung Khumi-Bangladesh, Beverly L.Longid-Philippines, Rani Yan Yan-Bangladesh, Dr. Johnson Jament, Mukkuvar - Coastal Indigenous Peoples in South India, Radyo Sagada-Philippines, Chupinit Kesmanee-Thailand, Amrita Thebe-Nepal, Tauraoi Kirite-Fiji, Stan Lui-Torres Strait Australia, Lakpa Nuri Sherpa-Nepal, Frederic Wilson-Malaysia, Pirawan Wongnithisathaporn-Thailand, Shohel Hajang-Bangladesh, Kamonphan Salee-Thailand, Ke Jung-Myanmar, Gwendolyn Gay L. Gaongen-Philippines, Albert Salamanca-Philippines, Dayoon Kim-South Korea, Sushmita Mandal-India, Minh Tran-Vietnam, and Aehshatou Manu-Cameroon, Fausto Daniel Santi Gualinga, Ecuador