



PRESS RELEASE

Indigenous Peoples Demand Inclusion, and Full and Effective Participation in the ASEAN Declaration on Environmental Rights (ADER)

Chiang Mai, Thailand, 7 May 2024

Indigenous Peoples from the ASEAN countries have voiced concerns about the lack of Indigenous Peoples' voices and representation in drafting the ASEAN Declaration on Environmental Rights (ADER). Indigenous Peoples view the ADER as a crucial opportunity for ASEAN Member States to recognize the historic roles and contributions of Indigenous Peoples as custodians of biodiversity and as key partners and knowledge holders in combating environmental challenges including climate change, biodiversity loss, and pollution.

These concerns were expressed at a historic two-day regional consultation hosted by the Asia Indigenous Peoples Pact (AIPP) from 20-21 April in Chiang Mai, Thailand.

The consultation brought together 38 Indigenous Peoples, Indigenous Women, and Indigenous Youth and partners from Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Thailand, and Vietnam, who came together for the first time to discuss and consolidate their collective concerns and expectations regarding ADER.

Indigenous Peoples' non-negotiable demands

Indigenous Peoples from the ASEAN countries expressed their deepest concerns about the process of drafting the ADER with no representation of self-selected representatives of Indigenous Peoples, and the absence of ADER and related information in appropriate languages and formats in a timely manner.

The participants welcomed the reference to the 2007 UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in the preamble, and the reference to the Free, Prior, and Informed Consent (FPIC) in provision 17 of the draft ADER (as of 7 March 2024) and acknowledged and thanked the members of the ASEAN Environmental Rights Working Group members (AER WG members) who are standing for the rights of Indigenous Peoples.

"There is nothing about us without us. Environmental right is human right and they are Indigenous Peoples' rights." – Pirawan Wongnithisathaporn, AIPP

"The draft text of the ASEAN Declaration on Environmental Rights is a reiteration of so many international guidelines and standards that affirm Indigenous Peoples' rights. This gives us an opportunity to speak up and express our experiences on the ground to ensure States will protect the rights of Indigenous Peoples." – Edtami Mansayagan, Samdhana Institute.

As part of the collective decision agreed upon during the consultation, AIPP submitted a [collective statement](#) and textual proposals to the AER WG members on 30 April 2024. The statement rejects the non-representation of Indigenous Peoples in the AER WG and bracketing of the term “Indigenous Peoples” in the draft ADER (provision 26 (1)). AIPP demanded the AER WG to 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.

Reiterating the non-negotiables for ASEAN Indigenous Peoples in AIPP’s statement, we demand AER WG and AICHR to recognize and include the following in the ADER:

- Explicit use of the term “Indigenous Peoples”
- Right to the lands, territories, and resources of Indigenous Peoples
- Right to Free, Prior, and Informed Consent of Indigenous Peoples
- Full protection of Indigenous Peoples' Environmental Human Rights Defenders and Indigenous Women's Environmental Human Rights Defenders
- Right to maintain, control, protect, and develop cultural heritage and knowledge of Indigenous Peoples

How are Indigenous Peoples “made vulnerable?”

Recognizing the rights of Indigenous Peoples is particularly important. Indigenous Peoples across ASEAN are not vulnerable. Indigenous Peoples are *made* vulnerable through conservation, tourism, deforestation, extractive industries, and energy projects happening on their territories without their Free, Prior, and Informed Consent. These actions violate the human rights of Indigenous Peoples including through killings, enforced disappearances, arbitrary arrests, detention, criminalization, militarization, prosecution, and manipulation.

Despite the enormous issues and challenges Indigenous Peoples face daily, they have proven to be one of the most resilient communities, standing against laws, policies, and actions that are destructive to peoples, the planet, and humanity. Most of the standing forests and remaining biodiverse areas of the region are close to and/or overlap with the territories of Indigenous Peoples.

ADER as an opportunity to showcase ASEAN’s leadership

If ASEAN Member States are fully committed to achieving the goals and targets of the historic Kunming-Montreal Global Biodiversity Framework (KM-GBF), the objective of the Paris Agreement on climate change, and above all, advancing and implementing the right to a safe, clean, healthy and sustainable environment, they must ensure that ADER recognizes and protects Indigenous Peoples. They must recognize Indigenous Peoples’ laws, traditions and customs, initiate process to review detrimental laws and policies, and strengthen customary governance and land tenure rights. This should be done with the full and effective participation of Indigenous Peoples, Indigenous Women, Indigenous Youth, and Indigenous Persons with Disabilities.

“We, Indigenous Peoples have always been left behind. We were not counted as people. We were not given space for participation. Why? All laws, regulations, policies and development strategies are developed only by a few that can make decisions. The majority of global citizens are left behind. Many of the problems we are facing now, including pollution, plastic waste, etc., are caused by a few but everyone has to bear the burden.” – Naree Wongsachon, Indigenous Women’s Network in Thailand (IWNT)

The ADER presents a crucial opportunity for ASEAN member states to recognize the historic roles and contributions of Indigenous Peoples as custodians of biodiversity and as key partners and knowledge holders in combating climate change, biodiversity loss, and pollution. The ADER must also ensure the full and effective participation of Indigenous Peoples in decision-making enshrined in the UNDRIP and other international human rights standards, procedures, and instruments.

The AIPP's statement is endorsed by 91 local, national, regional, and international organizations and 26 individuals (as of 7 May) from the ASEAN countries, South Asia, East Asia, Africa, Latin America, North America, Europe, Russia, and the Pacific.

The consultation workshop was co-organized by Heinrich Böll Stiftung, Samdhana Institute, the Stockholm Environment Institute (Asia Centre), and USAID-WWF Mekong for the Future.

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