

Land Watch Asia

Issue Brief

On the Customary Land Rights of Indigenous Peoples in Asia*

Overview

Asia is home to about 70% of the world's estimated 370 million indigenous peoples (IFAD, 2015, par. 2). In Southeast Asia, indigenous peoples comprise as much as 30% of the total populations in Lao PDR and Burma, 14% to 17% in the Philippines, to 1.2% in Cambodia. Their estimated numbers range from a high of 30 to 40 million in Indonesia, to a low of 200,000 in Cambodia.

In South Asia, indigenous peoples comprise an estimated 37% of the population in Nepal, 15% in Pakistan, 8.6% in India, and 1-2% in Bangladesh (NFN, 2013; ILO, 2015a; AVARD, 2014; and Tripura, et. al., 2013). In terms of numbers, India has the largest indigenous and tribal population in Asia (80 million people), comprised of over 500 distinct communities (ILO, 2015b, par. 1).

Available data on indigenous populations are based mainly on estimates, as there is no disaggregated data on indigenous peoples in most countries. Thus there is a tendency to underestimate not only numbers and poverty conditions among indigenous communities, but also their significance as distinct sectors, and their unique contributions to society (Quizon, 2014).

Who are the Indigenous Peoples?

Indigenous peoples across Asia are known by different names: ethnic minorities, hill people, uplanders, *orang asal*, *masyarakat adat*, tribes, scheduled tribes, *adivasis*, cultural communities and religious minorities. Historically, some culturally-loaded terms were used to distinguish them from the dominant majority: hill tribes (Thailand), minority nationalities (China), cultural minorities and non-Christian tribes (Philippines), aborigines (Peninsular Malaysia), and isolated and alien peoples (Indonesia).

While there is no universal legal definition of "indigenous peoples," official documents cite four defining attributes of indigenous peoples, which have gained wide acceptance: (i) self-ascription or self-identification, (ii) a definable territory, (iii) historical resistance to colonization, and (iv) continuing cultures and traditions that have historically been differentiated from the dominant majority (Kingsbury, 2008, p. 126-130, 143-145).

Other formal definitions include the presence of customary institutions, the use of indigenous language, collective attachment to a territory or habitat, and other characteristics.¹

*Written by Antonio B Quizon, former Chairperson, Asian NGO Coalition. This briefing paper consolidates information and ideas from country studies, regional conferences, secondary material, as well as related works of the author. For comments and feedback, email: tonyquizon@yahoo.com and angoc@angoc.org.

ANGOC and Land Watch Asia also thank the contributing authors of the scoping studies on Indigenous Peoples, as listed in the references.



ANGOC

ISSN: 2 224-1360

The principle of “self-identification” is based on the ethos of self-determination of peoples. This is because of the historical experience of many indigenous groups of being defined, discriminated, belittled or treated as non-existent by outsiders (Kingsbury, 2008, p. 129-130). Thus, *self-descriptions* by indigenous peoples’ coalitions often portray a resistance to colonialism, state power, and impositions by dominant cultures and religions.

For instance, the Nepal Federation of Nationalities (NEFEN) defines indigenous peoples or “indigenous nationalities” as communities or people that: (i) possess their own distinct tradition, lingual and cultural traditions, and whose religion is based on ancient animism; (ii) are descendants of first settlers or principal inhabitants of Nepal, with their own history (written, oral) and historical continuity; (iii) may have been displaced from their own land over the past four centuries, during the expansion of the modern Hindu nation state; (iv) have been subjugated in the state’s political power set-up; (v) whose society is erected on the principle of equality rather than on Indo-Aryan caste hierarchy; and (vi) claim to be indigenous people of Nepal based on the characteristics mentioned above (NFN, 2013).

In “indigenous peoples,” the use of the term “indigenous” as opposed to “minority” reflects organized societies having their own distinctive identities, while the term “peoples” indicates the recognition of their self-determination and collective rights. As such, governments have often been wary about using the term “peoples” as this might imply recognition of their right to secession and self-determination under international law, particularly under the International Convention on Civil and Political Rights (Simbolon, 2009, p. 64-65). This might explain why ILO Convention 169, or the Indigenous and Tribal Peoples Convention which was passed in 1989, has not been ratified by most Asian countries,² even though the Convention itself explains that its “use of the term peoples ... shall

not be construed as (implying rights attached to) the term under international law.”³ It should be noted that ILO Convention 169 is a *legally binding* international instrument which deals specifically with the rights of indigenous and tribal peoples.

Until today, governments and officials tend to downplay or deny the existence of indigenous peoples. Some officials even claim that “we are *all* indigenous” – as if to say that indigenous peoples do not exist at all. Thus according to the UN, the more fruitful approach is *to identify*, rather than to define, indigenous peoples based on the fundamental criterion of self-identification as underlined in a number of human rights documents (UN Permanent Forum on Indigenous Peoples, 2006).

State of Indigenous Communities

Globally, indigenous peoples account for less than 5% of the global population, yet they comprise about 15% of *all* the poor people in the world, and some one-third of the world’s *extremely poor* people (UN-DESA, 2009). However, poverty reduction is not simply a matter of service delivery, as indigenous people suffer disproportionately from injustice, dispossession, and discrimination.

Across Asia, indigenous people rank among the most deprived in terms of incomes, access to justice, health and education. In Vietnam, indigenous peoples have higher poverty incidence rates than the rest of the population. Here, “ethnic minority groups are estimated to be 4-1/2 times more likely to be poor than the Kinh-Hoa (dominant ethnic group), and are also more likely to be malnourished, illiterate and suffering from poor health. And despite comprising just over one-eighth of the national population, the minorities accounted for about 40% of Vietnam’s poor in 2004 (Oanh, 2012).”

In India, while the tribals constitute 8% of the population, they account for 40% of the internally displaced populations (Nathan, et. al., 2004, p. 17). In Nepal, the imposition of the Khas Nepali language as the only official language, the *lingua franca*, and the medium of educational instruction is said to have contributed significantly to the illiteracy or low levels of education among the indigenous peoples. The consequences are evident, such as deprivation from information, and their lack of representation in decision-making positions in civil service and leadership (NFN, 2013).

Land as Culture and Survival

Land plays a central role in the culture and survival of indigenous peoples. As recognized by the UN Permanent Forum on Indigenous Peoples:

“Land is the foundation of the lives and cultures of indigenous peoples all over the world. This is why the protection of their right to lands, territories and natural resources is a key demand of the international indigenous peoples’ movement and of indigenous peoples and organizations everywhere. It is also clear that most local and national indigenous peoples’ movements have emerged from struggles against policies and actions that have undermined and discriminated against their customary land tenure and resource management systems, expropriated their lands, extracted their resources without their consent and led to their displacement and dispossession from their territories. Without access to and respect for their rights over their lands, territories and natural resources, the survival of indigenous peoples’ particular distinct cultures is threatened” (UNPFII, 2007).

For most of Asia’s indigenous peoples, land is more than just an economic asset or commodity. Land is life itself, rooted to a territory and history. It

provides the foundation for self-identity, personal security, faith, culture, livelihood and self-governance (Quizon, 2013, p. 4). Land is where one’s ancestors are buried and where sacred places are visited and revered (UN-DESA, 2009, p. 53). Indigenous communities have lived sustainably with their environment over generations, and have evolved their own customary property regimes with multiple resource-use systems and corresponding rights and responsibilities over farming, foraging, mining and grazing (Quizon, 2014). Customary land tenure refers to systems where some social authority or local political entity exercises administrative rights over the land. They cover range lands, plains, river systems, coastlines, traditional waters and fishing grounds (Simbolon, 2009).

To understand customary land rights, one should give due attention to the history of colonialism and modern state-building marked by a systematic process of disenfranchisement of indigenous peoples in many Asian countries.

Colonialism and Disenfranchisement

Starting in the mid-16th century, Western powers came to Asia with a primary interest in trade, but gradually developed an increasing economic and political interest over land and territory as they imposed a commercial economy over local communities that had previously depended on local agricultural production and trade.⁴ The colonialists first introduced land administration and land-based revenue collection to support the costs of colonial expansion. But in order to keep up with the growing demand for raw materials, they began to move from the coasts to the hinterlands and to take direct control over native territories. This annexation of lands reached its peak in the last 100 years of colonization (1850s to 1945) with the expansion of plantations and commercial mines to feed the industrialization of the West. Asia became

not only a source of raw materials, but a growing market for manufactured Western goods.

The creation of public domains. Western powers brought native lands under “crown lands” or the “public domain” managed by the colonial state. These included all lands outside of permanent settlements, including communal lands for grazing, hunting and shifting cultivation, burial and spiritual lands, and even remote settlements. Traditional systems of communal ownership were broken up, and native inhabitants stripped of their ancestral rights to the land. New systems for land registration, titling, surveys and censuses were then introduced, which further disenfranchised native peoples who lived far and remote from the centers of colonial power.

In the *Philippines*, for instance, the Spanish *conquistadores* introduced private property under the *Regalian* doctrine in 1565, and declared all lands on the fringes of towns, which used to be communal land, as *realangas* or Crown Land, thus introducing the concept of “public domain.”⁵ Later in 1903, the Americans introduced the Torrens title and land registration system, followed by the 1905 Public Lands Act, which then declared all unregistered land without Torrens title to be “public lands” regardless of prior occupancy. This Act placed 92% of the entire Philippines under the public domain. And since the land titling system did not provide for customary rights, this excluded the indigenous peoples who subscribed to the traditions of ancestral and communal land ownership.⁶

In *Indonesia*, the Dutch first introduced a system of land taxation to support colonial expansion, then imposed the *Cultuurstelsel* (Cultivation) System based on forced labor and production quotas. Through the Dutch Agrarian Law of 1870, they later declared all uncultivated lands (“wastelands”) to be State property, from which large plantations were carved out by leasing land to private and State

corporations. As the colonizers were interested primarily in production and trade, they allowed *adat* (customary) tenure and smallholder agriculture to co-exist side-by-side with a Dutch plantation sector. This dual system initially enabled the colonizers to exploit native labor without disturbing traditional community systems (Pannikar, 1993, p. 84).⁷

In Cambodia, Laos and parts of Vietnam, the French introduced the concept of private land ownership under the Land Act of 1884. All “unoccupied” lands became open for sale, enabling the French to build their plantations and rubber estates. French mines were also later opened in Thakhek and Pathan Valley, in Laos (Evans, 2002, p. 50).

In Cambodia, the French imposed the Ordinance of 1897 over the Khmer king, which gave the colonial government “the right to alienate and assign all free lands of the kingdom.” Private plantations were introduced in Ratanakiri, and rubber plantation workers recruited from among highland indigenous communities with their work organized by their chiefs (Simbolon, 2009, p. 69) The French Civil Code of 1920 later introduced formal land registries. Thus, a formal land registration system existed side-by-side with traditional ownership based on customary tenure, since much of the region was not surveyed.

In Nepal, indigenous peoples lost their autonomy and self-rule with the territorial unification of Nepal in 1769 under the monarchy. The imposition of discriminatory land tenure systems such as the *Birta* and *Jagir* (land grants given by the king to favored individuals) allowed the dominant caste, i.e., the Bahun Chhetris, to own and control lands of indigenous peoples, while the *Kipat* (communal/collective land ownership tenure system) was abolished.

Colonial Inheritance of Modern Nation-States

Most of the modern and independent nation-states of South and Southeast Asia emerged only after World War II. By then, colonization had delineated the territories of the new nations, and had brought most lands and resources under State ownership. The new nation-States then became the largest landowners, as they laid claim to Crown Lands and public domains as the “legitimate heirs” of past colonial regimes. The Regalian doctrine and state ownership over all natural resources were enshrined in new national Constitutions. The customary lands of indigenous peoples were not legally recognized, and were deemed to be under state or private ownership.

Governments began to nationalize colonial properties, yet they were reluctant to restore lands among the disenfranchised “minority” populations. Instead, most governments sought to consolidate authority over their territories, and to ensure internal political stability in the process of nation-building. Some governments viewed self-governing peoples as a potential challenge to national unity and State sovereignty, and thus adopted policies of assimilation and integration for “minority” groups. This meant that indigenous peoples had to adopt the language, customs and ways of life of the majority.

Indeed, a major challenge in the recognition and protection of indigenous peoples’ lands is the fact that the States are the main counter-claimants to much of customary lands.

Assimilation and State-Led Migrations

In Cambodia, after the French were ousted in 1953, the different national regimes tried to assimilate highland minorities into lowland Khmer society.

During the Sihanouk Regime in the late 1960s, for instance, the Royal Government promoted resettlement projects to bring highland indigenous minorities into sedentary farming (Simbolon, 2009, p. 70).

In Indonesia in the 1950s-1960s, the government initiated a massive *transmigrasi* (transmigration) program to resettle millions of landless people from the densely populated islands of Java and Bali, to less populated areas in Kalimantan, Papua, Sulawesi and Sumatra. During the New Order Regime, around 2.2 million hectares (ha) were redistributed to 1.1 million families in various transmigration schemes (Bachriadi & Wiradi, 2009, p. 5).⁸ Indigenous communities were embroiled in territorial and cultural conflicts with the arrival of thousands of new settlers into *adat* territories (Bachriadi & Wiradi, 2009, p. 6).

The New Order under the Soeharto regime (1967-1998) brought about an increasing commercialization of public lands and forests, and an increased concentration of land ownership in Indonesia. Since independence, policymakers have viewed the country’s vast forest resources as the exclusive responsibility of the central government. The approach of government in managing the forests has been to award large-scale concessions to private sector firms for agribusiness and industrial development (Bachriadi & Wiradi, 2009, p. 6-9). A 2004 CIFOR study estimated that a quarter of the country’s population live in classified forest lands without any security of tenure (Bachriadi & Sardjono, 2005, p. 5).

In the Philippines, land reforms in the 1950s first focused on opening up designated public areas for application of land patents, reforms in land titling and administration systems, and the introduction of systems for recognizing occupancy rights. The Homestead Program of the 1950s-60s encouraged

migration to new settlements in Mindanao by offering up to 24 ha per migrant family.

During the 1980s, the Bangladesh government settled almost half a million Bengalis from the crowded plains into the Chittagong Hill Tracts, causing displacement to many indigenous communities (Tripura, et. al., 2013).

In Cambodia, the Khmer Rouge (1974-79) caused the wholesale destruction of cadastral maps and historical land records, and wiped out the entire administrative and institutional infrastructure of the land system. This created massive confusion in the recognition and allocation of property rights, and later subjected the whole property system to massive land grabbing and corruption.

Customary Lands

Today, the remaining land and territories under customary use and claim by indigenous peoples cover up to 20% of the total land area in some Asian countries.

In Indonesia, *masyarakat adat* or “communities of customary law” consist of over 1,128 ethnic groups whose territories, according to the *Aliansi Masyarakat Adat Nusantara* (AMAN), cover an estimated 40 million ha of traditional forest lands,⁹ or a fifth of the country’s land area.

In the Philippines, indigenous cultural communities are composed of 110 major ethnolinguistic groups. As of 2015, Ancestral Domain Titles have been issued over 4.3 million ha, covering 14% of the country’s total land area. With 557 pending applications for ancestral domain titles covering 2.6 million ha still to be processed,¹⁰ a total of 6.9 million ha, or 23% of the country’s total land area could potentially be under the legal control of indigenous peoples in the Philippines.

In Cambodia, there are 24 different indigenous groups spread across 455 indigenous communities in 15 provinces (according to the 2008 census). Indigenous people are estimated to be the traditional managers over some 4 million ha of Cambodia’s forest lands and ecosystems (Quizon, 2014) especially along its mountainous borders in the north and northeast.

While there are no complete surveys of indigenous lands, a substantial portion of the land area in Laos and Myanmar may be considered under customary use and management of “ethnic” and “minority groups” that comprise some 30% of the populations in both countries.

In Bangladesh, 45 ethnic groups with an estimated population of three million live mainly in the northern regions and in the Chittagong Hill Tracts (CHT) in the southeast of the country. The CHT has the highest concentration of indigenous peoples, and occupies an area of 13,295 sq km, constituting about 10% of the total land area of Bangladesh.

In India, the States of Chattisgarh, Gujarat, Jharkhand, Madhya Pradesh, Maharashtra, Odisha and Rajasthan account for 70% of the scheduled tribes population in the country.

It should be noted that the traditional domains of indigenous peoples have not been limited to forest lands and to mountainous areas, or to regions with large concentrations of indigenous populations. They include plains, coastal lands, river systems and inland waters, range lands and even traditional fishing grounds in the open sea. Thus, the 1997 Indigenous Peoples’ Rights Act of the Philippines refers to “ancestral domains” rather than just “ancestral lands.”

In many Asian countries, indigenous communities today live in the remaining frontiers where biodiversity and forest ecosystems have been kept intact over many decades through customary

practice, traditional management and sustainable use. In many indigenous communities, multiple land-use systems have evolved with corresponding rights and governed by different sets of rules, e.g., land rights for foraging, shifting cultivation, wet and rain-fed rice agriculture, mining, and grazing. However, where their customary rights to land and territories are not legally recognized by States, indigenous peoples face increasing external pressures and further marginalization by continued in-migration of settlers, expansion of commercial agriculture and forestry, extractive industries such as logging and mining and the expropriation of lands for development projects and tourism. Once considered as the “peripheries” of the State, the traditional territories of indigenous peoples have been increasingly targeted over the past two decades for large-scale projects and a rising wave of (domestic and foreign) corporate investments.

Extractive industries & plantations: the new colonialism

Today the recognition and protection of indigenous lands has become even more complex in view of growing commercial pressures that include extractive industries (timber, mining), industrial plantations, and development projects. Cases of forcible eviction and militarization cause the loss of lands and livelihoods, community disintegration and conflict, and environmental impacts. The new conflicts brought about by the extractive industries and State concessions add a new layer of issues to the unresolved indigenous people’s rights to land of the past.

Rising global demand for timber, minerals, metals and agricultural products, combined with the liberalization of trade and investment to facilitate foreign direct investment in resource rich areas, has fueled a new and unprecedented expansion in

mining, oil and gas projects, plantations and commercial ventures into indigenous peoples’ territories. Where their customary and tenurial rights are not recognized, indigenous peoples face further marginalization by this new intrusion. Long-term land leases and concessions to private corporations over lands of the so-called public domain add a *new layer* to the old issues that indigenous communities already face, as they are further displaced by new commercial competition. At times, the state military or private forces are used to legitimize the entry and takeover of indigenous lands.

In Indonesia, where almost 70% of the total land area is classified as State Forest, millions of ha of land, forests, coastlines and natural resources have been leased out to corporations and State agencies since the New Order in 1967. For mining alone, some 10,677 licenses have been issued as of February 2013, compared to less than 1,000 just 15 years earlier in 1998.¹¹

In Cambodia, despite protective laws, Economic Land Concessions (ELCs) continue to be granted in protected areas, on the lands of indigenous peoples and in primary forests. The OHCHR report of 2012 noted that the government granted land concessions to at least 109 companies in 16 out of the 23 protected areas established by Royal Decree. The same report noted that 98 concessions have been granted in areas inhabited and traditionally used by indigenous communities. Nearly 2 million ha have been transferred to the extractive industries, primarily mining, since 2000.¹² Much of the lands that are taken away from indigenous peoples are those used in rotational farming (i.e., fields that are allowed to lie fallow in order to allow the soil to regenerate and preserve their fertility), while other lands are in sacred forests, sacred land used for cultural purposes (NGO Forum on Cambodia, 2013). In 2012, over 70% of Economic Land Concessions given out by government were situated inside national parks,

wildlife sanctuaries and protected forests (Ibid). This included an area of 17,856 ha of ancestral land of the indigenous Kui community in Prame Commune, District of Tbaeng Mean Chey, the capital of Preah Vihear Province, where private concessionaires cleared 74 families off their lands, destroying their paddy fields, gardens, and resin trees, and cleared the remnants of an ancient Kui temple and an ancient Kui village (Ibid).

In Laos, the government has been engaged in large-scale mining operations through a State corporation, while small-scale mining has attracted investors from other countries (including China, Vietnam, Russia and South Korea). Artisanal mining for gold, tin and precious stones is also widespread in rural villages, and employs between 15,000-50,000 people, of which some 75% are women.¹³

In the Philippines, there has been a resurgence of large-scale mining operations since the enactment of the 1995 Mining Act. As of January 2013, there are 424 existing mining leases covering about 1.02 million ha.¹⁴ Despite the country's protective laws, it is estimated that mining applications impact on 67% of ancestral domains.¹⁵ The Commission on Human Rights has investigated mining-related cases of harassment, threats, physical abuse, killings and forced evacuation committed by company security personnel, the military and the police against indigenous communities.

In Myanmar, since 1988, the military government encouraged foreign investments and joint ventures especially in mining. This has contributed to militarization, land confiscation by armies and destruction of traditional livelihoods in ethnic areas, with little benefit to local people. This has likewise exacerbated ethnic conflicts.

In Bangladesh, the issuance of land leases in the Chittagong Hill Tracts for private commercial plantations began on a large-scale in 1979. The government started to award leaseholds on large

consolidated tracts to private entrepreneurs for setting up rubber, timber, fruit and other commercial plantations and enterprises. Most of these leased areas were common lands of indigenous peoples that had been used for *jhum* (swidden) cultivation, grazing and other purposes (Shapan & Dastidar, 2011, p. 77). These leases were awarded to the Bengali elite, consisting of political leaders, professionals, civil and military officials. Furthermore, there have been well-documented cases of continued landgrabbing and encroachment into indigenous peoples' lands in the CHT, involving the use of force, intimidation, violence, fraud and manipulation of land records, and corruption and political influence (Shapan & Dastidar, 2011, p. 35-108).

Indeed, the experiences in many Asian countries show an increasing entry of plantations and large-scale extractive industries into so-called forestlands and "public domain" lands that lead to, or aggravate, local conflicts and rights violations of indigenous peoples, particularly over their land and natural resources. There is a serious deficit in terms of a regulatory framework and institutional capacities to promote more accountable land and resource governance in line with international human rights standards and in compliance with social-environmental safeguards. In most instances, mining, plantations and commercial ventures – even development projects – enter into indigenous peoples' territories without their free, prior and informed consent (FPIC).

Social and environmental impact assessments and public consultations are not undertaken as preconditions for issuing licenses and concessions. Yet even in those countries where some legal safeguards exist, such as the requirement for FPIC in the Philippines, there are cases where FPIC is treated lightly as a mere consultation procedure, or else "consent" is obtained through force, manipulation or deceit (Garganera, 2013).

Companies and state authorities often exploit internal divisions in communities thereby exacerbating existing conflicts and disrupting community life.

Discriminatory State policies and practices

With few exceptions, such as in the Philippines and India (Constitutions and legislations) and in Cambodia (Land Law), the existing laws in most countries do not give special recognition to indigenous peoples' land rights. Instead, indigenous peoples tend to be treated as part of the general "landscape" (covered under forestry laws, land laws and agriculture policies), or treated as "subjects of welfare programs" that further marginalize them. Indigenous peoples often have to apply for access or user rights to their own lands and forests.

Statutory land registration systems may recognize individual and corporate property, but may not recognize *communal* lands. Moreover, unlike corporations, indigenous communities are often not recognized by law as legal entities or property holders.

There is still very limited appreciation and understanding of customary land, including traditional practices in farming and harvesting. Swidden or *jhum* farming, for instance, is considered by most States as "backward" and "destructive" of forests, and thus is prohibited and even criminalized (as in CHT, Bangladesh). Traditional lands under swidden cultivation are often treated as "unused," "barren" or "marginal lands," which are leased to corporations, including those lands that indigenous communities cultivate and then allow to regenerate during the fallow period. Indigenous farming practices are considered as "low technology" and "unproductive," with too much "idle time" among rural laborers. The common perception among

State authorities and decision-makers is that indigenous peoples "waste" precious land that could be used to further the country's economic development. In many countries (Vietnam, Sarawak in Malaysia) there are State programs to move indigenous peoples into new settlements, in order to appropriate their lands for other purposes.

The role of indigenous communities in protecting biodiversity and forest ecosystems is still not fully recognized. Many are evicted, denied entry, or denied grazing and harvesting rights in forests designated by State authorities as national parks, protected areas and buffer zones. These protected areas are often created and delineated without the consent or knowledge of local communities.

Meanwhile, the loss of land and forced displacement has resulted in the dissolution of many indigenous communities. In Nepal, many indigenous peoples lack citizenship certificates, making it difficult for them to access basic government services such as education and health. According to the UNHCR in Nepal, an estimated 800,000 individuals still lack citizenship registration and are therefore considered *de facto* stateless (NFN, 2013).

Emergence and Rise of Indigenous Peoples Movements

Starting in the 1970s, the struggle of indigenous peoples in Asia to regain control over their traditional domains and cultural spaces grew from localized, community-specific struggles into issues of wide public awareness and global debate (Perrera, 2009, p. 2). This was brought about by two parallel developments. First, there was the massive incursion of global capital and development investments into indigenous territories, with highly-publicized cases that disturbed the public consciousness.

In some cases, the State and military forces were used to legitimize the entry and takeover of lands by State projects and private investors. Perhaps the most publicized among these was the construction of the Sardar Sarovar Dam in the Narmada Valley in Gujarat, India which gave rise to the *Narmada Bachao Andolan* and a transnational network of supporters in the 1980s. Groups threatened with displacement, especially tribal people, engaged in protests such as peaceful occupations and hunger strikes (Kingsbury, 2008, p. 133). In the Philippines, ancestral land rights were highlighted in the 1970s when the Bontok and Kalinga peoples in the Cordillera region successfully opposed efforts to build the Chico River Hydroelectric Dam that threatened to displace over 100,000 people and to submerge entire villages, rice fields and sacred sites. At the same time, the Tinggian peoples in the same region opposed the destruction of their customary forests by Cellophil Resources Corporation which was granted a 200,000-hectare logging and paper-pulp concession. These struggles gave birth to alliances of indigenous peoples, and later to national coalitions.

The second development was the parallel growth of self-organized indigenous movements that began to transcend local and national boundaries, moving from individual issues and protests to more proactive demands for indigenous peoples' rights. These movements were aided by emerging support groups and linked by advances in communication technology. This began to crystallize a universal concept of "indigenous peoples" as separate nations or as a distinct sector imbedded within larger nation-States.

In Indonesia, the *Aliansi Masyarakat Adat Nusantara* (AMAN) founded in 1999, declared that: "if the state does not recognize us, then we do not recognize the State."

Indigenous peoples' movements brought their cause into the international arena. They did this in response to globalized market forces and to seek recognition and protection for their collective rights to land and livelihoods within nation-state structures that had discriminated against them. Their actions moved from protest to proactive demands for recognition of the economic, environmental, cultural and land rights of indigenous peoples.

International policy frameworks on customary land rights

Due to their struggles, the customary land rights of indigenous peoples have come to be recognized in several international declarations and policies. Some of the major policy instruments are:

ILO Convention 169 (Indigenous and Tribal Peoples Convention, 1989) is a legally binding instrument that first recognized the distinctive cultural traditions of indigenous peoples and their different ways of seeing the world. It replaced ILO Convention 107 (of 1957) which had earlier taken on an *integrationist* approach to indigenous peoples that reflected the development discourse at the time it was adopted.

Convention 169 states that indigenous peoples have the right to enjoy the full measure of human rights and fundamental freedoms, and the general rights of citizenship, without hindrance or discrimination. It calls for special measures to safeguard the persons, institutions, property, labor, cultures and environment of these peoples. It recognizes that indigenous peoples' ways of life, customs and traditions, institutions, customary laws, forms of land use and forms of social organization are different from those of the dominant population, and thus they should be protected when any measures are being

undertaken that are likely to have an impact on these peoples.

The Convention requires that indigenous and tribal peoples are consulted on issues that affect them. It also requires that these peoples are able to engage in free, prior and informed participation in policy and development processes that affect them, and defines how consultations should be undertaken – i.e., through *appropriate procedures, in good faith, and through the representative institutions of indigenous peoples.*

UNDRIP (United Nations Declaration on the Rights of Indigenous Peoples, 2007) is an important normative instrument that reflects the existing international consensus of the scope and content of indigenous peoples' rights. Although it is not a legally-binding instrument in the same way as a convention or treaty, it stands as an international public commitment in recognition and support of indigenous peoples' rights at national and international levels.

UNDRIP recognizes a wide range of basic human rights and fundamental freedoms of indigenous peoples, including the right to unrestricted self-determination, and their rights in terms of maintaining and developing their own political, religious, cultural and educational institutions along with the protection of their cultural and intellectual property. Article 26 states that "indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired," and directs States to give legal recognition to these territories.

The Declaration establishes "the requirement for prior and informed consultation, participation and consent in activities of any kind that impact on indigenous peoples, their property or territories. It also establishes the requirement for fair and adequate compensation for violation of the rights

recognized in the Declaration and establishes guarantees against ethnocide and genocide. The Declaration also provides for fair and mutually acceptable procedures to resolve conflicts between indigenous peoples and States, including procedures such as negotiations, mediation, arbitration, national courts and international and regional mechanisms for denouncing and examining human rights violations" (IWGIA, 2015, par. 6).

CBD (Convention on Biological Diversity, 1993) is an international binding agreement that aims to preserve biological diversity around the world. It has three components: conservation of biodiversity, sustainable use, and fair and equitable sharing of benefits arising from genetic resources. Article 8 recognizes the role of indigenous peoples in the conservation and management of biodiversity through the application of indigenous knowledge. Thus, in 1996, the International Indigenous Forum on Biodiversity (IIFB) was established during the third Conference of Parties to the Convention (COP3), as the indigenous caucus in the CBD negotiations.

The ongoing debate on indigenous knowledge and biodiversity is crucial, especially on CBD follow-up discussions on several themes, including: (i) protection of biodiversity and related indigenous knowledge, (ii) access and benefit-sharing of genetic resources vis-à-vis traditional knowledge, (iii) indigenous peoples and protected areas, and (iv) indigenous peoples, biodiversity and climate change.¹⁶

UN Human Rights instruments that provide the *foundation* for recognition of customary land rights of indigenous peoples, include:

- **ICESCR** (International Covenant on Economic, Social and Cultural Rights) was adopted by the UN General Assembly in 1966. It commits parties of States to promote and protect a wide

range of economic, social and cultural rights, including rights relating to work in just and favorable conditions, to social protection, to an adequate standard of living, to education and to enjoyment of the benefits of cultural freedom and scientific progress.

- **ICCPR** (International Covenant on Civil and Political Rights) is based on the Universal Declaration of Human Rights, and was adopted by the UN General Assembly in 1966.
- **ICERD (International Convention on the Elimination of all Forms of Racial Discrimination)** was adopted in 1963 by the UN General Assembly.

In search of a common agenda

Recommendations to States and governments:

Recognize the rights of indigenous peoples in line with international human rights norms and State obligations. Article 3 of UNDRIP affirms the right to self-determination under the International Covenant on Civil and Political Rights (ICCPR) and Article 15 of the International Covenant on Economic Social and Cultural Rights (ICECSR), which most Asian countries have ratified as a legally binding agreement. UNDRIP further addresses the right to determine development policies and strategies in relation to land, territories and resources (Art 32.1), and establishes the need to obtain “free and informed consent prior to the approval of any project affecting their lands or territories and other resources” (Art 32.2).

Provide legal recognition and protection for the land rights of indigenous peoples. States should provide legal recognition and protection for the land and territorial rights of indigenous peoples. While the Philippines’ Indigenous Peoples Rights Act (IPRA) already provides legal recognition of ancestral domains, in most Asian countries, the customary land rights of indigenous peoples are not fully recognized.

Strengthen the principle and practice of FPIC. With the full and effective participation of indigenous peoples, States should establish mechanisms to ensure the implementation of FPIC (free, prior and informed consent) before the entry of development activities in the domains of indigenous peoples. Additional safeguards should include, e.g., prior impact assessments, mitigation measures to avoid/minimize impacts on the exercise of those rights, benefit-sharing, and adequate compensation for impacts in accordance with relevant international standards. Overall, such safeguards should adopt a precautionary approach that should guide decision-making about any measure that may affect rights over lands and resources, and other rights that are instrumental to the survival of indigenous peoples.¹⁷ And in recognition of the right to self-determination, FPIC should be obtained in a manner that is in accordance with customary law and local practices of decision-making.

Recognize and promote ICCAs. Indigenous peoples have in-depth, varied and locally rooted knowledge of the natural world. And because traditional indigenous lands and territories contain some 80% of the planet’s biodiversity, indigenous peoples can play a crucial role in managing natural resources (IFAD, 2015, par. 3). Thus, the concept and practice of indigenous and community conserved areas (ICCAs) has gained international recognition as a legitimate conservation and protection system, and as an alternative to the mainstream practice of State-led protected areas systems. ICCAs are defined as “natural and/or modified ecosystems containing significant biodiversity values, ecological services and cultural values, voluntarily conserved by indigenous peoples and local communities.” (See box article).

Strengthen disaggregated data on indigenous peoples. States and indigenous peoples’ organizations – in line with the principles of IP consent, ownership and access – should jointly collect, analyze and disaggregate data on indigenous peoples, including women. This would

The case of ICCAs

In the Philippines, 75% (or 96) out of the 128 initially identified key biodiversity areas are within the traditional territories of IPs, and almost 90% of the remaining forest cover in the country are in ancestral domain areas. Yet because most indigenous communities do not have legal recognition over their traditional lands, they are limited in their ability to freely conduct their livelihood activities and traditional resource management.

In Nepal, the government does not legally recognize indigenous and community conserved areas (ICCAs) as a designation of forest management or as part of the national protected areas system. Yet Nepal is rich in ICCAs, as indigenous communities continue to manage and protect collective commons and sacred natural sites, even though their customary laws and community regulatory practices are no longer legally recognized by the government. A case in point is the Khumbu Community Conserved Area in Nepal which encompasses all of the Sagarmatha National Park and its buffer zone – a 1,500 square kilometer region which the Sherpa peoples manage and protect as a *beyul* (a sacred, hidden valley) and as their homeland.

Sources:

NGO Federation of Nepal (NFN). (2013). *Study on Status of Indigenous People's Land and Resource Rights*. [Unpublished].

De Vera, D. and Libre, S. (2014). *The Indigenous Peoples in the Philippines: A Background*. Philippine Association for Intercultural Development (PAFID). [Unpublished].

aim to protect the rights of indigenous peoples, including their indigenous knowledge and customary lands and domains. In line with this, some current initiatives, such as the “One Map Initiative” in Indonesia could be a step in the right direction. This One Map Initiative aims to consolidate all spatial information regarding forest, land and natural resources into a single, standardized reference hub. Already, AMAN is participating in the project by sharing its Ancestral Domain maps to ensure that IP territorial integrity is included in this national mapping initiative.¹⁸

Establish impartial commissions of inquiry and systems of redress for human rights violations.

Together with indigenous peoples, governments should establish independent commissions to look into the human rights concerns of indigenous peoples, and to put an end to violations of indigenous peoples' rights. Perpetrators of atrocities should be brought to justice in order to end the culture of impunity.

Institute restitution and recovery of customary lands to address injustices against indigenous peoples.

Governments should cease the removal of indigenous peoples from their ancestral lands and territories. In cases where they are being, or

have been, removed, displaced or dispossessed, they should initiate independent inquiries and provide appropriate restitution. This is particularly important in conflict or post-conflict areas, and where indigenous peoples are affected by State actions.

Establish the accountability of private corporations in upholding human rights.

Many businesses have adopted “corporate social responsibility (CSR)” as an integral part of their corporate objectives. However, in many instances, CSR has been diluted to mean “good public relations.” CSR should be replaced by a stronger private sector focus on “upholding human rights.” In line with the UN Guiding Principle on Business and Human Rights, the private sector has a responsibility to respect human rights of indigenous peoples in their extractive operations, regardless of the State legal framework or government actions in the countries.¹⁹ Governments and inter-governmental organizations and multilateral agencies also have the duty to hold corporations accountable for upholding human rights.

ASEAN and SAARC programs on indigenous people's rights. Regional associations such as ASEAN and SAARC should undertake a common agenda and action program that protects indigenous peoples' rights, and promotes and fulfills at the regional level the UN Declaration on the Rights of Indigenous Peoples.

Recommendation to CSOs:

Dialogue among CSOs. In some countries, there appears to be a dearth of development workers who have the capacity to support IP communities and address their land issues. In past years, much of CSO advocacy on land has focused on agrarian reform issues and paid little attention to IP advocacy which was left to a smaller community of CSOs who specialized in indigenous peoples' rights. There is a need to build dialogue and understanding among a broader community of CSOs and enhance their capacity to enable them to provide support to indigenous peoples communities and organizations.

Learn and exchange on policy development. CSOs, IP organizations and networks from different countries can learn from each other on policy development, as well as share experiences and best practices. These initiatives could involve policymakers and legislators or inter-sectoral discussions across countries. These exchanges will need proper contextualization. Some possible tools and approaches for sharing may include participatory mapping and resource inventories, conflict management and resolution, recognition of customary rights and paralegal training (UNIPP and ANGOC, 2013).

Learn from specific country experiences. The Philippines' Indigenous Peoples Rights Act (IPRA) provides a leading example of a policy for the recognition and protection of indigenous peoples' rights. The Philippines experience with IPRA may

provide concrete lessons that could help inform new policy initiatives (i.e., the proposed law on *Masyarakat Hukum Adat* in Indonesia). Similarly, the Constitution of India guarantees some rights to tribal people and has listed more than 200 tribal groups as "scheduled tribes." India has enacted the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act of 2006, as a recognition of the environmental and human rights of tribal people in domestic law.

Work for more holistic reforms on land and resource governance. Many of the challenges faced by indigenous peoples are also shared by other vulnerable and marginalized populations, and their experiences reflect the broader historical and governance challenges of their countries. In many countries, for instance, domestic and foreign companies exploit the void created by poor governance and undemocratic regimes for their own advantage. In others, addressing the long-standing grievances concerning *adat* or customary land is a critical means to resolving agrarian and social conflicts in the country. In other words, advocacy and reforms efforts can be made based on the recognition that national dialogues and efforts to address the issues of indigenous peoples may provide a gateway to addressing some of the fundamental and common challenges in the region (e.g. how to promote accountable, equitable, participatory and sustainable development that benefit the people and safeguard the rights of its people).

Recognize indigenous peoples as key to our collective future. Finally, in the context of global efforts to protect the environment and mitigate climate change, we need to recognize that indigenous peoples play an important role for our collective future:

- Conserving forests and ecosystems that are crucial, especially for the absorption of greenhouse gases, and for regulating hydrological flows;

- Providing environmental services that protect the global commons, resulting in clean and safe water, improved air quality, and protection from extreme weather conditions, including soil erosion;
- Maintaining biodiversity and indigenous knowledge systems;
- Maintaining peace and social harmony;
- Providing a range of products and eco-services, and;
- Enlarging human options and diversity in an increasingly homogenized world. ■

REFERENCES:

- Association of Voluntary Agencies for Rural Development (AVARD). (2013). *Study on indigenous peoples (scheduled tribes of India)*. [Unpublished].
- Bachriadi, D. and Sardjono, M. A. (2005). Local actions to return community control over forest lands in Indonesia. [Manuscript copy].
- Bachriadi, D. and Wiradi, G. (2009). *Land tenure problems in Indonesia: The need for reforms*. [Manuscript copy].
- Evans, G. (2002). *A Short History of Laos: The Land In Between*. NSW, Australia: Allen and Unwin.
- Garganera, J. (2013). *Indigenous Peoples and Mining: A Contentious Relationship*. [Manuscript copy].
- International Fund for Agricultural Development (IFAD). (2015). *Indigenous peoples*. Retrieved from http://www.ifad.org/english/indigenous/index_full.htm.
- International Labour Organization (ILO). *Convention No. 107*. Retrieved from <http://www.ilo.org/indigenous/Conventions/no107/lang-en/index.htm>.
- ILO. (2015a). *India*. Retrieved from <http://www.ilo.org/indigenous/Activitiesbyregion/Asia/SouthAsia/India/lang-en/index.htm>.
- ILO. (2015b). *Pakistan*. Retrieved from <http://www.ilo.org/indigenous/Activitiesbyregion/Asia/SouthAsia/Pakistan/lang-en/index.htm>.
- International Work Group for Indigenous Affairs (IWGIA). (2015). *The UN Declaration on the Rights of Indigenous Peoples*. Retrieved from <http://www.iwgia.org/human-rights/international-human-rights-instruments/undeclaration-on-the-rights-of-indigenous-peoples>.
- Kingsbury, B. (2008). Indigenous Peoples in International Law: A Constructivist Approach to the Asian Controversy. In Erni, C. ed. *The Concept of Indigenous Peoples in Asia*. Copenhagen and Chiang Mai: International Work Group for Indigenous Affairs and Asian Indigenous Peoples Pact Foundation. pp 103-160.
- Nathan, D., Kelkar, G. and Walter, P. (2004). *Globalization and Indigenous Peoples in Asia: Changing the Local-Global Interface*. Delhi: Sage Books.
- National NGO Federation of Nepal (NFN). (2013). *Study on status of indigenous peoples' land and resource rights*. [Unpublished].
- NGO Forum on Cambodia. (2013). *Scoping study on access to and control of land by indigenous peoples in Cambodia*. [Unpublished].
- Oanh, L. T. (2012). *Country Technical Notes on Indigenous Peoples Issues: Socialist Republic of Vietnam*. International Fund for Agricultural Development (IFAD) and Asia Indigenous Peoples Pact (AIPP). Retrieved from <http://www.ifad.org/english/indigenous/pub/documents/tnotes/vietnam.pdf>.
- Pannikar, K.M. (1993 reprint). *Asia and Western Dominance: A Survey of the Vasco da Gama Epoch of Asian History, 1498-1945*. 1953. Kuala Lumpur: The Other Press.
- Perrera, J. (2009). *Land and Cultural Survival: The Communal Land Rights of Indigenous People's in Asia*. Manila: Asian Development Bank.
- Quizon, A. B. (2013). *Land Governance in Asia: Understanding the Debates on Land Tenure Rights and Land Reforms in the Asian Context*. Framing the Debate Series, No. 3. Rome: International Land Coalition.
- Quizon, A. B. (2014). *Issues in protecting land rights of indigenous peoples in South-East Asia, with a focus on extractive industries*. Paper prepared for UNDP-UNIPPP.
- Quizon, A. B. (2013). *Land Governance in Asia: Understanding the Debates on Land Tenure Rights and Land Reforms in the Asian Context*. Framing the Debate Series, No. 3. Rome: International Land Coalition.
- Report of the United Nations Special Rapporteur on the Situation of Human Rights in Cambodia. 24 Sept 2012.
- Serote, E. (2004). *Property, patrimony and territory: foundations of land use planning in the Philippines*. Quezon City: School of Urban and Regional Planning, University of the Philippines and the UP Planning and Development Research Foundation.
- Shapan, A. and Dastidar, R. (2011). *Alienation of the Lands of Indigenous Peoples in the Chittagong Hill Tracts of Bangladesh*. (1st ed). Dhaka and Copenhagen: Chittagong Hill Tracts Commission and International Work Group for Indigenous Affairs.
- Simbolon, I. (2009). Law Reforms and Recognition of Indigenous Peoples' Communal Rights in Cambodia. In Asian Development Bank (ADB). *Land and Cultural Survival: The Communal Land Rights of Indigenous People's in Asia*. Manila: ADB. pp. 63-91.
- Statement of James Anaya, UN Special Rapporteur on the Rights of Indigenous Peoples, at the South-East Asia Sub-Regional Meeting on Extractive Industries and Indigenous Peoples' Rights to Land and Natural Resources, Bangkok, 24 June 2014.
- Tripura, S., Ripa, S. K., Sumaiya, T. (2013). *Analysis on the situation of indigenous peoples' customary land and resource rights in Bangladesh*. Association for Land Reform and Development (ALRD). [Unpublished].
- UN Permanent Forum on Indigenous Peoples. (2006). *Who are indigenous peoples?* Factsheet. Retrieved from http://www.un.org/esa/socdev/unpfi/documents/5session_factsheet1.pdf.
- UNIPPP and ANGOC. (2013). *Indonesia-Philippines Peer-to-Peer Mentoring and Knowledge Sharing*. Report of a Conference held on 4-5 Feb 2013, Quezon City, Philippines
- United Nations Department of Economic and Social Affairs (UN-DESA). (2009). *State of the world's indigenous peoples*. New York: UN.
- United Nations Permanent Forum on Indigenous Issues (UNPFII). (2007). *Report on the Sixth Session*. UN Doc. E/2007/43.

ANGOC and Land Watch Asia acknowledge the following organizations and writers who prepared the scoping studies of indigenous peoples:

Bangladesh: Sontosh Tripura, Shanjida Khan Ripa, and Tamima Sumaiya of Association for Land Reform and Development (ALRD)

Cambodia: NGO Forum on Cambodia

India: Association of Voluntary Agencies for Rural Development (AVARD)

Indonesia: Jaringan Kerja Pemetaan Partisipatif/Network for Participatory Mapping (JKPP)

Nepal: Community Self Reliance Centre (CSRC)

Pakistan: Society for Conservation and Protection of Environment (SCOPE)

Philippines: Dave de Vera and Shirley Libre of Philippine Association for Intercultural Development (PAFID)

ENDNOTES

¹For instance, the World Bank describes “indigenous peoples” as a distinct, vulnerable, social and cultural group having these characteristics in varying degrees: (i) self-identification; (ii) collective attachment to a distinct area and to natural resources in these habitats and territories; (iii) customary institutions that are separate from the dominant society and culture; (iv) indigenous language. (WB Operational Procedure 4.10 of 2005).

²Considered as a pioneering document, the ILO Convention 169 has been ratified by only 20 countries. In Asia, only Nepal has formally ratified this Convention. On the other hand, ILO 169 was ratified by several Latin American countries with significant indigenous populations.

³ILO Convention 169 is a legally binding international instrument, open for ratification by States. In reaction to various States’ articulated fears of the spectre of secession, Article 46(1) of ILO 169 clarifies that “[n]othing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.”

⁴Pannikar (1993) calls this age of Western dominance as “an age of maritime power, of authority based on the control of the seas.”

⁵Serote, Ernesto . *Property, Patrimony and Territory: Foundations of Land Use Planning in the Philippines*. 2004 Quezon City: School of Urban and Regional Planning, University of the Philippines and the UP Planning and Development Research Foundation. pp.71-72.

⁶An exception to the *Regalian* doctrine was the decision by the US Supreme Court in the case filed by the Ibaloi chieftain Mateo Cariño vs the Insular Government of the Philippine Islands during the American Occupation period. In February 1909, the US High Court declared that all native lands in the Philippines are “private land and never have been public land ...” Known as the “Cariño Doctrine,” this decision further declared that “any land that should have been in the possession of an occupant and of his predecessors in interest since time immemorial... (would) justify the presumption that the land had never been part of the public domain or that it had been a private property even before the Spanish conquest.”

⁷Pannikar notes that as early as the 1750s, “the Dutch had appreciated quite early the cheapness of the system of ‘indirect rule’ and its effectiveness from the point of view of unhampered exploitation”

⁸The authors further note that the land allocated for transmigration is actually higher, since the figure of 2.2 million ha does not include land allocated for other public facilities provided in each transmigration site.

⁹Presentation of Abdon Nabadan, Secretary-General of AMAN, at the *South-East Asia Sub-Regional Meeting on Extractive Industries and Indigenous Peoples’ Rights to Land and Natural Resources*,” 24-25 June 2013, Bangkok, Thailand. AMAN stands for *Aliansi Masyarakat Adat Nusantara* (AMAN), or the Indigenous Peoples Alliance of the Archipelago (Indonesia).

¹⁰The 4.3 million ha of titled ancestral domain lands is based on reported data of the National Commission on Indigenous Peoples (NCIP). The projected 2 million ha more that need to be processed is also based on NCIP projections. As cited in Garganera, Jaybee (2013). “Indigenous Peoples and Mining: A Contentious Relationship.” Manuscript copy.

¹¹Presentation of Siti Maimunah, Indonesian Mining Advocacy Network (JATAM), at the South-East Asia Sub-Regional Meeting on Extractive Industries and Indigenous Peoples, 24-25 June 2013, Bangkok, Thailand.

¹²Data is from the *Report of the Special Rapporteur on the Situation of Human Rights in Cambodia: Addendum*, 24 Sept 2012.

¹³Energy and Mines, National Economic Research Institute (NERI) and International Council on Mining and Metals (ICMM), *op cit*. pp 17.

¹⁴Based on summary data from the website of the Philippines’ Mines and Geosciences Bureau (MGB), Available from: <http://www.mgb.gov.ph> Last accessed 29 July 2013.

¹⁵This finding is based on mapping activities done by mining-affected communities and their support groups (including AnthroWatch, ESSC, HARIBON and PAFID) in order to visualize land conflicts between mining, forests, and ancestral domains in the Philippines. As cited in Garganera. *op cit*,

¹⁶This last theme includes discussions of climate change mitigation measures, including REDD (Reducing Emissions from Deforestation and Forest Degradation) and the potential impact of REDD on indigenous communities.

¹⁷Based on the statement of James Anaya, UN Special Rapporteur on the Rights of Indigenous Peoples, at the South-East Asia Sub-Regional Meeting on Extractive Industries and Indigenous Peoples’ Rights to Land and Natural Resources, Bangkok, 24 June 2014.

¹⁸In 2014, AMAN had submitted around 265 ancestral domain maps, covering 2.4 million ha, for the One Map Initiative.

¹⁹The UN Guiding Principles on Business and Human Rights was adopted by the UN Human Rights Council in 2011. It affirms the duty of States and the responsibility of corporations to respect human rights, and the need to ensure access to remedies where business-related human rights abuses do occur. http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

This issue brief was made possible with the support of MISEREOR. ANGOC likewise acknowledges the contribution of the International Land Coalition (ILC) in the preparation of the study for the Philippines. The views and information provided in this issue brief do not necessarily reflect the views or policies of MISEREOR and ILC.



Founded in 1979, ANGOC is a regional association of national and regional networks of non-government organizations (NGOs) in Asia actively engaged in food security, agrarian reform, sustainable agriculture, participatory governance and rural development. ANGOC network members and partners work in 14 Asian countries with an effective reach of some 3,000 NGOs and community-based organizations (CBOs). ANGOC actively engages in joint field programs and policy debates with national governments, intergovernmental organizations (IGOs), and international financial institutions (IFIs).

ANGOC is the convener of the Land Watch Asia (LWA) campaign and the Asian Alliance Against Hunger and Malnutrition (AAHM-Asia). ANGOC is also a member of the International Land Coalition (ILC), the Global Land Tool Network (GLTN), and the Indigenous Peoples’ and Local Community Conserved Areas and Territories (ICCA) Consortium.

Asian NGO Coalition for Agrarian Reform and Rural Development

33 Mapagsanguni Street, Sikatuna Village,
Diliman, 1101 Quezon City, Philippines
P.O. Box 3107, QCCPO 1101, Quezon City, Philippines
Tel.: +63-2 3510581 | Fax: +63-2 3510011
E-mail: angoc@angoc.org | URL: www.angoc.org



Land Watch Asia (LWA) is a regional campaign to ensure that access to land, agrarian reform and sustainable development for the rural poor are addressed in national and regional development agenda. The campaign involves civil society organizations in seven (7) countries—Bangladesh, Cambodia, India, Indonesia, Nepal, Pakistan, and the Philippines. LWA aims to take stock of significant changes in the policy and legal environments; undertake strategic national and regional advocacy activities on access to land; jointly develop approaches and tools; and encourage the sharing of experiences on coalition-building and actions on land rights issues.



ILC is a global alliance of intergovernmental, governmental, and civil society organizations working together with the rural poor to increase their secure access to natural resources, especially land.



As the overseas development agency of the Catholic Church in Germany, MISEREOR works in partnership with all people of goodwill to promote development, fight worldwide poverty, liberate people from injustice, exercise solidarity within the poor and persecuted, and help create “One World.” MISEREOR supports projects and promotes local initiatives in Africa, Asia and Latin America, irrespective of nationality, religion or gender.



AVARD

