

ASIA-PACIFIC FORESTRY SECTOR OUTLOOK STUDY II

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**WHERE IS THE FUTURE FOR CULTURES AND
FORESTS?**

Indigenous Peoples and Forest Management in 2020

by

The Asia Forest Network¹



**FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS
REGIONAL OFFICE FOR ASIA AND THE PACIFIC**

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INFORMATION NOTE ON THE ASIA-PACIFIC FORESTRY SECTOR OUTLOOK STUDY

The Asia-Pacific Forestry Sector Outlook Study (APFSOS) is a wide-ranging initiative to gather information on, and examine, the evolution of key forestry issues as well as to review important trends in forests and forestry. The main purpose of the study is to provide a better understanding of the changing relationships between society and forests and thus to facilitate timely policy reviews and reforms in national forest sectors. The specific objectives are to:

1. Identify emerging socio-economic changes impacting on forest and forestry
2. Analyze probable scenarios for forestry developments to 2020
3. Identify priorities and strategies to address emerging opportunities and challenges

The first APFSOS was completed in 1998, with an outlook horizon to 2010. During its twenty-first session, held in Dehradun, India, in April 2006, the Asia-Pacific Forestry Commission (APFC) resolved to update the outlook extending the horizon to 2020. The study commenced in October 2006 and is expected to be completed by September 2009.

The study has been coordinated by the Food and Agriculture Organization of the United Nations (FAO), through its regional office in Bangkok and its headquarters in Rome, and implemented in close partnership with APFC member countries with support from a number of international and regional agencies. The Asian Development Bank (ADB), the International Tropical Timber Organization (ITTO), and the United Kingdom's Department for International Development (DFID) provided substantial financial support to implement the study. Partnerships with the Asia-Pacific Association of Forest Research Institutes (APAFRI) and the Secretariat of the Pacific Community (SPC) supported the organizing and implementing of national focal points' workshops and other activities, which have been crucial to the success of this initiative. The contributions of many other individuals and institutions are gratefully acknowledged in the main APFSOS report.

Working papers have been contributed or commissioned on a wide range of topics. These fall under the following categories: country profiles, sub-regional studies and thematic studies. Working papers have been prepared by individual authors or groups of authors and represent their personal views and perspectives; therefore, opinions expressed do not necessarily reflect the views of their employers, the governments of the APFC member countries or of FAO. Material from these working papers has been extracted and combined with information from a wide range of additional sources to produce the main regional outlook report.

Working papers are moderately edited for style and clarity and are formatted to provide a measure of uniformity, but otherwise remain the work of the authors. Copies of these working papers, as well as more information on the Asia-Pacific Forestry Sector Study, can be obtained from:

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EXECUTIVE SUMMARY

The extreme of having no forests, no indigenous peoples and so no future is not going to be the case in the next ten to twenty years. Meanwhile, we see radical changes in rural and upland forest-based cultures in the Asia-Pacific region; some are establishing equitable coexistence while others are absorbed into national economies. Though much can be disrupted and lost we need to understand the different drivers and impacts of change and how best to work with and support indigenous peoples in the years ahead. This coming decade is critical in enabling more sustainable relations between indigenous peoples, their landscapes and the broader encompassing society, while at the same time also acknowledging that some cultures to various degrees are leaving their area and culture.

This study is part of the Asia-Pacific Forestry Outlook Study 2020. It focuses on the lives of indigenous peoples in the very complex shifts of forest management in the twenty-first century. It does not give answers as to the future of indigenous peoples and forest management, not even for the next ten years. It can only give scenarios based on limited facts of change as well as stories of human diversity and integrity.

The study opens with a discussion on culture in, allowing us to step back and revisit the broader contexts of person and culture – contexts that everyone, indigenous or not, can relate to. What follows is a review of the mosaic of cultural phenomena, the dilemma of indigenous peoples' today, and the basis for analyzing cultural sustainability and change.

Given this broader cultural discussion of indigenous peoples a clearer definition of terms is needed covering indigenous peoples, forms of forest dependence, and forest types and lands. This is developed in Chapter 2 by reviewing identity and dependence.

Indigenous peoples are seeking self-determination and asking global society to respect their cultures and identities. Movements to support them are increasing in national and global society from a range of sectors, human rights and environment.

Many indigenous peoples are traditionally forest dependent, but there is an increasing trend of moving away from this dependence. This is mainly because forests are not anymore as dependable as before. Some of the young generation prefer livelihoods outside the forests that are easier to do. Some want to stay but desire better access to education and health facilities. Others may be part of the action that degrades or exploits the environment and are able or unable to shift their involvement.

In Chapter 3, trends in livelihoods, well-being and poverty are analyzed and approaches are reviewed for indigenous peoples as a whole, not only in relation to those who live in or near forests.

Many indigenous peoples are moving from solely being forest dependent to shifting or diversifying their livelihood strategy as a way of coping with risks and uncertainties, and also to take advantage of opportunities coming their way, which are scant. While indigenous peoples are benefiting from the global attention on tackling poverty issues, inequity is still increasing. The broadened concept of poverty and well-being is allowing indigenous peoples to express aspects of their life where poverty exists, and aspects where they are better off than others. Attention to the lack of social services in indigenous communities is improving with the global commitment to achieve the UN Millennium Development Goals. Decentralization is also facilitating this trend, as decentralization policies enable governments to reach far corners of the country, not just to secure national boundaries or protect national sovereignty like before, but to bring social services. However, this is happening at a much slower pace than the expansion of the economy, resulting in inequity. At the same time, economic

expansion is bringing the private sector to lands and territories of indigenous peoples because of the need for land and natural capital.

Chapter 4 reviews policies in different countries and gives significance to the recently passed UN Declaration on Rights of Indigenous Peoples. This review helps in further categorizing rights in terms of: cultural integrity, human security, self-governance, capacity to negotiate and seek redress, and sustainable and equitable development.

Indigenous peoples' rights are increasingly getting recognized in international and national policies. The rate by which these rights are fully legitimized through policies and exercised through institutional arrangements and programmes differs. The pace and nature of social and economic impacts of these policies on indigenous peoples also vary.

These trends and patterns, when listened to or taken up by advocacy groups, policy makers or development movers, become the direct and indirect drivers of policy change. Chapter 5 explores which of the trends identified become the driving forces of policy change. The categorization of indigenous peoples' rights guides discussions on drivers of changes with consideration for the internal and external driving forces, as well as the enablers and constraints on policy.

By virtue of the UN Declaration on the Rights of Indigenous Peoples, most countries in the Asia-Pacific region have adopted these rights and made their own to become very necessary drivers of change, yet are in themselves not sufficient to realize human development. Sufficient conditions for actual change depend upon the sufficiency of resources and options; community capacities to self-govern and negotiate their circumstances. Negotiation by indigenous peoples for their rights is increasingly seen as beneficial to global markets. Therefore, the self-governance and continuous right to redress – not fully attained under the established forms of free prior and informed consent (FPIC) – is stressed. This may partly include gaining access to markets but this involves many other capacities of engagement and response to market forces.

Forces driving policy change vary in different countries. How these forces driving policy change combine leads to identifying the scenarios that are likely to play out in different countries.

Five scenarios are suggested, drawn from existing experiences and in the light of some growing drivers. Simply they range from two untenable positions of first, immovable poverty of dependency on a degrading and increasingly restricted access to resources of a degrading environment (Scenario A: Immovable Poverty) and second, assimilation at the bottom of spreading urbanization (Scenario B: Assimilation). The next two scenarios are of an interim or holding position, where there may be some socio-cultural equity but lack of socio-economic capacity and integration (Scenario C: Protection or Political Holding). Adding variance to this might also be the availability and resource options on the one hand and on the other greater social accommodation and adaptation (Scenario D: Connection). These are obvious driven by internal and external factors, the combination of which is critical. The final scenario embodies much of the ideal but in reality the move is beyond precarious subsistence to sustainability that will have equity, and that though the market and political terms may vary in time and place the opportunities remain (Scenario E: Empowerment and Endogenous Development).

These scenarios reflect policy attitude, integration, and implementation, and the ability to re-envision a new society culturally, as well as the environmental pressures that are likely to reinforce cultural attitude further. One of the scenarios may dominate in a given country, though there will be local variances. Policy changes can have the biggest impact over time, causing an abrupt change on one level but resulting in waves of action or 'seasonality of

response' that weakens on reaching the community level. The actual utilization of that policy takes time and the reforming of focus for action and drawing in of the resources can take many years, so much that the shift from one scenario to another has less predictability.

In ten years, can much change be expected in what is clearly identified as one of the most economically dynamic regions of the world? Yes and no. Yes, in that many cultures will be struggling with or with out policy changes with many of the same problems today but with developed nuances of communication and market. One might expect a better access to basic needs, but with what cultural sensitivity? Any response to basic need must be done with integrity of culture and not be a 'bribe' to convert – tokenism - but should strengthen quality participation. No, in that many cultural subgroups will be marginalized to a further level not recognized for their cultural (and linguistic) uniqueness will be lost. Other cultures will have 'modernized' and even 'urbanized', while retaining their cultural integrity, and without losing their cultural heritage. What each country must seek to do is the best for its peoples, but it can only do this insofar as the different people accept changes, otherwise it is but the ideal of one rather than the reality shared by all.

1. CULTURE: OPPORTUNITY OR PROBLEM IN FOREST MANAGEMENT?

This study focuses on the lives of indigenous peoples in the very complex shifts of forest management in the twenty-first century. It does not give answers as to the future of indigenous peoples, not even for the next ten years. It can only give scenarios based on limited facts of change as well as stories of human diversity and integrity. Critical data are not available nor is comprehensive evidence to argue for a particular outcome. Substantiation of the possible scenarios draws not just from the realm of the academe, economy, politics and environment, but also must consider the human spirit and community adaptation. This coming decade is critical in enabling more sustainable relations between indigenous peoples, their landscapes and the broader encompassing society.

The extreme of having no forests, no indigenous peoples and so no future are not going to be the case in the next ten to twenty years. Meanwhile, we see radical changes in rural and upland forest-based cultures in the Asia-Pacific region; some are establishing equitable coexistence while others are absorbed into national economies. Though much can be disrupted and lost we need to understand the different drivers and impacts of change and how best to work with and support indigenous peoples in the years ahead.

In remaining open and seeking broader cultural experiences options also widen for community and society. There are lessons being learned and realities coming to bear that allow a range of scenarios to emerge and for peoples and governments to chart ways forward. How national societies define and act out that relation is critical. The discussion seeks out perspectives on the future.

In the relation between culture and policy, is it possible to find the means by which people can resolve their poverty, differences and problems, or is culture blocking their way forward? For some cultures survival is dependent on natural forest and it is not sure this will be achieved any better than present circumstances provide. Indigenous peoples and their status make them part of the solution and/or problem. Do we view culture as an opportunity or a problem in forest management?

This introduction discusses the broader cultural relations of peoples and forests, as a precursor to exploring the present context and future scenarios. This is done first by stepping back to revisit the broader context of person and culture – contexts that everyone, indigenous or not, can relate to. What follows is a review of the mosaic of cultural phenomena, the dilemma of indigenous peoples today, and the basis for analyzing cultural sustainability and change.

Person and culture

Culture relates to all people while ‘native,’ ‘tribal,’ ‘cultural,’ ‘indigenous’ and other terms have emerged at different times. They range from expressing a sense of being marginal and different to moving toward a more politicized, rights and issue-based context in contemporary times. These terms also reflect a particular relation with and dependence on the environment. Modern lifestyles and technologies may appear far removed from such relations; yet, ultimately we cannot separate culture and nature due to the interdependence. Global warming is but one reminder, and the human spirit in its struggle with mortality yet another, that the person is connected not just socially but bound to her or his biology and surrounding ecology.

As individuals in the region’s broad forest sector people come from different cultures; our general perceptions and particular experiences highly influence the discussion on indigenous peoples and forest dependence. There are as many responses from within different groupings as there are across the different sectors – from communities themselves to federations,

support organizations, governments, business, development agencies, the military and planners. There are times when we have to hear these responses anew and revise our perceptions.

More importantly, these perceptions and established ways of proceeding affect how we choose to respond and act. We need to understand the implications of changes in indigenous peoples' rights for the conservation and management of forests and for greater societal engagement and accountability. In asking broader questions about culture we can understand the problems and potentials beyond the particular concern of local cultures and forest rights.

Culture may be seen as the inherent human nature of relating within community and people, land and all life, and the awareness of these relations. Culture forms who we are in family, in society and so in the landscapes we form directly and indirectly. Culture defines a unique communality of a people that celebrate through familiar customs, arts, institutions, history and achievements. Though speaking of traditional cultures, the modern world also creates diversity of responses and cultures often organized across different lines, historically influenced though less geographically proximate, yet unique and desired by many. Under increasing external pressures, as well as internal, how integrative are traditional cultures going to be with these modern cultures or societies? How these traditional cultures now relate with national and global societies is of great concern.

Today's indigenous peoples are diverse; there is a mosaic of culture and contexts of adaptation. They present many dilemmas in society that leave us with little comprehensive data and with as many assumptions as concerns in what to do. National policy is the residue of efforts defining the relations and we need a broader understanding to discuss and discern more effective responses.

Mosaic of cultural phenomena

Becoming aware of the mosaic of culture and how global phenomena interact helps clarify questions of opportunities and problems. This allows for recognition of the human spirit and aids in understanding why many indigenous peoples do not tend to follow economic and political trends and suffer as a consequence. The discussion coming from cultural communities is heard increasingly from an active rather than a passive stance. Finally, such awareness and discussion helps in plotting possible future scenarios and building better strategies together.

Cultures are breaking into the national and international scene; their arts, crafts, stories, poetry, music and cuisine are becoming more widely appreciated. They may exist only as culture in the form of art and literature or may have a living cultural base. Some cultures are seeking their political expression within society. Others are struggling with violent oppression amongst themselves or coping with suppression within a society.

There are cultures that have urbanized and are caught in the 'losing end of urbanization'. They are caught in the economics of a city and are below the poverty line. Others struggle between assimilating with the mainstream culture and keeping their language and in the process keeping their inherent concepts. Having a cell phone does not deny one's culture. It is the lack of choice in when and how to participate that can make the difference between absorption and coexistence. Some traditional cultures have urban centres and retain their cultural identity with the landscape and distinctness.

Numerous cultures are able to express very well their relationship with the land. Many are part of extensive cultural societies where many cultures live together in larger landscapes and keep their self-identities clearly in tact. The mingling of different peoples in the landscape does not automatically translate to loss of identities in the process.

Cultures do not like to be defined as poor unless the technicality of bureaucracy makes that beneficial. Poverty does not take away their dignity but the marginalization may deeply affect their human spirit and strength to survive. The central definition has to come from within the culture to define and assert their needs and intention.

Some people say governments have no right to impose on those who have been marginalized socially for so long; a development that threatens their way of life without decisions being those of the community is not legitimate. This may be part of the argument of 'time immemorial,' of 'why should a culture seek approval from government of a contemporary dominant culture, when they have lived in that area before the nation state emerged?'

Many people in today's world uphold the beauty and romantic nature of traditional cultures and want to protect them. Yet it cannot be that indigenous peoples will save the forest first, but rather that more security of livelihood and self-identity will strengthen their capacity to respond. Culture is not solely defined in relation to forest and so immovable. People and forests will change in relations yet retain uniqueness.

Some organizations say that indigenous cultures are the only true guardians yet we know that pressures external to communities can easily destabilize a community and result in environmental degradation of cultural lands. The legitimacy of access to resources otherwise previously available to their ancestors cannot be dismissed, even if contemporary authority may have otherwise generically claimed these resources legally, without adequate recognition of specific historical area habitation.

When indigenous peoples seem helpless and powerless it is not difficult to respond, but when their concerns get linked with land and resources they are not viewed as powerless anymore and may be viewed as a threat.

Some governments do not accept the term 'indigenous peoples' as generally applied to such communities in their country and speak more of the nation and citizens seeing all as native or naturalized. Some communities, though generations in a country, have not been granted naturalization yet in affirming their culture further threaten their acceptance. There are governments who say these communities must remain within what is prescribed, as 'government knows best.'

National and local governments are under continuing pressure to attune models of development, change strategies and incorporate more direct participation of peoples and practices sustaining ecological systems. The particularities of each culture and context prevent generic responses even within a country. Countries are also faced with urban growth, increased poverty and expanding environmental costs creating pressure to sustain people where they are.

This mosaic is indicative of the assortment of contexts, orientations and responses influenced by many aspects of the human condition. What is stressed here is that though some cultures have a poor future, or may already be suffering from a lack of cultural and economic sustainability, these negative contexts cannot be taken as the inevitable or only outcome. These contexts alone do not represent the totality of cultural experience and opportunity that can be reflected upon and utilized in defining a new path.

On the one hand, the creativity of a culture can be highlighted. On the other hand, the poverty can be portrayed as part of the backwardness of traditional culture. Focusing on community, forest and dependency alone will not solve the problem of resource depletion and poverty. Broadening discussions to include resources, tourism and crafts, will not necessarily ensure sustainability, nor will provision of basic services and participation in economic and political

processes. Yet all of these factors do interplay and are critical in understanding a culture's options.

When leveling the playing field it is not just on the terms of the state that the rules and the relations are defined, but also in terms of hearing and recognizing the history and practice of these cultures. Social and cultural characteristics and institutions that are unique and essential to a culture's interrelation and effectiveness in engaging other cultures and societies need to be acknowledged. Knowing that the national bureaucracy through the legislature, executive and judiciary seek to uphold the ideals of a society should result in actions that are cautious and deeply considerate of cultural systems.

Increasingly the approach is not really that of achieving compromise, but establishing on the one hand the vitality and capacity of cultures to survive, and on the other hand, the enabling action of the different branches of government. At the same time, pressures from a global economic dynamic must be negotiated in respect of the indigenous and national culture. The terms and design for seeking social equity include with great consideration the ideals and the realities of other cultures if a state is to be truly strong.

Looking more specifically at cultural community relations with the land and specifically with resource management, what does it contribute apart from and above simply social forestry? A number of elements are initially highlighted:

1. Cultural and historical land use in an area does engender an understanding of the broader context of legitimacy and rights, not just utilization.
2. Cultural knowledge of the area and resources is extensive and though not necessarily scientifically comprehensive gives integrity of action to management.
3. Common geographic area is important for the social, economic and political institutions that cultures identify with and integrate from.
4. Mother tongue is important in making the conceptual shift to national languages and way of life and as such is beneficial and essential to national programmes seeking coexistence of its different peoples and sustaining their creativity and participation.
5. Loss of the particular social pattern of a cultural community leads to instability if there is no integrated alternative as to how the land has been used.
6. Cultural adequacy, adaptability and sustainability can be put at great disadvantage where exploitation and drivers of change contribute gravely at times to a community's vulnerability and dependency.
7. External trading practices have often been locally exploitative or at least unrecognizing of negative and long-term impact on community integrity while neglecting traditional community practices.
8. Level of access to basic services as part of corporate resource extraction and development of economic investment may impose broader cultural compromise.
9. Cultural contribution to larger ecosystem and ecological services sustained by cultures, particularly in watersheds and water sustainability is gaining recognition.
10. Relation to biodiversity and contribution made to conservation may be creative if not unique.
11. New international facilities and engagements do not capture cultural engagement as conceptually they are not prepared though now they seek greater understanding.

These initial comments illustrate the differences and how we might identify what culture adds to the quality of resource management. But a comprehensive analysis is lacking as to understanding the influence of culture on our environment and particularly forests today. Furthermore, we cannot answer: how, in the broader cultural contexts of forest dependence is poverty reduced?

The dilemma of indigenous peoples today

There is the dilemma of policy and also of actors and actions as well as the dilemma of impact on the environment. These dilemmas are in part driving and in part dependent upon the ability of the culture to sustain a response coming from the present context and daily life, as no controlled 'experiment' can be set up to establish what is workable. These different dilemmas or aspects of the dilemma may be initially outlined.

The United Nations, founded on the "principles of respect for human rights for all without distinction as to race, sex, language or religion", has a variety of initiatives relating with culture. Over its 60 years of existence, a number of parties have agreed to protect the world's cultural and natural heritage sites,² eliminate all forms of racial discrimination,³ and ratify 'first generation rights'⁴ as well as 'second generation rights'.⁵ Initiatives under the UN Economic and Social Council that started in 1970 culminated in the UN General Assembly signing the Declaration on Indigenous Peoples' Rights in 2007. These events indicate a 'world of concern' emerging to uphold the dignity of the person and the human drive to live with hope. This needs to be developed in terms of cultural vulnerability in a world that does not acknowledge their ways of life and that to which markets have to learn sensitivity toward. The UN is not ready with a mechanism that can encompass indigenous peoples' human rights and needs.

National policies on indigenous peoples are by their nature fragmented and only deal with the general overview and some specifics. Culture on the other hand is continuous, integrative and relational. The importance is that there is a shared reality of context and shared objectives by indigenous peoples and government. We need broader engagement at the local government level on basic services. The human rights discussions with indigenous peoples in forests need broadening and to be sectorally linked. We need to engage policy makers, human rights and development agencies and departments, and academic research, and most of all indigenous peoples in these concerns. There are many more acute problems in the decade ahead that indigenous peoples will have to face; changes in forest products, agroforestry and farming, in processing, crafting and marketing. In the same way that forests are transitioning, cultures are also transitioning into a mosaic of land uses and livelihoods.

Throughout Asia the natural forests are not as before; for certain countries large-scale forest conversion is ongoing. Increasingly we are talking forest land use not natural forest management, diverse agroforestry and mono plantations with an emerging respect for assisted natural regeneration and watershed management. Protected areas are insular in area and concept but a growing concern for effective and responsive management increasingly recognizes people, especially indigenous, of the area.

Trans-boundary environmental problems are of increasing concern, but this also gives hope to trans-boundary cultural relations, as this is where people may share the same resources and ecosystems. Even if cultures do not belong to one country, they belong to the region and because of trade and resources are no longer non-existent and have much to offer.

Today the basic question of indigenous rights, basic human rights also covering resource rights and their inclusion in society in terms of basic needs, are acknowledged. Changes in

² United Nations Convention to Protect World Cultural and Natural Heritage, 1972.

³ International Convention on Elimination of All Forms of Racial Discrimination, 1965.

⁴ Rights of all individuals to humane and equal treatment by the state under the laws, according to the International Covenant on Civil and Political Rights, 1966.

⁵ Rights associated with employment, food production, health care, education and participation in scientific, artistic and intellectual community, according to the International Covenant on Economic, Social and Cultural Rights, 1966.

policy and actual impact on resource management for indigenous peoples are difficult and patchy at best, while outside driving forces can have a sustained impact.

Security, opportunity and empowerment are the dimensions of poverty and also of needed changes in rights of indigenous peoples. Given what is being done and its limitations and the actual limited outcome, does it make a difference due to the lack of real planning and management in many circumstances? Is this not an essential aspect of policy and how we are to work in relation to poverty and seriously pursue forest claims?

It is not possible to cut clear of the last 30 or 100 years' perceptions and expectations, political and social histories, from chieftains, kingdoms, colonial and global economies and powers. The whole question of indigenous peoples and their relation with forests – even the terms themselves – today bring very strong reactions from different sectors around the globe.

Yet people and institutions do change perceptions, principles and priorities. Today, governments, national and local, organizations and institutions, international to local, in their thousands work in the region on a range of activities with local cultures: from advocating for human, political and resource rights, assisting in poverty reduction, to promoting cultural uniqueness through arts and tourism.

Beyond a declaration of rights and statements of value, at what level and with whom is the dialogue going to advance the sustainability of culture? If the world does listen to indigenous peoples, to whom does it listen? Is it individual communities, national federations or international commissions?

Is a deeper human engagement with culture going to assist in addressing forest dependence of indigenous peoples and eradication of poverty? Is attention to culture fundamental in addressing these concerns as part of human development or is it simply an argument for development and the global economy?

So what is the issue or the question the forest sector must engage? It could be put: “Are indigenous peoples best suited to sustaining their/our environment?” Is a deeper human engagement with culture going to assist in addressing forest dependence of indigenous peoples or is it just an inevitability of development that will answer this question?

Ideally many would say: “Yes – indigenous peoples are best suited to sustaining their/our environment.” In reality many peoples are losing it, for external or internal reasons. National operations of environmental management are still managed in terms big is beautiful, simplicity of decisions and priority of importance resulting in centralization and limited participation by default. Indigenous peoples often generate the caveat “do no harm to them” and the need for safeguard policies so they cannot say anything if given “social subsidy”. Indigenous peoples range from being a nuisance to being a threat if there is protest or insurgency. They may be viewed across a spectrum as an “endangered species” to a “dangerous species,” no longer “cute,” and not allowed real participation. The question of old used to be: “What do we do with indigenous peoples? But nobody wants to be spoken of in this manner and an equitable response is obviously needed.

Some would argue from the point of local peoples' needs as they continue to live in these areas, still others in terms of rights and local knowledge that they must be the ones. The argument is not simply, who is living in these lands? Who else is also extracting the resources and who is benefiting downstream? It is also a question of what basic needs are being provided and at what cost? And is a nation's development to be held up by marginal communities who just want to live life the way they want to as against the counted millions of those who are striving for the betterment of society and its economy? Given the changes seen

in the world, are indigenous peoples in practice the best people to sustain the forest environments?

How can we support what changes in the integrity and holding together of culture, from no engagement and mere survival to engagement and strengthening? The whole range of degradation and alteration, without cultural 'memory' is impossible. Importance of language and political participation are inseparable for many communities in the present context. Yet if a voice does emerge it can be easily politicized, marginalized and 'legitimately' oppressed. Political participation also gathers the culture as strength. Delayed processing and other pressures result in frustration for many, sustained insurrection and abandonment of the collective cause.

It is not clear that focusing on culture and indigenous peoples gives society the way to sustainably manage forests, as it may be unrealistic in facing the double weight of external pressures on culture and on forests in the coming decade. Yet, this is not easily shown as policy can have a major input and not least of all, the national development model can impact severely on community sustainability.

Analysis of cultural sustainability and change

Communities will continue in the twenty-first century in the Asia-Pacific Region as will forests. The complexity of forces make for discussion and speculation on all sides but the path forward is not established. We do not have the facts on a wide and comprehensive scale that can show what will happen and to what extent cultures will change and will have greater or lesser sustainability.

Given the present situation most of what is said is anecdotal or as best project and site based, model like and limited in scope and does not necessarily covering the vast areas of potential application. Programmes, though expected to become more widespread, are operating on an initial basis and figures for the expected impact are not available.

What we have is limited. Ideal data are needed to make the analysis:

- Population of indigenous peoples and trend over time (number)
- Population of indigenous peoples dependent on forests and trend over time (number)
- Number of hunters and gatherers, pastoralists, swidden farmers, agro-foresters, tree farmers, wood extractors, forest labourers, fruit growers and trend over time
- Number of poor people per ethnic group, location (urban/rural) and trend over time
- Number of indigenous peoples migrating out of their ancestral lands
- Number of indigenous peoples in urban areas
- Number and nature of human rights violations on indigenous peoples
- Impact on indigenous peoples of policies related to: human rights, land, forest and other natural resources (water, minerals, energy), environment (parks and wildlife conservation), national and global economy (national development plans, global trade)

Data that are available or can be constructed from available information, and their limitations:

- Global estimate on population of indigenous peoples, no trend over time, no breakdown per state or ethnic group (UNHCR, IFAD)
- Global estimate on population of indigenous peoples dependent on forests, no trend over time, no breakdown per state of ethnic groups (World Bank 2004)

- Some national estimates on population of indigenous peoples/ethnic groups, no trend over time (compiled by IWGIA 2007), no indication on location to indicate forest dependence
- Numerous case studies on community forest management and surrounding issues usually describe the community's nature of forest dependence and refer to indigenous peoples, yet often no indication is given on how many or what proportion of the community population consider themselves indigenous, and mostly do not quantify degree of forest dependence
- Numerous case studies on migration and internally displaced people but often without reference to cultural context where migrants come from (UNHCR, JRS)
- Cases of human rights violations referencing indigenous peoples' territories (IWGIA, WRM, AITPN, AIPP)
- Timeline of policies related to human rights, land, forest and other natural resources, and environment (Annex 1)
- Case studies and national reviews on impacts of policies on land, natural resource management, and environment (AIPP), migration (ILO, UNHCR, UNFPPII) on indigenous peoples
- Studies on market impact and other drivers on communities of different economic capacities (DFID, WB, ADB)
- Understanding of vulnerability, assimilation and coexistence to a lesser extent

The limited data raise questions not just about poverty of cultures but of survival, and the understanding of the data is integral to the process of assisting communities (UNFPPII 2004b). In such an analytical approach or discussion, we are looking at culture in a passive way, even though we may personally regret or be saddened by its demise. This demise cannot in a pragmatic world of economic and social development detain us. That is why we need to actively engage cultural communities. It is recognition of the human spirit, which is a reminder that people's responses do not simply follow the economic and social trends, though there are outstanding moments of leadership and insight.

What can be discussed

Given this broader cultural discussion in relation to indigenous peoples what follows is a clearer definition of terms covering indigenous peoples, forms of forest dependence, and forest types and lands. This is developed in Chapter 2 by reviewing identity and dependence. In Chapter 3 livelihood and poverty are analyzed and approaches are reviewed for indigenous peoples as a whole, not only in relation to those who live in or near forests. This can give a better understanding of policy and variability of rights affecting indigenous peoples in Chapter 4.

Chapter 4 reviews the policies in the different countries and gives significance to the recently passed UN Declaration on Rights of Indigenous Peoples. This allows for a further categorizing of the rights: cultural identity, human security, self-governance, negotiation capacity and sustainable and equitable development.

This categorization of rights is carried forward in Chapter 5 where the drivers of change are discussed with consideration for the enablers and constraints on policy, thus helping to form the scenarios and ways forward in Chapter 6.

These in a sense are waves of action, trends seen to occur given what is possible to establish with available information. Policy drives awareness and acceptance, changing attitudes and reinforcing local change and action, influencing regional trade most systematically. There is need for widespread data to show the cultural impact on the environment.

From this point the driving forces of change and policy enablers and constraints on indigenous peoples are more easily discussed. The enabling conditions, which are the other side of these constraints, help us in the last section to lay out the scenarios and something of the way forward.

When talking of where cultures and forests will be in 2020, the possibility of the extreme is not going to be a reality in that we cannot say there will be no forests, no indigenous peoples and so no future. Change is part of us all, and even though traditional cultures find change most difficult on an unlevelled playing field against surrounding socio-economic drivers. Yet there are adaptations and people do hold on. People do change their perceptions, principles and priorities. It is most difficult during generational shifts and is where greatest cultural losses can occur. Change is the nature of the modern world but it happens more in the generations of political transfer and party shifts. Who would have expected the present environmental concern would have found its way into global economics as it increasingly does and will make the present politics of Britain, Australia and the US radically shift while challenging China and India.

There is a reality of vanished lost culture and languages (the estimate for Australia alone is 200) but what we are talking of is the cultural regenerative capacity of human nature – not the commons or enclosures of old; the traditions and institutions. Logic and power of argumentation is to go beyond tradition, yet sustained survival by many communities shows that though ‘old ways’ may be losing hold, new ways in time are not only shown to be built from the old but dependent on them; these ways are not in utter disparity.

The future is not only global economy, people in this economy need ‘out’ at times. Children need a childhood; both work-parents need time for parenting; all at some point may consider leisure, retooling, alternative job options, senior volunteers, and retirement farms. Asians are filling these positions globally; it is not just a developed country response.

Ultimately we cannot separate nature and culture, and in a global economy there will still be geographic space and mental time not ‘taken over.’ Global production will fail if it does not acknowledge this beyond *Lifestyle Network*. There also have to be world changes in relation to indigenous peoples allowing time and space beyond *Discovery Channel Travel and Living*, or *Living Asia*.

The global economy is not the total determinant of human spirit, and people hold out for something more than the economy, minimally expressed as the triple bottom line. The collective experience of other ‘economies of value’ of other cultures also impinges on the modern society. So if this is the philosophical dilemma how then do we approach the problem? Asking the right questions, gathering the right data and all the time learning with communities and the political and economic incorporation of what is essentially translatable through policy and action.

Through this lens of *culture*, the next three sections – Identity and Forest Dependence (Chapter 2), Livelihoods and Well-being (Chapter 3), and Rights and Policy (Chapter 4) – will review what is presently happening with cultures and forests in the Asia-Pacific region, with emphasis on trends being observed. The last two sections – Drivers of Policy Changes (Chapter 5) and Future Scenarios and Ways Forward (Chapter 6) – attempt to plot where we are in the growth of a conscious global trend of recognition that can sway social impact, and where the mix of various driving forces will likely take indigenous peoples and forest management in the year 2020.

2. INDIGENOUS PEOPLES' IDENTITY AND FOREST DEPENDENCE

Today, the world ideal is to respect the dignity of the person and to recognize the human drive to live with hope (UN Declaration of Human Rights 1948). Forest management is at the core of the human dignity and life of millions of Asians who are marginalized historically and continue to be so for the lack of ability and lack of systems to be incorporated socially and economically (UNPFII 2007b).

This section recognizes the complex context that policy makers and development movers need to consider when dealing with indigenous peoples in Asia and the Pacific, particularly with regard to cultural support and natural resource management.

The first part on identity describes who can 'claim' to be indigenous peoples in the global world today. This discussion is important particularly because there is a prevailing view that a formally agreed definition on the term 'indigenous people' is not necessary (UNPFII 2004a). A discussion on identity may help us better understand the spirit and principles behind the term.

The second part illustrates the direct and multi-faceted relations of indigenous peoples with natural resources and how these trigger their dependence on forests. This unique relation is what sets indigenous peoples apart from other actors in forests and forestry.

The third part examines the cultural and social movements happening in the region and globally as a result of the increasing capacity of indigenous peoples to communicate with each other, as well as their pressing need to have an international voice (Global Indigenous Caucus 2007).

Identity

An estimated 210 to 260 million indigenous peoples live in the Asia-Pacific region, representing around 70 percent of some 300 to 370 million indigenous peoples in the world (UNHCR,⁶ UN,⁷ UNPFII-WB cited in IFAD⁸). Around 60 million indigenous peoples in the world are almost wholly dependent on forests (WB 2004). These cultures have had an impact on forest ecosystems for hundreds if not thousands of years. At this time they are greatly impacted upon by multiple forces contributing to the diversity of landscapes that in the strictest sense results in land use patterns and contexts that are no longer considered as 'natural' forest or even forest.

Indigenous peoples are the inheritors and practitioners of unique cultures and ways of relating to other people and to the environment, contributing to cultural richness of a given country and the human society as a whole. They retain social and cultural characteristics that are distinct from those of the dominant societies in which they live.

The importance of indigenous knowledge is increasingly recognized globally. This is often noted in terms of medicinal knowledge, extractive and cultivation practices, but also the richness of language in identifying the diversity of species and varieties. Behind this is the conceptual framework of first forming and holding central cultural experience, ways of relating, and understanding the human person and society.

⁶ UNHCR. 1997. Fact sheet No. 9. (Rev. 1). The Rights of the Indigenous Peoples.

⁷ United Nations <http://www.un.org/events/indigenous/2007/keyfacts.shtml> accessed 12 Mar 2008.

⁸ IFAD <http://www.ruralpovertyportal.org/english/topics/indigenous/statistics.htm> 12 Mar 2008.

Indigenous peoples, both in the Asia-Pacific region and around the world, seek recognition of their identities, their ways of life and their right to ancestral lands, territories and natural resources. Their rights have been violated by the colonial power or the dominant kingdom or culture throughout their history. Different cultures have experienced different paths: some were accepted at certain points in history, some became subjects of assimilation, and some were treated as a nuisance and forcibly evicted or killed. Even today many indigenous peoples are arguably among the most disadvantaged and vulnerable groups of people in the world in terms of human security and attained level of basic needs.⁹ Following centuries of struggles, the international community now recognizes that special measures are required to protect the rights of the world's indigenous peoples.

In discussing culture, the common but hard to strictly delineate aspect is the traditional versus modern divide. The term 'people' is used when highlighting culture not only as in practice and product, but also as self-perception and human identity. Self-identity is as important as that which can be shared in through the culture. Discussions regarding indigenous peoples in the forest context often run the risk of this combination being overlooked.

While there have been many discussions on a common global definition for indigenous peoples at international forums and in academic papers (Kingsbury, 1998), no such definition has been adopted by the United Nations nor the International Labour Organization (Box 1). This is not merely because of the complexity and difficulties of defining the term such that it can embrace the diverse distinctiveness of indigenous peoples and the changing contexts in which they live in. This is also due to the rejection from leaders of indigenous peoples on the idea of a formal definition of indigenous peoples to be adopted by states, and governmental delegations' view that it was neither desirable nor necessary to elaborate a universal definition of indigenous peoples. The 'prevailing view today is that no formal universal definition of the term is necessary' (UNPFII 2004a).

In general, four major criteria are applied to distinguish indigenous peoples:¹⁰

1. Indigenous peoples usually live within, or maintain an attachment to, geographically distinct ancestral territories.
2. They tend to maintain distinct social, economic and political institutions within their territories.
3. They typically aspire to remain distinct culturally, geographically and institutionally rather than assimilate fully into national society.
4. They self-identify as indigenous or tribal.

It should always be noted that the right to define what and who is indigenous should belong to indigenous peoples themselves.

The term 'indigenous communities' is also often used, in many cases interchangeably. For the purpose of this paper, the term 'indigenous communities' is used when the focus is more on the physical location of the indigenous peoples allowing inclusion of other cultures where there is an overlap or intermarriage, often identified as a unit of local government at the village level.

⁹ For example, the Human Development Index for the areas where many indigenous peoples reside is in most of the case, lower than the average of the given country.

¹⁰ IFAD. _____. Fact Sheet: Indigenous Peoples. www.ifad.org/pub/factsheet/ip/e.pdf

Box 1. Who Are “Indigenous Peoples” in Today’s Global World?

An often-cited description of indigenous peoples is from the study by United Nations Ambassador and Special Rapporteur Jose Martínez Cobo:

"Indigenous communities, peoples and nations...have a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems. This historical continuity may consist of the continuation, for an extended period reaching into the present of one or more of the following factors:

- a) Occupation of ancestral lands, or at least of part of them;
- b) Common ancestry with the original occupants of these lands;
- c) Culture in general, or in specific manifestations (e.g. religion, living under a tribal system, membership of an indigenous community, dress, means of livelihood, lifestyle, etc.);
- d) Language (whether used as the only language, as mother-tongue, as the habitual means of communication at home or in the family, or as the main, preferred, habitual, general or normal language);
- e) Residence on certain parts of the country, or in certain regions of the world;
- f) Other relevant factors.

“On an individual basis, an indigenous person is one who belongs to these indigenous populations through self-identification as indigenous (group consciousness) and is recognized and accepted by these populations as one of its members (acceptance by the group).

Article 1 of ILO Convention No. 169 contains a statement of coverage, rather than a definition, indicating that the Convention applies to:

- (a) tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;
- (b) peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions."

Source : International Labour Organization (Convention 169, 7 June 1989, Geneva); UN Permanent Forum on Indigenous Issues.

IWGIA has a listing of various definitions of indigenous peoples at <http://www.iwgia.org/sw251.asp>.

Forest dependence

The forestry sector usually talks about dependence in terms of access to certain resources, particularly in the context of a forest-based resource. One can be dependent upon a forest-based resource and be subsistent, or be economically-productive. A livelihood that is dependent and subsistent on forest-based resource is where the whole problem of poverty comes in. Subsistence in this age includes barter, though the form of barter may have shifted to subsistence cash economy. Much has to do with the regularity, prices, transport, and seasonality of a particular product or else a clear set of products. The Forestry Sector Outlook Study 2010 provided a characterization of where and who are the people most dependent on forests in Asia and the Pacific:

- Highest level of reliance on extensive forests is in hilly zones and tropical forest areas

- Highest level of reliance tends to be in areas with ethnic minorities outside dominant national culture (leading to relative powerlessness and vulnerability in face of outsiders)
- In areas with high population and intensive agriculture, tree products tend to be obtained more from 'homestead forests' than from large areas of de jure forests

Dependence of indigenous peoples on forests stems from their direct and multi-faceted relations with natural resources. Numerous studies¹¹ in Asia and the Pacific describe how indigenous peoples directly depend on and relate with the forest landscape. The facets of these relations include the cultural, social, political, spiritual as well as the subsistence, livelihood and economic facets.

A recent study of the UNDP Regional Indigenous Peoples' Program and Asia Indigenous Peoples Pact Foundation (2007) unpacks this close interrelationship. Natural resources for indigenous peoples include land, forest, agricultural areas, rivers and coastal areas, in which land is central and often understood to encompass all natural resources collectively. Indigenous communities see themselves as part of this whole system. Natural resources are significant not only as a means of production but also as part of spiritual and cultural traditions, central to their identity as peoples.

Indigenous knowledge, innovations and practices on natural resource management are highly complex systems, closely interlinked with other indigenous systems that incorporate a keen sense of environment and appreciation for conservation and continuity. These systems include those for governance, justice, health care, technological development, and learning. Knowledge of these systems is passed on to the next generation in the indigenous community, traditionally through oral means. Many of these systems are tacitly known and outsiders understand very little of these complexities. The efforts of today's many indigenous communities are geared towards making their knowledge explicit and managing how it is gathered and shared.

The degree of dependence and relation to natural resources varies across different indigenous communities and are changing over time.

Cultural and social importance of forests

Of all these facets, the cultural importance of forests is seen in most, if not all, indigenous communities. This is common whether or not they are the minority in a society. Self-identity is closely tied with the forest landscape in many instances. Cultural dependence ranges from forests being objects of their animist-based belief to being the natural capital needed to process a traditional product used in the culture and now being marketed globally. For example, the Hani people indigenous to the Yunnan Province of China call forest in their language *pu-ma-e-bo*, literally meaning 'forest is the home' (Quinghoa 2004). In northern Thailand, one villager said, "Our villagers can rely on our forest. We do not need to find jobs as labourers in Bangkok." One youth leader from the Bukid-non Pulangiyan in Mindanao, Philippines named his daughter Puwalas, meaning primary forest. The story of Dante Sinhayan (Box 2) is a classic example of how forests are culturally important to the self-identification of indigenous peoples and the general sentiments about the changes happening around them.

¹¹ UNDP RIPP, AIPP, AITPN, AFN, and IWGIA are only some of the many groups documenting cultural resource management.

Box 2. Cultural Importance of Forests

Dante Sinhayon is a 34-year-old emerging leader who shared the story of his life in *Forest Faces*, a book that features interviews with different people in Philippine society on how they view forests. Dante is one of the few people in his tribe who went back to his village after finishing college. Excerpts from his interview are provided below:

“Upon graduation when I returned, I saw many changes in the forest. There were lots of denuded areas and we were still gathering many forest products: rattan, medicines, timber for housing, and timber to sell to the Dumagat (migrants). The hunting grounds of my parents and grandparents changed. Nobody told me why these changes took place, but heard from the elders as I listened to them as they discussed. The changes in the forest of my village were significantly caused by the entry of logging.”

“Baptist preachers who came told us that participating in ritual acts was evil. I was baptized a Baptist and this was the dominant religion in our area. I was taught that rituals are not good and so turned away from my traditional beliefs. But now I realize I should not have abandoned the ritual areas, because these are the sacred places where we can care for the forest continuously. And if the forest is gone, where will do our rituals, in the middle of the road? We do our rituals in the water, but water comes from the forest! This is what I see at the moment that is also the future.”

“One time I went to the city port to fetch a priest. Near the docking area, Badjao kids were in the water begging for money from passengers and other visitors. Coins were thrown at them and they dive in the water to get the coins. (The Badjao culture is sea-based and nomadic. Many of them migrate to different areas of the country.) I threw one peso and the kids replied that it was too small! I asked them why they are in the city. One kid told me that it was difficult in their place, things will not grow, crops will not grow without fertilizer, and they do not have fertilizer. He told me it is better in the city as money is easy. He told me they were many before, but some went home as they cannot cope. Some are able to adapt, but most are unable to sustain. This is when I realized that if the Lumad is put in the city, they can live for some time, but they will not survive for long and will return to their origin. But where will they return if the forest is gone, the land is gone?”

“The identity of the Lumad as a person is tied to what we call ancestral domain. The forest marks our ancestral domain and ensures that Lumad who go to the city has a place to return. Ancestral domain also ensures forest protection, and if the forest vanishes, then what the Lumad keeps talking about as ancestral domain also vanishes. There may be something left over but it is not the same, if people understand what is called ancestral domain. Even if food is scarce, the forest brings one to reflect and connect as a Lumad.”

“If I were not a Lumad, my appreciation of forests will be limited. The lowland appreciation of the splendor of the Lumad needs to be defined well, explained well. What I expressed is the Lumad’s appreciation, view, and experience of the goodness of the forest as their life. If the forest is lost, the more the Lumad is lost.”

“If we care less for the forest, we will not live without the forest. I cannot live without the forest. Without the forest, I feel different in the city seeing big buildings. It is too hot. In the forest, it is cool and I hear the sounds of different birds. The changes make me reflect and mix me up in how I think. It is natural that a Lumad cannot survive in the city. Thus, being a Lumad in itself is a great challenge as it also means taking care of the forest.”

“Our aspirations to continue caring for the forest must not be lost, for as Lumad, once the forest is gone, so will our being a Lumad go as well.”

Source: Environmental Science for Social Change. 2007. *Forest Faces*.

The social significance of forests is manifested in the way indigenous communities manage and share their natural resources collectively, and organize around patterns of swidden cultivation or rotational agriculture. Ascribed cultural values shape the social systems of indigenous communities that drive forest conservation in their domain. This is mainly why it is not a coincidence that the last remaining forests and biodiversity hotspots in Asia are in areas which have long been the domain of indigenous peoples.

Social, cultural and spiritual systems are highly integrated into natural resource management systems of indigenous peoples. Rules are in place for rotating use of swidden plots to ensure that forests are kept healthy and productive (Box 3). Traditional festivals and ceremonies in indigenous communities are often tied to agricultural cycles. Epic stories relate how their ancestors lived on the land. Dances depict how people move in the forest or on their swidden plots. All other things equal, these help to evenly disperse the population in their domain and ensure sustainable management of resources.

Box 3. Social Functions of Forests

The Pga K'nyau (Karen) and Lisu peoples in Thailand categorize and differentiate forests using a number of criteria and indicators, devised so as to guide their management practices.

A Pga K'nyau elder from Northern Thailand said, "Our folk wisdom has taught us to preserve what we drink and eat". The Pga K'nyau have at least 6 sub-categories of conservation forests called *Pga Ta Du* (taboo forests), or forests that should not be disturbed or else sickness or bad luck would result. Most of taboo forests are watershed areas, have trails and animal waterholes, and support a diverse range of flora and fauna. Annual ceremonies are held to present offerings and gratify spirits in these forests. *Th Ta* (forests with powerful spirits) is another sub-category of protected forest. These are areas once cultivated but associated with unpleasant events that occurred in the family or community in the year it was used. In their practice of swidden cultivation, they select agricultural plots carefully, considering a number of factors which include making sure that these are not classified as taboo forests. Ownership of swidden areas is partly communal. If the person who originally opened up the plot is not using it anymore, then he is obliged to hand it over for use by other community members. Swidden plots are left fallow for 7-10 years to allow regeneration. Land may not be sold or passed on to one's descendants.

The Lisu have the A Pa Mo Hi, a forest area near the village, the abode of god A Pa Mo who guards the village from harm and destruction. This forest is regarded in high reverence and fear, any human activity is forbidden. When opening up forests for farming, the Lisu like the Pga K'nyau choose areas with care. A group of four or five families usually go together to look for areas that are 'cultivable'. Cultivable areas are those not prohibited by taboos and not erosion-prone. Once they have selected a site, a sign (e.g. piece of wood with a cross on top) is placed to mark the area as occupied. Planting occurs only after a ceremony is performed to ask for permission, help and protection from the spirits. The Lisu believes that land has life and it dies if care is not taken in its use. This prevents them from exploiting the land beyond what it can sustain. Swidden plots are left fallow for a minimum of 5 years for regeneration. Anyone with permission from the previous owner can cultivate the plot again if it has regenerated enough.

Source : Chingya Luithui and Jannie Lasimbang. 2007. Thailand: The Challenges of Joint Management in the Northern Hills in *Bridging the Gap: Policies and Practices on Indigenous Peoples' Natural Resource Management in Asia*. Thailand: UNDP RIPP and AIPP.

Indigenous groups manage natural resources collectively through intricate social rules and regulations built into their cultures. Holding collective resource rights however does not always mean that it is not possible to identify who is ultimately responsible if customs are broken. In many indigenous communities, systems exist for subdividing land into several

individually managed plots wherein each family decides on the type of crops and varieties to be planted depending on the soil, the family's food needs and the availability of family labour to work the farm throughout the year.

In Ratanakiri Province of Cambodia, indigenous communities have maintained clear territorial boundaries between community lands. These boundaries are often associated with a stream, mountain, rock or big tree. Community members allow any individual to hunt on their territory, but they do not allow people from outside their village to establish swidden plots on their land. Indigenous communities in Mondulakiri Province meanwhile do allow people from other villages to use their land for rotational agriculture and to collect products from the communal forest, with permission from the traditional village leader.

In Malaysia, indigenous communities in Sabah have customs which ensure that forest resources are not taken freely without permission from the owner or that unnecessary cleaning and cutting of trees does not happen. Farmers leave the last fruits of their harvest on their plot as a sign that the land is already owned. The headman confirms traditional land ownership through these and other identifiable signs on the land. In Cambodia and Malaysia, there exist intricate systems for seed sharing and exchange among neighbouring indigenous communities.

In certain contexts however, the cultural and social importance of forests is weakening. Many indigenous groups consider this trend as a threat to their culture and self-identity. This is happening where:

- The cultural concept of the 'environment' no longer has coherence, often due to external factors so overwhelming that they find great difficulty in coping with them. In indigenous communities with high levels of emigration, availability of farm labour is affecting the capacity of families to manage their plots throughout the year. With the increasing number of indigenous youth opting to work in the cities, elders are concerned that their traditional knowledge will not be passed on to the next generation
- The identities of indigenous peoples are suppressed by society, often resulting in a united resistance or submissive avoidance. If their sense of belonging is lost, they become a mere part of the greater poor. In this sense indigenous peoples become displaced and join the landless poor and urban poor who do not share national identity.

Political significance of forests

Complex political systems back these cultural and social systems. The *Datu* for several indigenous groups in Indonesia, Malaysia and the Philippines, the *Xompa* of Viet Nam, the *Ya Weu* of the *Brao* society in Cambodia, and the *Mauza* chiefs in the Chittagong Hill Tracts of Bangladesh are examples of leadership positions that:

- ensure harmony and unity in the community;
- mobilize labour and other resources to support community members during harvest, planting and ceremonies;
- enforce traditional customs and laws including that of land and natural resource management;
- or represent their communities in negotiating with others outside their ancestral territories.

The forest landscape is where these traditional leaders exercise their governance skills, and gives them the legitimacy to lead. For the Brao, the Ya Weu are elders in the village who are

fair-minded, good talkers, and with a good understanding of legal precedent. The Ya Weu handles judicial matters on indigenous resource management, often working with other elders in the community to ensure that members abide by customary laws in collecting medicine, using the land, and hunting. Such traditional structures still exist in Cambodia, though there is often confusion with the government-appointed Commune Councils regarding the relationship between these two institutions that now exist at the same time in communities. Indigenous people perceive that commune councils are promoting government interests even though council officers are elected. A number of traditional village leaders within the commune are under the administrative control of the commune council (UNDP RIPP and AIPP 2007).

Some countries recognize and respect traditional leadership systems and have made efforts to integrate these in state governance mechanisms. This integration is particularly strong in the Pacific Islands wherein specific policies on representation of indigenous populations in political systems are embedded in Constitutions. The policies of Bangladesh applying to the Chittagong Hill Tracts are another example (Box 4). The limitation often cited in this integration approach is the capacity of the system to promote and strengthen equitable practices based on gender and class (in the sense of socio-economic backgrounds).

Box 4. Political Significance of Forests

In the Chittagong Hill Tracts of Bangladesh, areas outside state-managed reserved forests are generally known administratively as the 'mauza-circle' lands, divided into geographical units known as circles under circle chiefs of rajas, and below them, mauzas, under the mauza chiefs. Mauza chiefs are responsible for resource management, land and revenue administration, maintenance of law and order, and administration of traditional justice. Mauza chiefs are assisted by karbaries or village heads, particularly in maintaining law and order and dispensing traditional justice.

This customary political set up is recognized through formal legislation, such as the CHT Regulation of 1900, CHT Accord 1997 and the Hill District Council Acts 1989. The CHT Regulation recognizes the right of indigenous peoples in CHT to practice swidden or jum cultivation. These sets of laws also expressly recognize the 'laws, customs and usages of the CHT'.

While indigenous peoples in CHT generally consider this political system as pluralistic, they also recognize the limitations in implementation. Ethnic groups with smaller populations have complained that, even though their actual and positive role in natural resource management is quite substantive, there is no or inadequate representation in processes for deciding on policies.

Challenges also occur at the local level of political administration for natural resource management. A workshop in February 2007 involving 60 indigenous participants from three hill districts and from greater Sylhet identified that their main challenge is in promoting and strengthening equitable practices based on gender and class (in the sense of socio-economic backgrounds). People concerned with forming committees are blind to the importance of women's participation in the village community forest committees, even if women's primary responsibilities such as cooking, fetching water and gathering firewood directly relate to the use of natural resources. Moreover, participants noted a trend of reluctance of forest-based and other communities to open up their groups to new members.

Source: Sadeka Halim, Raja Devashish Roy, Susmita Chakma, Sudatta Bikash Tanchangya. 2007. "Bangladesh: The Interface of customary and State Laws in the Chittagong Hill Tracts" in *Bridging the Gap: Policies and Practices on Indigenous Peoples' Natural Resource Management in Asia*. Thailand: UNDP RIPP and AIPP.

Other countries interface traditional and state governance systems through decentralization policies, such as in the Philippines, Thailand, India, Indonesia and Malaysia. Decentralization is an increasingly common process that has its own limitations and strengths. In some areas, decentralization policies have led to confusion in communities regarding the relationship between traditional leadership institutions and the state-appointed governing body that now exists at the same time in their village.

Indigenous peoples often perceive that state-created bodies promote government interests instead of representing them in the larger political system, even in cases where representatives from their cultures are elected to local governments. Decentralization tends to work for the benefit of indigenous communities in cases where cultures are well versed socially, the level of pressure on resources is low, and where strong biases against their cultures do not exist.

Spiritual significance of forests

Indigenous peoples generally believe that the balance between the spiritual and physical realms determine the condition of the universe and the immediate environment including that of its peoples. Forests are viewed to have spirits and kept as protectors. Many plant and animal species are protected based on similar beliefs. In Malaysia, some indigenous groups believe that medicinal plants have a spirit and respect is needed before taking any plants. Their concept of use and protection ensures that plants and animals with medicinal properties are not over-harvested as they are traditionally bound to take only what is immediately needed (UNDP RIPP and AIPP 2007). The spiritual significance of forests to indigenous peoples exists in some cultures side by side with the practice of mainstream religions, but in others indigenous peoples have been asked to set their beliefs and practices aside for them to become formally part of the mainstream religion (Lardinois 2007). Chuonnasuan, the last shaman (*xaman*) of the Oroqen in northeast China passed away in 2000. No one took his place as authorities coerced the Oroqen people in 1952 to give up their superstitions and abandon any religious practices (Noll and Shi 2004).

Interest in understanding shamans and respect for their skills in acting as mediators in their culture is growing in some areas as societies feel the increasing impact of ecological degradation and loss of cultural identity. As the primary teacher of symbolism in a culture, the shaman often has a leading role in ecological management, actively restricting hunting and fishing through the mythological context in which community members espouse the rules. Some cultures believe that the breaking of hunting restrictions may cause illness, such as in some cultures of northeast Cambodia (Brown et al. 2006).

While these are idyllic examples, there is a need to ask: Where is the power of these beliefs today within in our own sense of need for environmental balance? It is not enough to say on the side: Well, if all these people drive cars and want our urban costly lifestyle then it is not possible so it is better that they stay where they are. While there is the ‘spiritual’ as in the spiritual world, there is also the spiritual understanding of the different ‘humours’ of the person, how a person will act and what will happen given engagement of the spirit world.

Subsistence, livelihood and economic importance of forests

Indigenous communities who live in remote areas, lack access to basic services, and have limited interactions with the cash economy are the most highly dependent on the forest landscape for their daily subsistence – food, water, fuel, shelter, clothing and medicines. In the northern mountain region of Viet Nam where indigenous peoples represent 54 percent of the population, a study found that forest products represent around 65 percent of family income in poorer households and only 5 percent in wealthier households (Cuc and Rambo 2001). The quality – richness and diversity – of forest resources is critical for the landscape to service subsistence needs.

While urban society views forests as a green carpet over the land, forest-dwelling indigenous peoples treat forests as their supermarket, their pharmacy, their bank (AFN, ESSC & EC UNDP SGPPTF 2008). In Cambodia, for example, certain forest areas are conserved to supply medicinal plants for curing certain ailments. Only old or knowledgeable herbalists, mostly women, are allowed to collect medicinal plants from the forests. Families in need of medicines from these forest areas must first ask the elders who will then advise them on how much they may collect and how to collect these medicinal plants (UNDP RIPP and AIPP 2007).

While the role of forests in the livelihood strategies of indigenous peoples is changing in many parts of Asia, there remains considerable social capital reflected in the institutions, values and practices of indigenous societies that played an important role in mediating the community use of forests and natural resources in the past. The cultural regenerative capacity of human nature is evident in the quest of indigenous peoples to be understood by mainstream society and interface with national systems of governance. The Nung An in Cao Bang, Viet Nam, showed their capability to adapt to their changing context when they agreed to develop new forest management rules to bring back the forests on their limestone mountains (Box 5).

Box 5. Regenerative Capacity of Human Nature

The success of the Nung An in assisting the regeneration of limestone forests in Cao Bang Province is an example of the regenerative capacity of human nature. Nung An elders Mr. Hoang Van Chan from Phi Hai Commune and Mr. Lung Van Quan from Phuc Sen Commune relate their story:

“When I was a child, the elders used to tell me that the commune was covered with jungle. Foxes caught their chickens, tigers caught their pigs, and wild boars trampled on their cassava fields. The forest was public property and can be used by all except the sacred forest where our ancestors live.”

Nung An farmers have lived in Quang Uyen District for the past 200 years. Leaves and mushrooms from the forest are important vegetables especially during food shortages before harvest. Bones of tigers, monkeys, deer and mountain goats are used as medicines or as nutritional supplement. Timber is used for house construction, from the foundation to the roofing. Wood is important in burial ceremonies. Coffins are preferably made of wooden boards or bamboo. While the Nung treat forests, rivers, streams, fallow lands and other natural resources as communal property, they do not have common agricultural property. Land ownership is a result of individual land reclamation efforts.

Things started to change for limestone forests in 1930 when timber was harvested to build the national road. When the road opened in 1932 and made access to the area easier, trade started to flourish and the number of households in the commune quadrupled. Forests were cleared to plant corn for food and indigo for cloth dyeing. The forging industry expanded, putting more pressure to harvest timber to fuel its ovens. By the 1950s, the forests in Phuc Sen and Phi Hai communes were almost gone, and forest fires in the upland fields became frequent.

“This was the hardest period for our community. There was no forest, no firewood. We had to go 10-15 kilometres to collect firewood and get permission from another commune to gather firewood in their area. After some time they started turning us away. It was a very shameful experience. During Tet festival, our town did not worry about meat and rice; we worried about firewood. We had to dig all the tree roots so we could have firewood to celebrate the festival.”

In 1960, two important changes occurred that provided the basis for villagers to take action. One was Ho Chi Minh's call for tree planting. The other was the decision of the Phuc Sen People's Committee to assign land to villages and households for forest management.

Cultural and social movements

Two patterns exist in cultural and social movements affecting the region, showing the social changes where policy, legislation and institutional arrangements in government are being called to respond.

The first pattern includes the continuous surfacing of incipient actions, pilot projects and national programmes showing how communities can benefit from the land and natural resources, and that they can engage and improve their circumstances. Indigenous communities who are part of this pattern are generally apolitical and complementary to national economic thrusts, express local commitment, and exhibit an endurance of goodwill. Cases described in the previous section are mostly part of this pattern.

The second pattern involves the rise of indigenous social movements challenging the national accountability of governments and urban societies. In the Philippines, the murder case of Macli-ing Dulag of Kalinga who opposed the construction of a dam on the Chico River was a rallying point of indigenous communities to recognize indigenous peoples' rights in the Philippine Constitution after the Marcos regime. Indigenous peoples in Australia have gone through a long process of recognition which intensified in the 1970s with demonstrations against the administration of the time. In India, around 40,000-50,000 tribals and forest dwellers across the country held protests on India's Independence Day in 2005, demanding that the bill drafted by the Ministry of Scheduled Tribes to recognize forest rights be introduced into parliament (IWGIA 2007). Some indigenous leaders able to engage in a broader political dynamic speak on behalf of others to garner national or international attention.

Indigenous and social movements carry a complexity of agendas, including equal access to resources and basic services as well as securing the right to impact on socio-economic development. Indigenous communities contribute to these movements even though not all might not have fully internalized the issues, and might not be able to realize all of them.

Indigenous groups contributing to these causes are often supported by national or international movements. The Asia Indigenous Peoples Pact Foundation (AIPP) based in Thailand and the Asian Indigenous and Tribal Peoples' Network (AITPN) based in India are two groups that track indigenous issues in the region. The World Social Forum that started in Brazil is a global movement advocating that 'another world is possible' (WSF 2008). Survival International, a human rights organization formed in 1969 with headquarters in London, campaigns for the rights of indigenous tribal peoples and helps them to determine their own future. Campaigns generally focus on tribal peoples' fight to keep their ancestral lands, culture and own way of living.

In summary, the trends and patterns seen in terms of indigenous peoples' identity, forest dependence and social movements are:

Identity

- Increasing drive for self-determination
- Agreement that a universal definition is not necessary

Dependence

- Weakening cultural and social dependence on forests of indigenous peoples in some areas, but increasing actions to continue upholding this in other areas
- Resurgence of indigenous peoples' desire to rediscover spiritual dependence on forests in some areas through understanding the complementation of traditional and contemporary faiths
- Increasing integration of traditional political systems in state governance mechanisms
- Still high dependence for subsistence and livelihood of indigenous peoples in many forest areas, but still low forest dependence for marketing and trade

Social and cultural movements

- Increasing incipient actions, pilot projects and national programs supportive of indigenous peoples
- Increasing indigenous peoples movements challenging national accountability

These trends show that indigenous peoples are seeking self-determination and asking global society to respect their cultures and identities. Movements to support them are increasing in national and global society from a range of sectors, human rights and environments. While indigenous peoples have traditionally been forest dependent, there is increasing trend towards moving away from this dependence. This is mainly because forests are no longer as dependable as before. Some of the young generation perceives that livelihoods outside the forests are easier to do. Some want to stay but desire better access to education and health facilities.

3. INDIGENOUS PEOPLES' LIVELIHOODS AND WELL-BEING

With increasing international recognition of indigenous peoples' presence and impacts comes the heightened demand for various government and social institutions to respond. Indigenous peoples' concerns need to be addressed through differentiated responses. The means of institutions to address mainstream concerns in societies cannot always be applied to indigenous peoples given the diversity in their identities, cultures and contexts.

In the context of forests and forestry, this differentiation is slowly happening through discussions about a broadened definition of forests that are inclusive of people in the area. Literature is increasing about their cultural knowledge and resource management capacity, as well as their rights and needs for greater security in a world where resources are being maximized with far greater exclusion than before.

The term 'forestry' in recent years is not only focused on silvicultural practices and the wood industry, but increasingly getting concerned with human development, human security, basic needs and local economy, in light of growing recognition on the roles of forests to the people. Ethno-forestry is one of the new disciplines of forestry connecting indigenous knowledge and forest management. This connection has actually been there since forestry began as information was gathered from locals, however little or no recognition has been given to the contribution of indigenous knowledge in early times (Brown 1950). The concern for these issues is coming to the fore as many discussions note the high level of poverty in forest areas, not only in terms of livelihood but also a whole range of basic needs, as well as the increasing concern for indigenous intellectual property rights. Attention to poverty issues is being sustained as a result of the UN Millennium Development Goals, while the Convention on Biological Diversity provides a broad legal framework that could allow indigenous peoples to be compensated for the vast knowledge they hold on biodiversity in bio-prospecting agreements.

The term 'forest' and what land cover and use qualifies under this term has also been the subject of much debate for quite some time. Today, there are more than 250 definitions of the term 'forest'. These definitions differ based on the emphases or concerns of different people. A legal definition is different from an ecological definition. The perspective of the economist differs from that of a geographer. All definitions stress the importance of trees in the system and include places where tree cover ranges from 5 percent to as high as 100 percent.¹² The concept of 'virgin' forests – forest or woodland having a mature or overly mature ecosystem more or less uninfluenced by human activity¹³ in a sense has become a myth especially in Southeast Asia. Forests in Southeast Asia have not been 'virgins' for at least 200 years based on the increasing documentation on indigenous forest management systems. This affects programme parameters not only of government forest departments but also other social service sectors. Many people in mainstream societies, especially in Southeast Asia, typically view indigenous peoples as poor, forest-dependent and dwelling in the uplands, and that they want to stay where they are.

This section examines the livelihood strategies of indigenous peoples, how their strategies are changing, and what are the forces driving these changes. It then focuses on the well-being of indigenous peoples. Which aspects of poverty are usually experienced, and what are the causes? What efforts exist to address them?

¹² Illinois State Museum. http://www.museum.state.il.us/muslink/forest/htmls/intro_def.html accessed 24 February 2008.

¹³ <http://www.thefreedictionary.com/forest> accessed 24 February 2008.

Forests in livelihood strategies of indigenous peoples today

Livelihood is one's economic and physical activity in order to have a life – it can be subsistent, can be dependent, or it need not be. How is the role of forests in the livelihood strategies of indigenous communities changing? This question is helpful to explore as a follow up to the prognosis on people and institutions in the Asia-Pacific region for 2010:

“If attention is focused on protecting traditional forest-based livelihoods including shifting cultivation, hunting and gathering of non-wood forest products, then forest dwellers and forest dependent people will likely face a hostile and unstable future. The principal avenue for development appears to be building human capacities among forest dwellers so they can continue with forest livelihoods but also have the capacity to capture emerging economic opportunities.”

As part of exploring the changes in forest-based livelihood strategies of indigenous peoples, we have to understand the range of their livelihood strategies today, in situ and ex situ, and where forests and forestry fit into these livelihood strategies.

Tauli-Corpuz (2005) describes that traditionally, livelihood systems of indigenous peoples include tilling their own small farms, swidden cultivation or shifting agriculture, hunting and gathering, and pastoralism.

Of all these livelihood strategies, hunting and gathering is the livelihood system that relies most heavily on availability of high-quality (sometimes referred to as high-value or rich) forests. Shifting agriculture and pastoralism are livelihoods that depend on forests to some extent. In shifting agriculture, soil recuperation and fertilization and biomass burning and decay are an essential part of the process of managing the forest landscape (Gloria and Magpayo 1997; Tomich et al. 1998; Palm et al. 2005). Pastoralism is usually practiced in cold and dry climates of steppes (wooded grassy plains), savannas, and in deserts where subsistence agriculture is impracticable (Knox 1998). A scoping study of pastoralism in India (Sharma et al. 2003) reports that pastoralism as an economic system in western India and the Himalayan region is little understood and poorly documented, partly owing to the open stance of the Ministries of Agriculture as well as Environment and Forests against pastoralists. Indigenous communities practicing these livelihood strategies today predominantly reside in forest or forest-related areas and live in more vulnerable conditions in terms of human security and attained level of basic needs (Palm et al. 2005).

Livelihood strategies of indigenous peoples are changing, though it is difficult to determine the extent or pace of changes at the regional level. The lack of data stems from the reality that these traditional livelihood systems are considered informal. In a number of countries, these traditional livelihood systems are in fact even treated as illegal, as will be discussed in the next section on policy and rights.

Trends in traditional livelihood strategies

Hunting and gathering is a livelihood strategy that is largely disappearing, given the restrictions that have been put in policies over the past century, particularly those enacted prior to the 1990s (Eder 1996; Gloria and Magpayo 1997). These policies relate to conservation of forest and lands, as well as protection of wildlife and national parks, as discussed in Chapter 4.

In the RECOFTC study for APFSOS 2020 on the future role of forests in reducing poverty, it was pointed out that with “rapid economic growth in the region and increasing options for employment and greater income in the secondary and tertiary sectors... incomes are

generated away from the forest, most of it in urban areas. People will not only be too busy to farm they will have even less time or need to visit forests and to hunt and gather the forest products they have relied on for centuries". Forests in a sense are being 'abandoned' due to the time and energy constraints focusing on faster cycle crops (e.g. rice and corn) as against cassava and root crops, but at the same time this means that the forests are less protected because people do not access them often, and they may care for them less, thus being subject to being 'raided'.

Swidden cultivation or shifting agriculture¹⁴ is being drastically reduced, mainly because it is legally prohibited in many countries in Southeast Asia. In Lao PDR for instance, the Ministry of Agriculture and Forestry reported a 53 percent reduction in the number of families practicing shifting cultivation, from 210,000 in 1990 to 99,000 in 2001 (MAFF 2004).

IWGIA describes the dominant development paradigm driving these policies:

*"In many African and Asian countries, dominating development paradigms, perceive the modes of production of indigenous peoples - such as pastoralism, hunting/gathering and rotational slash and burn agriculture - as primitive, non-productive and not in line with the modernization aspirations of present day states. This paradigm also applies in other regions of the world. Therefore many development policies are either directly or indirectly geared towards weakening/eradicating the modes of production of indigenous peoples."*¹⁵

Gathering non-wood forest products (NWFPs) for use beyond subsistence or safety net purposes increased with the growth of project support for these products as a strategy to generate livelihoods in forest areas away from timber. Several indigenous communities took part in these projects. It is estimated in Lao PDR that proceeds from NWFP sales may account for one-third to one-half of village cash income, depending on the richness of the forest that village members can access (MAFF 2004).

However, commercialization of NWFPs is fraught with many barriers. Belcher and Schreckenber (2007) identify the following challenges in commercializing NWFPs beyond the local level:

- Production is often dispersed and markets are poorly developed
- Markets are diverse and faddish but product development takes a long time
- Markets are small in scope and value and therefore attract little attention or investment
- A high degree of technological innovation is needed to achieve added value
- Barriers to entry are often high
- Intellectual property rights issues are far from being resolved

In countries where governments permit gathering of NWFPs, indigenous communities face concerns of overregulation, especially for those with high commercial value. Malaysia for example has tightened control on *gaharu*, the aromatic resin from *Aquilaria* spp. Gaharu is being introduced as a potential income-generating crop to be planted alongside vegetable farms in agroforestry programmes under the Ninth Malaysia Plan. Forestry departments tightened enforcement of the removal pass, inspecting at checking stations and within logging areas. A grading system is currently being developed. In Kelantan, the State Forestry Director

¹⁴ Swidden is a traditional practice within a forest opening a pocket following a cycle. The practice of land clearing of migrants is a very different practice with a different intention. Slash and burn agriculture focuses on one moment in the swidden process. It is important to keep the distinction, understand why and under what pressures the practice is happening. Responses to swidden farmers as against migrant farmers as against corporate interests need to be differentiated.

¹⁵ <http://www.iwgia.org/sw231.asp> accessed 7 Feb 2008.

established a licensing system and a programme for replanting Gaharu in logged production forests (Chiew 2007).

Local indigenous knowledge about NWFPs is mostly vested in the older generations and is at risk of being diluted or lost due to emigration and the changing lifestyles of younger people (NAFRI & SNV 2005). If the next generation in an indigenous community does not find viability of livelihoods from NWFPs, then the chances of the elders' knowledge and skills getting passed on will be minimal.

RECOFTC (2008) reports that while the Asia-Pacific region is commonly viewed as a region of farmers, the region's economy is actually shifting from reliance on agriculture to the services sector. This trend is predicted to continue, and is expected to even accelerate in some countries. Cañares (2008), in his study of macroeconomic trends and their impacts on forest and forestry, holds a different view, and concludes that the region is renewing its focus on agriculture. While both scenarios point to a growing array of alternative livelihood choices outside and away from forests including increases in off-farm jobs, the question remains as to whether this increase will bring benefits to indigenous communities.

Some households in indigenous communities are shifting from subsistence rice farming and expanding their area to commercial vegetable gardening. This shift happens where there are inflows of migrants to homelands of indigenous communities. They move to less-populated territories of indigenous peoples either because they are in search of land and other pristine resources, or transmigration programmes moved them to the area. Migrants often come from lowland agricultural settings and introduce land use practices, technologies and values that are different from those traditionally practiced in the area.

This shift is also happening where the combination of forest conservation and agricultural promotion policies provides a more conducive environment for commercial vegetable gardening rather than subsistence rice farming. In Thailand, the prohibition of swidden cultivation, combined with the implementation of Royal Projects in highland areas that provided a range of attractive incentives, prompted cultural groups such as the Hmong and Karen to shift into cultivating cabbages, shallots, flowers and other agricultural produce for commercial purposes. In the Philippines, the ADB CHARM Project, in assisting the expansion of intensive vegetable farming, has indirectly promoted conversion of forest areas in the Cordillera mountain range.

These changes in labour patterns affect indigenous resource management regimes. There are cases where participation in timber operations, market-oriented farming, and migration has changed the social referencing of members of indigenous communities in a vastly expanded socio-cultural horizon. Frederick Sagisolo of the Knasaimos in Papua, Indonesia expresses the changes that happened in his community when some members started working with the logging company in their area: "New values appear, like wanting to have more than your neighbor and putting a price on everything, instead of valuing what we already have."¹⁶ In some instances, these changes have resulted in contrary consequences to the local environment. Sajor (2001) presented one such case as he studied shifts in labour patterns among the Ifugao in Cordillera, Philippines and the changes that these induced on how they manage the land. The Ifugaos are known for their indigenous institution of *muyong/pinugo*, private woodlots maintained as local water catchment areas to sustain their terraced rice fields. In recent decades, local people have been observed to intensify tree cutting to modify their houses. Demand for higher quality housing came about due to the rise in cash incomes as a

¹⁶ Interview with Frederick Sagasolo in BBC News Viewpoint: Forest protection: Local and global posted by Jim Roland, 26 November 2007 on BBC News Website Green Room. Available at <http://news.bbc.co.uk/1/hi/sci/tech/7109375.stm>. Accessed on 6 February 2008.

result of a livelihood shift from subsistence rice farming to commercial vegetable gardening and migration of labour to urban centres and overseas.

Commercial forestry is a livelihood strategy that has emerged for some indigenous peoples who have secure land tenure and tree rights and have been able to acquire external support to build harvesting, processing and marketing capabilities such as in Papua New Guinea. For instance, a Kuni community of Lake Murray in Papua New Guinea is now implementing an ecoforestry approach with technical support from Greenpeace, after they successfully curtailed the illegal logging activities of a Malaysian company in their area (Chi Too 2006). Mayers (2006) identified six key general factors that need to be acted upon so that commercial forestry could become a viable pro-poor livelihood option for communities and smallholders in general, which also applies to the context of indigenous peoples. First is that rights, capabilities and decision-making need to be strengthened through supporting people's own decision-making power and forest rights and helping people build the capacity to claim those rights and control their own enterprises. Second is that people should be enabled to seize market opportunities by removing barriers to market entry for marginalized communities and ensuring that markets for environmental services directly benefit them. Other key factors relate to information, awareness, and monitoring; organizations and partnerships; policies, institutions and standards; as well as finance and incentives. Arbitrary changes in legislation, rules and regulations have led to hardship and loss of income for indigenous and other rural communities who have invested in commercial endeavours not only in commercial forestry but also in NWFPs such as rattan.

Migration as a livelihood strategy

RECOFTC (2008) observes that there has been a tendency amongst some of the development community to assume that the rural poor, be they forest-dependent or agriculturalists, will remain in situ, and argues that this appears less and less the case. What about indigenous peoples? To what extent have non-forest sectors allowed the poor (particularly poor forest-dwelling indigenous peoples) to move out of forest and agricultural dependence?

Some 18 million people migrate from rural areas to cities every year (UNFPA 2007, cited in RECOFTC), though it cannot be ascertained as to how many of them come from indigenous communities. The UN Permanent Forum on Indigenous Peoples highlights the importance of looking at migration in relation to indigenous peoples:

Migration, whether international or internal, presents both opportunities and challenges for migrants themselves, the communities from which they leave, those through which they may transit and those in which they ultimately settle. The positive and negative effects of migration can be extensive, and may endure even in cases where migrants choose to return to the communities they initially migrated from. When migration is forced, rather than voluntary, the negative ramifications are often more severe (UNPFII & IOM 2006).

Given the choice, would poor forest-dwelling indigenous peoples be willing to leave forests if they perceive greater opportunities to improve their livelihoods? Many national projects, be they related to development of infrastructure, establishment of national parks or plantations, or settlement/transmigration schemes have encountered opposition among strong indigenous movements because these projects attempted to answer this question on behalf of indigenous peoples. What these projects have forgotten is that the key point in this question is that they are 'given the choice', which relates to discussions in Chapter 4 on rights to self-governance as well as free, prior and informed consent (FPIC).

Given the choice, some voluntarily leave their farms in the forest to look for 'greener pastures' somewhere else, though the extent to which this is happening is hard to ascertain due to lack of data. A number of members from indigenous communities have opted to

migrate to urban centres and overseas to work in the informal and formal sectors. A number who obtained graduate and post-graduate degrees have entered the formal sector working as development professionals in government or civil society organizations, a few in the private sector (e.g. construction, industry). Greater numbers who had a level of education are working in the informal sector such as construction (e.g. carpentry), transport (driving), services (domestic help, waiter), and tourism industries. Indigenous communities are acquiring skills that enable them to participate in these sectors. Decentralization coupled with a national focus on extending social services from district centres is spurring the construction of roads, schools and health centres, as well as the provision of credit and new crops and technologies. These pave the way for the arrival of traders, different consumption attitudes and introduction of new skills especially to the younger generation.

There is an assumption that migrant remittances to indigenous communities are becoming sources of cash income used to improve family welfare (e.g. having cash to buy food, send children to school, use during health emergencies) parallel to the phenomenon happening among other rural migrants. Yet, while these and other examples on the positive effects of migrant remittances on sending communities are being reported, it is not certain how applicable these benefits are to indigenous communities. For one, remittances are not often easily transferable between indigenous migrants and their sending communities as there are unique obstacles not common under other circumstances. Furthermore, it is not certain how households and communities deal with the emigration of their members. UNPFII & IOM (2006) raise questions that need to be unraveled to understand the impact of this trend on the well-being in indigenous communities. How is migration viewed within indigenous communities? How do women, men, and children fare when key family members migrate temporarily or permanently? How are remittances transferred and who benefits?

Another aspect to migration as an alternative livelihood strategy is the process by which members of indigenous communities find this opportunity and take advantage of it. Jones (2002) studied the plight of Indonesian migrant workers in Malaysia, a number of them coming from indigenous communities in the Indonesian side of Borneo Island. The study investigated “the stages through which migrants move from recruitment in their villages to their travel to a departure point in Indonesia to arrival in Malaysia and often, to eventual arrest and deportation.” The study provides examples of “the abuses they can suffer, including extorting and illegal detention, long before they ever reach Malaysia; the often dangerous journeys that undocumented migrants attempt, in part because official procedures are too costly and burdensome, and the difficulties they encounter on the Malaysian side, from unpaid wages to lack of recourse in case of employer abuse.” It shows how the “dividing line between documented and undocumented workers becomes very blurred, with workers wishing to go to Malaysia legally often becoming the victims of unscrupulous Indonesian officials”. The study sets these problems in the context of the ever-changing policies of the Indonesian and Malaysian governments.

Many times however, indigenous communities are not ‘given the choice’ or feel that they do not have a choice. There are many cases in the region related to changes in livelihood strategies of indigenous peoples as a result of land dispossession or natural disaster (UNPFII & IOM 2006). While some would ride along with the displacement or forced migration from their home land, others would strongly resist leaving and would prefer to find alternative livelihood strategies in situ rather than moving out of their territories, citing they have no other places where they belong or can go as a people. Literature is sparse with regard to the consequences of such forced migration to indigenous communities.

Where people are too poor to act on a choice, they may find their only option is to emigrate and find some basis to live ‘by the highway’, or access an opportunity often in isolation of a sustained culture. Focusing on one’s sense of people and culture and not just on the dependence of livelihoods on the forest is very important in the context of indigenous peoples,

to understand future scenarios. It must not be assumed that the same migration dynamics happening in global mainstream society will rule in the context of indigenous peoples. There is always the anecdotal reference to people returning to their area in early retirement, new styles of investment to where they came from, committing to stay by their community and give value to new levels of arts and crafts or production.

In understanding whether a trend of emigration out of the forest will translate to its sustainability, it is important to ask: Are those emigrating able to stay in contact and retain a sense of community by which they seasonally 'regroup' when they leave their area? What is the importance of the landscape for them? Does this sense of identity and relation to the landscape get handed on to the next generation, and to what extent is it weakened? To what extent does the greater part of the younger generation leave and to what extent is there a sufficient younger generation remaining in the area that sustains their remaining identity to which others can return?

Possible answers to these questions in part are dependent upon well-being and often not the poor, as ultimately, the poor do not have a choice. The poor are driven by the opportunity to survive; their choice is in how to find their next meal. If their only survival is to live down the road, then they will live by the road.

Emerging livelihood opportunities

A number of new market mechanisms related to the environmental services that forests provide are emerging wherein indigenous peoples may find new forest-related livelihood strategies in the region. The growing discussions regarding market mechanisms for payment of environmental services are running parallel to the increasing recognition of indigenous peoples' formal and informal engagement in local markets and international trading of products. In some countries, rights of indigenous peoples are increasingly incorporated in multi-use zones, and accepted in more local land use management plans.

Payment of environmental services (PES) addresses watershed protection, carbon sequestration, biodiversity protection and landscape beauty (CIFOR 2005). The few current PES schemes being implemented, mainly outside the region, were initially designed as a means of financing natural resource management, with potential livelihood considerations added later.

PES schemes in their present nature are cumbersome to manage and entail high transaction costs (WWF 2006). While PES is viewed as a main opportunity for forests to contribute to reducing poverty, there are several considerations before this can become a reality. Willingness and ability to pay is not the only question; willingness to sell is increasingly being found to be a barrier as well. The lack of awareness or else the lack of clarity on the service being bought, coupled with policy and institutional constraints as well as unclear property rights, contribute to the slow uptake of this opportunity in the region.

In general, PES schemes so far have not reached indigenous peoples in the region; some schemes were even reported to have negative consequences. PES schemes cause further marginalization when space is not effectively provided for indigenous peoples to participate in their design and implementation.

Of all the present schemes, ecotourism could be the closest to generating livelihood benefits for indigenous communities, in theory. Ecotourism has become the fastest growing sub-sector of the tourism industry, growing at a rate of 10-15 percent annually. Ecotourism now accounts for 25 percent of all leisure trips abroad (IBON 1998). The World Tourism Organisation predicted that by 2010, 1 billion tourists would have traveled abroad and by 2020, this would have increased to 1.6 billion (Chavez 1999). Forest landscapes declared as

cultural or natural heritage sites, national parks or packaged as 'exotic' places by the tourism industry bring in incomes to indigenous communities in the form of tour guide services, catering, transport (e.g. boats, ox carts), home stays and souvenir crafts (SGPPTF 2007).

The EC UNDP Small Grants Programme for the Promotion of Tropical Forests (SGPPTF) has supported several ecotourism initiatives of indigenous peoples, including those of the Semelai boat operators in Tasik Berah, a Ramsar Site in Pahang, Perak and the Kayan in Baram, Sarawak in Malaysia. In northeast Cambodia where many indigenous peoples live, local tourism and migration have increased since the Prime Minister has promoted the Northeast as an economic development area. Ratanakiri Province in this area has always been 'mysterious' to lowland Khmer because it has always been unconnected. The Khmer New Year in 2005 was the first time when Cambodian tourists to Ratanakiri were so many such that the seven hotels in Ban Lung were not able to accommodate all people and some had to sleep in the pagodas. More people are expected to visit Yak Leom Lake in Ratanakiri and the Osvay Lake Ramsar Site in Stung Treng Province with the construction of the Greater Mekong Sub-region Road (GMS) and the bridge being planned to connect Stung Treng to Lao PDR, then to Kunming in China (AFN 2005).

As with the commercialization of NWFPs, the extent to which ecotourism can become a reliable forest-related livelihood for indigenous peoples is not ascertained. Instead, reports that abound recount negative consequences to the cultural integrity of a people. One of the major critiques of 2002's International Year of Ecotourism came from indigenous groups who criticized the industry for not providing space for them to be adequately included in tourism development.¹⁷ During the same year, a Conference of the Ecumenical Coalition of Third World Tourism (ECTWT)/Ecumenical Coalition on Tourism (ECOT) was held in Chiang Rai, Thailand on Indigenous Peoples Interfaith Dialogue on Globalization and Tourism.¹⁸ Participants issued a statement that included:

"Tourism in the context of globalization brings in market competition, appropriates lands and resources of indigenous communities, and forces Indigenous Peoples to become showcases and "human museum exhibits". Indigenous Peoples are becoming increasingly vulnerable to exploitation by bioprospectors and biopirates, where traditional wisdom and knowledge and natural resources have been expropriated for business interests....The modern tourism industry leaves limited choices to indigenous communities to reject it. They are trapped by the powerful corporate interests at work, the lure of economic incentives, and the perception that it will enable the preservation of indigenous cultures and traditions. Indigenous Peoples have come to realize that much have been lost while gaining little under the process of globalization and expansion of tourism. The representatives of Indigenous Peoples organizations and movements, participating in this meeting urge to strive for regaining indigenous peoples rights as understood by their communities and as recognized under existing international rights covenants, conventions, and laws."

The indigenous participants also identified that in the face of the mounting challenge from commercial tourism, "informal education for the community and incorporation of indigenous knowledge systems into the curriculum of formal schooling as a way of passing down the traditional wisdom and values will be given the top priority."

In terms of watershed protection, successful transfer payments for watershed services thus far have only benefited large landowners and concessionaires, and there is apprehension that these schemes could further disadvantage the rural poor since traditional initiatives often approach PES starting from conservation, governmental or market goals, leaving social goals to become an afterthought (FAO-RAP 2003; WWF 2006).

¹⁷ <http://www.planeta.com/ecotravel/tour/indigenous.html>.

¹⁸ http://www.tebtebba.org/tebtebba_files/ik/tourism.html.

International interest is increasing on the interface between PES, poverty reduction and social justice, and several impact assessment studies have been commissioned to examine this interface (e.g. ICRAF-Indonesia, CIFOR-Bolivia, Cornell-Costa Rica, IIED). Swallow (ICRAF 2006) summarized the conclusions of these studies in three dimensions. Firstly, the impact on forest conservation is uncertain due to scale and temporal variations. Secondly, the impact on ecosystem services is uncertain due to leakage and scale effects. Thirdly, positive impacts are possible if the design builds in recognition, rights, non-monetary rewards, and livelihood options as part of the key aspects. IDRC subsequently commissioned a pan-tropical scoping study of compensation and rewards for ecosystem services through which a series of regional workshops were held for Asia, Latin America and Africa in 2006. The workshop series concluded, based on PES cases studies, that the poor have not been adversely affected. On the contrary, as a result of ecosystem improvements and secondary effects, monetary and non-monetary benefits for the poor have been observed in cases mostly from Latin American countries.

The ICRAF programme in Asia on Rewarding Upland Poor Communities for Environmental Services (RUPES) and the WWF-CARE-IIED Equitable Payments for Watershed Services Project are two initiatives in operation in the region that explore PES approaches with social goals integral to their designs. RUPES sites in Nepal, Philippines and Indonesia, are building up the case for watershed protection rewards through science, legal and institutional arrangements, while appealing to corporate social responsibility of companies. Indigenous peoples are stakeholders in some of the RUPES sites. It would also be interesting to follow developments in two watersheds in Asia under the WWF initiative that started in 2006, as they involve indigenous peoples: the Dayak in Upper Kapuas Basin (West Kalimantan, Indonesia) and the Sibuyan Mangyan Tagabukid in Cantingas/Panangcalan watersheds (Sibuyan Island, Philippines).

The most controversial PES scheme with indigenous peoples' movements currently is that for carbon sequestration. There are two mechanisms in question. The first is the Clean Development Mechanism (CDM), designed to help developed countries that committed to emission reduction targets under the Kyoto Protocol to achieve their commitments. The second is the mechanism for Reducing Emissions from Deforestation and Forest Degradation (REDD) under the World Bank-initiated Forest Carbon Partnership Facility (FCPF) launched in December 2007 during UNFCCC COP13 in Bali, Indonesia.

A statement summarizing the shortcomings of how the FCPF will implement REDD was circulated in Bali, and signed by 83 non-government organizations, of which 25 are based in the Asia-Pacific region, and another 20 based in Europe but supporting operations in Asia-Pacific countries.¹⁹ The shortcomings include: the inadequate attention of the design to the World Bank's poverty reduction mandate; abbreviated timeline and lack of proper consultation; failure to publicly review and act upon lessons from the Bank's forest and carbon sector; flawed governance structure; significant risks of conflict of interest; perverse incentives and risk of financing unsustainable activities; inadequate safeguards and verification systems; and over-reliance on market mechanisms. The statement also came up with recommendations to address these shortcomings, all of which are relevant to indigenous peoples. These recommendations and how they respond to indigenous peoples' rights are discussed in Chapter 4 on rights and policies.

¹⁹ NGO Statement on the World Bank's Proposed Forest Carbon Partnership Facility (FCPF), 30 Nov 2007. Available at: http://www.forestpeoples.org/documents/forest_issues/unfccc_bali_ngo_statement_nov07_eng.shtml

The Chair of the UN Permanent Forum on Indigenous Issues (Tauli-Corpuz 2007) outlines four conditions that need to be in place in the FCPF so that it can acquire the support of indigenous peoples:

1. Respect for indigenous peoples' rights as contained in the UN Declaration on Rights of Indigenous Peoples with emphasis on free, prior and informed consent
2. Capacity building to address drivers of deforestation as identified by the UNFF
3. Equality of indigenous peoples' representation in the governance structure as governments, donors, and the private sector
4. Appropriate and adequate consultation with indigenous peoples directly affected, including translation of pertinent documents in major languages understood by them, and dissemination of these documents before consultations take place

The seventh session of the UNPFII in 2008 is focusing on climate change, bio-cultural diversity, livelihoods and the stewardship role of indigenous peoples in the light of new challenges.²⁰

Indigenous peoples have the basis to negotiate for these conditions because while climate models can paint the bigger picture of climate change and estimate likely consequences of different future scenarios of human development, they are not very good at providing information about changes at the local level. Indigenous communities, on the other hand, hold the knowledge of this information. Indigenous peoples are adapting to climate change and fighting loss of biodiversity through a myriad of techniques against variation and change drawing from their knowledge of the land. Examples of how they adapt include adjusting irrigation and water conservation techniques, terracing and land reclamation, and changing where and at what elevation plants are cultivated (Salick 2007).

PES is not expected to generate positive benefits in the short term, though it may have impact in the long term if the schemes are worked out in collaboration with indigenous peoples.

Indigenous peoples' well-being and poverty

As the definition of poverty broadens from its materialistic core (lack of monetary income) to include goods not entering the marketplace and (lack of well-being), it has become harder to measure, compare, and find as tangible. At the same time, the broadening concept of poverty is slowly allowing mainstream society to better understand well-being in indigenous communities and analyze in which aspects they experience a lack of well-being. CIFOR (2003, 2007) and RECOFTC (2008) provide good overviews on the concepts of poverty and how they link with forests and forestry.

Cultures do not like to be defined as 'poor', not unless the technicality of bureaucracy makes that beneficial. But while poverty does not take away one's dignity, marginalization may deeply affect one's human spirit and strength to survive. CIFOR (2007) recognizes this sentiment: "Poverty often has a negative connotation of passivity, incompetence or backwardness; use of the term can be offensive or demeaning. The term 'well-being' allows discussion of poverty in more positive terms."

Not all indigenous peoples may experience economic poverty, but most experience levels of social or cultural marginalization whether they live in a developed or developing country. Which aspects of their lives is poverty usually experienced, and what are the causes?

²⁰ UNPFII 7th Session 21 April-2 May 2008 focuses on the theme *Climate change, bio-cultural diversity and livelihoods - the stewardship role of indigenous peoples and new challenges*. More information at http://www.un.org/esa/socdev/unpfii/en/session_seventh.html

The Nested Spheres of Poverty (NESP) is a useful framework for discussing various facets of poverty and well-being in indigenous communities, the forces driving these facets, and the interrelation among the various facets (CIFOR 2007). This framework considers four general spheres of one's daily life:

- The central sphere which represents one's subjective well-being: captures feelings which could be of deprivation, vulnerability, exclusion, shame or pain, or conversely they could be feelings of happiness, safety, inclusion or contentedness. Subjective well-being is highly individual and emotional, and varies with moods and circumstances. A person can feel poor if her/his well-being declines, or if she/he compares to others who are better off
- The core spheres which encompass one's health, wealth and knowledge: influence the central sphere of subjective well-being, in that it captures basic needs (food, health, housing and education) and the capabilities (skills and physical condition) that enable one to get out of poverty
- The context spheres indicate the natural, economic, social and political aspects surrounding one's life, as well as the infrastructure and services that directly or indirectly affect the core sphere

The International Working Group on Indigenous Affairs (IWGIA) annually publishes *The Indigenous World*, describing concerns of indigenous peoples around the globe. The report captures the general sentiment of indigenous peoples as they struggle to uphold various aspects of their well-being. The IWGIA 2007 Report on the Indigenous World was used as the main document to understand poverty and well-being of indigenous peoples in the Asia-Pacific region, using the NESP as the framework for analysis.

Subjective well-being

Subjective well-being, by definition, does not have a constant value. Yet, indigenous peoples' movements around the world always have stories to tell about how they have experienced marginalization, exclusion or deprivation in relation to mainstream society. In China, the Tibetans feel that one of the reasons why they find it hard to compete with Chinese immigrants for jobs was because they are looked down upon as 'backward'. Indigenous peoples in Taiwan identify one of the challenges they face as that of having 'low social status'. In Bangladesh the 2.5 million indigenous peoples representing 45 ethnic groups are referred to in the constitution as "backward segments of the population". In Thailand, families in hill tribe communities with members who have become civilian casualties in military operations are afraid to file complaints with the justice system. In Malaysia where Sabah and Sarawak are states with low ranks in the Human Development Index, indigenous peoples feel the extent of their deprivation especially upon learning that the logging magnates from their area rank in the top 20 richest people in the country.

Subjective well-being is showing signs of improvement in many indigenous individuals who get a chance to interact with other indigenous groups through participation in exchange visits to other indigenous communities (ILO,²¹ AFN,²² NTFP-EP²³), people's organizations, indigenous and social federations and movements, as well as indigenous fellowship

²¹ ILO and Indigenous and Tribal Peoples. <http://www.ilo.org/public/english/indigenous/> 14 April 2008

²² Asia Forest Network 1998 Exchange Visit on Rattan Management of the Dumagat and Bukid-non Pulangiyan of the Philippines to the Dayak of Indonesia; 2007 Exchange Visit on Cultures and Parks of the Karen P'ga Kayor of Thailand to the Bukid-non Pulangiyan of the Philippines. www.asiaforestnetwork.org

²³ NTFP-EP Field Visit and Community Exchange on Liquid Resin Resource Management in Preah Vihear, Cambodia 10 May 2007.

programmes (UNOHCHR ²⁴) as these activities foster knowledge exchange and build confidence, capacities and networks.

Health, wealth and knowledge

The core spheres of well-being – health, wealth and knowledge – are more or less captured in government monitoring systems for longevity (e.g. life expectancy), education (e.g. literacy rate), and per capita income. The IWGIA mentions statistics from a few countries indicating the level of deprivation of indigenous peoples in these spheres. In Australia, life expectancy in aboriginal populations is 20 years below national average; in New Zealand, life expectancy of the Maori is ten years below non-Maori populations. The needs assessment which UNDP conducted in West Papua in 2005 reveals that the Papuans' three main concerns revolve around these core spheres i.e. the spread of diseases such as HIV/AIDS, tuberculosis and malaria, the poorer level of education compared to the national average, and most striking of all, the extent of poverty in a province that has a US\$1,200 GDP per capita but where more than 40 percent of the population lives below the poverty line of US\$1/day.

In most places, indigenous communities already have a 'compromised' forest, as these are highly valued resources and thus stay under government control, usually for timber production or else for national conservation of the ecological services these forests provide. With the pressures on the land, on the rivers and on the community, the quality of the forests usually reflects the weaknesses of the community, in the same way that a community is often as healthy as the animals it cares for. Initiatives in adding value to their products through processing and marketing technologies have emerged, but these so far have not exhibited a long-term trend of sustainability, as discussed in the section on diversifying livelihood strategies.

The ideals of how we perceive the economy to run and the daily landscape and life of communities are different realities. Forest landscapes are not places where people can simply live anymore. The people who live simply in the forests are indigenous peoples who prefer to be wholly dependent upon forest resources for their subsistence and their cultural well-being, or else people pushed by society to live in or near forests and are heavily dependent on forest for subsistence or a level of income. If these 'forest-based peoples' are truly isolated, forest areas provide them with a level of security or continuity. External pressures however are reaching even the most far flung forest areas such that these areas are now rarely able to provide a sense of security and continuity. Corporate investments in resource extraction, insurgency and illegal activities may be present with devastating effect. The poverty that forest-based people experience is often the chronic kind, and ranges from poverty in needs to poverty due to social exclusion (Soriaga and Walpole 2006).

The knowledge sphere encompasses both the formal or explicit, and the informal, tacit or traditional. Indigenous peoples, old or young, women or men, have stores of the latter form of knowledge. However, these forms of knowledge are tangible not in publications or other mainstream forms of documentation media, but mainly in the way they relate to the landscape and with each other in their own culture. As these are mostly not documented and in some cases not recognized as a 'valid' body of knowledge, these forms of knowledge thus become harder to measure and compare across cultures.

On the other hand, the formal or explicit forms of knowledge, largely documented, have established systems for measuring and comparing through a nation's education sector, and thus are more tangible in broader society. Where figures are available (and these are sparse), indigenous peoples are faring poorly using current indicators of knowledge. Literacy among

²⁴ <http://www2.ohchr.org/english/issues/indigenous/fellowshipprogramme.htm> accessed 6 February 2008.

indigenous peoples is 34 percent in Nepal, and less than 50 percent in Yunnan, China. In Tibet, primary education is 55 percent but this has fallen from previous years. Tibetan children in secondary education are only 14 percent compared with 57 percent in China. In New Zealand, only 4 percent of the Maori have completed tertiary education. In Cambodia, there are only 20 university students who come from indigenous communities. Some governments, such as in Malaysia and Taiwan, have implemented preferential treatment for indigenous peoples in their education systems, through providing automatic bonus points during exams, or through applying lower cut off grades.

While preferential treatment is an affirmative action on the part of countries towards the well-being of indigenous populations, the systems developed tend to overlook deeper issues. These include indigenous children being stigmatized in the schools as 'lower-class' students, families finding it hard to relate to the syllabuses because these do not acknowledge how they live daily, and indigenous peoples seeing the curriculum as not helping to strengthen their cultures but rather acting as an aid to obliterate them.

There are changes gradually happening, some are positive while others are not so. Regionally, the UN Educational, Scientific and Cultural Organization (UNESCO) is implementing two programmes that can help integrate, rather than assimilate, cultures of indigenous peoples in present educational systems. One programme is the Education for Sustainable Development (ESD), which aims to integrate the principles, values, and practices of sustainable development into all aspects of education and learning within the UN Decade of Education for Sustainable Development (2005-2014). The other programme promotes first languages (mother tongue) in primary education systems.

The process and goals of ESD²⁵ put emphasis on cultural aspects to underline the importance of:

- Recognizing diversity: the rich tapestry of human experience in the many physical and socio-cultural contexts of the world
- Growing in respect and tolerance of difference: where contact with otherness is enriching, challenging and stimulating
- Acknowledging values in open debate and with a commitment to keep the dialogue going
- Modeling values of respect and dignity which underpin sustainable development, in personal and institutional life
- Building human capacity in all aspects of sustainable development
- Using local indigenous knowledge of flora and fauna and sustainable agricultural practices, water use, etc
- Fostering support of practices and traditions which build sustainability – including aspects such as preventing excessive rural exodus
- Recognizing and working with culturally specific views of nature, society and the world, rather than ignoring them or destroying them, consciously or inadvertently, in the name of development
- Employing local patterns of communication, including the use and development of local languages, as vectors of interaction and cultural identity

UNESCO is strongly committed to supporting mother tongue instruction and bilingual/multilingual education to promote cultural and linguistic diversity in all societies. UNESCO Bangkok has supported Member States of Asia and the Pacific in undertaking action research on using the mother tongue/bilingual approach through the UNESCO-APPEAL Mother Tongue/Bilingual Literacy Programme for Ethnic Minorities Project. Of the

²⁵ http://portal.unesco.org/education/en/ev.php-URL_ID=27559&URL_DO=DO_TOPIC&URL_SECTION=201.html

6,000-7,000 languages spoken in the world today, only about 300 widespread or majority languages are spoken by over 90 percent of the world's population. More than half of the remaining languages are endangered, and 61 percent of these are found in the Asia-Pacific region (UNESCO 2005).

At the country level, some indigenous peoples have begun to become more aware of the importance of reaffirming their ethnic identity and with assistance from civil society are establishing ways to support this.

In Cambodia, language classes in the Por, Stieng and Kui languages have been held to help children learn their parents' language. Bilingual education is spreading in the northeastern provinces of the country.

A number of initiatives can be found in the Philippines. The Apu Palamguwan Cultural Education Center, a primary school that has developed a culture-based education system and secured formal recognition from the Department of Education, is collaborating with the field offices of the Education Department, the National Commission on Indigenous Peoples, and the church to assist seven tribes in Bukidnon with methods for developing their own culture-based curricula. Pamulaan (meaning seedbed in Matigsalog) is a college newly set up for indigenous youth from Mindanao and Luzon. The college offers degrees in elementary education with focus on indigenous peoples' needs, agricultural technologies, applied anthropology and peace-building. Pamulaan covers students' tuition and all fees, board, lodging and food. The indigenous communities where they come from contribute service materials and their parents provide for their personal belongings, school supplies and transport. After graduation, the scholar student is required to serve in her/his community for five years. The newly-established Institute for Indigenous Peoples Education (IIFE) supports these initiatives through developing methods by which the curricula of mainstream schools will enable indigenous children to compete globally without being alienated from their culture. IIFE produces culturally-appropriate indigenized instructional materials that serve as powerful tools for building self-confidence. It is piloting the training of non-indigenous teachers from 20 public schools in gathering indigenized materials, and documenting stories of local heroes.

In some countries, indigenous peoples continue to struggle with upholding the right of their cultures to be reflected and respected in national education systems. In Manipur, India, Naga civil and political rights groups have protested against the systematic erasure of people's histories from text books and the use of text books containing discriminatory content and a biased worldview against Nagas and other indigenous communities. Various private educational institutions in the hills of Manipur campaigned to affiliate their schools with the Board of School Education of neighbouring Nagaland state. The Naga Students' Federation carries out surveys in several Naga village schools to check drop-out rates and initiate a process of enabling these children to go back to school. In New Zealand, the draft national education policy statement from the Education Ministry has removed reference to previous policy statements recognizing the significance of the Treaty of Waitangi as a guiding principle for the "school curriculum to recognize and value the unique position of Maori in New Zealand society".²⁶ The reference has been removed following a pending bill that seeks to remove all statutory references to the Treaty of Waitangi on the basis that such references are "an anomaly which has harmed race relations in New Zealand".²⁷ Box 6 tells the story of a village in Malaysia being forced to choose between education and culture.

²⁶ New Zealand Curriculum Framework 1993 cited in IWGIA's *Indigenous World 2007*.

²⁷ Explanatory Note to the Principles of the Treaty of Waitangi Deletion Bill 2006, cited in IWGIA *Indigenous World 2007*

Box 6. Making People Choose between Culture and Education

Kampong Alutok is a Murut village in Sabah. In 2006, the community lost its pre-school building during a flashflood. Villagers sought help from the government to put up a new pre-school building on higher ground. They then proceeded to choose an ideal location to put up the pre-school building. However, the Education Department district officer who visited did not approve of the location they suggested because the building contractor said that the proposed area is 'not good, not possible'. Instead, the officer asked them to dismantle their cultural hall so that the pre-school could be built on its location.

Usually, *gotong royong* events are happy events. People come to work together for a common purpose for the betterment of the village. However, the aura at the *gotong royong* in Kampong Alutok on 17 September 2007 was not a happy one. The purpose of the *gotong royong* was to dismantle their cultural hall upon receiving one day's notice from the Education Department that if they did not take down the cultural centre themselves, the contractor would do it and would take their planks. "The education officer who came did not show any consideration for what villagers feel, though the principal was sympathetic. He made us choose between education and culture. Very sad, considering he is a Murut from Keningau."

The cultural centre holds great meaning for the villagers. In 1985, they secured some funds to build a 10 x 30 ft structure. They felt this size was not enough so through *gotong royong*, they worked to build a 50 x 30 ft structure. "We worked hard to build this center. When the floods came, this was where we stayed. Now we don't have anything." So, with great reluctance, they immediately organized a *gotong royong* to take down the cultural centre and at least save the planks so that they could use them again. Questions being asked as a result of this experience: is this development, if there is no due political process? Can't the cultural centre be viewed as an extension of the school?

Source: Notes from AFN and PACOS Trust Visit to Kampong Alutok, Sabah, Malaysia, September 2007.

The context spheres affecting the core spheres of indigenous peoples' well-being are vast, complex and dynamic (CIFOR 2007):

- The natural sphere describes the natural resources available to indigenous peoples and the quality of these resources
- The economic sphere includes what economic opportunities are available to them, and what safety nets exist for them to cope with risks and uncertainties
- The social sphere captures aspects such as social cohesion, bonding capital, trust, and conflicts within indigenous communities, among indigenous groups, as well as in the general national society
- The political sphere covers citizenship rights, freedom and means to establish associations, the right for these associations to be formally recognized in national societies, mechanisms to participate or be represented in decision-making processes or to contribute in establishing the rule of law. The political sphere also covers rights upheld by the UN Declaration on Human Rights, the UN Declaration of the Rights of Indigenous Peoples, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights
- The fifth sphere, which influences the other four context spheres, are infrastructure and services available to indigenous communities as a result of institutional arrangements in government agencies, civil society organizations, development projects and the private sector

Aspects of these context spheres are discussed in Chapter 4 on rights and policies. In summary, the trends observed in indigenous peoples livelihood strategies and patterns of well-being are:

Livelihood strategies

- Diversification of livelihood strategies
- Decreasing traditional forest-based in situ livelihood strategies (hunting, gathering, pastoral, swidden)
- Increasing non-forest-based in situ livelihood strategies (NWFPs, vegetable farming)
- Increasing ex situ livelihood strategies (off-farm jobs, migration)
- Emerging opportunities for other forms of in situ forest-based livelihoods (payment for environmental services, commercial forestry)

Well-being/poverty

- Lower subjective well-being (compared to mainstream cultures) but slowly increasing with opportunities to interact with other indigenous groups
- Lower wealth, health and formal knowledge (compared to mainstream cultures) but increasing in some countries and decreasing in others
- Higher traditional forest-related knowledge (compared to other cultures) but vanishing in the next generation of most indigenous peoples

These trends and patterns show that indigenous peoples are rapidly adapting livelihood strategies to changes they experience. Indigenous peoples are moving from solely being forest dependent to diversifying their livelihood strategy as a way to cope with risks and uncertainties, but also to take advantage of opportunities coming their way, which are scant.

Poverty issues are getting more attention, however inequity is still not adequately addressed. Attention to providing basic services in indigenous communities is increasing with the MDGs and also with decentralization. At the same time, economic expansion is bringing the private sector to indigenous peoples' homelands because of the need for land and natural capital. The focus on MDGs and implementation of decentralization are enabling governments to reach far corners of the country not just to secure national boundaries or protect national sovereignty like before, but to service basic needs. However, this is happening at a much slower pace than the expansion of the economy, resulting in inequity.

The broadened concept of poverty and well-being is allowing indigenous peoples to express aspects of their lives where poverty exists, and aspects where they are better off than others. This broadened concept has also helped to clarify in national societies that while many indigenous peoples experience poverty in some aspects of their lives, they perceive themselves as better off in other aspects.

4. INDIGENOUS PEOPLES' RIGHTS IN POLICIES, LEGISLATION AND INSTITUTIONAL ARRANGEMENTS

Current policy, legislation, and institutional arrangements affecting indigenous peoples vary greatly among countries within the Asia-Pacific region, given their diverse historical background and social, economic, and political contexts. Considerable national and international efforts have been made to take on board indigenous peoples' issues for a long time, especially over the past 50 years, some successful and others less so.

This section summarizes the rights of indigenous peoples, as set out in the UN Declaration on the Rights of Indigenous Peoples (2007). It then reviews patterns of policy development influencing the legitimization of indigenous peoples' rights.

Rights of indigenous peoples

Rights of indigenous peoples are set out in the recently signed UN Declaration on Indigenous Peoples' Rights (2007). This Declaration establishes a universal framework of minimum standards for the survival, dignity, well-being and rights of the world's indigenous peoples. It addresses both individual and collective rights; cultural rights and identity; rights to education, health, employment, language, and others. It outlaws discrimination against indigenous peoples and promotes their full and effective participation in all matters that concern them. It also ensures their right to remain distinct and to pursue their own priorities in economic, social and cultural development. The Declaration explicitly encourages harmonious and cooperative relations between states and indigenous peoples.

It must be noted that the Declaration contains no new provisions of human rights. It just affirms many rights already contained in international human rights treaties, but rights which have been denied to indigenous peoples (Malezer 2007). Each article is meant to be interpreted in conjunction with the entire Declaration, its principles and its purposes.

For synthesis purposes most helpful to the context of the forest and forestry sector, the 46 articles contained in this Declaration are summarized below, while keeping in mind that each article could in fact fall under several categories:

1. Right to cultural integrity – Art. 10, 7.2, 8.1, 11, 12, Art. 13, 14.1, 14.3, 15.1, 16, 24.1, 25, 26, 31, 36, 37, 38
2. Right to human security (freedom from want and fear) – Art. 1, 2, 7.1, 6, 17.2, 17.3, 14.2, 15.2, 24.2, 30, 33.1, 43, 44
3. Right to self-governance (freedom to make own decisions) – Art. 3, 4, 5, 19, 20.1, 23, 29.2, 32.2, 33.2, 34, 35
4. Right to negotiate and seek redress – Art. 13.2, 9, 11, 20.1, 27, 28, 29.3, 32.3, 40, 41, 42, 45
5. Right to sustainable and equitable development – Art. 17.1, 16.2, 21.1, 21.2, 22.1, 26.3, 29.1, 39, 46

This categorization connects with discussions in the previous chapters. The rights to protect cultural integrity and human security connect with discussions on culture, identity and forest dependence. The right to sustainable and equitable development links with the chapter on well-being, poverty and livelihood. Rights to self-governance, negotiation and redress relate

with international and national policies as discussed in this section on rights and policy. Annex 2 provides details of each article that falls under these categories.

Patterns of policy development

The historical background and evolution of nation-states in the Asia-Pacific region influenced the legal rights of indigenous peoples today. In some countries, colonial administrations did not interfere too much and did allow the indigenous communities to maintain their life styles, hold their resources collectively, and manage their forests guided by the institutions in their cultures. Many of the indigenous groups were so far from the centre of colonial administrations that they were able to carry on with their systems of governance. In Viet Nam for instance, the French colonial government in the 1900s possessed limited operational control over forest resources, except in a few upland areas selected for commercial enterprises (AFN 2004). Forest ownership largely remained in the hands of ethnic groups in the uplands who controlled use through customary laws. Boundaries were elaborately defined, with some lands allocated for cultivation and others for forest conservation.

In other countries, policies were put in place to integrate traditional systems into mainstream administration. In Papua New Guinea, the British colonial government in the late nineteenth century established a Native Land Commission that surveyed holdings, recorded owners and registered ownership at the level of the *mataqali* or clan (ADB 2002).

National independence for most countries in the region was a struggle, and attempts at national unification are ongoing even now. Leaders during the time of transition from colonial to independent administration were faced with the huge task of uniting peoples under one banner and of establishing a national identity and a system that ideally encompassed the needs of all peoples on the land, in a period of limited communication and transport infrastructure.

Systems established during the colonial era for land administration, natural resource management and education were generally adopted by the new national governments with few changes. Land classification in the Philippines as to what is state land and what is alienable land is still tied to the Regalian Doctrine established during the Spanish period, and the American system of education has been carried on (UP 2006). The 1963 Land Ordinance of Papua New Guinea was patterned after the Australian Torrens system (ADB 2002). Indonesia's Jawatan Kehutanan established during independence in the 1950s followed the forest management system of the Dutch Dienst van het Boschwezen (AFN & ARuPA 2005). India Forest Service was patterned after the British system.

The effect of these policy adoptions on indigenous peoples was that ancestral territories became officially part of state forest lands and became managed from the national capitals, usually located along the coast or lowland plains far removed from the daily lives of indigenous peoples in the interior or the mountains. Further, most land administration systems, following colonial policies, were designed for private or individualized ownership and did not include any mechanism to formalize rights to common property resources.

Violation of the rights of indigenous communities became serious during the last few decades, especially in the context of the growing population, including immigration of non-indigenous people to ancestral territories (Nair 2007) as well as the drive for macroeconomic growth exerting pressure on forests, undermining traditional livelihood. Governments, increasingly overburdened, have with decentralization and land use planning just started to reach the corners of the countries socially. With pressure for macroeconomic growth, lands along country borders that were previously considered only for national security are now seen as areas for expansion of economically viable crops. RECOFTC (2008) also cites that “decentralization of forest management is from the perspective of forest departments a means

to rehabilitate degraded forests or wasteland, or for governments to get a foothold in upland areas with populations that are difficult to control and ‘in need of mainstreaming’”.

Indigenous peoples’ rights to maintain their cultural integrity in the countries where they live are also influenced by the range of social contexts in these countries. Acceptance of national governments and broader society greatly influences the attitude and support to indigenous peoples (Box 7). Given that national development planning encompasses the total land and sea areas of a country – from the air to the resources below the surface – increasingly governments find the need to protect not only the environment from exploitation as with national parks, but also cultures that are immutably rooted in the land. The challenge for many countries is to do this in ways that do not move them out from a homeland or lock them out from social and economic engagement.

Box 7. Different Contexts, Different Connotations

There are numerous expressions that refer to indigenous peoples or indigenous communities. Some are more acceptable in one culture or country than the other. While some expression could connote certain levels of negativities in a given context, the same wording can be perfectly acceptable in a different culture or country.

“Indigenous people” and “indigenous peoples”: “Peoples”, with an “s”, implies that there are diverse groups of indigenous people in the world, each of which is a “people” with distinct characteristics and legal character. This emphasizes the collective character of indigenous culture and rights.

“Indigenous” is not an acceptable term by several governments of the Asia-Pacific region such as China, India, Thailand, and Bangladesh as using the term implies the existence of ancestral rights recognition.

“Tribal community” and “backward culture” are culturally accepted in India, but have a derogatory connotation in the Philippines and other Southeast Asian countries.

Other related terms (within and outside Asia) includes: “traditional” groups, “ethnic” groups (particularly in Thailand and China), First Nations (Canada), aborigines (Australia), hill tribes (Thailand), hill people (India), indigenous nationalities (Nepal), forest dwellers, original inhabitants, scheduled tribes, natives and the Fourth World. “Tribal minorities” is no longer widely used as the term “minority” is seen as negative.

In most countries there are other terms used for indigenous peoples within the main languages that indigenous peoples themselves may have adopted, such as: Maori in Aoteroa, New Zealand; Lumad in Mindanao, Philippines; Orang Asal in Malaysia; Adivasi in India. It is most important to draw upon the language of the people themselves for their own sense of self-identity.

National acceptance translates to the recognition of self-identity and a sense of belonging within the country. Acceptance facilitates an objective review of emerging transitions in indigenous communities, and in many cases basic needs, livelihood sustainability, markets and more equitable engagement in a national society. The opportunity and capacity to participate in any form of governance is of further significance in securing recognition.

National acceptance includes having the right to be counted as a citizen of a country. Australia is now on a path of reconciliation between indigenous and non-indigenous, 108 years after a constitutional decision was made to exclude Aborigines in the national census, leaving them to be considered “fauna” (Sullivan 2008). Thailand, in its drive to secure national borders, is using the ‘war on drugs policy’ of 2003 as a platform of police for harassing indigenous peoples especially during the martial law in 2006 (IWGIA 2007). In the

Philippines, indigenous peoples do not appreciate that government programmes equate the term “indigenous” with “indigent” and treat them in the same manner.

Present economic priorities of the countries hosting territories of indigenous peoples impact on the pattern of policy development relating to the legitimization of indigenous peoples’ rights, especially those rights related to self-governance (e.g. setting own priorities and obtaining free, prior and informed consent) and to cultural integrity (e.g. practicing customs and traditions in territories traditionally occupied and used).

Indigenous peoples are finding it particularly difficult to secure collective rights in countries where governments are relying on a particular natural resource (e.g. forests, water or minerals) to finance their national development agendas. The Philippines, having not much forest left to trade, is banking on mineral resources that mostly overlap with ancestral domain claims in process or signed with the National Commission on Indigenous Peoples (NCIP). The global race to generate alternative sources of energy to address rising fuel prices and combat climate change is fuelling the expansion of oil palm plantations in Malaysia and Indonesia and castor plantations in Myanmar. Water for hydropower generation is critical for China and Cambodia. Timber is still a significant source of revenue for Indonesia, Malaysia and Myanmar.

A country’s political context has great impact on the struggle of indigenous peoples in securing or exercising legitimate rights, especially that of self-governance. The form of government (e.g. federal, presidential, parliamentary, military) affects spaces made available for representation and participation of indigenous peoples in local and national decision-making processes. A country’s current political state of affairs determines its capacity to take up indigenous concerns regarding self-determination.

Signs of progress towards a path of greater openness of governments to respectful dialogue with indigenous peoples are happening in Australia and Indonesia. In 2006, the Indonesian government for the first time celebrated Indigenous Peoples’ Day in Jakarta, organized by the National Commission on Human Rights with support from the Departments of Social Affairs, Home Affairs and the Constitutional Court. The President and the Commission Chief stated that there should be more efforts to strengthen the protection and respect of indigenous peoples’ rights in Indonesia, and that “it is time for the protection of indigenous peoples’ rights to be addressed in a systematic way” (IWGIA 2007).

In December 2007, the Native Title Research Unit of the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) documented 26 stories on native title negotiations in the news, of which 20 reported signed native title agreements.²⁸ One case involved a federal court decision to recognize the Githabul people’s native rights over nine national parks and 13 State Forests covering 1,120 square kilometres of land in Wondenbong. In February 2008, Australia’s Prime Minister Kevin Rudd, on the first day of Parliament session, issued a formal apology to indigenous peoples for the ‘stolen generations’ – Aboriginal children who were taken away from their parents under state and federal laws between 1910 to 1970 that argued the race was about to become extinct and that assimilating the children into white society was a humane alternative. The Prime Minister set targets for “closing the gaps between Indigenous and non-Indigenous Australians on life expectancy, educational achievement and employment opportunities” (Transcript of Prime Minister’s Speech 2008).

Situations are most difficult for indigenous peoples when they live in countries where governments are in the middle of peace process negotiations with armed opposition groups demanding varying degrees of autonomy and rights to self-determination. Indigenous peoples

²⁸ http://ntru.aiatsis.gov.au/publications/nativetitle_news.html

get caught up in between, and the progress or regress of these negotiations very much affects their daily lives.

In India, 20 out of 28 states are afflicted with armed conflicts. While ceasefire agreements have been put in place from 1997-2004 with six armed groups in northeast India, the situation has become more volatile in central India where the Naxalites (Maoists) operate. The concentration of indigenous peoples in India is in these regions. Also, it is estimated that the guerillas control around one-fifth of India's forests (Vidal-Hall cited in Sahay 2007). The Naxalites claim to represent the poor, Dalits and Adivasis and demand the establishment of a proletariat state (IWGIA 2007). The term Naxalite draws from Naxalbari village of West Bengal where a tribal (Adivasi) peasant who had been given land by the courts under the tenancy laws, was attacked in 1967 by hired hands over a land dispute. Local peasants retaliated by attacking the local landlords and claiming the land (Diwanji 2003). Naxalites were able to recruit some Adivasis to join their ranks. In 2006 when the Chhattisgarh state government formed an anti-Naxalite campaign also involving Adivasis, the Naxalites killed 79 Adivasis and injured 127 others in four separate attacks throughout the year (IWGIA 2007).

In the Philippines, indigenous peoples in the Autonomous region of Muslim Mindanao are concerned about how they will fare in the negotiations between the government and the Moro Islamic Liberation Front (MILF), given their small numbers compared to the other interest groups. Indigenous peoples assert that they were there before Islam arrived in that area, but the MILF insists that the definition of indigenous territory should be in accordance with Islamic interpretation (IWGIA 2007).

In Myanmar, the process of drafting the constitution through a National Convention was stalled. The government escalated military operations such that in 2006 alone, an estimated 82,000 people were forced to leave their homes in ethnic populated areas and ordered the closure of five field offices of the International Committee of the Red Cross (ICRC). Four of these offices were located in ethnic nationality areas and served as the bases for ICRC programmes providing clean water, sanitation, health and protection to civilians (IWGIA 2007). On 29 June 2007, the ICRC publicly denounced the government's violations of civilian rights (BBC News 2007).

Following the government's late 2007 crackdown against pro-democracy demonstrations, the UN Security Council took its first formal action on the country, through adopting a Presidential Statement deploring the crackdown against protesters and calling for genuine dialogue between the government, democracy movement leaders and ethnic groups (UNSC 2007).

The Thailand Burma Border Consortium (TBBC) conducted a survey which revealed that as of October 2007, over 500,000 internally-displaced persons are unable to return, resettle or reintegrate after being forced to leave their homes in eastern states, which is a conservative figure given that no information exists for several parts of the country (IDMC 2008). Since 2004, nationwide cultivation of physic nut, a shrub whose toxic seeds are used to produce biodiesel, has been forcibly promoted. A quota of 500,000 acres has reportedly been set for each state and division in the country to plant the crop, and authorities carry out forced labour practices at some physic nut plots. The government is also believed to have agreed to lease seven million hectares of land in the east to Thai companies to grow sugar and cassava. These practices have caused widespread displacement (COHRE 2007).

In Nepal, extended mass protests in 2006 with support from indigenous peoples' movements resulted in the King relinquishing his absolute power, appointment of Prime Minister Grijia Prasad Koirala, and the announcement by the newly formed House of Representatives that Nepal is now a secular country. The government subsequently ratified ILO 169, and drafted

an interim constitution. The draft allows oral use of mother tongue languages in local administrations, while mandating translations into the national Nepali language for documentation. Indigenous peoples found the latter provision problematic because only 31 percent of the population is fluent in Nepali. Their other concern is that the draft still does not allow indigenous peoples (37 percent of the population) to form a political party. The few indigenous individuals who are currently in the government are not made accountable to their cultures. As a result, indigenous peoples' movements feel that they have been grossly under-represented in government (IWGIA 2007).

Available means to protect the rights of indigenous peoples

Policy, legislation and institutional arrangements drive awareness and acceptance. International and national level policies and attitudes affect the way society as a whole treats indigenous peoples. Beyond policy however, action and change actually happen at the local, country and regional levels. This combination of policy and attitudes, with action and change, is what ultimately impacts on the environment. Annex 1 provides a timeline of policies, programmes, and institutional arrangements impacting indigenous peoples and the environment for the past 200 years.

International instruments and institutional arrangements

International awareness and recognition of indigenous peoples' rights to human security generally improved over the last 20 years with the creation of the UN Working Group on Indigenous Populations in 1988. This was triggered almost 40 years ago when the UN Economic and Social Council in 1970 created the Sub-Commission on the Prevention of Discrimination and Protection of Minorities. While it may be said that there were general improvements in international policies, there are still significant gaps in the actual impact of these policies in the region.

The first international instrument protecting indigenous peoples' rights was introduced in 1986 by the International Labour Organization through the Convention Concerning Indigenous and Tribal Peoples in Independent Countries (ILO Convention No. 169, 1986). This Convention aims to protect the social, economic and cultural rights of indigenous peoples. Parties assume the responsibility for undertaking action to protect their rights, with the participation of the peoples concerned, and to guarantee respect for their integrity. However, the strength of this instrument in the Asia-Pacific region is actually weak. Out of 17 states party to this convention however, only one comes from Asia and the Pacific. Nepal ratified ILO 169 in 2007.

The United Nations General Assembly proclaimed 1995-2004 as the International Decade of the World's Indigenous Peoples, following the international year dedicated to indigenous peoples. The aim of the decade is to strengthen international cooperation in areas such as human rights, environment, development, education and health, in partnership with indigenous peoples. A Second International Decade of the World's Indigenous Peoples was announced for 2005-2014 to emphasize the importance of attaining the objectives of the first decade, implying that objectives were not achieved.

Conventions relating to the environment and sustainable development in the early 1990s included specific articles to protect indigenous peoples' rights, particularly in terms of the right to sustainable and equitable development. The 1992 Convention on Biological Diversity (Art. 8j) refers to the intellectual property rights of indigenous peoples. The 1994 Convention to Combat Desertification (Art. 16g & 17c) calls for the protection of traditional technologies, practices and knowledge of special relevance to indigenous peoples. The United Nations Programme of Action from the 1992 Rio Declaration, Agenda 21, recognizes indigenous peoples as a "major group" and includes a chapter on their situation (Ch. 26) stating that

efforts to implement sustainable development should recognize, accommodate, promote and strengthen the role of indigenous peoples and their communities.

International lending institutions such as the World Bank, Asian Development Bank (ADB) and the Japan Bank for International Cooperation (JBIC) have policies that trigger safeguards to protect the welfare of indigenous peoples in areas where projects are planned. These safeguard policies provide some mechanisms for indigenous peoples to exercise their right to negotiate and seek redress. The Cordillera Indigenous Peoples' Legal Center (DINTEG) and UNDP Regional Initiative on Indigenous Peoples' Rights and Development (RIPP) reviewed policies of three international financial institutions and their impacts on indigenous peoples in Asia, and in 2005 facilitated a planning workshop involving indigenous leaders from throughout Asia, as well as representatives from UNPFII, ADB and UNDP, so that a process of dialogue may be initiated (DINTEG and RIPP 2007).

The JBIC Guidelines for Confirmation of Environmental and Social Consideration established in 2002 apply to projects for which funds were requested on or after 1 October 2003. The guidelines include provisions for indigenous peoples, involuntary settlement, social acceptability and social impacts, monitoring and objection procedures. The World Bank has adopted a number of safeguard policies since the 1980s. The most updated is Operational Policy 4.1 on Indigenous Peoples as of 10 May 2005, applied only to the public sector arm of the World Bank Group. It took almost ten years to put this policy in place since it was first drafted in 1996. ADB's Policy on Indigenous Peoples of 1998 is triggered when negative impacts of an ADB-supported project are anticipated. The policy applies to both public and private sector operations.

Gaps in the JBIC guidelines mainly relate to the weaker clause compared to free, prior and informed consent as cited in other international instruments, in that it suffices that "efforts [are] made to obtain the consent of the indigenous peoples after they have been fully informed".

The DINTEG/RIPP workshop surfaced aspects and provided concrete examples of indigenous peoples' experiences with ADB, WBG and JBIC, related to these financial institutions' support for extractive industries, privatization and transnational corporations and inappropriate projects. Examples were also provided on the varying degrees of spaces provided for indigenous peoples to participate in decision making, the projects' impacts on culture and standards of living, and displacement. Participants at the meeting came up with recommendations for future strategic engagement between indigenous peoples and international financial institutions including:

- The need to properly assess social and environmental impacts prior to approval
- The need to provide adequate information to ensure free, prior and informed consent of potentially affected indigenous peoples
- Adequate monitoring and evaluation during and after project implementation
- The need to establish mechanisms to deal with outstanding problems
- Participatory process of policy review and reform
- Dissemination of information
- Environmental and social impact studies to consider particular impacts on indigenous peoples
- Monitoring evaluation of project impact on indigenous peoples
- Influencing policy reforms and decision making by member country governments
- Including indigenous peoples in bank-member country negotiations, and accountability measures and litigation for violation of own policies and guidelines

The United Nations Economic and Social Council established the Permanent Forum on Indigenous Issues (UNPFII) as an advisory body in 2000, 30 years after its first initiative to understand the problem of discrimination against indigenous populations.²⁹ UNPFII is mandated to discuss indigenous issues relating to economic and social development, culture, the environment, education, health and human rights. The Sixth Session in 2007 focused on territories, land and natural resources.

Following more than two decades of negotiations between governments and indigenous peoples' representatives, the United Nations Declaration of Indigenous Rights of Indigenous Peoples was adopted by the General Assembly on 13 September 2007. A majority of 144 states voted in favour of the Declaration, 4 voted against it and 11 abstained. From the Asia-Pacific region:

- In favour: all 11 Southeast Asian countries; 5 South Asian countries (India, Maldives, Nepal, Pakistan, Sri Lanka); 1 Pacific country (Federated States of Micronesia)
- Against: Australia and New Zealand
- Abstained: Bangladesh, Bhutan, Samoa
- Absent: ten Pacific countries (Fiji, Kiribati, Marshall Islands, Nauru, Palau, Papua New Guinea, Solomon Islands, Tonga, Tuvalu, Vanuatu)

The UN describes the non-binding Declaration as setting "an important standard for the treatment of indigenous peoples that will undoubtedly be a significant tool towards eliminating human rights violations against the planet's 370 million indigenous people and assisting them in combating discrimination and marginalization (UNPFII 2007a). The four countries voting against the Declaration perceive that it went too far in giving indigenous peoples ownership of their traditional lands and veto rights over national legislation and local management of resources (NY Times 2007). There were also concerns about the term self-determination and the lack of a clear definition of the term 'indigenous'.

National policies and institutional arrangements

As national legislation and policies set the tone for the treatment of indigenous peoples, across the region there is a high variability in the legitimate rights available and the means to exercise them.

Specific policies that could legitimize indigenous peoples' collective ownership of lands, territories and natural resources they traditionally occupied or used may be found in a few countries in the Asia-Pacific region, though enforced in varying degrees. These include:

- New Zealand Treaty of Waitangi (1840)
- Malaysia Land Ordinance of Sabah (1930)
- PNG Native Land Registration Ordinance (1952)
- Australia Native Title Act (1993)
- Philippines Indigenous Peoples Rights Act (1997)
- India Forest Rights Act (2006)

New Zealand is the first to have this type of policy in place, with the signing of the Treaty of Waitangi in 1840 between the Maori and the British crown representatives. McMeeking (2007) sees that at the minimum, the Treaty guaranteed the Maori protection of their pre-

²⁹ The UN ECOSOC Sub-Commission on Prevention of Discrimination and Protection of Minorities was established in 1970 to study the problem of discrimination against indigenous populations and suggests measures to eliminate discrimination. One measure implemented was the establishment of the Working Group for Indigenous Populations (WGIP) that worked on the first draft of the Declaration starting in 1985.

existing property rights to lands, resources and cultural heritage, and respect for *tino rangatiratanga* (self-governance). While the Treaty is judicially recognized as a 'founding document' possessing constitutional significance, it is not a formal part of New Zealand law and so remains unenforceable unless expressly incorporated into statute. Being an absolute parliamentary sovereignty, Parliament can override through legislation and the courts are precluded from overturning any such enactment. A report from the 2005 visit of the Special UN Rapporteur cited that the current legal position of the Treaty was insufficient to provide effective protection in political and legal arenas (IWGIA 2007).

Malaysia's Land Ordinance of Sabah draws its mandate related to indigenous peoples from several provisions in the 1957 Federal Constitution. Article 153 is an affirmative action policy in favour of the Bumiputra, meaning 'sons of the soil'. Article 73(b) provides the states of Sabah and Sarawak the right of self-governance, meaning that these states can enact their own laws through their State Legislative Assemblies. Art. 161A (5) mentions that Sabah and Sarawak may provide for the reservation of land for natives or for giving preferential treatment in regards to the appropriation of land. With these national provisions, the Sabah Land Ordinance provides the basis for recognizing native customary rights to land.

While the criteria are clear on who may avail these rights, the actual process of availing these rights is fraught with many difficulties. One issue is that the criteria failed to take into consideration indigenous natural resource management realities such as the fallow period in a rotational agriculture cycle. Another issue surrounds the provision allowing the Governor to alienate land for 'public purpose' (Section 28), as there is no clear definition what this encompasses. Indigenous peoples have asked for this provision to be repealed as there have been many instances in the 1980s when this was used by government statutory bodies without compensation. Even when these lands were subsequently privatized in the 1990s, ownership did not revert to concerned indigenous peoples but was made the private property of companies and individuals, as was the case for Sabah Forest Industries and the Sabah Land Development Board (UNDP & AIPP 2007).

The Native Land Registration Ordinance of Papua New Guinea in 1952 provided for registration of customary land with either communal or individual ownership titles; however it was repealed in 1963 without any title being registered in the 11 years that it was in force. This repealed ordinance was replaced by the Land Tenure Conversion Ordinance that promoted individual land titling along the lines of the Australian Torrens system.

A year after gaining independence, the government passed the Land Groups Incorporation Act in 1974, which provided for registration of group titles. Land groups could acquire or dispose of customary land or rights over land, enter into land use agreements, distribute profits, and govern using the group's own customs. The Act allows groups to adopt own constitutions identifying the customs under which they operate; it did not however require the groups to put these on record. In 1990, the World Bank introduced the Land Mobilization Project to mobilize capital investments in the country on agriculture and forestry, and promoted to individualize customary land tenure. This provoked serious unrest in parts of the country, thus proposals for land registration were withdrawn (Plant 2002).

Australia's Native Title Act of 1993 came around two decades after constitutional changes in 1967 led to the aboriginal population being counted in the census and provided with rights to vote, receive equal wages, and own property. While the call for formal reconciliation and constitutional recognition in the form of a treaty gained momentum in the 1980s and the 1990s, this momentum was stalled with the election of a conservative federal government in 1996, only three years after the Native Title Act was passed.

The ten years in office of the Howard government saw the build up of frustration as government policy development and mainstream media debate took place without a great deal

of input from or consultation with indigenous Australians. Many indigenous peoples thus sought to express themselves politically without going through government channels, through direct action, protest and legal challenge, often in the face of government opposition (IWGIA 2007). This level of frustration was reflected in recent political events towards the end of Prime Minister Howard's term. These events eventually led to the decision to issue a formal apology to the 'stolen generations' of indigenous peoples as the first agenda of the federal Parliament under newly-elected Prime Minister Kevin Rudd. The more significant development however is the rise in native titles being awarded.

The Philippines is one of the countries that successfully brought indigenous peoples rights into its constitution.³⁰ The Indigenous Peoples Rights Act (IPRA), enacted in 1997, was considered to be landmark legislation, shifting attitude and recognition of indigenous peoples into the mainstream Philippine society. It raised much expectations and excitement, with a hope that IPRA would bring benefits to the significant numbers of indigenous peoples, many of them being marginalized or facing the threat of losing their identities (ESSC-PWG 2007). The actual contribution of the law to the lives of indigenous peoples however is still viewed as severely limited after ten years of its passage.

Since IPRA came into force, the National Commission of Indigenous Peoples (NCIP), an implementing body of IPRA, is mandated for the issuance of Certificate of Ancestral Domain Title (CADT) and Certificate of Ancestral Land Title (CALT), both of which give the right to participate in all decisions that affect land and natural resources within their ancestral domain. After ten years of IPRA implementation, the NCIP has issued 57 CADTs covering over 1.1 million hectares and 172 CALTs covering over 4,000 hectares. These were endorsed to the Land Registration Authority (LRA) of the Department of Justice (DOJ) for registration. Some are already registered with the Registry of Deeds and awarded to the communities. In 2007, the LRA raised the issue of ancestral waters as being not part of the domain and thus they should not be registered. The NCIP held subsequent meetings with the LRA to explain that the waters are part of the domain. To continue the LRA registration process, a supplemental agreement was made to address the question of the LRA. As of July 2007, the NCIP is processing claims for 42 ancestral domains areas, covering more than three million hectares (ESSC-PWG 2007).

It is hard to say that indigenous communities have directly benefited from CADTs or CALTs, other than the fact that they own such titles, which, compared to the neighbouring countries whose governments have yet to recognize land ownership or usufruct rights, is noteworthy in avoiding the risk of eviction or abuse. The Philippine Working Group Meeting of various actors involved in securing a CADT/CALT – indigenous peoples themselves, NGO groups and NCIP personnel – generated a profound insight. They agreed that the actual strength of IPRA now comes from capacity building through the process of getting the title, rather than having the title. The process of applying for ancestral domain/land titles, and formulation of the Ancestral Domains Sustainable Development Program Plan, both of which are often supported by NGOs and donor agencies, provide opportunities for indigenous communities to build their capacity in communicating within and outside of their own communities, learning the efforts taken by other indigenous groups, and developing a network with local government.

With all the efforts taken by NCIP for the implementation of IPRA (Box 8), the foremost concern now is whether and how having ancestral domain/land titles can improve the livelihood of indigenous communities in terms of their rights on the resources, connections among the communities, provision of basic needs, and recognition of their cultures. Actors recognize that it is still a battle between historic right and the constitution over land, mineral and water in the Supreme Court and this has not yet been fully clarified. Some practical

³⁰ National Commission on Indigenous Peoples, <http://www.ncip.gov.ph>

suggestions were made during the PWG meeting. For instance, in the titling and community development planning processes, the communities should be capacitated and be made aware that a CADT issuance would not solve all their problems.

Box 8. Major Programmes of the National Commission of Indigenous Peoples, Philippines

- I. Land Tenure Security
 - Cultural Mapping of all IP Communities
 - Survey and Delineation of Ancestral Domains
 - Issuance of CADT/CALT
- II. Establishing Model IP Communities through Development and Peace
 - Development of Ancestral Domains through the Ancestral Domain Sustainable Development Protection Plan (ADSDPP)
 - Development of People and Communities through:
 - Delivery of basic services, especially livelihood support, educational assistance, health care, shelter and quick response to address critical situations
 - Securing Government Inter-Agency Services
 - International Agencies Support Services
 - Protection and Enhancement of the Cultural Heritage of the Indigenous Peoples
- III. Enforcement and Enhancement of the Human Rights of IPs
 - Adjudication of conflicts through custom laws and tradition and NCIP adjudicatory processes
 - Procedures for the Free and Prior Informed Consent of IPs where needed
 - Legal assistanceSource: NCIP website (<http://www.ncip.gov.ph>)

Source: NCIP website (<http://www.ncip.gov.ph>)

In India, the passage of The Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Bill 2006 marked a significant step in recognizing the rights of India's indigenous peoples who have suffered from historical injustice for generations since the colonial era. Over the past 60 years around 30 million tribals have been displaced from their homes and livelihoods for 'development' projects (WRM 2007). The Act is remarkable in clearly stating that nobody will be evicted or removed from forest land under ones' occupation unless the recognition and verification process is over, among others, even though the version approved is significantly 'diluted' compared to the original draft from the Ministry of Scheduled Tribes and the subsequent recommendations of the Joint Parliamentary Committee (Patnaik 2007; Mohapatra, Meena & Mohanty 2007). The Act is technically already in force but since operational rules are not yet approved, actual implementation is still on hold as of December 2007. Meanwhile, the country is divided between those supportive of the Act and those who oppose it. One the one hand, TV advertisements show children holding banners demanding that Adivasis should be displaced from the forests to protect the forests. On the other hand, Friends of the Earth, World Rainforest Movement and various human rights and environmental organizations are appealing to the Indian Prime Minister and to Sonia Gandhi, chair of the governing UPA Coalition, to ensure due implementation of the Forest Rights Act in response to reports coming in that forced evictions are taking place with the demarcation of 'critical wildlife habitats' for 600 sanctuaries in the country (WRM 2007; IWGIA 2007).

Legitimizing access and ownership to lands, territories, and natural resources traditionally used and occupied is but one of the necessary means to uphold indigenous peoples' rights. Rights to self-governance are also upheld through national policies promoting decentralization of responsibility, accountability and authority to smaller units of government with support from a country's Ministry of Internal or Home Affairs that recognizes and respects cultural systems of governance. This is happening in the Philippines mainly at the

municipal level especially in the Cordillera region, and at the state level in Sabah and Sarawak, Malaysia.

Rights to self-governance and cultural integrity are also facilitated in countries that allow space for indigenous peoples to represent their cultures in legislative, administrative and judicial government systems. Rights to negotiate and seek redress are better respected if there are effective coordination mechanisms among government agencies that trigger free prior and informed consent of indigenous peoples affected by large-scale development projects and that monitor effective implementation of safeguard policies of international financial institutions.

Indigenous peoples' rights to human security are being addressed, albeit slowly due to geographic limitations, through government's provision of basic services such as health and education facilities in their communities, as part of a country's poverty reduction programme. The commitment of countries to the UN Millennium Development Goals and the increasing capacity of local governments to understand the needs of their constituents, coupled with international support and monitoring, is helping to drive this trend in the region.

During the 5th Session of UNPFII (2006), many indigenous organizations pointed out the urgent need to redefine the Goals. While the Permanent Forum on Indigenous Issues appreciates that it may not be possible to redefine the Goals, it also recognizes that there is a clear need to redefine approaches to the implementation of the Goals so as to include the perspectives, concerns, experiences and world views of indigenous peoples. The Session also confirmed that there was a need for indigenous peoples to provide their own definitions of poverty and development and that there should be full and effective participation of indigenous peoples in the implementation of the Goals. The rights-based approach to the implementation of the Goals was again stressed (AIPP 2007).

Policies, laws and institutional arrangements impinging on indigenous peoples' rights

Among the grouping of indigenous peoples' rights in Annex 2, the most impinged by policies, laws and institutional arrangements of the past century are generally those under cultural integrity, especially those pertaining to collective rights, to practicing cultural traditions and customs, and to controlling lands, territories and resources traditionally owned or otherwise occupied and used.

As early as 1889, the Spanish Royal Decree on Definitive Forest Laws and Regulations for the Philippines promulgated that upland agriculture using swidden techniques is a criminal offense. This policy changed only after 86 years when the Revised Forestry Code (1975) ensured "non-prosecution of existing forest occupants before May 1975 without permits or authority, as long as clearing does not expand." Thailand's Forest Act of 1941 "prohibits clearing, burning, occupying or possession of forest land, with a fine of B50,000-100,000" (Sec. 54). The Land Conservation Act of Malaysia (1960) "prohibits clearing of hilly land (Sec 6) and prohibits any person from planting on hilly land with short term crops without annual permit from Land Revenue Collector (Sec. 5)".

Lao PDR, in its Forestry Strategy 2020, cited the Shifting Cultivation Reduction Program that started in 1989 as part of the Forestry Department's efforts to "improve rural peoples' living standards". It considered as major policy advancement the "differentiation between shifting cultivation (*hay kheuan nhai*), in which clearing and farming advances continuously into the forest, and rotational cultivation (*hay moun vien*), which return to previously cropped areas after an appropriate fallow period, normally between 7-12 years to allow recovery of soil fertility and eradication of weeds." With this understanding of variations in cultural resource management practices, the forestry policy considered the latter as an 'accepted alternative', while promoting its preferred 'sedentary cultivation on upland, sloping areas using improved, conservation-oriented farming methods'. As of 2004, the Lao PDR Ministry of Agriculture,

Fisheries and Forestry (MAFF) targeted to completely eradicate shifting cultivation by 2010 by supporting establishment of alternative production systems through technical and some financial assistance. There is currently no monitoring system on the new occupations and livelihoods of farmers who abandoned shifting cultivation, though MAFF reported a number of successes being promoted as models, including pineapple production in Luang Prabang and cardamom cultivation in Oudomxay (MAFF 2004). However, as necessary staff and finances to establish sedentary livelihood systems for target groups are not available, the tendency of Provinces and Districts is to take shortcuts and resort to simpler but improper means such as hurried land allocation or ill-prepared resettlement.

Even when indigenous peoples enter the formal sector, it is still not possible to statistically extrapolate how livelihood strategies changed, given that regional labour, employment and migration statistics are not monitored or analyzed with particular regard to indigenous peoples. For instance, the different administrative categories of governments and international organizations in which migrant pools are monitored (e.g. those with regular and irregular status; skilled or unskilled workers; permanent settlers or temporary migrants; students, asylum seekers or refugees) will not provide this information (GCIM 2005 cited in UNPFII-IOM 2006). The joint Expert Workshop on Indigenous Peoples and Migration of the UNPFII and IOM (2006) found that “although there is a growing body of information on global levels, trends and patterns of migration, the dynamics of indigenous peoples’ migration and the extent to which indigenous populations and their communities are affected by migration are not known.”

Education systems can help or hinder the acceptance and attitudes in national societies towards indigenous peoples. Education systems as currently designed and operated have had major negative impacts on indigenous peoples’ rights to cultural integrity, as they have largely failed to respect and protect the diversity of cultural values, institutions, and environments. National policies for education have yet to recognize this gap, but indigenous peoples’ movements and support from international organizations such as UNESCO are helping education ministries to realize that changes need to be made.

In general, indigenous peoples have had negative experiences with national development projects that governments pursue to generate foreign exchange and economic growth, such as dams, plantations, and mining projects. Even if safeguard policies aim to ‘do no harm to indigenous peoples’ or ‘prevent indigenous peoples from becoming worse off with the project’, the “project” mentality of most actors involved in implementing the safeguard policies and in the actual project have led to these actors generally not establishing good track records with indigenous peoples. Problems cited include: buying participation to show early results; misused/misinterpreted community consultations; culturally-insensitive research processes of inappropriately-selected consultants; use of criminal laws and police in conflicts over land and natural resource management; and in cases where agreements have been achieved, promises are not kept (AIPP 2007; Dinteg-RIPP 2007).

In summary, the following patterns affect the trends in policies affecting indigenous peoples’ rights in Asia and the Pacific:

- Increasing international recognition of indigenous peoples
- Varying national acceptance across the region

What are the chances that this will change in the next ten years? The rate by which indigenous peoples’ rights can be fully legitimized through policies and exercised through institutional arrangements and programmes will differ. The pace and nature of social and economic impacts on indigenous peoples of these policies will differ, as explored in Chapter 5 on Drivers of Policy Changes.

Legitimizing indigenous peoples' rights to protect and maintain their cultures will bode well for forests. By maintaining cultural values and beliefs and legitimizing practices, indigenous peoples can continue to become stewards of the forests, as they have been for a very long time. This is true whether or not the next generation of indigenous peoples choose to stay or go out of the forest. There will always be people who will want to stay even if life is hard in the forest. There will always be people who want to go back to where they grew up.

5. DRIVERS OF POLICY CHANGES

The previous three sections examined indigenous peoples and forests in terms of patterns and trends of identity and dependence, livelihood and poverty, and rights and policy. These reflect the changes happening on the ground that are directly or indirectly driving the relations of indigenous peoples and land use. This section analyzes the forces driving these changes, and identifies the key factors constraining or enabling indigenous peoples to benefit from policy changes.

Trends and patterns, when listened to or taken up by advocacy groups, policy makers or development movers, become the direct and indirect drivers of policy change. This section explores which of the trends identified become the driving forces of policy change. Forces driving policy change vary in different countries. How these forces driving policy change combine leads to identifying the scenarios that are likely to play out in different countries.

Drivers of indigenous peoples' rights

A more comprehensive list relating trends with drivers helps lay the foundation for analyzing which drivers facilitate or hinder indigenous peoples (Table 1). This table could also serve as a guide for countries that plan to do more critical gathering of data for further analysis of their own context. A driver in one country may well be a trend in another and at times not distinguishable when policies are in place.

Drivers are usually organized according to the three pillars of sustainable development – social, economic, and increasingly environmental. Alternatively, drivers may be subdivided to reflect the context and trends of indigenous peoples when we speak of cultural integrity, self-governance, negotiation capacity, human security and sustainable and equitable development. The UN Declaration detailing indigenous peoples' rights has been clustered in this manner as presented in Chapter 4.

Drivers may also be reviewed in terms of internal and external. Drivers may be causing internal changes, for example: demographic changes (whether the population is increasing/stable/decreasing), key demographic issues (e.g. mortality, disease, migration), economic changes (level of income, extent of poverty, shifts in livelihood patterns, changes in the dependence on forests, changes in technologies used), socio-cultural changes (e.g. changes in social cohesion and cultural identity, traditional beliefs, customs), and changes in educational status (e.g. access, quality and language of education opportunities and potential impact on the indigenous community as a whole). Specific attention is needed to assess changes in indigenous knowledge and skills, especially whether they are improving or fading, and what new knowledge frameworks are being established and capacities developed.

Table 1. Trends and drivers

Trends	Drivers
<p>Culture and awareness</p> <ul style="list-style-type: none"> ▪ Growing sense of connectivity of all people, however, naïve, simplistic or trivial ▪ Open surprise and acceptance amongst ordinary people of others who were once seen as “worlds apart” is a mega shift in social attitude 	<p><i>External:</i></p> <ul style="list-style-type: none"> ▪ International human rights and media driving attitude and action in various ways ▪ Awareness of historically discriminatory attitude and inconsiderate treatment driving shifts to responsible attitudes ▪ Constitutional changes in some countries
<p>Identity, dependence and movements</p> <ul style="list-style-type: none"> ▪ Increasing drive for self-determination ▪ Increasing indigenous peoples’ movements challenging national accountability ▪ Growth of incipient actions that allow indigenous communities and representatives time and occasion to learn and exchange ▪ Consensus that a universal definition is not necessary ▪ Increasing integration of traditional political systems in state governance mechanisms ▪ Growth in the importance of knowledge management at a cultural and local level influencing policy and programme implementation ▪ Urban and overseas opportunities for gathering and exchanging ideas and actions. Resurgence of desire to rediscover spiritual relation on forests in some areas through understanding complementarities of traditional and contemporary faiths ▪ Low forest dependence for product marketing and trade in forest products ▪ Still high dependence for subsistence and livelihood of IPs in many forest areas ▪ Weakening cultural and social dependence on forests of IPs in some areas, but increasing actions to continue upholding this in other areas ▪ Pilot projects and national programmes supportive of indigenous peoples 	<p><i>External:</i></p> <ul style="list-style-type: none"> ▪ Resource depletion and unfavourable access rights ▪ Conservation movements, positive and negative relations ▪ Social mechanisms and policies ▪ Focus on social, economic and cultural aspects of human rights ▪ Institutional frameworks ▪ Art, ideas and media as a support base ▪ National suspicion of a culture’s allegiance to the state <p><i>Internal:</i></p> <ul style="list-style-type: none"> ▪ Local food and finance cycles ▪ Disaster risk response ▪ Occasions for cultural expressions through events and gatherings ▪ Demographic changes (e.g. migrant expansion and migration) ▪ Cultural history relations during time of previous kingdoms or colonial rule that set certain cultural group relations ▪ Sustainability of capacity and capability ▪ Training and capacity development ▪ Socio-economic well-being

<p>Well-being and livelihoods</p> <p>Compared to mainstream cultures:</p> <ul style="list-style-type: none"> ▪ Lower subjective well-being ▪ Lower wealth, health and formal knowledge, increasing in some countries and decreasing in others. ▪ Higher traditional forest-related knowledge but vanishing in next generation of most IPs ▪ Slowly increasing with opportunities to interact with other indigenous groups <p>Diversification of livelihood strategies:</p> <ul style="list-style-type: none"> ▪ Decreasing traditional forest-based in situ livelihood strategies (hunting, gathering, pastoral, swidden) ▪ Increasing non-forest based in situ livelihood strategies (NWFPs, drip irrigation, vegetable farming, fruit farming) ▪ Increasing ex situ livelihood strategies (off-farm jobs, migration, division of roles in extended family relations) ▪ Emerging opportunities for other forms of in situ forest-based livelihoods (payment for environmental services, commercial forestry, tree farming) <p>Improved infrastructure, all-season roads and transportation:</p> <ul style="list-style-type: none"> ▪ Market arrangements and facilities. ▪ Linking of community conservation action and national interests 	<p><i>External:</i></p> <ul style="list-style-type: none"> ▪ Recognition of global poverty ▪ Programming of MDGs ▪ National forestry ministries ▪ Related natural resource ministries ▪ National economic development policy ▪ National development planning ministries ▪ Global trade and banking laws ▪ Finance ministries ▪ Recognition of actual communities as managers and the need to coordinate ▪ Recognition of the need to address: El Niño La Niña risks and crop loss; frequency and area impact of typhoons and monsoons ▪ Programmes that address hydrological and nutrient impact of soil exhaustion and erosion ▪ New approaches to social forestry ▪ Models of conservation and cultural collaboration <p><i>Internal:</i></p> <ul style="list-style-type: none"> ▪ Demographic changes; migration ▪ Demographic issues of health, education ▪ Land use change – crop determination ▪ Environmental degradation and protection ▪ Access to market, trade and tourism ▪ Increase in downstream impact
<p>Rights and policy</p> <ul style="list-style-type: none"> ▪ Increasing international recognition of IPs ▪ Varying national acceptance across the region ▪ Increased tenure in some countries ▪ Increased and secured access rights and mechanisms for production and marketing 	<p><i>External:</i></p> <ul style="list-style-type: none"> ▪ LGU decentralization or autonomy allowing for more effective recognition ▪ Increasing mechanisms for conflict management and safeguards ▪ International forums open to IPs' voices and agendas, incorporating them as basic practices. ▪ Growing examples of global support to fair trade and marketing ▪ Plantations and mining, national, international and business pressures ▪ Arms and violence a low key but pervasive and sustained threat to daily stability <p><i>Internal:</i></p> <ul style="list-style-type: none"> ▪ Indigenous peoples' advocacy and self support ▪ Indigenous peoples' impact on the environment and conservation

Externally driven changes largely focus on how the rest of the world is treating indigenous peoples. These include: how policies at different levels (local, national and international) are affecting the behaviour and responses of the rest of society towards indigenous communities; changing institutional framework; impact of other economic/development policies (e.g. expansion of plantations, mining, logging, hydro development etc.); and the ability of institutional arrangements to address conflicts and safeguard the interests of indigenous peoples.

By virtue of the UN Declaration, most countries in the Asia-Pacific region have adopted these rights and made their own to become very necessary drivers of change, yet are in themselves not sufficient to realize human development. Sufficient conditions for actual change depend upon the sufficiency of resources and options; community capacities to self-govern and negotiate their circumstances. Negotiation by indigenous peoples for their rights is increasingly seen as beneficial to global markets. Therefore, the self-governance and continuous right to redress not fully attained under the established forms of free prior and informed consent (FPIC) is stressed. This may partly include gaining access to markets but this involves many other capacities of engagement and response to market forces.

Chart 1 links trends and drivers previously described so that their relevance to the rights of indigenous peoples as contained in the UN Declaration can be highlighted, thus assisting in the identification of the most critical drivers. This process of linking has also helped to surface the necessary and sufficient conditions to promote indigenous peoples' rights and sustainable forest management.

Chart 1. Linking trends, drivers and rights

Trends	UN Rights of Indigenous Peoples	Drivers	Necessary & sufficient conditions
Culture	Cultural integrity	Policy for IP recognition and rights	Necessary rights Sufficient resources Sufficient capacities Sufficient market access
Identity & dependence	Human security (including poverty reduction, basic needs)	Forest resource availability Other resource security	
Rights & policies	Self-governance Negotiation and redress	Organization and negotiation on IP capacity Management potential	
Well-being & livelihood	Sustainable and equitable development	Socio-economic factors	

Drivers are forces that push for change, influencing the relationship of other forces. Conditions are either a change in themselves or else represent the basis for the change. Drivers have a process orientation, while conditions tend to be elemental. Necessary conditions are needed to drive the change, but other supplemental conditions are needed for this change to sufficiently create sustainable impact on people and environment.

In reality, there is a thin line between external and internal when focusing on change. For instance, getting a shift in resource base or local capacity is a matter of a corresponding support or lightening of inhibiting external factors. While recognizing the present state of policies and the need for them to support necessary and sufficient conditions to drive change, the greater opportunity exists in the synergy of internal and external drivers. Therefore, the following discussion that links the five themes related to indigenous peoples' rights with drivers and conditions, also reviews the dynamics between various internal and external drivers.

Cultural integrity

Identity is the broadest political right in one sense. It deals with baseline human recognition of the person. Many countries are constitutionally acknowledging this right, and at times requiring a formal apology or recognition of what was previously denied. For indigenous peoples it means much more than this. Recognition grants a particular culture an integrity and coherence in its society with systems for operating internally that can give stability and respond to social order. External and national systems have tended to threaten this integrity and coherence, but at least with formal recognition, there is potential to rebuild, empower, and achieve greater equity. Indigenous peoples' ways of explaining and responding may be inadequate for present times, but for communities it is often much easier to expand the frame of reference and adopt something that is alien to their previous way of living than to make a total conceptual shift that negates their inherent systems. Governments can recognize these peoples' right to cultural integrity and give them means and support to act on this right and seek more interrelation that is effective.

On the one hand, some countries fear self-determination or reject the voice of a culture to express dissent with respect to the national government, fearing it is too political. On the other hand, there are multiple examples in Asia where the contention is taken as part of normal social exchange and generally perceived as constructive in society. These examples continue to drive policy and change on the ground and affirm as normal the openness of local government to indigenous participation within its systems. These examples also show greater recognition of the problems that indigenous peoples experience in an inequitable society. The other lesson emerging from these examples is that indigenous peoples are not lumped with one identity and therefore the diversity of expression and creativity is increasingly given occasion.

Attitude may be one of acceptance and a commitment to do more with indigenous peoples because they were marginalized in the past, for example through acknowledging the systems and knowledge base. Within human rights, all of us have every right to the basic social relationships, to identify who our friends are, and maintain the kind of relationship with our friends. This is obvious but as our relationships extend more into the cultural and broader social context, external lack of awareness or mistrust can quickly lead to suspicion. In accordance, genuine trust and the supporting social mechanisms must be fostered.

A 'world of concern' is emerging as a new driving force within the political economy, but how this is played out and the engagement of media is only beginning to unfold. Media in some countries plays a significant role in driving social attitude and action. Local media often report the abuses. National media at times give a view of the impact along with the abuses. International media meanwhile tend to highlight particular events that indicate major neglect or alternately integration and accomplishment of inter-governmental understanding, relations, policy or agreements.

International agreements (e.g. the UN and other global events) help to drive the global agenda of human security, basic needs, multiple use zones, recognition and use of first languages (mother tongue) in national upliftment strategies. These help gather more attention for indigenous peoples living in vulnerable conditions, and greater national recognition of their place in society.

While the rights and roles of indigenous peoples in the UN are clearly established, as a Declaration it has multiple problems of full acceptance and implementation. There is a growing claim for recognition and a diversity of voices that are upheld, but in themselves are not enough to uphold the disintegrating margins.

Constitutional changes and social movements in some countries lead to national shifts, especially when pre-existing laws and policies have hindered positive impact from narrowing opportunities for the indigenous peoples in these countries.

Human security

Human security essentially means freedom from want and fear. Indigenous peoples' dependence upon the forest stems from their location geographically and relation historically to the forests as the basis of their culture. Circumstances of human insecurity are common in forest dwelling indigenous communities who are: (1) subsistent and have lost access to adequate land for basic food production, or to systems such as swidden cultivation; (2) transitioning in response to market pressures, to forest tree crops, vegetable gardening; and (3) doing intensive production of corn, cassava and the like for commercial use. The last two circumstances are where communities are losing forests, and therefore losing that dimension of sustainability and relations.

Some policy efforts and programme initiatives are emerging that attempt to give economic opportunity to these groups increasingly for their own sustainability and for the sustainability of the environment, not simply just as an opportunity to become part of the greater market.

These are some of the levers by which the food and financial cycles of a community can open up to provide them with means to go beyond their present limitations. For instance, abaca has been observed as an interesting transition crop in some indigenous communities. On the one hand it can be a subsistence crop, drawn on when there are emergencies. On the other hand it could be an economic crop when sustained production exists. Another interesting transition could be observed in how a family is able to find resources in times of illness, and provides for children's education. If a family can find ways to send young adults to public schools providing free tuition consistently and provide for the school supplies, then it is coming out of a subsistence mode of living.

If one has not had the access to basic services, and one is living on a subsistence and poverty base, it is very hard to break from it or get out of it. It is hard to move away from the system of natural resource dependence if there is no generational experience of basic services, as with the current 'poverty trap' or 'safety net' arguments in terms of the contribution of forests to poverty reduction (CIFOR 2003). Outside of political oppression, this form of human insecurity is the most detrimental to cultures, and it is where forests and forestry are not certainly going to be the way forward. As there are different stages and different circumstances, there could be different ways out of them. This millennium, society has to find a way, a bridge, to help escape from this, beyond saying "well if you want to be stuck there, we cannot do anything about it", or else say "we will send a mining or plantation company to help you out".

Occasions for cultural expressions flourish in countries that respect and recognize the diversity of cultures as part of national celebration and learning. Indigenous peoples in this context get more opportunities and support for events and gatherings, with arts, literature and music in national media sometimes acting as a support base. World religions and the adoption of state religion have significant impact, weakening in some cases traditional beliefs, while in others becoming a source of strength and support for culture.

Critical concerns in human security arise when a country does not officially recognize an ethnic group due to concerns about national security and sovereignty and perhaps historical mistrust. This is why it was important to indicate in the UN Declaration that "military activities shall not take place in indigenous peoples' lands and territories, unless justified by significant threat to public interest or otherwise freely agreed with or requested by indigenous peoples" (Art. 30), and that indigenous peoples have "rights to obtain citizenship of the States

in which they live, without impairing their right to determine own identity and membership in accordance with their customs and traditions” (Art. 33.1). In these circumstances, the primary achievement in attitudinal shift comes from not looking down on indigenous peoples because of their differences from mainstream societies, towards an attitude of acknowledging the uniqueness of creativity in their way of life.

All indigenous peoples are struggling to protect various aspects of their human rights. The nature and approach of their struggle differ from country to country. Some indigenous peoples who are relatively empowered and articulate have acquired a certain political standing in local or national society (e.g. peoples of the Cordillera in the Philippines, and the Kadazandusun of Sabah in Malaysia). Some have opted for an insurrectionist approach (e.g. Naxalites in India, Karenii in Myanmar) and some are actively seeking autonomy from the country where their area is presently part. Some are caught in conflict and suspicion from broader society and are restricted from freely moving within a country, while some have the capacity and means to engage in trade. A few still are able to have a level of secure subsistence, while many more are experiencing subsistence insecurity. There are also those who have undergone great losses of human spirit such that their existence as a culture has faded with the assimilation of their youth onto the bottom rungs of mainstream society.

There are other distinctive and relational, bucolic and religious cultures in undisclosed provinces or corners of a country that do or do not identify themselves as indigenous, but remain at the fringes of societal engagement.

Human insecurity arising from disasters is a particular concern to geographically marginalized indigenous peoples. Floods, landslides, earthquakes and volcanoes may directly affect them, but loss of a harvest can be catastrophic also for such communities. They usually have no buffer against such losses due to drought or rains. The increasing frequency of extreme climatic events and El Niño/La Niña in the Pacific threaten disaster in indigenous territories. Impacts of these disasters on indigenous communities need to be better understood so as to strengthen sustainability.

Another practical paradigm of action that cuts across the spectrum of the poor including indigenous peoples is that of disaster relief as it shifts to management and beyond, to establishing resilience. The problem is first incorporated, for example the increasingly aging population of some countries, into the larger societal goal without any strategic drive to address the problem and the inevitability is quietly accepted. Only when social disaster looms and the evidence cannot be denied are strategic plans and costs seriously rethought and revised. Communities, including indigenous ones, are in the best position to sort out practical considerations and connect with emergency relief and practical strategies. If there is a history of response or at least awareness, then the social engagement and reorganization that goes on can more easily recognize what is culturally critical and, in cases where relocation is inevitable, makes for less disorientation.

Efforts to improve local capacity to respond or be more resilient are proving to be a practical way forward. In many areas, social contracts are emerging with technical assistance. These social contracts define the area of highest risk and as far as possible secure commitments from local communities to locate themselves in lower risk areas so as to prevent or mitigate social impacts and organize their actions so as to have the strategic security if a disastrous event happens.

Self-governance

With decentralization, community land management and mechanisms for planning and monitoring have been given more attention. Engaging with policy development in such processes should also be highlighted and integrated in land use planning by local governments. However, the detail of the process in some cases is more attuned to corporate leasing and management than to cultural sustainability.

Much has been learned from multi-sectoral forest protection committees and monitoring teams operating in areas where indigenous peoples have been included. On a further level, alliances are forming in some areas of local government allowing for stakeholders' participation in resource management and delivering of basic services. Such action shows an integrative and practical dynamic, effective in giving support and gaining accountability.

Autonomy of indigenous people helps strengthen identities and may be easier to establish in the context of federated state governments. Other indigenous communities are inspired by such example and may be able to learn from their successes and failures. As this is a political move, some view it as a weakening of the cultural relations, strengthening a political leadership not always keen to respond to local demands.

Many forms of powered advocacy have emerged countering the state-economy from within and without. These include the likes of Greenpeace or politicized farmer or fisher groups possessing defiant leadership with political savvy that others choose to endorse. Strong leadership to reform government and business practices, infrastructure, planning and systems development and others are important contributions but need to be established beyond the personal character and term of office so that the values may be retained.

Capacity to negotiate and seek redress

Local communities, their external contexts and internal capacities, differ greatly. For instance, the same national level opportunities available to one local community may result in very different local buy-in when made available to another community. Decision-making processes at the community and individual levels are crucial to having indigenous peoples' ability to negotiate, seek redress, and contribute to policy change (Chart 2).

Indigenous communities may be caught in a local cycle of food and financial subsistence. A history of trading land or raw materials for knives, utensils and emergency support can create a culture of indebtedness and dependence. Migrants moving into indigenous peoples' areas, though more financially astute, may also be at the bottom of the financial chain having little or nothing to reinvest in their livelihood. Without land tenure, such communities may be far from the first level of village government and there may be few basic services; or they may be unable to borrow capital at reasonable rates. The human development index (HDI) usually reflects such areas as in the bottom percentiles reflecting the highest levels of poverty and absence of government.

Chart 2 describes elements in a community's historical context and relations that can either reinforce a subsistence food and finance cycle, or help bring about positive changes in individual and community decision making as well as in necessary rights. These elements include on the one hand, educational status, migrant expansion, and cultural cohesion, and on the other hand, illegal activities, local government corruption and remoteness, and demographic issues. When the local food and finance cycle in an indigenous community is well understood by local government and implementing authorities, activities are more likely to supplement if not shift levels of subsistence leading to larger positive impacts.

Negative external drivers, from unfair trading systems, changing climate patterns to armed groups in some areas, reinforce local poverty. The concealed efforts of individuals to make fast money on the side through illegal cutting of forest resources are only a mere consequence of market forces. The drivers of such illegal logging come from within or outside the community. As in the experience of a number of communities, efforts to resist such interest are faced with armed threats. These situations are often reinforced by officials who do not have to reckon with the sustained negative impacts and are comfortable with the traditional “culture” of unsustainable wood production. Such pressures undermine the resource base and community trust. Combined with pressures for better livelihood within the family, these result in activities that degrade the environment.

Positive external drivers – effective delivery of basic services, international advocacy for human rights, constitutional changes and social awareness – influence internal drivers in a community. These internal drivers include the quality of engagement with neighbouring cultural groups, the dynamism of a community’s knowledge base, the level of settlement dependence, and the integrity of decision-making processes. These, along with positive external drivers affecting a particular community, contribute to its drive to sustainability. For instance, the increased global recognition of poverty in broader terms can bring more attention to the disproportionately vulnerable conditions in which indigenous peoples live. This in turn can be a driving factor for policy changes to improve livelihoods.

Many upland communities are changing their land uses, affecting the stability in situ and ex situ. Their choices, however, are not solely theirs as they are affected by the much broader and less obvious pressures that must be addressed if changes are sought in land use to attain greater sustainability.

The impact of migrant land clearing and related practices without coherent sense of management by the community tends toward depletion of resources, possible degradation of hydrological and nutrient functions and loss of community integrity and trust.

Outside the breadth of political and economic factors that reinforce unsustainable land use, there is the climate factor of ENSO that has become widely recognized. Unfortunately, any government is under even greater pressure from the total populace during such phenomenon to address the range of urban and agricultural problems and it is seriously lacking in any sense of disaster preparedness to address the situation in the uplands.

Government’s greater commitment to change and establishment of viable steps to better social communication and resource management is still gravely lacking. Tenurial programmes – though constantly reviewed with abuses reported – may reflect collusion of government officials and lack any real technical support in more sustainable management practices. Recent government programmes continue to be frustrated by the problems of weak resolution of policy conflicts, corruption, lack of follow-up and monitoring, inappropriateness of programmes to a specific area, and commitment to a sustained resolution of related hindrances. Social mechanisms and policies that spur adaptation and ensure equity need to be in place. These include monitoring systems, financial systems, integrated planning, resource management, policy development, resource and market access, land tenure, indigenous peoples’ advocacy and conflict management.

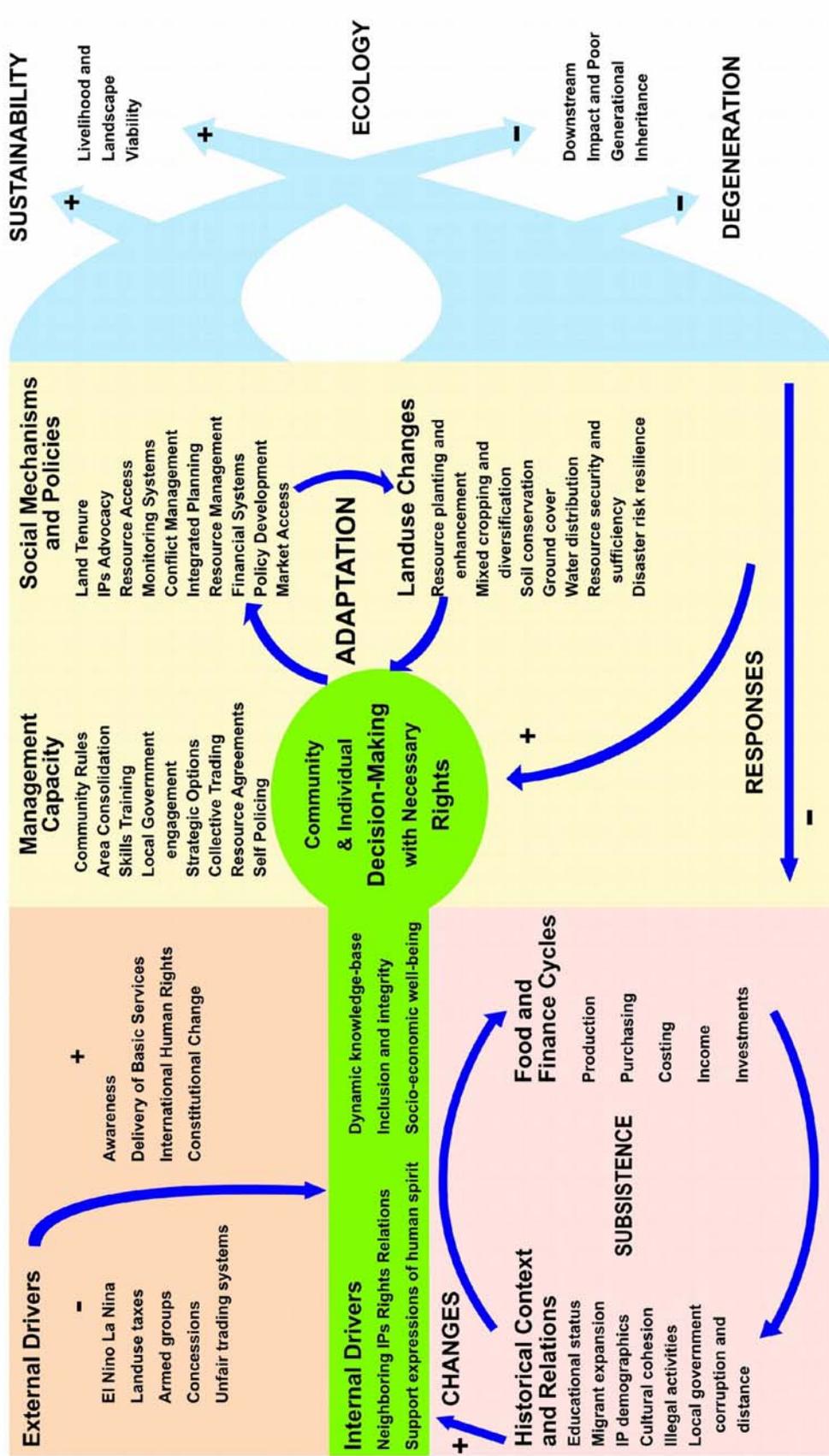
At the same time, counter-efforts that reduce social marginalization also call for the community to demand of themselves greater openness and consensus effort to be accountable. Many of the negative trends are already in motion and cannot be changed. Buffering of impacts often takes a sustained effort with broader society as well as the development of management capacities beyond that of the traditional system to maintain a path toward viable livelihoods in a sustained environment.

Management capacities needed within a community include: the capacity to develop community rules and implement self-policing; the ability to develop local government, come up with strategic options, and strike resource management agreements with or seek redress from other parties to uphold rights; the capability for area consolidation and collective trading; and the aptitude for further skills training.

Society more broadly is very slow in countering established economic patterns and centralized government that sustains directly or indirectly the low HDI prevalent in the uplands. This lack of change only underlines a community's own weaknesses or its potential to break the cycle of subsistence and develop social mechanisms that can withstand the pressures of a transition to greater sustainability. Until the external drivers of sustainability have overcome the negative drivers from markets and governments and have integrated to meet the specifics of local needs, sustainability will generally be a losing battle for indigenous communities.

Cultural integrity, human security, governance and negotiation are essential dynamics as well as knowledge and relations that sustain individual and community decision-making adaptation and positive responses to bring about changes in the community and break through the cycle of subsistence. A community's sustainable and equitable development in a move away from subsistence and resource loss or degradation requires this internal dynamism and adequate external positive interaction.

CHART 2: FORCES AFFECTING A COMMUNITY'S DRIVE TO SUSTAINABILITY



Sustainable and equitable development

Much indigenous knowledge on forest land use consider impacts on hydrological, nutrient, and biodiversity aspects, which are of high importance to both ecosystems and also the livelihood of indigenous peoples. Reality, because of circumstances, does vary.

The community may well have lost its sense of security, be threatened by creeping poverty and so does not have the basis to use sustainable traditional practices. Community members may be caught in a production cycle for markets that generate low values and high transport costs that keep them at subsistence levels of living.

Internal drivers affect specific cultures in a given time and place. How they juggle historical relations and shifting external factors, land use change, decision-making processes and their immediate seasonal cycles of available food and finance determine their internal stability and adaptability (Chart 2).

Access to market, trade and tourism are national and global drivers of change. In many cases in Asia and the Pacific, the distance between various economic institutions and indigenous peoples has been lessened. Some indigenous peoples have better access to markets than before, resulting in additional earnings.

Ecotourism activities highlighting the cultural uniqueness of indigenous peoples could educate the general society on the values of cultural diversity, but could have negative impact if the cultural identity and management capabilities are not clearly established. Such changes and positive exposure can also empower and equip indigenous peoples with organizational and social skills.

Two lessons were learned from past social efforts in reforestation. First, reforestation as a short-term form of employment for communities is not sustainable in some countries. Second, community forestry that is primarily focused on meeting the state's timber production needs is not sustainable without access to viable income while members await harvest. There have to be returns to the community that are sustained over time, and there needs to be broader incorporation of how the community seeks to operate. This applies to any marginalized community in the uplands, let alone to indigenous peoples. Many previous large-scale reforestation projects have shown how short and unsustainable is the life of a 'community project' when activities are not well-grounded on social capital and communities do not have a sense of ownership.

Large-scale plantations such as oil palm and fast-growing timber species also bring threats to indigenous communities when such areas under large enterprises encroach on their lands. In various instances when governments side with large plantation enterprises and prioritize national economic growth over human security, indigenous people are the subject of, sometimes in a forcible manner, relocation from their ancestral lands.

Under the name of conservation, many indigenous communities have become subjects of resettlement when their territories are declared as protected areas or national parks for biodiversity conservation. There have been many brutal reports from many countries of indigenous peoples' human rights being violated when they refuse to be relocated. Such assaults included destroying structures and farms, raping, and even killing villagers. Clear understanding of resource depletion and needs for conservation may serve as a driving force for positive policy changes for indigenous peoples, when the roles of indigenous peoples in protecting resources are recognized and valued.

Indigenous people have also been blamed for destruction of natural resources and have been treated as obstacles to watershed management, due to the public's wrong perception on swidden cultivation and land use and the general lack of awareness on other forces driving resource exploitation. There are many cases where indigenous peoples are wrongly accused of negatively impacting biodiversity and natural ecosystems of the areas in which they reside, but it also needs to be noted that not all indigenous practices are considered to be environmentally friendly. Outside of hunter-gatherer communities, swidden practices have seen the greatest change in the last 20 years. Now, extensive areas of previous swidden in many countries have turned into permanent intensive agriculture or permanent agroforestry.

Factors that significantly influence forest policy have changed over time. Before, the major drivers were national development policy as well as trade and market forces. Forestry sector policy traditionally has had the most obvious impact on such dependent communities. Forest departments have often been seen as negative or blind to people's presence at best since traditional objectives were forest management and commercial extraction. Compounding this, 'development' is often slow to come to many areas of emerging centralized economies. Other pressures of landless agricultural labour and marginalization contribute to the gap between policy and implementation.

In some countries, the major forces driving change are the depletion of resources, the establishment of conservation areas followed by constitutional recognition of indigenous peoples. The order may vary if the resources have been secured or converted to other tree crop arrangements and/or certified. In these circumstances, cultural equity has been harder to establish.

When a developing country's wood production is low, it is increasingly viewed as 'forest poor'. In such cases, forestry department responsibility for state lands may shift to other interests, for example, to bureaus within or related ministries of natural resources (including minerals, water, conservation, environment and tourism). This shift may result in a reduction and narrowing of geographic area and policy influence of traditional forest management. While such areas of responsibility are often viewed from outside government as one and the same, this breaking up of responsibilities reflects a difficult balance at best. Forest management becomes further subject to political pressures, often in conflict with policies already being implemented or designed. As different departments or sub-departments do have different focus and experiences with indigenous peoples, this complexity can be all the more difficult for people far from the ways of government to engage with any resolution.

Finance Ministries look after critical national interests and the functioning of government. They generally are critical of what a department is contributing and costing. A department's role as a source of revenue and economic development, as against social development, can often determine the place of its officials at Cabinet meetings. National Economic Development and Planning agencies, with strong links to Finance Ministries and relations with industries, have a secure seat in most Cabinet meetings. If a Forestry Ministry is not seen as a source of economic development and does not have a high social profile for human development (which is usual), there is less prominence of such policy development and implementation.

Social policies are set in place for sustainability of the resource base and now increasingly the greater ecological services and local population needs, including specifically indigenous communities. Experiences vary as to whether the forestry sector is seen as considerate of indigenous peoples, but often at the local level strong and considerate relations can exist.

The overshadowing of the forestry sector within the bureaucracy and the national development agenda may result in new policy impacting on forest lands and more strict implementation that excludes traditional users. In the planning and policy world it is

increasingly important that there are clear and well-informed voices for and of indigenous peoples with recognition of other ministerial entities. This in some countries inevitably results in new structure and on occasion constitutional recognition as essential to readdressing the neglect of the past.

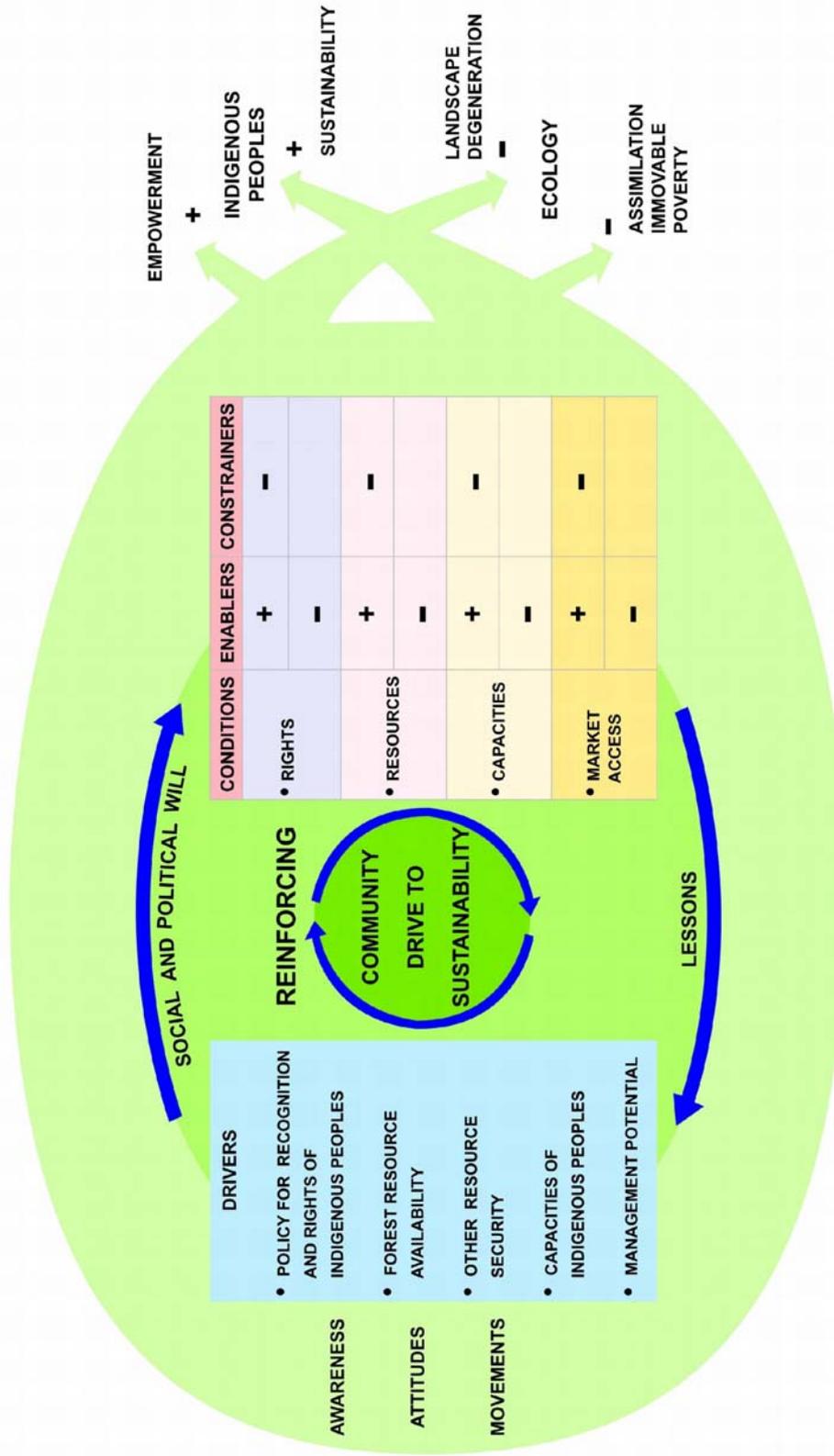
Global trade and pressures to open markets are often beyond the effective influence of governments once the modality is accepted as with an earlier period of international lending. Where governments may see opportunities, these somewhere have lesser corresponding disadvantage that may be taken as part of the give-and-take and as inevitable.

Specific climate events as well as increased awareness of climate change do not respond to policy. Resulting policy often brings more controls with short-term inadequate response to livelihood options and sustainability. The advantages of context seen by insurgents and other armed groups are at a given time beyond or not the focus of central administration.

The move in time has brought great awareness and responsibility to governments pursuing integrity of national growth, to be inclusive of indigenous communities if not the political reality of peoples. While global recognition of indigenous communities has created greater appreciation of and focus on their circumstances in most countries, responses to the much more devastating global impact of trade and development are still inadequate.

Drivers of policy change, even when ascertained, need to be monitored and evaluated as to their impact and whether they create necessary and sufficient conditions for indigenous peoples to benefit from policy changes. The social economic and environmental constraints as well as the enabling strengths of these policies determine their fit or success and generate lessons learned. These lessons can in turn contribute to attitudinal change if they are shared with broader society. These lessons can also contribute to further effective policy development if there is the social awareness and political will (Chart 3). In this way the internal community drivers for sustainability may be reinforced or weakened.

CHART 3: DRIVERS OF POLICY CHANGE



Key constraints in benefiting from policy

Key constraints for indigenous peoples to benefit from emerging or existing policy include:

- Conflicting policies
- National development models and plans
- Over-regulation of resources or communities
- Degraded condition of forest lands
- Diversity and disparity of indigenous communities
- Processes for clarification absent, slow or faulted
- Judiciary not active or minimally so

As seen in many cases in Asia and the Pacific, potential benefits to be gained from a policy can easily be undermined if there are conflicting policies with unclear priorities among them. Indonesian national policy and *adat* lands are not aligned. With over 900 forest laws, rules, and regulations in the country this will not be easy. The development of different sectors has generally resulted in conflicting laws and little national process for rationalization.

Also increasing conflicts in policy are the sectoral divisions of government with defined paths and lack of coherence combined with a basic model for development that does not effectively engage cultural options but seeks more to regulate people in what it considers the state's property. Forestry and agriculture departments usually define the livelihood options in rural areas.

When the national government is keen on economic development, often priorities are given to extractive or other large-scale businesses over indigenous peoples' rights, leading to a condition in which benefiting from potential policy or future changes is limited. The global economic wizards and the new leadership of a global paradigm shift often mesmerize a political or state economy that drives the daily machinery and sets the course of action in society, but it also has a difficult time predicting what the local changes can be. The 1997 blip in the Asian economy was easily explained after it occurred even while straightforward projections of the Chinese economic expansion in Asia do not predict where the dips will occur nor the nature of impact on production of specific crops.

Neither the understanding nor designs in response to climate change are clear, yet many governments are proposing 'clear' strategies for action. For instance, present knowledge on the social and economic impacts and suitability of planting *jatropha* do not inhibit it being presented as a banner programme.

Even if there is a policy intended to benefit indigenous peoples, actual benefits can hardly be felt if the central/local government imposes strict regulation and requirements that take time and skills they do not have. This also gives occasion for corruption and maintenance of status quo.

It may be difficult for all the indigenous communities in a given country to benefit by changing one specific policy, given the diversity of indigenous communities and the disparities in social status within and between the communities. Policy changes might benefit only those indigenous peoples who may be less disadvantaged than others.

Even in cases where attempts are being made to restore indigenous peoples' rights to their territories, land and resources, the varying conditions of forestland becoming the subjects of reform serve as a constraining factor.

If already degraded due to earlier economic extraction or for intensive use by communities, the forestland may not be sufficient to sustain the traditional livelihoods of indigenous peoples. An indigenous group's territory that is declared as a protected area or watershed management zone could become the subject of conflicting policies.

Abundance of natural resources such as minerals and timber may also act as a constraint, because such resources would attract interests of those who seek for large economic return, and is therefore seen as a 'resource curse' in natural resource-rich conflict areas. If indigenous peoples do not have secure tenure, their legitimate rights may be overshadowed, and be left without leverage to negotiate for benefits.

Having policy in favour of indigenous people is an important step; however, it may not change the livelihoods of people living in vulnerable conditions if actual implementation does not take place. Rights to negotiate past or even present direct or indirect area impacts, as well as rights to resource use are not in place in many countries. The process of implementation therefore should be carefully laid out, and steps for conflict resolution need to be in place.

Enabling conditions to benefit from policy changes

The likely conditions that can enable policy changes to result in actual positive impacts on the lives of indigenous peoples are:

- Secure environment in indigenous territories
- Ability of indigenous peoples to deal with changes
- Capacity of indigenous peoples to collaborate
- Capability for market engagement
- Capacity to account for sustainability

The presence of human rights on the ground is the most basic element to enable communities to benefit from policy changes. Without mechanisms for redress and the facility to tap them, communities are at a loss and liable to be continuously subjected to marginalization. The role of the media can be critical to this along with continuing stages of establishing clear rights.

The sense of living in a secure environment is a precursor to any positive changes happening. If there is no security, no enabling policies surface to benefit the people. Policies therefore need to be carefully constructed with consideration on security issues of the given area.

Many policy changes do not simply give rights to indigenous peoples. These policies require indigenous peoples to organize, or in certain cases, to register under specific systems in order to receive the benefits. It is therefore crucial that communities are equipped with capacity to organize and consult among themselves as well as with appropriate national agencies or potential supporters. Strong community institutions enable communities to manage conflicts and threats to resource rights and deal with emergencies.

Availability of options is often tied to learning opportunities and capability to manage resources effectively. Parallel to forestlands getting discussed in terms of broader participation and formal recognition of indigenous peoples, there are broader and more strategic developments in poverty reduction, political representation, and recognition of mother tongue that are strengthening the potential bases for change.

Collaboration is needed with central and local governments as well as other external parties who could accompany and support indigenous peoples. If indigenous peoples are capable of adapting to changes, it is more likely that they can receive the benefits from certain policy changes.

In general, people are not willing to adapt to a change, especially if it comes with uncertainties. This is more apparent among those living in disadvantaged conditions, as, to their eyes, the risk of losing what they have is much larger than the potential benefit with uncertainty. Providing support to those who see difficulties in adapting to changes should be considered at the policy implementation stage, as they are the ones who need the most help.

Personal stories and community 'appeal' need to be continuously included, buying time and may be place and eventual sustainability. So many areas are held up for one reason or another as an example or model, when in fact it was one person or persons that had the commitment and insight to hold out and move the community in a direction, whether under the guise of a programme or intervention. Without such leadership the options would not have been investigated and sustained.

General objectivity in planning and response to socio-economic circumstances of poverty and marginalization is achieved in the realm of political science, not human spirit, but human spirit drives even the personal commitment of the most 'scientific'. Society uses alternative thinking; local people's common sense shares in that reality.

Trade and corporate interests can be a significant help in enabling communities to benefit from emerging policy. Global checks on trading that secure greater transparency ideally improve the lot of many, but if not closely tailored for actual conditions, can result in greater suffering for the local community. This is true in the case of emerging responses to climate change. Beyond trade initiatives, corporate social responsibility initiatives at both international and national levels increasingly seek to contribute to more holistic development.

In a global market, even for unique cultural products, sustained quantity production and quality control are essential. Organizing to add value to a product, if only in its packaging, requires the development of community capacities. The marketing of such a product or even the selling of raw materials also requires a new level of engagement that many are not ready or willing to engage in.

The ability to account for sustainability, even if attained, requires 'rational' and 'objective' measures that most of society is marginally familiar with let alone competent in. Criteria and indicators for so many sustainable development activities today still remain complicated, time absorbing and lack the necessary guarantees of success. With the broader complexities of change and economic development, the responsibility for sustainability cannot be relatively placed on those seeking to move beyond subsistence but must be engaged more seriously by the whole of society.

6. FUTURE SCENARIOS AND WAYS FORWARD

Having discussed the range of drivers, as well as policy constraints and inhibitors, the implications are clearer for scenario building. There are situations that will not in all probability get better, that will in all likelihood go from bad to worse. There will be of course the successes that will be celebrated realizing a distinct and revealing new capacity and opportunity for the culture and communities, but with probably most of the same interaction and shifts or reorientation of the general drivers.

We all know of classic cases in different countries of failure and success but in between are mixed realities and events causing shifts in patterns that are not without challenge. It is important to understand the different factors that give an insight into change or why things stay the same. 'Staying the same' is not all bad in that there can be resilience on the one hand, while on the other hand time is gained in which government and social awareness grows into levels of recognition if not action and communities capacitate a new generation of their culture.

What is important to study are the various interim stages that allow for a spotty advance of communities with regard to society and the market and at the same time because of the internal and external restraints in the coming years that create the need to 'buy time' or 'hold place' until further shifts are possible. Attitude and recognition of the 'need for change', as a result of society's compunction for what has not been done are the bases for the changes to take place, led by the driving forces discussed above. These will more critically help to identify what drivers in a specific context need to be focused upon or avoided.

These scenarios reflect policy attitude, integration, and implementation, and the ability to re- envision a new society culturally, as well as the environmental pressures that are likely to reinforce cultural attitude further. One of the scenarios below may dominate in a given country but there will be local variances. Policy changes can have the biggest impact over time, causing an abrupt change on one level but resulting in waves of action or 'seasonality of response' that weakens on reaching the community level. The actual utilization of that policy takes time and the reforming of focus for action and drawing in of the resources can take many years, so much so that the shift from one scenario to another has less predictability.

Future scenarios for indigenous peoples in forests

Five scenarios are suggested here, drawn from existing experiences and in the light of some growing drivers (Table 2). Simply they range from two untenable positions of first, immovable poverty of dependency on a degrading and increasingly restricted access to resources of a degrading environment (Scenario A) and second, assimilation at the bottom of spreading urbanization (Scenario B). The next two scenarios are of an interim or holding position, where there may be some socio-cultural equity but lack of socio-economic capacity and integration (Scenario C). Adding variance to this might also be the availability and resource options on the one hand and on the other greater social accommodation and adaptation (Scenario D). These are obviously driven by internal and external factors the combination of which is critical. The final scenario embodies much of the ideal but in reality, the move is beyond precarious subsistence to sustainability that will have equity and that though the market and political terms may vary in time and place, the opportunities remain (Scenario E). Chart 4 depicts the interrelations among these five scenarios to guide us in the way forward.

Scenario A: Increased marginalization and loss of cultural communities

Resource exploitation for economic development without meeting local cultural and economic needs will continue to result in the pauperization of communities that have never gained access to political decision making or developed product-market relations. Such communities may not have even legal rights they can uphold against external development initiatives. They are generally faced with becoming in a minimal way part of the labour force engaging in alien forms of work or simply being ignored. There is little chance of their continuity.

Increasing resource conflicts are expected in many areas, and given the inability of existing policies and institutions to safeguard the interests of indigenous communities, greater poverty and marginality in their own geographic area are expected. Forest conditions are not adequate due to external pressures. Forest lands are rapidly disappearing where the poor are already marginalized and unequal growth of limited factors creates huge imbalances no longer manageable by a cultural community. Many indigenous communities and increasingly viable cultural populations will be lost, as these people become landless poor.

There is an obvious need for greater information and knowledge of the circumstance of how such specific cultures presently caught hold. Knowledge of their relations and practices in the area and what, if any, options have been tried or could be developed in the short term is critical. There is a need for greater planning opportunities before such developments are designed. Where policies for IPS are present but not effective, needed mechanisms can be developed. Because in so many cases there has not been the consideration or awareness, nor the strengthening of community capacities, cultural buffering must be better designed with greater time frames and resources. The need for a cultural base support from local authorities and greater preparedness in language and knowledge management can help develop options for land use change but may or may not be possible immediately, yet weakening of culture, area violence, and generational loss are further variances to which a response needs to be made.

Scenario B: Cultural outmigration to urban poverty and loss of cultural roots

Assimilation of a culture largely stems from externally imposed ‘development’ that significantly changes the social, cultural and economic base of indigenous communities, reducing their connectedness with the environment in which they have been living. This scenario looks more at the limitations within the livelihood of indigenous peoples in today’s world, their struggles or inability to come to terms with society, and their adaptations in joining the unemployed marginal rural or urban populations. The frequent outcome results in their joining the urban melting pot at the bottom of the economic and social system. Occasionally there is an identifiable ‘appearance’ of such communities during shared traditions and national holidays where their music or remnant craft or dress is evident.

The basic difference with scenario A is that the community moves to an urban (or alien rural) setting. Usually the most vulnerable cultures are those with weak institutions of leadership as they may be dispersed traditionally or do not have a strong internal cohesiveness and ability to represent to government. Such communities are all the more vulnerable if there is no civil society or media appeal and the centralized religions or institutions appealing for compassion and support do not see these people within their scope.

This scenario brings us closer to reckoning with the negative impacts from the outside and the realities and responsibilities of government and society. This is where national development strategies may overemphasize that, as in the industrial revolution in Europe, it is acceptable even if some must suffer for a time so that national growth may occur and benefit all.

Idealization for culture will not get them thorough and a positive attitude to culture from the outside will not be enough to secure their future. Economy development continues, however certain indigenous people will be left out due to the limitations inherent to their culture.

Scenario C: Conflict with economic development and government unable to strategize

This scenario brings us closer to reckoning with the negative impacts from outside and the realities of government and society. This is where national development strategies overemphasize that, as in the industrial revolution in Europe, it is acceptable even if some must suffer for a time so that national growth may occur and benefit all.

For those cultures not forced to assimilate and having some economic and social strength, time is very important. Though there is pressure on the resource base there is the possibility that there are growing capacities and production options. Partly the reduced community pressure on the land might give some flexibility along with development conflict and little progress in initial development negotiations.

These circumstances may arise when there is a period of outmigration and later return of interest. This may result when a number of the same generation migrates, but not all, maintaining a family basis for return of interest. There may be a strengthening of communications and relations with central society and economic options.

Scenario D: Growing self governance but weakened by market forces

Unsecured socio-cultural equity weakened by poor economic strength buys time. In ten years, for many communities there will not be much evident change. Where cultural identity is stronger than in previous scenarios and may even benefit from government recognition but no economic strategy, life in the community will continue.

Broadening networks of indigenous peoples, increasing number of documented case studies and court cases, and most of all, economic sanctions from major trade partners such as the EU through accountability and transparency are causing countries to revisit their consultative processes and economic priorities. The declining trend of revenue contribution of the forestry sector to national economies is contributing to the realization by some officials of state forestry departments for the need to find an alternative path to development. This bodes well for the appeal of indigenous communities for government to provide them formal recognition over native customary rights.

If national development plans will solely respond to market forces and continue emphasizing the revenue-generating function of forest lands, then it is likely that indigenous peoples' rights will continue to be sidelined. On the other hand, governments may increasingly grant identity to cultures and negotiation rights to redress past ignorance of rights and misallocation and access to resources; this can allow cultures to strengthen their own capacities, reduce some of their own internal conflicts and find bases for stronger alliance. In buying time they can also take greater responsibility for more comprehensive resource management and develop options and economic strategies.

Scenario E: Supportive the policy and institutional environment for empowerment

The empowerment and endogenous development scenario is where the rights of the indigenous communities are recognized and adequately protected. Such cultures are able to chart a path of development specific to their social, economic and cultural setting, developing and refining their knowledge, interacting with outside world and safeguarding their dignity and identity. The implications of this scenario on forests will be very different.

- Better management for both the environment and peoples' livelihoods
- Forest lands increasingly managed by indigenous communities both within and outside of protected areas
- Threats of losing indigenous peoples' identities lessened
- Government recognizes indigenous peoples not only as national citizens and provides their basic needs but assures greater equity and highlights culture as essential to sustainable development

This scenario in a sense embodies the ideals of what cultures present today. However, any culture engaging equitably in today's society is challenged in its traditional values and often changes in land use practices and resource use can be challenged by the shorter economic gain while putting at risk the ecological sustainability of the cultures' way of proceeding.

The importance of indigenous knowledge in forest management recognized by national governments and supported with broad social recognition of indigenous peoples. Forestlands are increasingly managed by indigenous communities both within and outside of protected areas. In certain areas rich in natural resources, joint management/ownership of forestland takes place benefiting the indigenous peoples from its resource rent, while some areas' views of indigenous peoples are valued and extractive industries discontinue their destructive practices.

With increasing recognition of diverse indigenous cultures, more attention is given to preserve the languages, customs, and philosophies. Threats of losing indigenous people's identities are lessened by the government, which now recognizes them as national citizens and provides their basic needs. Ecotourism and marketing of forests/agricultural products and traditional products provide additional revenue to indigenous peoples.

Table 2. Scenarios emerging from drivers

Scenarios	Policy for IP rights	Resource availability forest/other	Capacity of IPs	Management potential	Socio-economic factor
A	x	✓/x	x	x	x
B	x	x/✓	x	x	x
C	x→✓	✓	→✓	x→?	x→✓
D	✓	✓	✓	→✓	x→?
E	✓	✓	✓	✓	→✓

Chart 4. Scenarios guiding the way forward

<i>Greater social accommodation & economic adaptation =>></i>		Sustainable & Equitable Development	
C	Protection or political holding (buying time)	Empowerment endogenous development	E
Socio-cultural buffering and recognition of needed options Greater recognition, openness to human spirit People express needs to government & civil society Adequate human security & poverty reduction	Self-Governance	Managing forces for equity and sustainability Accommodation, adaptation, support and creativity Forces moderated by national development plans Stronger resource base, development of sustainable production options	Growth in socio-economic capacity and integration
Basic needs	Cultural Integrity	Productivity	D
Status quo of marginality and degradation Ignorance, indifference toward IPs Major decline in cultural strength	Human Security	Connection between youth population & home base Economic holding power through urban/migrant support People express what they want to happen through civil society Dislocation & loss of base by urban assimilation	Growth in socio-economic capacity and integration
Immovable poverty	A	Inadequate change=>	B
<i>Less dependence on natural resource base =>></i>			
Identity and growth in socio-cultural equity		Growth in socio-economic capacity and integration	

Way forward

The scenarios have to be continuously studied as a pathway forward (Chart 4) so that interventions can be more clearly understood and designed with communities. The value and the involvement of policy institutions lie in helping bridge many of the knowledge gaps and devising strategies with those concerned. Some initial summary points could help in the continuing flow of discussion and action. These points focus upon needed interventions depending on the prevailing driving forces today in different political, economic and cultural contexts.

The patterns of policies influencing the relationship of indigenous peoples and levels of forest dependency need to be understood in each country. It is expected that the interventions in many cases will be increasingly sought by cultures and communities on their terms and will increasingly focus on socio-economic scenarios as the basic rights of identity recognition, access to resources and basic needs are met.

One of the important indicators that will emerge in the coming decade is the importance of education in the mother language as governments recognize its value in conceptual growth and effective shifts to the national language. Education will be, in such cases, seen less as a strategy for just providing cheap labour and more for uplifting the community.

The role of local knowledge, recognition and negotiation for justice and actual 'development' is still ill-defined for many countries. Through a responsible development of local knowledge advocacy, this can be channeled.

Delivery of basic social services has different objectives to that of market forces. Social institutions and business entities have necessarily different strategies, but they need to complement rather than undermine each other. This can be achieved with greater awareness, capacity and accountability. Part of the complementation needs much greater development of corporate social responsibility.

For indigenous peoples to have a positive impact on forests the community has to have its integrity and its life vision expanded not only culturally but also politically. Unless these are articulated, the norm and national economy will override their livelihood. What is needed is to make space for these cultures, in the struggle for more responsible attitudes and diversity of engagement in the present global world that seeks a quality of life for all.

In ten years, can much change be expected in what is clearly identified as one of the most economically dynamic regions of the world? Yes and no. Yes, in that many cultures will be struggling with or without policy changes with many of the same problems today but with developed nuances of communication and market. One might expect a better access to basic needs, but with what cultural sensitivity? Any response to basic needs must be done with integrity of culture and not be a 'bribe' to convert – tokenism - but should strengthen quality participation (UNPFII 2004b). No, in that many cultural subgroups will be marginalized to a further level not recognized, for their cultural (and linguistic) uniqueness will be lost (Wade in National Geographic 1999). Other cultures will have 'modernized' and even 'urbanized' while retaining their cultural integrity and without losing their cultural heritage. What each country must seek to do is the best for its peoples but it can only do this in so far as the different people accept changes, otherwise it is but the ideal of one rather than the reality shared by all.

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8. ANNEXES

ANNEX 1. TIMELINE OF POLICIES, PROGRAMS AND INSTITUTIONAL ARRANGEMENTS AFFECTING INDIGENOUS PEOPLES IN ASIA-PACIFIC			
Year	Country /Region	Legislation / Policy / Institution	Remarks
1400 - 1758	European Exploration and Naturalist View		
1400	Europe	Rise of modern international law	European theorists start raising questions about the legality and morality of claims to the "New World"
1648	Europe	Treaty of Westphalia	Concept of nation-state as political and social organizations that have exclusive territorial domains and hierarchical centralized authority contradicts nature of indigenous social and political organization around kinship ties, decentralized political structures, and overlapping spheres of territorial control
1758	Europe	Law of Nations	Acknowledges that at least some non-European aboriginal peoples would qualify as states or nations
1800 - 1930	Rise of Positivism and Regression of Indigenous Rights in International Arena		
1800	US	Marshall Trilogy	3 court cases of land claims involving Indian and Cherokee tribes conclude that indigenous peoples are sovereign enough to enter into treaties to cede title to their territory, but not sovereign enough to function as independent political entities or to protect remnants of their sovereignty
1807	India	East India Company	Company gets royalty rights on teak; prohibits unauthorized teak felling
1840	New Zealand	Treaty of Waitangi	Maori legally recognized as indigenous
1846	India	East India Company	Company control over teak extended to all forests
1860	India	East India Company	Control extended to all tree species on forest lands of British India
1864	India	Imperial Forest Service	Consolidates state control on public forests based on scientific management
1865	India	Forest Act	Prioritizes function of forests for timber commerce
1878	India	Forest Act amended	Strengthens function of forests for timber commerce
1889	Philippines	Spanish Royal Decree on Definitive Forest Laws and Regulations	Cites upland agriculture using swidden techniques as criminal offense
1890	International	4 premises of law of nations	Domesticates status and issues of indigenous peoples; IP issues not considered as international issues
1900	B'desh	CHT Regulation	Rule 34 amended to allow non-residents to acquire land rights within CHT for homesteads, commercial plantations and industrial plants; CHT traditional lands lost
1901	Philippines	Kaingin Law	Punishes and evicts swidden farmers and other forest occupants from forest areas

1904	Philippines	Forestry Code	Classifies lands above 18 percent slope as public forest lands; Asks for a complete census of kaingineros (swidden cultivators), squatters, cultural minorities and other occupants and residents in forest lands with or without authority or permits from the government, showing the extent of their respective occupation and resulting damage, or impairment of forest resources (Sec 52); kaingineros, squatters, cultural minorities and other occupants who entered into forest lands before the effectivity of this Code, without permits or authority, shall not be prosecuted provided that they do not increase their clearings...(sec. 53)
1918	PNG	Native Plantation Ordinance	Customary land areas can be declared as native plantations, enabling compulsory forced labor under official supervision
1921	International	ILO works with 'native workers'	ILO, established in 1919, first began to address the situation of so-called 'native workers' in the overseas colonies of European powers; One outcome of this was the adoption in 1930 of the ILO's Forced Labour Convention (No. 29).
1922	Canada	Iroquois Confederacy vs. Canada	League of Nations refuses Iroquois membership in the league because of sovereign status of Canada
1925	PNG	Native Plantation Ordinance	Revised from 1918
1927	B'desh	Forest Act	Sec 28 authorizes the government to designate reserved forests and supercede ownership of any village community; IPs within reserved forest cannot have formal recognition of rights on land
1927	India	Forest Act	Strengthens function of forests for timber commerce; customary forest use and settlement in forest land prohibited with punitive sanctions
1930	Malaysia	Land Ordinance Sabah	Sec 15 provides for native customary rights to lands and attempts to incorporate IP customary laws on land ownership into land law. State lands under NCR are those possessed under customary tenure including land planted with 20 or more fruit trees per acre, grazing land stocked with cattle or horses, land cultivated and built on within 3 years, burial grounds and shrines, and right of way for people and animals; Sec 28 however gives Governor authority to alienate land for public purpose, seen to supercede Sec 15. Law places importance on plants of economic value, does not recognize land under fallow period, gaps exist in current land delineation process.

1941 Early Involvement of International Organizations

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1999

1941	Thailand	Forest Act	Sec 4-1 land not acquired or possessed under Land Law is considered as forest; Sec 54 prohibits clearing, burning, occupying or possession of forest land, with fine of B50-100K. This prohibits traditional way of indigenous farming and alienates them from their traditional territories
1945	International	United Nations Charter	After WW2, governments of the free world establish the UN System founded on principle of respect for human rights for all without distinction as to race, sex, language or religion
1945	Indonesia	Constitution	Art 18 underlines that in regulating a self-governing region and adat communities, government needs to respect the ancestral rights of those territories; Art 28 under Ch Human Rights, refer to traditional community, and uses the phrase 'in line with cultural evolvement and civilization; leads to question whose culture and civilization? implying integration

			and assimilation approach
1947	India	Independence	India Forest Service created, but inherited colonial forest management systems
1948	International	UN Declaration of Human Rights	Everyone has the right to life, liberty and security of person (Art 3); Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality (Art 22); Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits (Art 27.1)
1950	Latin America	UN Andean Indian Program	ILO leads implementation of a multi-disciplinary program for Andean countries with FAO and UNESCO
1950	Thailand	Citizenship Act	Nationality surveys; people who could not speak Thai had difficulty proving origin even if living in Thailand for hundreds of years
1952	PNG	Native Land Registration Ordinance	Provided for registration of customary land, with either communal or individual ownership titles; no titles registered by the time this law was repealed in 1963
1954	Malaysia	Aboriginal Peoples Act, peninsular	Provides for establishment of Orang Asli areas and OA reserves, grants state to order any OA community to leave and stay out of area; OA treated as tenant at will, state not obliged to pay compensation or provide alternative site
1954	Thailand	Land Code and Land Code Promulgation Act	Sec 1 defines land and what the policy covers, Sec 2 declares all lands under Sec 1 definition as state property; Sec 5 anyone occupying forest land as of 30 Nov 1954 can receive the land using claim certificate provided he can prove his claim within 180 days; Ch4 states procedure for applying and issuing land titles; most IP lands encroached because IPs not aware of this provision; procedures complicated, no process for notification.
1957	International	ILO Convention 107	27 countries ratify to recognize members of indigenous tribes as holding both individual and collective rights of ownership over traditionally occupied lands, and warn assimilating government against removing tribe from their habitual territories without their consent. States are required to submit annual reports on their law and practice, and may be questioned during ILO annual conferences. Policy was viewed as having an integrationist approach.
1957	Malaysia	Federal Constitution	Art 153 Bumiputra policy affirmative action act for 'sons of the soil'; recognizes rights of IPs in Sabah; Art 73b decentralizes legislative authority to Sabah & Sarawak (can enact own laws through State Legislative Assemblies); Art 161A5 provides Sabah and Sarawak to grant land rights or preferential treatment to IPs
1957	Philippines	FAO case study on Hanunuo swidden farming	FAO research project gave a report stating that kaingin (swidden cultivation) could be continued through the application of a fallow system, which would not pose a threat to the forest ecology, but contributes to the livelihoods of the communities. The FAO project concludes that Hanunuo swidden farming is sustainably pursued through fallow system.

1960	Malaysia	Land Conservation Act national	Sec 5 prohibits any person from planting on hilly land with short term crops without annual permit from Land Revenue Collector; Sec 6 prohibits clearing of hilly land; detrimental to Orang Asli communities relying on swidden for livelihood
1960	Malaysia	Land (Group Settlement Areas) Act national	Enables federal land agencies to take over state land for development of land settlement; Orang Asli areas converted through these schemes without receiving compensation nor titles
1960	Indonesia	Basic Agrarian Law	Art 2 & 3, have principles that accommodate recognition of adat communities, ulayat land rights; limited implementation; varying interpretations
1961	Thailand	National Park Act	Sec 16 states prohibited activities inside National Parks, including occupation or possession of land, clearing or burning forest, collecting, taking out or altering any natural resource (listed), endanger wildlife or take in any domestic animal, without permission from competent officer
1962	Thailand	Wildlife Preservation and Protection Act	Sec 16-21 prohibits activities such as propagating, breeding, possessing, trading, collecting or possessing nests or any protected and preserved wildlife, which affects hunting and gathering livelihoods of IPs
1963	Philippines	Kaingin Law revised	Defines occupants as residents and cultivators
1963	PNG	Land (Tenure Conversion) Ordinance	Promoted individual registered titles along lines of Australian torrens system
1964	Philippines	Kaingin Council Meeting	Convenes to look at issues within social framework rather than through purely legal context
1964	Thailand	National Forest Reserve Act	Sec 4 Forest includes mountain, creek swamp, canal, basin, marsh, waterway, lake, island and seashore not acquired by person, but lawful acquisition does not include customary ownership; Sec 14 prohibits persons to occupy, possess, exploit and inhabit the land, clear, burn forest, collect forest products or cause any damage to natural reserved forest; Sec 15 & 16 allows logging or collection of forest products and reserved timber species with permission from Director General; Sec 16-1 makes it possible for a person to apply to inhabit and exploit deteriorated lands; Punishment for offense against this policy is B500 to 15 years imprisonment
1965	International	International Convention on Elimination of All Forms of Racial Discrimination	173 countries ratify to condemn discrimination against persons based on race, color, descent or national or ethnic origin. Individuals or groups claiming to be a state's victim of violation may petition to the Committee on Elimination of Racial Discrimination
1965	Philippines	National Conference on Kaingin Problem	Conference participants accepted that the issue of migration and forest land conversion was not a simple regulatory problem but had social, political, and economic dimensions. This led to a series of pilot projects that engaged people in forest management, such as the forest occupancy management project, family approach to reforestation, and the social forestry project.
1966	International	International Covenant on Civil and Political Rights	160 states ratify 'first generation rights', rights of all individuals to humane and equal treatment by the state under the laws that have provisions to cover protection of indigenous peoples. Individuals whose rights are violated may petition to the Human Rights Committee

1966	International	International Covenant on Economic, Social and Cultural Rights	157 states ratify 'second generation rights', associated with employment, food production, health care, education and participation in scientific, artistic and intellectual community. No complaints procedure was established.
1967	Indonesia	Forestry Act	Facilitated issuance of concessions to big companies, ignores existing of adat communities and ulayat rights; Art 6 "right of adat communities to extract NTFP should be arranged in a way that does not interfere with forest utilization" (Para 1) "implementation of ulayat right should not hinder fulfillment of aims of this Act" (Para 3)
1967	Indonesia	Mining Act	Aims for economic development through mining prioritizing large companies, ignoring traditional mining rights; adat rights not recognized, no basis for consultation prior to issuance of concession; no environment safeguards; has provision for concession to compensate communities for negative impact but not stipulate form and amount
1970	International	UN ECOSOC Sub-Commission on Prevention of Discrimination and Protection of Minorities	Studies the problem of discrimination against indigenous populations and suggests measures to eliminate discrimination; establishes WGIP
1970	Fiji	Constitution of Fiji	Following independence
1971	Philippines	Kaingin Management and Land Settlement Regulations	First time for government to issue kaingin permits to families for 2 years.
1972	Bangladesh	Land Reform Policy	Many progressive articles on land redistribution, but not implemented
1972	India	Wildlife Protection Act	Legal basis to create national parks and sanctuaries where IPs treated as encroachers; forcible evictions and brutal sanctions implemented
1972	Malaysia	Wildlife Protection Act national	Allows state to declare wildlife reserves and sanctuaries; does not allow Orang Asli to sell wildlife, only domestic needs
1972	International	Convention to Protect World Cultural and Natural Heritage	Adopted by the General Conference of UNESCO. As of 2007, ratified by 187 countries, 851 sites are listed: 660 cultural, 166 natural, and 25 mixed properties, in 142 States Parties.
1974	Malaysia	Aboriginal Peoples Act, peninsular	Amended from 1954; provides Minister or DG Dept of OA Affairs, the final say in OA administration, and while state have final say over land matters; gives Federal and State government tremendous power over Orang Asli
1974	Philippines	Forestry Reform Code	Has provisions to improve tenure security for settlers on public land, but mainly focuses on industrial forestry, abolishes short term permits to grant 10-25 year leases, mandatory investment in processing facilities.
1974	PNG	Land Groups Incorporation Act	Provided for registration of group titles; land groups could acquire or dispose of customary land or rights over land, enter into land use agreements, distribute profits, and governed by own custom; can adopt own constitutions

			identifying custom under which they operate, but no requirement to record
1975	Philippines	Forestry Code (revised)	Ensures non-prosecution of existing forest occupants before May 1975 without permits or authority, as long as clearing does not expand; includes concept of multiple use, gradual phase out of log exports
1975	Regional	World Council of IPs	Held in Canada included North & South America, Oceania, Scandinavia + Brazil, Colombia (not included Asia and Africa) – not continued
1975	PNG	Independence	Constitution created that promotes respect for and safeguard of customary forms of ownership
1975	Indonesia	Village Government Act	Promotes uniformity and centralism; aimed to make uniform village institutions including adat; eliminate autonomy of adat as main pillar of sociopolitical economic and cultural aspects of life; weakened social and political solidarity in community; leadership dualism led to low participation in governance
1975	International	Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES)	Ensures that international trade in specimens of wild animals and plants does not threaten their survival; accords varying degrees of protection to more than 33,000 species of animals and plants; drafted as a result of a resolution adopted in 1973 at a meeting of members of the World Conservation Union (IUCN); 172 parties ratified as of 2007
1979	Bangladesh	National Forestry Policy	Aims to preserve and scientifically manage forests and optimal extraction of forest produce for economic development and ecological balance; no provision for peoples participation in forest management
1980	Bangladesh	Population Transfer Program	Results in violent land grabbing on plains and gently sloping lands; large number of IPs forced to seek shelter in remoter hill and forest areas
1980	India	Forest Conservation Act	Same principles of treating traditional forest dwellers as encroachers, transforming hundreds of thousands of IPs as illegal residents
1980	Malaysia	Parks Act national	Provides for establishment and control of national parks; no recognition of OA ownership and control over traditional territories
1980	Philippines	Chico Dam project	Macliing Dulag, a Kalinga tribal leader, was killed by army troops due to his staunch opposition to the Chico dam project. His death further inspired Kalinga and Bontoc tribal communities to bond in opposing the project, effectively combining both indigenous and state-sanctioned means, both in the legal and armed arenas. His death anniversary is now commemorated as Cordillera Day.
1981	Malaysia	SAFODA Enactment Sabah	Sec 39-1 provides for compulsory acquisition of land; Sec 47 treats SAFODA as a native entity for purpose of any law relating to land; resulted in loss of NCR land and no mechanism to notify owners and record to settle land disputes in organized manner
1982	International	WGIP First Session	Adopts rules of procedure that allowed participation of IPs in WGIP deliberations; UN General Assembly creates Voluntary Fund for IPs to fund such participation; tasked by Sub-Commission to develop a criterion for determining the concept of indigenous and, second, to develop standards to guide member states of the UN in relation to the rights of the indigenous minorities in their jurisdictions

1983	Philippines	Consultative Assembly of Minority Peoples of Philippines	Supporters - National Council of Churches in Philippines-People's Action for Cultural Ties (NCCP-PACT), Ecumenical Commission for Tribal Filipinos (ECTF). Evolved as Kalipunan ng mga Katutubong Mamamayan ng Pilipinas (KAMP) in 1986.
1984	Bangladesh	Land Reform Policy	Many progressive articles on land redistribution, but not implemented
1984	China	Law on Regional Ethnic Autonomy	Gives ethnic minorities political control over traditional territories; but local CPP Sec Gen is still more powerful
1984	Malaysia	Forestry Act national	Stipulates state as owner of forest produce and requires license to harvest; treats Orang Asli forest harvesters as laborers or traders with licenses
1984	Malaysia	Parks Ordinance Sabah	Policy to control manage and maintain all parks which include both inland and marine ecosystems; restricts access of IPs living within Parks
1984	International	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Requires state parties to take effective measures to prevent torture within their borders, and forbids state parties to return people to their home country if there is reason to believe they will be tortured; ratified by 145 parties as of 2008.
1985	International	WGIP Fourth Session	Decides to produce draft declaration on indigenous peoples rights for eventual adoption and proclamation at the UN General Assembly
1985	Thailand	National Forestry Policy	Aims to formulate guidelines to deal with forest degradation including shifting agriculture, forest fires, forest clearing by hilltribe minorities while providing reforestation incentive to private sector
1986	International	ILO Convention 169	17 countries ratify indigenous peoples rights to determine their own economic, social and cultural development, right to protection of indigenous values, practices, institutions and environment, and to equitable development; calls states to take into account problems that face indigenous peoples as a group. Viewed as an improvement from Convention 107 with its new attitude in respecting cultures and ways of life, but no complaints procedure so not a directly enforceable obligation.
1986	Philippines	Lumad Mindanaw	Lumad Mindanaw, 12-19 ethno-linguistic groups LM, with help from Silingang-Dapit (SILDAP) and KADUMA-Lumad. Samahang Pantribu ng mga Mangyan ng Mindoro (SPMM). Evolved as Lumad Mindanao People's Federation in 1993 and separated from KAMP.
1986	Philippines	ADB and OECF loans USD 240M	For 14-year national forestation program
1987	Philippines	New Constitution	Has provision recognizing IP rights on ancestral domains; creates DENR to manage forest, minerals, environment, protected areas, lands.
1988	International	Universal Declaration on IP Rights (1st draft)	WGIP leads drafting of 45 articles on freedom in decision-making, collective and individual rights to live in peace, promote identity, ancestral domain recognition, free and prior informed consent. (IPs lobbying to get this signed in UN)

1988	Regional	Asian Indigenous Peoples Pact Foundation	18 members 9 countries; committed to protecting and revitalizing indigenous systems and institutions and their control over their ancestral homelands and their own development and future; 1st General Assembly held in April 1992 in Bangkok, where it adopted its Charter and Working Guidelines.
1990	Fiji	Constitution of Fiji	Amended from 1970 after the 1987 coup; includes additional safeguards for indigenous Fijians e.g. reserving majority House of Representative seats for Fijians, requires Prime Minister to be a Fijian; discriminated against Indo-Fijian population and is source of discontent leading to emigration of Indo-Fijians
1990	Philippines	DENR Special Task Force on Ancestral Domains	Provides rules on acceptance, identification evaluation and delineation of ancestral land claims in DENR
1990	Philippines	Forestry Master Plan (1990-2015)	25 year master plan for forestry development, includes several programs that evolved into CBFM
1990	PNG	WB Land Mobilization Project	Moved to individualize customary land tenure to stimulate agriculture and forestry devt; provoked serious unrest in parts of the country, thus proposals for land registration were withdrawn
1990	Indonesia	Dept of Transmigration and Forest Squatters	Forestry Minister stated that there are 6 million forest squatters
1990	Indonesia	Conservation of Biological Resources and Ecosystem	Eminent domain as legal base; no implementing regulations yet as of 2002; seen as less protective of IP rights compared to preceding policy under Dutch era
1991	India	Wildlife Protection Act	Amended from 1972 but same treatment of IPs wherein states can evict local forest dwellers without settling bonafide rights to residence; no continuance of NTFP rights
1991	International	World Bank Safeguards Policy	Recognizes need to protect and respect IP rights, and develops safeguard policies to ensure that IPs do not suffer adverse effects from WB-financed development projects
1991	Philippines	Local Government Code	Devolves central state functions to local government, including some NRM functions
1992	International	UN Conference on Environment and Development	Adopts the Rio Declaration, Agenda 21, and Statement of Principles on Forests, to achieve sustainable development; Rio recognizes IPs as distinct social partners and emphasizes unique value of indigenous cultures. Agenda 21 devotes a chapter on recognizing and strengthening role of IPs and provides for participation in matters affecting them especially with regard to protection of their lands. Forest Principles recognizes and supports identity, culture and rights of IPs and their communities.
1992	International	Convention on Biological Diversity	189 states ratify to respect, preserve and maintain and encourage indigenous communities embodying traditional lifestyles for the conservation and sustainable use of biological diversity and in respect thereof, support any remedial action; US signed but not yet ratified
1992	Philippines	Integrated Protected Areas	Provides for system of protected area management that involves local associations and indigenous peoples

		System Act	
1992	Thailand	Wildlife Reservation and Protection Act	Prohibits existence of human settlements within protected area boundaries
1992	Thailand	Enhancement and Conservation of National Environmental Quality Act	Sec 32-51 stipulates environmental quality standards & mandates EIA in protected areas
1992	Indonesia	Population and Prosperous Family Act	Art 6 implies recognition of right to cultural integrity as groups and rights to use ancestral lands; underlines principle of nonassimilation or nonintegration; seen as an exception in policies and practices of government regarding adat communities such as policy on resettlement of shifting cultivators, on alienated communities, and legislation on village government
1993	Australia	Native Title Act	Recognizes aboriginal prior ownership
1993	Cambodia	Constitution of Cambodia	Art. 44 on individual and collective ownership of property but no specific recognition to indigenous identity for land ownership; Art. 58 stipulates that land and natural resources are state property with no provision of IP access; Art 59 gives state the responsibility for environment and natural resources protection and management
1993	India	73rd Amendment	Decentralization to 3-tiered Panchayati Raj, with elected bodies at village, bloc, and district levels 1/3 of all seats reserved for women, seats reserved for Scheduled Castes and Tribes proportional to population; system also recognized at level of Gram Sabha (village assembly)
1993	International	International Year of World's Indigenous People	UN GA proclaims the international year to reinforce international cooperation in finding solutions to problems of IPs in areas such as human rights, environment, economic development and health.
1993	International	Vienna Conference on Human Rights	Recommends to proclaim an international decade on world's indigenous people
1993	Nepal	Forest Act	Provided for establishment of community forest user groups, but this caused displacement of IPs from their ancestral lands as ownership went to CFUGs that are often dominated by non-IPs; traditional use rights of landless forest dependent IPs and those seasonally or remote traditional forest users (usually from high mountains) suffered most as their traditional use rights not recognized
1993	Philippines	Lumad Mindanao People's Federation	Evolved from Lumad Mindanao of 1986 and separated from KAMP.
1993	Philippines	Provincial Special Task Force on Ancestral Domains	DENR task force formed to meet with indigenous peoples to verify ancestral domain claims and forest boundaries, as basis for granting CADCs

1993	Indonesia	Presidential Instruction No. 2	Poverty eradication directed at poor people in 'backward' villages, creating Pokmas (peoples groups) and giving them \$8500 revolving fund; though an empowerment program, approach was seen as top down
1993	Indonesia	Presidential Instruction No. 53	Ulayat land can be unilaterally taken for public use and that compensation will be in the form of social facilities
1994	Bangladesh	National Forestry Policy	Amended from 1974
1994	Bangladesh	Forestry Master Plan (1994-2013)	Aims to optimize forestry sector ability to stabilize environmental conditions and assist economic and social development; no recognition of community involvement in forest management
1994	International	Human Rights Committee case on a proposed hotel construction	HRC findings recognize the special relationship between indigenous peoples, their land, environment and culture and the need to protect these rights.
1994	International	Universal Declaration on IP Rights (1st submission)	WGIP submits draft to Sub-Commission
1994	Indonesia	Social Minister Decree No. 4	Referred to 'groups of people who live or are nomadic in geographically remote and isolated areas are socially and culturally alienated and/or still underdeveloped compared to other Indonesian communities in general'
1995	International	International Decade of World's Indigenous People	UN GA proclaims international decade (Dec 1994-Nov 2003) to promote and protect IP rights and empowerment to make choices that will enable them to retain their cultural identity while participating in life with full respect of their cultural values, adoption of Declaration and national legislation, establishment of UN permanent forum on indigenous peoples, and promotion of education concerning situation, languages, rights and aspirations of IPs. Invites governments to plan and implement the decade on basis of full consultation and collaboration with IPs
1995	Philippines	CBFM as national strategy	President issues executive order for CBFM to become national strategy for SFM and social justice
1995	Philippines	Philippine Agenda 21	Subscribes to CBFM as an underlying principle of sustainable development
1996	Cambodia	Environmental Protection and Natural Resource Management	Stipulates environmental planning requirements and requires EIA for any project (Art. 6); provides for public participation in NRM though no clear procedural provision (Art. 16)
1996	India	Panchayats Extension to Scheduled Areas Act	Made 73rd amendment applicable to Scheduled Areas where IP populations are predominant; sought to empower IPs to protect community resources, control social sector functionaries, own minor forest produce, manage water bodies, recommend mining leases, be consulted for land acquisition, enforce prohibitions, identify beneficiaries of government programs with Gram Sabha as decision making body; state implementation diluted central act, because community resources not defined, and PESA not operative in reserve forests and protected areas, also court order took

			away ownership over NTFPs
1996	Malaysia	Conservation of Environment Enactment Sabah	Sec 28 and 33 stipulates use of lands and activities affecting vegetation, no provision for IP rights and imposes restrictions on swidden farming
1996	Philippines	CBFM implementing guidelines	Integrates several programs and tenure instruments at CENRO level
1997	Bangladesh	CHT Accord	Land administration devolved to hill district councils, resolution of land disputes by Land Commission; weak administration and lack of cooperation between CHT councils and ministries in Dhaka
1997	Malaysia	Wildlife Conservation Enactment Sabah	Sec 7 & 32 recognizes community hunting areas and honorary wildlife wardens from community; Sec 9-2 recognizes perpetuity of native or traditional rights, and provides for community representation but requires that this be summarized and gives only 90 days notice
1997	Nepal	Ninth Five Year Plan (1997-2002)	Recognizes role of indigenous and disadvantaged groups and includes a chapter on policy to explore their knowledge and skills for use in development activities
1997	Philippines	KASAPI	Katutubong Samahan ng Pilipinas attempts to federate all indigenous peoples movements. Includes KPLN (Kapulungan para sa Lupaing Ninuno), KASACAV (Katutubong Samahan sa Cagayan Valley), KAPAPU (Panay), NATRIPAL, PANAGTAGBO sa Mindanao and others representing 64 ethno-linguistic groups from 127 different indigenous cultural communities in the Philippines.
1997	Philippines	Indigenous Peoples' Rights Act	Legislation enumerating civil, political, social and cultural rights of indigenous peoples; passed as part of Ramos government's Social Reform Agenda; provides for the conversion of DENR certificates of ancestral domain claims (CADCs) on over 1 million hectares held by IPs into certificates of ancestral domain titles (CADTs); requires free and informed consent of indigenous cultural communities before any projects can be undertaken by outsiders within ancestral lands.
1997	Regional	Proposed American Declaration on Indigenous Peoples Rights	Provides for 'internal' self-government, formulation and application of indigenous law; recognizes collective nature of IP rights, right of informed consent applying to right to environment, land and resources, and development, right to determine own development priorities
1997	Thailand	Constitution of Thailand	Art 46 recognizes right of traditional local communities and their participation in sustainable NRM; Art 56 gives individuals right to be legally protected and have quality, healthy and consistent survival, including right to collaborate with state and community in sharing benefits from natural resources and biodiversity; Art. 59 provides individuals with rights to be informed, explained and reasoned; no specific mention on rights of IPs; Art. 79 obligates state to promote public participation in natural resource management and Art

			69 obligates all people to protect natural resources; Art 290 gives local governments power and duties to preserve natural resource and environment though no clear provision for IP participation at local level
1997	Indonesia	Dept of Home Affairs No. 3	Regulation on empowerment, conservation and development of adat traditions, social customs and traditions
1997	Indonesia	Social Safety Net Program (JPS)	Post-financial crisis response to create productive job opportunities for jobless, good security, social security in education and health
1998	Malaysia	Wildlife Regulation Sabah	Recognizes community hunting areas and honorary wildlife wardens from community
1998	Philippines	DENR-DILG Joint Memorandum	Contains manual of procedures for DENR-DILG-LGU partnership on NRM; 181 CADCs awarded covering 2.54 million ha of forestland
1998	Indonesia	Subdistrict Development Program (PPK)	Target underdeveloped districts to apply principles of democracy and participation; provided funds to build facilities; WB funded; implementation delayed; transparency problems
1998	Indonesia	Suharto regime falls	End of New Order government
1998	Indonesia	People's Assembly Decision No. XVII on Human Rights	Contains Indonesia's Charter on Human Rights; Every person has the right to be free from torture or treatment that insults human values (Art. 25)
1998	International	EU Council Resolution on Indigenous Peoples within the Framework of the Development Cooperation of the Community and Members States	Calls for concern for indigenous peoples to be integrated into all levels of development cooperation, including policy dialogue with partner countries; recognizes that "Indigenous cultures constitute a heritage of diverse knowledge and ideas, which is a potential resource to the entire planet"; acknowledges the importance that indigenous peoples attach to their own "self-development", that is, the shaping of their own social, economic and cultural development and their own cultural identities; rights of indigenous peoples included as a thematic priority in proposals launched under the European Initiative for Democracy and Human Rights (EIDHR)
1998	Regional	ADB Safeguards Policy on Indigenous Peoples	Operation manual revised in 2004
1999	Philippines	Presidential Task Force on Ancestral Domains	Created to assist the Office of the President, through the Presidential Assistant for Poverty Alleviation, NGO and PO, in monitoring compliance with existing laws regarding the rights and welfare of indigenous peoples in their ancestral domains

1999	Indonesia	Human Rights Act	Art 6 provides explicit formulation of recognition and protection of adat communities and cultural identity, and considers this as part of implementing human rights; mentions rights over ulayat (communal right); Art 36 & 37 concerns property rights and their acquisition that mandates FPIC
1999	Indonesia	Indonesian indigenous peoples congress	Attended by 208 adat communities representing 121 ethnic groups; establishes alliance of IPs (AMAN)
1999	Indonesia	Forestry Act	Takes same position as 1967 version; divides forest into 2 categories, state and proprietary with adat falling under state forest due to eminent domain as legal base
1999	Indonesia	Village Government Act revised	Amended from 1975; aims to restore adat communities and institutions; village rep council can now be named by using equivalent local term for the word desa
1999	Indonesia	Agrarian Minister Regulation No. 5	Regulation to guide resolution of problems of ulayat right of adat law communities; it however reduced scope of ulayat rights and does not retroactively correct past infringements on ulayat lands
1999	Indonesia	Natural Resources Management Law	Environment Ministry recognizes adat communities in formulating NRM law

2000 International

Growing International Partnership

2000	Bangladesh	Forest Act	Amended from 1927 to formally introduce concept of social forestry; limited scope to recognize common user rights of forest dwelling communities, no provision for extension services to village communities or homestead foresters
2000	International	UN Permanent Forum on Indigenous Issues	UN ECOSOC establishes PFII
2000	Malaysia	Biodiversity Enactment Sabah	Implementing rules not yet in place
2000	Indonesia	Act No. 25 National Devt Program, PROPENAS	Legal system for NRM should have perspectives of sustainability, respect for human rights, democracy, gender equality and good governance; asserts importance of community participation
2000	Indonesia	Multi-stakeholder Forestry Program	DFID funded; focuses on poverty alleviation among forest dependent people, not dedicated to adat but most villagers belong to adat; aims to change existing regulations by encouraging more transparent policy making; on going
2001	International	World Social Forum	Held in Porto Alegre Brazil
2001	Cambodia	Land Law	Art. 23 recognizes IPs and defines who they are; Art. 24 allows for IP self-identification but no recognition of customary law for procedure; Art 25 defines lands of indigenous communities to include residences and swidden plots, allows IPs to apply for communal title and have alienable and transfer rights but stipulates that such lands should be recognized by administrative authorities
2001	Cambodia	Commune Administrative Law	Calls Commune Council to provide indigenous communities the opportunity to have a say in local affairs though no clear provision to make commune chief accountable to community

2001	Indonesia	Regional Autonomy Law	Many parties identify themselves as adat communities; some local governments pass policies recognizing adat communities and adat territories
2001	International	UNESCO Universal Declaration on Cultural Diversity	Adopted unanimously at the 31st UNESCO General Conference; aims to humanize globalization and make it more culturally sensitive; "All persons have the right to express themselves and to create and disseminate their work in the language of their choice, and particularly in their mother tongue; all persons are entitled to quality education and training that fully respect their cultural identity; and all persons have the right to participate in the cultural life of their choice and conduct their own cultural practices, subject to respect for human rights and fundamental freedoms (Art. 5)
2002	Malaysia	Parks Ordinance Sabah	Amended Sec 20 to empower Parks Board of Trustees to carry out bio-prospecting, tree plantation and commercial and industrial enterprises
2002	Malaysia	Environment Protection Enactment Sabah	Sec 28 and 33 stipulates use of lands and activities affecting vegetation, no provision for IP rights and impose restrictions on swidden farming
2002	Nepal	Development of Indigenous Nationalities Act	Recognizes 59 indigenous nationalities (Janjatis)
2002	Nepal	King ousts Prime Minister	King Gyanendra deposes Prime Minister Deuba and the entire Council of Ministers, assumes executive power, and cancels the elections for the dissolved House of Representatives
2002	Nepal	Tenth Five Year Plan (2002-2007)	Dedicates a chapter to protect, promote and use traditional skills of knowledge of indigenous nationalities
2003	Cambodia	Forestry Law	Identifies local communities and ensures their traditional user rights of timber and NTFPs though no specific reference to IPs; calls for full public participation on all government decisions affecting local communities and forest resources
2003	Cambodia	Sub-decree on Customary Management	Provides criteria for local communities as a minority or ethnic community or a group of local residents with original settlement in one or more villages; no mention about collectivity and clear distinction between indigenous and non-indigenous minority
2003	Malaysia	Inland Fisheries and Aquaculture Enactment	Sec 36-37 allows for creation of committees for community fisheries management
2004	China	Yunnan passes guidelines for Regional Ethnic Autonomy Law	First province in China to approve implementation guidelines; revised Yunnan Ethnic Minority Employment Law to protect jobs of ethnic minorities
2004	International	2nd International Decade of World's Indigenous People	UN GA proclaims 2nd international decade (Jan 2005-Dec 2014), to emphasize the importance of attaining objectives of 1st decade, implying that objectives were not achieved

2004	Taiwan	Constitution draft	CIP proposes constitution to contain chapter on IP rights including sovereignty, land and natural resources, education, culture, language, traditional knowledge, customary law, participation in national policy making, recognition and protection of other collective rights; draft does not have wide support from IPs due to their lack of participation in drafting process
2005	Australia	National Indigenous Forestry Strategy	Aims to encourage indigenous participation in forest industry by forming business partnerships
2005	Nepal	King dissolves Parliament	King Gyanendra dissolves parliament and bans all news reports. All telephone and internet connections are cut. Rights groups express fear for the safety of human rights campaigners, political activists and members of the National Human Rights Commission, who face increasing harassment from both security forces and the Maoist rebels.
2005	Taiwan	Indigenous Peoples' Basic Act	Asks for state to amend relevant laws to comply with the spirit of the Act; Committee formed but government bodies could not agree on Act's interpretation; Ministry of Interior transfers to CIP 250K ha of land reserved for IP habitation and cultivation
2005	India	Tribals protest during Independence Day	40-50K join to demand that bill be introduced in parliament to correct historical injustices
2005	International	WB Revised Operational Policy on Indigenous Peoples	Retains 1990 policy requirements (OD 4.20) that WB-financed projects be designed not only to avoid adverse impacts but equally importantly to provide culturally appropriate benefits; clarifies ambiguities and simplifies project processing requirements; passed after 6 years of drafting and review; applies to all investment projects for which a Project Concept Review took place on or after 1 July 2005; upholds 'free prior and informed consultation with broad community support' rather than 'free and prior informed consent'.
2006	China	Yunnan guidelines for Regional Ethnic Autonomy Law	Yunnan People's Congress approves 32 article amendments
2006	China	Yunnan Five Year Plan	State provides RMB 84M (\$11M) for development assistance projects (paved roads, electricity, radio and TV broadcasting, housing, clothing, nutrition, financing, schools) with slogan Prosperity for Hinterland and Wealth for People; Model Villages of Ethnic Unity
2006	International	Universal Declaration on IP Rights (HRC adoption)	HRC adopts Declaration and recommends to UN General Assembly for adoption
2006	Nepal	Revolution ousted King	House of Representatives convened for the first time since King dissolved it in 2002; announces that Nepal is a secular country (previously officially Hindu state despite claims of IPs who practice their own religion)
2006	International	UN General Assembly 3rd Committee	Voted to defer consideration and action of the Declaration to allow time for further consultation; Australia, New Zealand, USA and Canada opposes the HRC adopted Declaration

		Decision	text
2006	India	Scheduled Tribes and Other Forest Dwellers Bill	Drafted by the Ministry of Tribal Affairs in 2005 to "redress historical injustice done to tribal community and for clear assertion of their legal rights on land"; passed after a year of public debate and creation of a Joint Parliamentary Committee (JPC); the bill faced stiff opposition from ideological conservationists and the Ministry of Environment and Forest on the grounds that implementation will result in the depletion of the country's forest cover; while it is viewed as a landmark legislation, some social movements believe that rather than improving the lot of the tribals, the Act will lead to conflict of interest between the forest dwelling Scheduled Tribes and other traditional forest dwellers.
2007	Thailand	Prime Minister ousted; military took over	Abolishes 1997 constitution; hilltribes join movement towards drafting new constitution
2007	Indonesia	Program to Promote Peoples Forests	Provides local communities option to secure long-term (max 100 yrs) leasehold in state forest areas to establish and benefit from planted forests
2007	India	Scheduled Tribes and Other Forest Dwellers Bill	Tribal Affairs Ministry forms 19-member commission to frame rules for implementation. Commission members include officials from the Ministries of Tribal Affairs, Forests and Environment, Rural Development and Panchayati Raj besides representatives of some State Governments and experts, and headed by retired bureaucrat S.R. Sankaran.
2007	Nepal	20-point Agreement between Govt and Indigenous Nationalities	Includes representation of IP candidates for constituent assembly elections, ensures linguistic rights of citizens; but elections moved to 2008 after being postponed twice in 2007; demonstrations in major cities for early implementation of the Act
2007	Nepal	ILO Convention 169 ratification	First country in Asia-Pacific to ratify
2007	Australia	Howard government	Floats idea of constitutional recognition of indigenous Australians and getting them to join mainstream economic process
2007	International	UN Declaration on Rights of Indigenous Peoples	Passed during the 61st session of the United Nations General Assembly on 13 Sep; establishes a universal framework of minimum standards for the survival, dignity, well-being and rights of the world's indigenous peoples; addresses both individual and collective rights; cultural rights and identity; rights to education, health, employment, language, and others; outlaws discrimination against indigenous peoples; ensures their right to remain distinct and to pursue their own priorities in economic, social and cultural development.
2007	International	ADB Safeguards Policy on Indigenous Peoples	Series of consultations held to review and revise the policy; session with indigenous peoples held in ADB, participated in by UNPFII Chairperson

2007	Australia	Rudd government	Discussions on a national apology for 'stolen generations' led by Judge Merkel and new appointment for Northern Territories
2007	Australia	Rudd government	Parliament issues national apology for 'stolen generations'

Annex 2. UN Declaration on Rights of Indigenous Peoples

United Nations Declaration on the RIGHTS OF INDIGENOUS PEOPLES

Categorized and Summarized ³¹

A. Cultural Integrity

6. Right to belong to an indigenous community or nation (Art. 10)
7. Collective right to live in freedom, peace and security as distinct peoples (Art. 7.2)
8. Right not to be subjected to forced assimilation or destruction of culture (Art. 8.1)
9. Right to practice and revitalize cultural traditions and customs (Art. 11)
10. Right to manifest, practice, develop and teach spiritual and religious traditions, customs and ceremonies (Art. 12)
11. Right to revitalize, use, develop and transmit to future generations cultural histories, languages, oral traditions, philosophies, writing, systems and literatures, and to designate and retain original names for communities, places and persons (Art. 13)
12. Right to establish and control educational systems and institutions (Art. 14.1)
13. States to take measures for children within and outside indigenous communities to have an education in the mother tongue and culture (Art. 14.3)
14. Right to reflect dignity and diversity of cultures, traditions, histories and aspirations in education and public information (Art. 15.1)
15. Right to establish own media in own languages, and access all forms of non-indigenous media (Art. 16)
16. Right to own traditional medicines and maintain health practices, including conservation of vital medicinal plants, animals and minerals, and have rights to all social and health services. (Art. 24.1)
17. Right to own, use develop and control lands, territories, and resources traditionally owned or otherwise occupied and used, with responsibility to uphold these for future generations. (Art. 25, 26)
18. Right to maintain, control, protect and develop intellectual property over cultural heritage, traditional knowledge and cultural expressions, manifested in their sciences and technologies including human and genetic resources, seeds, medicines, knowledge of properties of flora and fauna, oral tradition, literature, design, sports and games, visual and performing arts. States to recognize and protect the exercise of these rights (Art. 31)
19. Right of indigenous peoples particularly those divided by international borders to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders. States to take effective measures to facilitate, exercise and implement this right, in consultation and cooperation with indigenous peoples (Art. 36)
20. Right to the recognition, observance, and enforcement of treaties, agreements and other constructive arrangements concluded with States or successors (Art. 37).

³¹ Categorization and summarization was done by Asia Forest Network (AFN) for the purpose of this outlook study, based on the 46 articles in the United Nations Declaration of Indigenous Rights of Indigenous Peoples adopted by the General Assembly on 13 September 2007 http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

Nothing in this Declaration diminishes rights of indigenous peoples contained in these treaties and agreements. (Art. 37)

21. States to take appropriate measures, including legislative measures, in consultation and cooperation with indigenous peoples, to achieve the ends of this Declaration (Art. 38)

B. Human Security (freedom from want and fear)

1. Human rights and fundamental freedoms as individuals or collectives (Art. 1)
2. Right to be free from any kind of discrimination (Art. 2)
3. Rights to life, physical and mental integrity, liberty and security of person (Art. 7.1)
4. Right to a nationality (Art. 6)
5. Freedom for children against labor exploitation (Art. 17.2)
6. Freedom from discrimination in labor conditions, i.e. employment and salary (Art. 17.3)
7. Freedom for children against discrimination in education (Art. 14.2)
8. States take effective measures to combat prejudice and eliminate discrimination, and promote tolerance and understanding and good relations among indigenous peoples and all other segments of society (Art. 15.2)
9. States to take measures in conjunction with indigenous peoples, to ensure that indigenous women and children be protected against all forms of violence and discrimination. (Art. 22.2)
10. States to take steps so that indigenous individuals enjoy highest attainable standard of physical and mental health. (Art. 24.2)
11. Military activities shall not take place in IP lands and territories, unless justified by significant threat to public interest or otherwise freely agreed with or requested by IPs. States to undertake effective consultations with IPs concerned prior to using their lands and territories for military activities. (Art. 30)
12. Right to obtain citizenship of the States in which they live, without impairing their right to determine their own identity and membership in accordance with their customs and traditions. (Art. 33.1)
13. Right recognized in this Declaration constitute the minimum standards for survival, dignity and well-being of IPs of the world (Art. 43)
14. All rights and freedoms recognized herein are equally guarantees to male and female indigenous individuals (Art. 44)

C. Self-Governance (freedom to make own decisions)

1. Right to self-determination: freely determine political status and freely pursue their economic, social and cultural development (Art. 3)
2. Right to autonomy: self-government in internal or local affairs (Art. 4)
3. Right to maintain and strengthen distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if chosen, in the political, economic, social and cultural life of the State (Art. 5)
4. Right to participate in decision-making in matters which would affect own rights, and to choose own representative institutions to obtain free, prior and informed consent before adopting or implementing legislative and administrative measures that may affect indigenous peoples (Art. 19)
5. Right to be secure in the enjoyment of their own means of subsistence and development, and to freely engage in all traditional and economic activities (Art. 20.1)

6. Right to be involved in developing and determining health, housing and other economic and social programs affecting, and as far as possible, to administer such programs through own institutions (Art. 23)
7. States to take effective measures to ensure no storage or disposal of hazardous materials without free prior informed consent. (Art. 29.2)
8. States to consult and cooperate with IPs concerned to obtain free and informed consent prior to approval of any project affecting lands, particularly in connection with development, utilization or exploitation of mineral, water and other resources. (Art. 32.2)
9. Right to determine structures and select membership of own institutions in accordance with own procedures (Art. 33.2)
10. Right to promote, develop and maintain institutional structures and distinctive customs, spirituality, traditions, procedures, practices, and in cases where they exist, juridical systems or customs, in accordance with human rights standards (Art. 34)
11. Right to determine responsibilities of individuals in own communities (Art. 35)

D. Negotiation and Redress

1. States to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceeding (Art. 13.2)
2. Right to be provided by State of prevention of or redress for any action which aims to or cause:
 - deprivation of integrity as distinct peoples,
 - dispossession of lands and territories,
 - forced population transfer violating or undermining any rights,
 - forced assimilation or integration,
 - promotion of racial/ethnic discrimination against them (Art. 9)
3. Right for redress through effective mechanisms which may include restitution of their various forms of property taken without FPIC (Art. 11)
4. Right for just and fair redress if deprive of their means of subsistence and development. (Art. 20.1)
5. State to recognize and adjudicate rights of IPs pertaining to lands, territories and resources with due recognition to IP laws, traditions, customs and land tenure systems, with IPs participating in the process. (Art. 27)
6. Right to redress (restitution or just compensation) for lands, territories and resources confiscated, taken, occupied, used or damaged without their free, prior informed consent. Compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress, unless otherwise freely agreed with peoples concerned. (Art. 28)
7. States to take effective measures that programs for monitoring, maintaining and restoring health affected by storage or disposal of hazardous materials duly implemented. (Art. 29.3)
8. States to provide effective mechanisms for just and fair redress in connection with development, utilization or exploitation of mineral, water and other resources. States to take appropriate measures to mitigate adverse environmental, economic, social, cultural or spiritual impact. (Art. 32.3)
9. Right to access and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of individual or collective rights (Art. 40).
10. UN system and other intergovernmental organizations to contribute to full realization of the provisions of this Declaration, through mobilization of financial cooperation and technical assistance (Art. 41)
11. UN and its bodies, including Permanent Forum on Indigenous Issues and specialized agencies, including at country level, and States to promote respect for and full

application of the provisions and follow up the effectiveness of this Declaration (Art. 42)

12. Nothing in this Declaration may be construed as diminishing or extinguishing rights that IPs have now or may acquire in the future (Art. 45)

E. Sustainable and equitable development

1. Enjoy rights under international and domestic labor laws (Art. 17.1)
2. States ensure that state-owned media reflect indigenous cultural diversity, and encourage privately owned media to do the same (Art. 16.2)
3. Right to improve economic and social conditions, including education, employment, vocational training/retraining, housing, sanitation, health, social security. (Art. 21.1)
4. State to take effective measures, or special measures, to ensure continuing improvement of economic and social conditions, with particular attention to needs of elders, women, youth, children and persons with disabilities. (Art. 21.2)
5. Right and special needs of elders, women, youth, children and persons with disabilities (Art. 22.1)
6. State to give legal recognition and protection to indigenous lands, territories and resources, with due respect to customs, traditions and land tenure systems. (Art. 26.3)
7. Right to conservation and protection environment, and productive capacity of lands. States to establish and implement assistance programs without discrimination. (Art. 29.1)
8. Right to have access to financial and technical assistance from States and through international cooperation, for enjoyment of rights in this Declaration (Art. 39)
9. Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act contrary to the UN Charter. Rights in this Declaration, human rights and fundamental freedoms of all shall be respected. Exercise of rights in this Declaration is subject only to limitations as determined by law, in accordance with international human rights obligations. Such limitations shall be non-discriminatory and necessary for the purpose of securing due recognition and respect for the rights and freedoms of others, for meeting the just and compelling requirements of a democratic society. (Art. 46)