



# Statement of Indigenous Peoples & Ethnic Minorities (IP&EM) of ASEAN

Workshop on  
Indigenous Peoples &  
Ethnic Minorities  
Friday 30 March 2012  
14:00pm-16:15pm  
Lucky Star 2, Room B6,  
Ground Floor

ACSC/APF 2012  
Phnom Penh, Cambodia  
29-31 March 2012



## **PROMOTE AND PROTECT RIGHTS TO LAND, TERRITORY, RESOURCES AND DEVELOPMENT OF INDIGENOUS PEOPLES AND ETHNIC MINORITIES (IP/EM) IN ASEAN**

### **Background**

We, the Indigenous Peoples/Ethnic Minorities in the ASEAN comprise more than 100 million representing distinct identities and diverse cultures. We are referred to in different names such as *ethnic minorities, hilltribes, indigenous communities, orang asli, orang asal, ethnic groups, ethnic nationalities, masyarakat adat*, among others. However, we share common historical injustices of marginalization, exclusion, discrimination, forced assimilation. At the same time, we continue to assert our distinct identities, self-governance, traditional livelihoods and resource management systems as well as our socio-cultural institutions in the midst of mainstream national political, cultural and economic systems and legal framework.

We, the Indigenous Peoples/Ethnic Minorities in ASEAN and around the world have struggled for the recognition of our identities, cultures and inherent rights as distinct peoples. We cannot achieve the full enjoyment of our individual rights without the recognition of our collective rights. We acknowledge the efforts of some countries in ASEAN that recognize our collective rights. Likewise, it has led to the drafting and consequently the adoption of the UN Declaration on the Rights of Indigenous Peoples in September 2007 after 20 years, with the favorable votes of all the ASEAN states. The rights of indigenous peoples are now integral part of international human rights standards. However, we are yet to see the ASEAN recognize and incorporate our rights in its documents and blueprints.

**Despite forming a big part of the culturally diverse ASEAN, we continue to face various issues that further marginalize us from society. Among these are:**

- a) Non-recognition of Indigenous Peoples and Ethnic Minorities as distinct peoples with collective rights including citizenship issues in some countries
- b) Lack or inadequate space for participation in decision making processes of indigenous peoples and ethnic minorities including indigenous women in the governance system of States in some countries
- c) Lack of full recognition of customary laws and self governance of indigenous peoples and ethnic minorities;
- d) Continuing stigma and discrimination (institutionalized and unintentional) against Indigenous Peoples and Ethnic Minorities resulting to legislation of inappropriate policies and laws and its implementation in relation to land, territories and resources, among others.
- e) Increasing gaps in economic and social development or disparity between IPs/EM and other populations
- f) Non-recognition and implementation of the right to Free, Prior and Informed Consent especially in relation to the planning, designing and implementing development projects affecting Indigenous Peoples and Ethnic Minorities.
- g) Development aggression in indigenous communities such as extractive industries, hydropower, mining, oil, gas, economic land concessions, plantation projects, etc. coupled with militarization in some countries resulting to the displacement of communities. This profit and greed driven economic development model adversely affects IPs/EMs.

- h) Lack of full recognition of rights of indigenous peoples and ethnic minorities to land, territories and resources that adversely affects traditional occupation, livelihood, welfare and food security.
- i) Lack of full recognition of the contribution of indigenous peoples and ethnic minorities to traditional knowledge on resource management as a solution to the mitigation and adaptation to climate change
- j) Lack of support for indigenous educational institutions, particularly mother tongue education and traditional health-care systems and the lack of access and provision of adequate education, healthcare and other services.

**Given this situation, we, the Indigenous Peoples and Ethnic Minorities in the ASEAN, call on the ASEAN member states to:**

1. Recognize indigenous peoples and ethnic minorities as distinct peoples with collective rights from the rest of the dominant population/mainstream society with their own identity, culture and collective ways of life with their land, territories and resources through the implementation of the UN Declaration on the Rights of Indigenous Peoples ( UNDRIP) that was supported by all member states of ASEAN and other international human rights instruments
2. Review national laws and policies with the view of incorporating articles of the UNDRIP especially the right to lands, territories and resources of indigenous peoples and ethnic minorities.
3. Incorporate FREE, PRIOR and INFORMED CONSENT (FPIC) as a right of indigenous peoples in national laws and policies and ensure its implementation on programmes and projects that may affect them.
4. Recognize, respect and promote customary laws and self-governance of indigenous peoples and ethnic minorities particularly in relation to the sustainable management and control over their land, territories and resources; and conflict resolution.
5. Recognize, respect and promote the contributions of indigenous peoples and ethnic minorities to traditional knowledge on sustainable management of resources as a solution to climate change adaptation and mitigation.
6. Establish and reinforce the effective functioning of mechanisms for seeking of redress and access to justice including legal pluralism approaches for damages of past and current projects that were not consulted with indigenous peoples
7. Establish effective mechanisms at the local, national, and regional level for the participation of indigenous peoples in all decision making processes including in the matter of governance of the states.
8. Encourage all ASEAN member states to ratify the Convention on the Elimination of all Forms of Racial Discrimination and ensure its implementation. Review and repeal national laws and policies that are discriminatory to indigenous peoples and ethnic minorities.
9. Designate an indigenous peoples focal person within the AICHR towards the establishment of a working group on indigenous peoples for the respect, promotion and protection of indigenous peoples rights in consistent with the UNDRIP within the ASEAN in relation to building an ASEAN community by 2015
10. Incorporate the rights of Indigenous Peoples and ethnic minorities consistent with the UNDRIP in the ASEAN Human Rights Declaration.

## **Organizations**

Indigenous Peoples Task Force on ASEAN

NGO Forum on Cambodia (NGOF), Cambodia

Indigenous Community Support Organization (ICSO), Cambodia

Indigenous Rights Active Members (IRAM), Cambodia

Organization to Promote Kui Culture (OPKC), Cambodia

Highlanders Association (HA), Cambodia

Cambodia Indigenous Youth Association (CIYA), Cambodia

Indigenous Peoples NGO Network (IPNN), Cambodia

Prey Lang Indigenous Peoples Network (PLIPN), Cambodia

The Indigenous Peoples Alliance of the Archipelago (AMAN), Indonesia

Sustainable Development Knowledge Network (SPECTRUM), Myanmar

Asia Indigenous Peoples Pact (AIPP)

Institute for Study of Society, Economy and Environment (iSEE), Vietnam