



# Development Justice FACTSHEET

## Indigenous Peoples



### Contact

Indigenous Peoples Constituency of Asia Pacific Regional CSO Engagement Mechanism (APRCM)

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The Asia Pacific Regional Civil Society Engagement Mechanism (RCM) promotes stronger, coordinated, and more effective civil society contribution in regional and global UN processes. It consists of 427 civil society organisations working in the Asia Pacific region within 17 different constituencies and five sub regions. It ensures stronger cross constituency coordination and that voices of all sub-regions in the Asia Pacific are heard in intergovernmental processes.

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Asia is home to two-thirds of the estimated 370 million indigenous peoples worldwide. Indigenous peoples account for 5% of the global population but 15% of the poorest.<sup>1</sup> Indigenous peoples are referred to in different names – such as “ethnic minorities”, “nationalities”, “hill tribes”, “adivasi” and “Orang Asal/Asli”, among others. While they represent distinct and diverse cultures, their common features are historical subjugation and assimilation; marginalization and economic, cultural, social and political discrimination in relation to the majority of the population. Many States in Asia do not legally recognize their distinction as indigenous peoples along with their rights affirmed by the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

The UNDRIP provides a framework for the rights and development priorities of indigenous peoples, which is further elaborated in the Outcome Document of the World Conference of Indigenous Peoples. In particular, indigenous peoples’ rights to their traditional lands, territories and resources and to self determination have to be secured as the fundamental basis for their economic development and foundation of their wellbeing and cultural integrity. At the same time, they have extensive knowledge systems that can contribute to achieving the SDGs, including combatting climate change through sustainable management of resources and halting biodiversity loss.<sup>2</sup>

For indigenous peoples, their lands, territories and resources constitute not only the basis of their economic livelihoods but also the source of their spiritual, cultural, social identity and their collective wellbeing. They continue to protect and nurture their lands and resources in a sustainable way for their collective survival and development as well as sustenance of the

<sup>1</sup> Asia Pacific Forum on Sustainable Development 2015, 21-22 May 2015, Bangkok, Thailand.

<sup>2</sup> 2030 Development Agenda key for reducing inequality for indigenous peoples, Professor Davis, Chairperson of the statement Permanent Forum on Indigenous Peoples, New York, 25 September 2015.

future generation. However, their lands and resources are being appropriated and exploited, without their free, prior and informed consent, under worsening development aggression. This is the result of neo-liberal policies that allow massive resource extraction and infrastructure development, haphazard power and energy projects, mono cropping and agribusiness, among others. Likewise, national parks and conservation areas are causing displacements of communities and criminalization of the traditional livelihoods. The opposition and legitimate actions by indigenous peoples to defend their lands and resources are often met with militarization and repression, resulting in more human rights violations.

Despite significant progress made in the Millennium Development Goals (MDGs), indigenous peoples are still lagging behind. Further, indigenous peoples were rendered invisible, and generally excluded from the implementation, monitoring and evaluation of the MDGs.

The 2030 Development Agenda offers challenges and opportunities for indigenous peoples in relation to the respect for their rights and self-determined development. The Sustainable Development Goals (SDGs) constitute a step forward from the MDGs, as it now includes six references to indigenous peoples including their access to and control of lands and resources, and data disaggregation by ethnicity in key development targets. However, there is no explicit reference to the protection of the rights of indigenous peoples, including the requirement for their free, prior and informed consent on projects and programmes that affect them. In this context, there are some development targets (i.e., economic growth, industrialization, energy) that have serious adverse implications to the exercise of indigenous peoples' rights. Thereby, it is critical to have special measures and key indicators respecting the rights of indigenous peoples to in order to ensure that indigenous peoples are not left behind.

## Indigenous Peoples' Perspectives on Development Justice

**Redistributive justice**, for indigenous peoples, implies ensuring recognition and protection of their rights over their traditional lands, territories and resources with due respect of their customs and tenure systems. This includes their right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for their traditional lands, territories and resources, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent. It also requires effective access to justice for indigenous peoples who are criminalized for legitimate actions to protect their lands, territories and resources. There is an urgent need for political and legal reforms to eliminate laws, policies and programmes that are oppressive and discriminatory to indigenous peoples and to provide legal recognition of indigenous rights as affirmed in the UNDRIP. Legal pluralism that includes the recognition and respect of indigenous customary laws and justice system consistent with international human rights standards is a key step in achieving equity, justice and respect for cultural diversity as foundations of sustainable development.

**Economic justice** for indigenous peoples is the transformation of the dominant development paradigm to being people-centered and enhancing the security of their lands, territories and resources for their sustainable livelihoods, food security and resource management systems to meet their needs. Economic growth policies driven by corporate interest and based on exploitation of peoples and their natural resources pose a serious threat to the survival of

indigenous peoples. The ambitious Investment Plan of ASEAN for economic integration proposes more than a hundred large dams, expansion of mono-cropping, bio fuel plantations, economic land concessions and increasing mining and infrastructure. It is being laid out without consultation with indigenous communities. The full and effective participation of indigenous peoples in development planning, implementation, and monitoring subject to their free, prior and informed consent is paramount to realizing economic justice.

**Social and gender justice** requires targeted measures to prevent and eliminate discrimination and violence against indigenous women and other vulnerable groups such as indigenous youth, children, older persons and persons with disabilities. Their specific needs must be addressed to improve their socio-economic conditions and well-being. Indigenous women, by virtue of their gender and ethnicity, bear particular impacts and increased vulnerability to violence and disempowerment from the loss of lands and resources, conflicts, prevailing patriarchal systems, and social, economic and cultural discrimination. Effective inclusion of indigenous women in decision-making bodies including in customary institutions and their economic independence is vital for their empowerment. Targeted measures need to be developed collaboratively with indigenous women and vulnerable groups.

**Environmental Justice** for indigenous peoples, requires the recognition of the disproportionate consequences they bear due to environmental degradation, including climate change and the effects of flawed mitigation and adaptation measures, despite them having the smallest carbon footprints. Thus, environmental justice for indigenous peoples means putting an end to destructive development projects and activities in indigenous territories such as mining, nuclear energy, large dams, large-scale commercial agriculture and biofuel plantations. It requires the recognition, respect and enhancement of the traditional knowledge of indigenous peoples in making a significant contribution to sustainable ecosystem management and environmental protection. Indigenous traditional knowledge contributes viable solutions to climate change and sustainable development. It is necessary to ensure meaningful participation of indigenous peoples in relevant processes and mechanisms relating to climate change and sustainable development to achieve environmental sustainability. Indigenous participation would also ensure the sustainable use, management and development of lands and resources based on the peoples' needs and priorities and on environmental sustainability.

**Accountability to peoples** for indigenous peoples entails inclusive partnership with different stakeholders including States and the private sector. These partnerships should be based on respect for indigenous peoples' self-determined development with adherence to their right to free, prior and informed consent. Inclusive partnership shall also ensure mutual respect, transparency and accountability, equitable benefit-sharing. It shall take into account the specific aspirations and welfare of indigenous women, youth, elderly and persons with disabilities. States, international financial institutions and the private sector need to adopt a human rights-based approach to development and fully implement accountability and transparency policies and measures especially on financing for development; and the establishment of effective grievance mechanisms accessible to indigenous peoples and marginalized sectors.