

The Asian Indigenous Women's Network (AIWN) and the Indigenous Peoples' Alliance of the Archipelago (AMAN: Aliansi Masyarakat Adat Nusantara), in partnership with Rights & Democracy have prepared this information kit to highlight the work of indigenous women who are acting at the local, national and international levels to insist that their rights be respected. As a number of challenges lay ahead in the Second Decade of the World's Indigenous Peoples (2005-2015), it is an appropriate time to explore not only the issues that impact on indigenous women in Asia, but also to bring to light the strengths and hopes of these women. The kit also proposes possible avenues for action to enable indigenous women to take full advantage of legal instruments, and international fora and mechanisms that may be useful in furthering their work.

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These sheets can be used in various contexts: during training sessions with organizational leaders, as materials for capacity-building sessions, to promote the regional network and anytime there is a need for information on the situation of indigenous women. They can help to further discussion by providing information and asking questions and raising issues relevant to indigenous women. They also include useful references for further information and suggestions for action.

This kit is available in English, Indonesian and French. It is also posted on the following web sites:

Asian Indigenous Women's Network (AIWN) / Tebtebba: www.tebtebba.org

Aliansi Masyarakat Adat Nusantara (AMAN): www.aman.or.id

Rights & Democracy: www.dd-rd.ca

To order:

English Version:

Asian Indigenous Women's Network (AIWN) / Tebtebba:
No. 1 Roman Ayson Rd., 2600 Baguio City, Philippines

Indonesian Version:

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The Asian Indigenous Women's Network (AIWN) and the Indigenous Peoples' Alliance of the Archipelago (AMAN: Aliansi Masyarakat Adat Nusantara), in partnership with Rights & Democracy have prepared this information kit to highlight the work of indigenous women who are acting at the local, national and international levels to have their rights respected. As a number of challenges lay ahead in the Second Decade of the World's Indigenous Peoples (2005-2014), it is an appropriate time to explore not only the issues that have an impact on indigenous women in Asia, but also to bring to light the strengths and hopes of these women. The kit proposes possible avenues for action to enable indigenous women to take full advantage of legal instruments, and international fora and mechanisms that may be useful in furthering their rights.

Indigenous women have always been part of their peoples' struggles at all levels: locally, nationally and internationally. In spite of their immeasurable contributions to society, indigenous women are still victims of a double marginalization that is a result of them being women and being indigenous. They are disproportionately affected by extreme poverty, trafficking, illiteracy, lack of access to ancestral lands, non-existent or poor health care and violence in the private and the public spheres.

Challenges of the New Decade

Over the last two decades the situation of indigenous peoples worldwide and the violations of their human rights has become a key issue in the international arena. This increased attention is reflected in several activities at the level of the United Nations: the establishment in 1982 of the *Working Group on Indigenous Populations (WGIP)*, the proclamation by the General Assembly of the International Decade for Indigenous People (1995-2004), the establishment of the *Permanent Forum on Indigenous Issues* in 2000, the creation of a *Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People* in 2001, and the proclamation of a Second International Decade for Indigenous People (2005-2014).

While it is true that the First International Decade of the World's Indigenous People,

which ended in 2004, created several spaces, including the 1995 World Conference on Women in Beijing, which allowed for greater participation by indigenous peoples at the international level, the situation of indigenous peoples still requires the attention of the international community. For example, the First International Decade did not stem the exodus of thousands of indigenous people pushed off their lands by the "development" of others (mining and oil companies, land settlement), by armed conflict or famine. Indigenous women inevitably pay a higher price when there is displacement and dislocation, whether they remain



Seminar on Indigenous Women and the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), organized by AIWN, 2005.

behind in the communities that men have deserted or flee to cities where they find themselves isolated from their family and cultural networks. They usually suffer the most from the violations to the integrity of their peoples and family, and are prime targets for violence resulting from the militarization of their territories.

Indigenous women in Asia were particularly active during the first International Decade of the World's Indigenous People. At the local level, they built and strengthened their own community organizations and allied themselves with others to form networks. AIWN played the lead role in bringing together indigenous women from all over the world during the Beijing World Conference on Women in 1995. The Beijing Declaration of Indigenous Women has become a framework for understanding the situations, perspectives and issues of indigenous women. There are other networks presently working on these issues, including the Gender Desk of the Asian Indigenous Peoples Pact (AIPP), and the Asia-Pacific Indigenous Youth Network.

The Second Decade of the World's Indigenous People began on January 1, 2005. Its five main objectives are

relevant to indigenous women:

- ▶▶ Promote non-discrimination and inclusion of indigenous peoples in processes regarding laws, policies, resources, programmes and projects;
- ▶▶ Promote the full and effective participation of indigenous peoples in decisions which affect their lifestyles, land and culture as well as considering the principle of free, prior and informed consent;
- ▶▶ Redefine development policies that are culturally appropriate;
- ▶▶ Adopt targeted policies, programmes, projects and budgets for the development of indigenous peoples with an emphasis on indigenous women, children and youth;
- ▶▶ Develop strong monitoring mechanisms and enhance accountability at the international, regional and national levels regarding the implementation of laws, policies and operational frameworks for the protection of indigenous peoples.

Several activities have been scheduled for the Second Decade, including the adoption of the United Nations Declaration on the Rights of Indigenous Peoples at the international level, strengthening regional cooperation between international and regional human rights mech-

Contributing Organizations

AIWN was established in 1993, the result of the First Asian Indigenous Women's Conference held in Baguio City, the Philippines. It was created to support, sustain and help consolidate various efforts of indigenous women in Asia. Its goals are to enable indigenous women to empower themselves by becoming aware of their rights as women and as indigenous peoples, and to help them develop their own organizations or structures for empowerment.

AMAN was established in 1999, the result of the First Congress of the Indigenous Peoples of the Archipelago. AMAN's mandate is to work for the benefit of the indigenous peoples of the Archipelago. Its membership includes more than 1000 communities and 16 provincial level indigenous organizations. Since the Third Congress of the Indigenous Peoples of the Archipelago, held in March 2007, AMAN has increased its commitment to indigenous women's issues and projects with the creation of a directorate specifically focusing on indigenous women's issues.

Rights & Democracy is an independent Canadian institution created by an Act of Parliament in 1988. It has an international mandate to promote, advocate and defend the democratic and human rights set out in the International Bill of Human Rights. In cooperation with civil society and governments in Canada and abroad, Rights & Democracy initiates and supports programs to strengthen laws and democratic institutions, principally in developing countries. In its programming, it has always advocated for the recognition and the rights of indigenous peoples.



Among indigenous women from the Bac Ha Community in Vietnam wearing their traditional clothing.

anisms, and at the national level, further development of activities in cooperation with States, United Nations country offices and indigenous peoples to improve the human rights situation of indigenous peoples.

How to Use this Tool

This kit is an adaptation of the kit *Indigenous Women of the Americas*, published by Rights & Democracy in partnership with the Continental Network of Indigenous Women, Enlace (www.enlace.nativeweb.org), and the Quebec Native Women (www.faq-qnw.org), at the end of the first International Decade of the World's Indigenous People. A second revised edition that included an additional sheet was published in 2006. Given the success of the kit, Rights & Democracy, AIWN and AMAN decided to work together to adapt this kit for indigenous women in Asia.

Designed primarily for member organizations of AIWN and AMAN, these information sheets can be used by anyone who wishes to share information and learn more about the situation of indigenous women and the work of AIWN and AMAN. This kit was designed to allow your organization to add information

sheets about your country or about an issue or experience relevant to you. In addition to the presentation sheet, the following information sheets were designed to be photocopied and widely distributed:

1.	Portrait of the Indigenous Women of Asia
2a.	United Nations Instruments and Systems for the Protection of Indigenous Women's Rights
2b.	International Instruments of Specialized Institutions and Regional Mechanisms for the Protection of Indigenous Women's Rights
3.	Indigenous Women, Biodiversity and the Convention on Biological Diversity (CBD)
4.	Progress and Challenges for Indigenous Women in the Second Decade
5.	Development Aggression and Indigenous Women in Asia
6.	Indigenous Women and Militarization
7.	Portrait of Indigenous Women in Indonesia
8.	Development Aggression and Indigenous Women in Indonesia

Role of Indigenous Women as Knowledge Keepers and Transmitters

It is widely accepted that women are the holders and guardians of indigenous knowledge on cultural and environmental systems. This is because their livelihoods and cultures are closely linked to the natural environment. Their daily practices are testimony to the conservation and environment sensitive principles that play central roles in keeping the community sustainable. As holders of knowledge and knowledge-systems, they are also healers and birth attendants and are responsible for household food security. Thus, indigenous women have acquired decision-making status specifically in these areas. However, changes to the economic system in indigenous communities such as the intensification of cash crop production and the loss of self-reliant economies have greatly affected the health and status of indigenous women. Lands and resources are central elements in the everyday activities of Asian indigenous women. This means that anything that violates or disturbs their access to and use of such lands and resources has an impact on their lives.

Marginalization

Many of the problems of indigenous peoples have particular impacts on indigenous women, adding a gender dimension to a number of issues. They face discrimination not only because they are indigenous but also because they are women. The imposition of inappropriate development projects in indigenous territories has led to the marginalization of traditional livelihoods such as subsistence agriculture, usually controlled by

Indigenous peoples have expressed that “they do not like to be labeled as poor because of its negative and discriminatory connotations”, highlighting instead the process of impoverishment caused by dispossession of their ancestral lands, loss of control over their natural resources and indigenous knowledge, and their forced assimilation into the mainstream society and integration in the market economy (Joji Carino, 2005).

indigenous women. The displacement of indigenous peoples from their lands due to large-scale development projects such as dam construction, mining operations or plantation economies impacts drastically on indigenous women. Sustainable indigenous natural resource management practices, many of which are carried out by indigenous women, can no longer be practiced due to such development projects.

Questions for Discussion

1. Does your government recognize the rights of indigenous peoples?
2. Are there statistics on the situation of indigenous women in your country?
 - ▶▶ If so, how can these statistics support your work?
 - ▶▶ If not, what type of data would you need for your work?
3. Do you think that your community is living in poverty?
4. What are the causes of poverty?
5. What are the practices/laws in your society which uphold women’s empowerment rights?
6. What needs to be transformed in your society to make it more woman-friendly?

To Find Out More

- ▶▶ Working definition derived from the José Martínez Cobo “Study on the Problem of Discrimination Against Indigenous Populations” please see the Martínez Cobo Study, UN Document E/CN.4/Sub.2/1986/7, and Add.1-4, Vol I, pp 10-12.



Of the more than 370 million indigenous people worldwide, 150 to 200 million are found in Asia. More than half of these are women. The physical space occupied by indigenous peoples spans the mountain regions of Soviet Asia to mainland Asia to the islands of the South Pacific. Some of them are also found in the low plains of each of these areas.

Who are Indigenous Peoples?

There is no universally accepted definition of indigenous peoples. However, José Martínez Cobo, the UN Special Rapporteur who did the landmark “Study on the Problem of Discrimination Against Indigenous Populations” in 1987 provided a working definition of indigenous peoples which is now popularly used. His definition is comprised of three key elements: the historical continuity of pre-invasion and pre-colonial societies; self-identification as indigenous and group membership.

- 1) **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 part of them; (b) Common ancestry with the original occupants of these lands; (c) Culture in general, or in specific manifestations; (d) Language; (e) Residence in certain parts of the country, or in certain regions of the world; (f) Other relevant factors.
- 2) **Self-identification**
- 3) **Group membership:** On an individual basis, an indigenous person is one who identifies him or herself as indigenous (group consciousness) and is recognized and accepted by the group as one of its members (acceptance by the group). This preserves for these communities the sovereign right and power to decide who belongs to them, without external interference.

In Asia, indigenous peoples come under various labels such as hill-tribes, tribes, minority nationalities, indigenous nationalities, indigenous communities, hill peoples and ethnic minorities. Most Asian countries have not adopted national laws or ratified international

Total Indigenous Population in the World

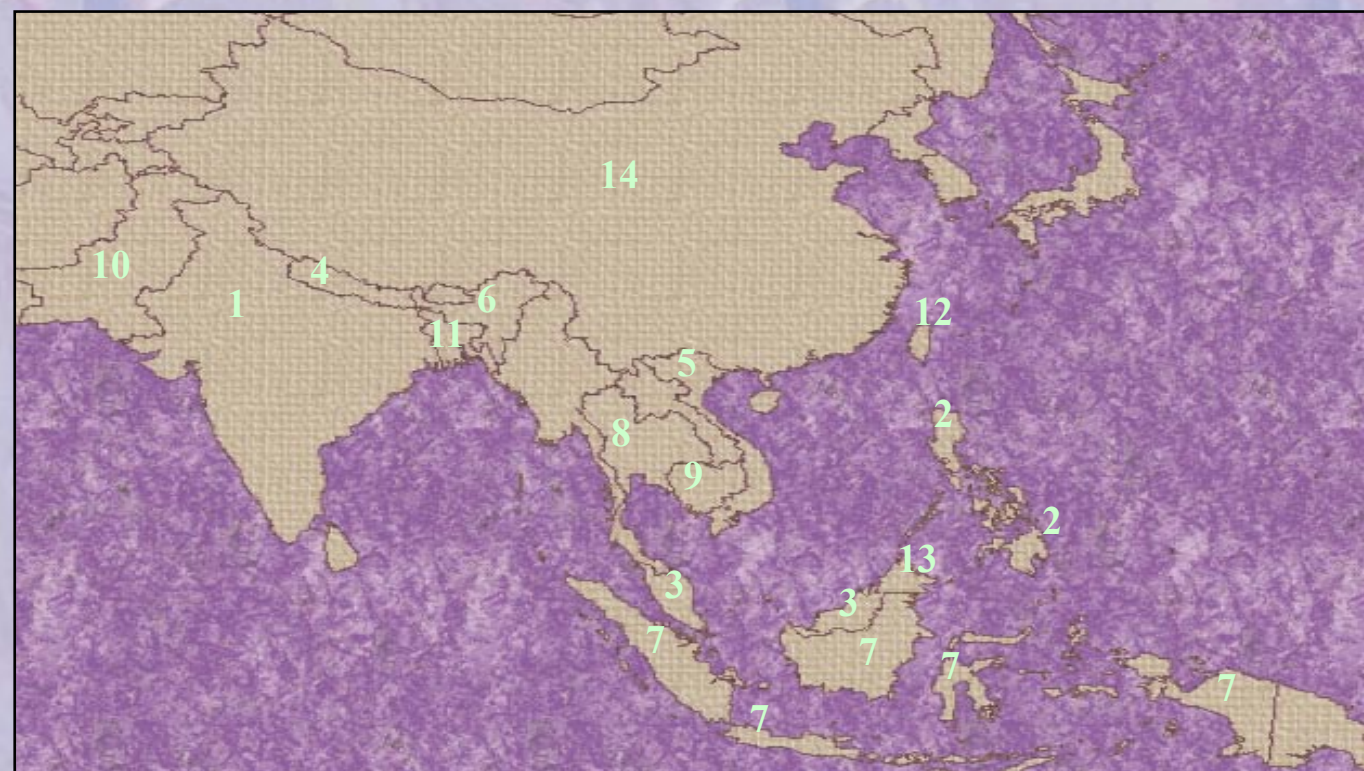
- ▶▶ 370 million (4% of humanity); 75% of the living 6,000 languages
- ▶▶ Asia: 150-200 million
- ▶▶ Latin America: 45 to 50 million, or 10% of the total population (Source: IDB 1999)
- ▶▶ Africa: status difficult to define; an estimated 14 million indigenous nomads in North, East and West Africa, and 350,000 indigenous people in Central and Southern Africa
- ▶▶ North America (excluding Mexico): 1.5 million
- ▶▶ Australia and the Pacific: 1.5 million in the Pacific region, 350,000 Maoris and 300,000 Australian Aborigines
- ▶▶ Russian Federation: 1 million
- ▶▶ Europe: 50,000 Samis in Norway, 20,000 in Sweden, 10,000 in Finland (source: Sami Parliament)

documents which recognize the rights of “indigenous peoples”. In Thailand, for example, indigenous peoples are viewed as “outsiders”, even if they have been living in the mountains for centuries. It is very difficult for indigenous people to get Thai citizenship.

Few Statistics on Indigenous Peoples and Indigenous Women

Statistics describing the situation of indigenous peoples are very limited, and it is even more difficult to find gender-specific statistics.

The UN Secretary General’s Companion Report on VAW (Violence against Women) at the International Indigenous Women’s Forum 2006 upheld the idea



that the invisibility of indigenous women is a sign of 'exclusion' and as such, is another manifestation of discrimination. The International Labor Organization states that this situation may induce 'social polarization and fragmentation' (ILO, 2005). This means that available statistics should not be taken at face value but rather can be considered an indication of a power imbalance. The availability of comprehensive and

disaggregated data is a prerequisite to creating effective policies, programs and advocacy work. This has been recognized at the first and second sessions of the United Nations Permanent Forum on Indigenous Issues with an emphasis on the need for data collection that is participatory and responsive to the needs and priorities of indigenous peoples.

“Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the 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.”

José Martínez Cobo

Some Country Statistics

No	Country	Number of Indigenous People or % of Country's Total Population	Regions/Provinces and Ethnic Groups
1	India	8.2% or 82,298,994 of the total population of 1,028,737,436	Mostly found in the Northeastern region
2	Philippines	15 to 20 million or 12 to 16% of the total 80 million	140 ethno-linguistic groups; found in 50 of the country's 78 provinces
3	Malaysia	12% or about 3 million of 24,385,858	Of the 13 states of Malaysia, indigenous peoples are found in the states of Kedah, Perak, Kelantan, Pahang & Selangor (interior regions of the Peninsula); east Malaysian states of Sabah & Sarawak of Borneo
4	Nepal	Approximately 8.27 million or 36.3% of the 22.7 million Nepalese	43 indigenous groups (+16 indigenous groups that are not officially recognized); 5 groups from the mountain region, 20 from the hills, 7 from inner Terai & 11 from Terai region
5	Vietnam	14% or 10,487 of the total population of 76,323	54 ethnic groups live in 7,644 communities and wards of 433 districts/ towns in 42 mountain provinces in South-central & Southwestern regions of Vietnam
6	Bangladesh	2.5 million to 3 million of the total population of 133,376,684	45 indigenous groups; distributed in Chittagong Hill Tracts; Rajshahi-Dinajpur region in the Northwest; greater Mymensingh region in the Central-north; greater Sylhet region in the Northeast & the greater Patuakhali-Barguna-Cox's Bazar region in the South
7	Indonesia	Exact number is not known (estimated to be around 40-50 million people) distributed in 10,000 communities throughout the archipelago	1,072 ethnic & sub ethnic groups with only 15 groups having more than 1 million population each (Javanese, Sundanese, Malay, Madurese, Batak, Minangkabau, Betawi, Buginese, Bantanese, Banjarese, Balinese, Sasak, Makassarese, Cirebon)
8	Thailand	923,257 estimate of the total population of 61.5 million	10 indigenous & tribal groups; Karen in Northwest Thailand; the Hmongs distributed in Mae Hong Son, Chiang Mai; Chiang Rai, Nan & Phayao provinces, Lahu on the Thai/Burmese border, Akha in Chiang Mai/Rai, Mien or Yao in Chang Rai, Lampang, Phayao & Nan, Lisu in Mae Hong Son Chiang Mai/Rai
9	Cambodia	101,000 or 0.9% of the total population of 11.4 million (as of 1998); ILO data puts it at 3-4% of the national population	Present in almost all of Cambodia's 24 provinces; Predominant in the remoter parts of north & northeast (Monduliri & Ratanakiri representing 71% & 68% respectively) as well as Koh Kong, Pursat, Kompong Speu & Sihanoukville; these are mainly along the national borders of Vietnam, Lao PDR & Thailand; Khmer are found along the central bank of the Mekong River
10	Pakistan	Of the total population of 126 million, 13.8% or 13,053,000 are indigenous, said to be one of the largest tribal groups in the world	Tribal groups include the Kalash, Kihals, Jhabils, Mors and Mohanas
11	Sri Lanka	5,200+ of 20,064,800	Very small in number; also called Wanniya-Aetto (forest dwellers) or veddhas (hunters)
12	Taiwan	458,000 or approx 2% of the population of 23,614,200	The Taiwanese government officially recognizes 13 tribes based on the conditions made by the Council of Indigenous Peoples. There are up to 11 other tribal groups that have not yet gained formal recognition
13	Brunei	22,770 or approx 6% of the population 348,200	Indigenous groups include: Kadazan (Kedazan), Murut, Bisayah, and Iban
14	China	7 million of the 1.2+ billion Chinese population	There are 55 ethnic minority groups that make up approximately 8% of the total population. 37 of these ethnic minority groups have a total population of less than one million people

Different Sources (AIWN Proceedings 2004; IWFNEI, 2006; IAITPTF/CIFOR 2005 ed by Newing, H; ILO/CAS 2005)

UN Component	Mandate	Details
<i>Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples (SRIP)</i>	<p>The SRIP's mandate can be summarized by four main activities:</p> <ul style="list-style-type: none"> ▶▶ <i>thematic research</i> on the situation of indigenous peoples (e.g., the impact of development projects on the rights of indigenous communities, the cultural rights of indigenous peoples); ▶▶ <i>on-site visits to countries</i> where problems have been signalled to the SR and constructive dialogue with local authorities; ▶▶ <i>communications with governments</i> regarding allegations of violations of the rights of indigenous peoples, following an in-depth analysis of the credibility of these allegations; and ▶▶ <i>follow-up activities</i> (e.g. the undertaking of specific studies, participation in seminars, meetings, etc.) 	<ul style="list-style-type: none"> ▶▶ Devoted specifically to the promotion and protection of the human rights of indigenous peoples within the UN system
<i>Special Rapporteur on Violence Against Women (SRVAW)</i>	<ul style="list-style-type: none"> ▶▶ To seek, receive and respond to information on violence against women from governments, treaty bodies, specialized agencies, other special rapporteurs, intergovernmental and non-governmental organizations, including women's organizations; ▶▶ To recommend measures, ways and means, at the national, regional and international levels to eliminate violence against women and to remedy its consequences; ▶▶ To work closely with other special rapporteurs, special representatives, working groups and independent experts of the Human Rights Council and the Sub-Commission, with the treaty bodies and the Commission on the Status of Women. 	<ul style="list-style-type: none"> ▶▶ SR can transmit <i>urgent appeals</i> and <i>communications to States</i> regarding alleged cases of violence against women, undertake <i>fact-finding country visits</i> and submit <i>annual thematic reports</i>

To Find Out More

International Human Rights Conventions:

- ▶▶ International Covenant on Civil and Political Rights (ICCPR): www.unhchr.ch
- ▶▶ International Covenant on Economic, Social and Cultural Rights (ICESCR): www.unhchr.ch
- ▶▶ International Convention on the Elimination of All Forms of Racial Discrimination (ICERD): www.unhchr.ch
- ▶▶ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW): www.unhchr.ch
- ▶▶ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT): www.unhchr.ch
- ▶▶ Convention on the Rights of the Child (CRC): www.unhchr.ch
- ▶▶ International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW): www.ohchr.org

NGO Interaction with Treaty Bodies: www.ohchr.org

SHEET 2a

United Nations Instruments and Systems for the Protection of Indigenous Women's Rights



At the international level, there are several normative instruments that indigenous women can invoke to ensure that their rights are respected and protected. Some are general in scope and pertain to all human beings, regardless of race, gender or social status. Others offer more specific protection on the basis of gender or group affiliation (such as women, indigenous peoples, refugees, etc.) It is important to distinguish between legally binding instruments, such as charters, covenants, conventions, treaties and protocols, which States are obliged to respect once they have formally accepted them (by ratification or accession), and other internationally agreed instruments such as declarations, guidelines, codes, minimum rules, bodies of principles and resolutions, which are not binding, but are morally persuasive. With regard to this second type of instruments, there is no body to ensure that their content is respected.

Their impact is essentially political insofar as they expose State violations of the letter and spirit of the instrument in the international arena.

Core Human Rights Treaties and their Monitoring Bodies (legally binding)

- Among all of the human rights treaties, seven are of major importance and are referred to as the *Core international human rights treaties*. These treaties are:
1. International Covenant on Civil and Political Rights, adopted in 1966;
 2. International Covenant on Economic, Social and Cultural Rights, adopted in 1966;
 3. International Convention on the Elimination of All Forms of Racial Discrimination, adopted in 1965;
 4. Convention on the Elimination of All Forms of Discrimination against Women, adopted in 1979;
 5. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted in 1984;
 6. Convention on the Rights of the Child, adopted in 1989; and
 7. International Convention on the Protection on the Rights of All Migrant Workers and Members of Their Families, adopted in 1990.



The United Nations Permanent Forum on Indigenous Issues, held in New York.

Summary of the Different Components Related to the Ratification and Implementation of Treaties.

Treaty Characteristics:		
	Component	Details
Each Treaty has:	States Parties	<ul style="list-style-type: none"> ▶▶ Are countries that have ratified or acceded to the treaty. ▶▶ Must submit an initial report, usually one year after the treaty has entered into force in the State concerned. ▶▶ Must submit subsequent reports from two to five years after (depending on treaty provisions). ▶▶ Reports must describe the legal, administrative, judicial and other measures that they have initiated to implement the treaty provisions.
	Treaty Body	<ul style="list-style-type: none"> ▶▶ Is composed of <i>independent experts</i>. ▶▶ Monitors the implementation of the treaty provisions by States parties. ▶▶ Receives and examines reports submitted by the States parties which describe the legal, administrative, judicial and other measures that they have initiated to implement the treaty provisions. ▶▶ May receive information on the implementation of treaty provisions from other sources, including the UN agencies, other intergovernmental organizations, NGOs (both national and international), academic institutions and the press. ▶▶ Can ask government representatives questions, assess the report and issue concluding observations which describe and address particular areas where States parties should change legislation, policy and practice in order to promote compliance with the treaty in question.
Some Treaties have	Optional Protocols	<ul style="list-style-type: none"> ▶▶ Can allow for specific procedures such as individual complaints or inquiries and/or contain provisions regarding a specific issue..
<p><i>Independent experts:</i></p> <ul style="list-style-type: none"> ▶▶ Serve in a personal capacity and not on behalf of their governments. 		

Specific Procedures and Mechanisms for the Advancement of the Rights of Women and/or Indigenous Peoples			
Procedure/Mechanism	Mandate/Purpose	Descriptions/Functions	Participation of Indigenous Women
<p><i>United Nations Permanent Forum on Indigenous Issues (UNPFII)</i> www.un.org/esa/socdev/unpfii/</p>	<ul style="list-style-type: none"> ▶▶ The Permanent Forum is mandated to discuss indigenous issues within the mandate of the Council relating to economic and social development, culture, the environment, education, health and human rights; in so doing the Permanent Forum shall: <ol style="list-style-type: none"> a. provide expert advice and recommendations on indigenous issues to the Council, as well as to programmes, funds and agencies of the UN, through the council; b. Raise awareness and promote the integration and coordination of activities relating to indigenous issues within the UN system; c. Prepare and disseminate information on indigenous issues. 	<ul style="list-style-type: none"> ▶▶ Created in response to the concerns of indigenous peoples who felt that there was no UN forum that could analyze their issues in depth ▶▶ Is a consultative body made up of 16 members (including 8 indigenous experts) who all serve as independents ▶▶ Focuses primarily on issues related to economic and social development, culture, the environment, education, health and human rights 	<ul style="list-style-type: none"> ▶▶ Indigenous women participate in great numbers and have a strong voice at the UNPFII ▶▶ The Third Session of the UNPFII (May 2004) focused on the theme of <i>Indigenous Women</i> and issued twelve pages of policy recommendations ▶▶ During the Fifth Session of the UNPFII (May 2006), within the special theme <i>the Millennium Development Goals and Indigenous Peoples: Redefining the Goals</i>, special attention was also given to indigenous women. An important set of recommendations on indigenous women was adopted by the Forum

<p><i>Task Force on Indigenous Women (TFIW)</i> www.un.org/womenwatch/</p>	<ul style="list-style-type: none"> ▶▶ To integrate and strengthen gender mainstreaming (relating to indigenous women's roles and their concerns) in the work of the United Nations System 	<ul style="list-style-type: none"> ▶▶ Managed by the Secretariat of the UN Permanent Forum on Indigenous Issues. ▶▶ Has short, medium and long term goals 	<ul style="list-style-type: none"> ▶▶ Indigenous women have the opportunity to participate in Task Force activities (such as conferences and training)
<p><i>Commission on the Status of Women (CSW)</i> www.un.org/womenwatch/daw/csw</p>	<ul style="list-style-type: none"> ▶▶ Promotes equality, development and peace, monitoring the implementation of measures for the advancement of women, and reviewing and appraising progress made at the national, subregional, regional and global levels. 	<ul style="list-style-type: none"> ▶▶ Formulates recommendations to promote the rights of women in the political, economic and social arenas ▶▶ Draws States' attention to serious problems that could potentially prevent women from exercising their rights 	<ul style="list-style-type: none"> ▶▶ In the 49th session of the Commission, a special resolution (49/7) was made concerning Indigenous women. The resolution calls upon governments, intergovernmental agencies and the private sector to take into account the concerns of indigenous women, as well as ensure their full and effective participation in all aspects of society

The System of Human Rights Protection under the United Nations Human Rights Council

On 15 March 2006, the UN General Assembly decided to replace the central UN intergovernmental body on human rights, the Commission on Human Rights, established in 1946, with the Human Rights Council, as a new subsidiary body of the General Assembly. The Human Rights Council is an intergovernmental body of 47 Member States based in Geneva which builds on the achievements of the former Commission on Human Rights and seeks to further strengthen the human rights machinery in the UN. Its role, among other things, is to deal with violations of human rights, including gross and systematic violations, and promote the effective coordination and the mainstreaming of human rights within the UN system.

UN Working Groups and Mechanisms for the Advancement of the Rights of Women and/or Indigenous Peoples		
UN Component	Mandate	Details
<p><i>Working Group on Indigenous Populations (WGIP)</i></p>	<ul style="list-style-type: none"> ▶▶ To review developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous peoples ▶▶ To give attention to the evolution of international standards concerning indigenous rights 	<ul style="list-style-type: none"> ▶▶ Consists of independent experts and members of the Sub-commission ▶▶ Focuses on specific issues of indigenous peoples (e.g. heritage protection, intellectual property, health, education and language, etc.)
<p><i>Working Group on the draft United Nations Declaration on the Rights of Indigenous Peoples (WGDD) – (1995-2006)</i></p>	<ul style="list-style-type: none"> ▶▶ To elaborate a draft Declaration on the Rights of Indigenous Peoples 	<ul style="list-style-type: none"> ▶▶ During its first session, on 29 June 2006, the Human Rights Council adopted — by a vote of 30 in favour, 2 against and 12 abstentions — the United Nations Declaration on the Rights of Indigenous Peoples as proposed by the Chairperson-Rapporteur of the WGDD ▶▶ “On September 13, 2007, the 61st Session of the UN General Assembly finally adopted the UN Declaration on the Rights of Indigenous Peoples. This is a Declaration which sets the minimum international standards for the protection and promotion of the rights of Indigenous Peoples. Therefore, existing and future laws, policies and programs on indigenous people will have to be redesigned and shaped to be consistent with this standard” (Tauli-Corpus, 13 September 2007, New York)

Regional Programs in the Asia-Pacific:

The UNDP has recently established a regional program on indigenous peoples in the Asia-Pacific Region: the *Regional Initiative on Indigenous Peoples' Rights and Development (RIPP)*. This program is the first of its type in the UN system, engaging governments, UN agencies and indigenous peoples in dialogue on issues of rights and development at the national and regional level. RIPP is guided by a rights-based approach to development and its objectives seek to: 1) stimulate dialogue at the local, national and regional levels; 2) facilitate coordination on indigenous peoples' rights and sustainable development in the Asia-Pacific region; and 3) assist in the development of the capacity of indigenous peoples and governments in upholding and implementing indigenous rights. RIPP activities include work on various issues such as capacity development; leadership training; gender and indigenous peoples; natural resources and management of land; the Millennium Development Goals and Indigenous Peoples; justice and human rights; and policy development.



Opening ceremony of the Second Asian Indigenous Women's Conference held in Baguio City, Philippines.

Questions for Discussion

1. Which mechanisms seem the most appropriate to address your situation?
2. Have you ever used national or international legal mechanisms? If so, how effective were they?
3. Are there any organizations in your country that could help you if you decide to use international mechanisms?

To Find Out More

UN Programs and Initiatives:

- ▶▶ Regional Indigenous Peoples' Program Brochure: <http://regionalcentrebangkok.undp.or.th/practices/governance/ripp/docs/brochure.pdf>
- ▶▶ Regional Initiative on Indigenous Peoples' Rights and Development in the Asia Pacific (RIPP): <http://regionalcentrebangkok.undp.or.th/practices/governance/ripp/>

ILO Conventions on indigenous peoples:

- ▶▶ The ILO Convention on Indigenous and Tribal Peoples (No. 169): www.ilo.org
- ▶▶ ILO Convention on Indigenous and Tribal Populations (No. 107): www.ilo.org

Other ILO instruments of direct relevance to indigenous and tribal peoples:

- ▶▶ The Forced Labour Convention, 1930 (No. 29): www.ilo.org
- ▶▶ The Discrimination (Employment and Occupation) Convention, 1958 (No. 111): www.ilo.org
- ▶▶ The Convention on the Elimination of the Worst Forms of Child Labour, 1999 (No. 182): www.ilo.org
- ▶▶ The ILO Declaration on Fundamental Principles and Rights at Work; www.ilo.org
- ▶▶ Indigenous peoples in the ILO System: www.minorityrights.org

SHEET 2b

International Instruments of Specialized Institutions and Regional Mechanisms for the Protection of Indigenous Women's Rights



The UN has a number of specialized institutions responsible for technical issues such as health, working conditions and education. Some of these institutions have taken a particular interest in the future of indigenous peoples, including the International Labour Organization (ILO); the United Nations Development Programme (UNDP) and the World Intellectual Property Organization (WIPO). This sheet provides information on these institutions and how indigenous peoples can best access them and their procedures.

International Labour Organization (ILO)

Founded in 1919, the ILO is the UN specialized institution dedicated to the promotion of social justice and human and labour rights. The ILO has been working with indigenous peoples since the 1920s. It was originally concerned with indigenous peoples primarily in their role as "native workers" in cases where these peoples were expelled from their ancestral domains to become seasonal, migrant, bonded or home-based labourers, and were thereby exposed to the forms of labour exploitation covered by the ILO mandate.

ILO Conventions & Supervisory Process: The Committee of Experts and the Conference

The ILO is also responsible for the only international instruments currently in force dealing exclusively with the rights of indigenous peoples: *The ILO Convention on Indigenous and Tribal Peoples* (No. 169), adopted in 1989 and the older *ILO Convention on Indigenous and Tribal Populations* (No. 107), adopted in 1957. ILO Convention No. 169, which is considered an up-to-date instrument and which is a revision of ILO Convention No. 107, provides for consultation and participation of indigenous and tribal peoples with regard to policies and programs that may affect them. It provides for enjoyment of fundamental rights and establishes general policies regarding indigenous and tribal peoples' customs and traditions, land rights, the use of natural resources found on traditional lands, employment, vocational training, handicrafts and rural industries, social security and health, education, and cross-border contacts and communication. A number

RATIFICATIONS OF ILO Convention No. 107 and Convention No. 169

ILO Convention No. 107 remains in force for 18 countries (Angola, Bangladesh, Belgium, Cuba, Dominican Republic, Egypt, El Salvador, Ghana, Guinea-Bissau, Haiti, India, Iraq, Malawi, Pakistan, Panama, Portugal, Syrian Arab Republic, Tunisia) no longer open for ratification.

To date, **ILO Convention No. 169** has been ratified by 19 states (Argentina, Bolivia, Brazil, Colombia, Costa Rica, Denmark, Dominica, Ecuador, Fiji, Guatemala, Honduras, Mexico, Nepal, Netherlands, Norway, Paraguay, Peru, Spain, Venezuela).

of other ILO instruments are of direct relevance to indigenous and tribal peoples. These instruments and their weblinks can be found at the end of this sheet.

Through ratifications by Member States, *ILO Conventions* create binding obligations to implement their provisions. The ILO's supervisory bodies — the *Committee of Experts* and the *Conference* — regularly examine the application of standards by Member States. Once a State has ratified an ILO Convention, it is obliged to report regularly on measures it has taken to implement it. The diagram on the attachment summarizes the supervisory process and possible avenues for indigenous participation.

Indigenous women can take advantage of the special procedures made available within the ILO for indigenous peoples. The International Labour Office (the secretariat of the International Labour Organization) is another avenue that indigenous peoples can use to respond to State reports. Unlike the Committee of Experts, the International Labour Office can deal directly with indigenous organizations and add the information it receives from them to the State's file. The table below summarizes these special procedures.

Special Procedure	Process & Indigenous Participation
Representations Procedure	<ul style="list-style-type: none"> ▶▶ Allows a union or employer organization to take a claim that a member State has not respected the obligations contained in any ILO Convention before the ILO Governing Body. ▶▶ While concrete actions arising from a conclusion that does not favour the State party are limited, their publication can constitute a form of pressure which can lead to change in government policy.
Complaints Procedure	<ul style="list-style-type: none"> ▶▶ Can only be used by one Member State against another, or by delegates of either the International Labour Conference or the ILO Governing Body. ▶▶ This means that indigenous organizations that wish to use this mechanism must do so with the support of one of these entities. ▶▶ Upon receipt of the complaint, the Governing Body determines its admissibility and has the power to set up a <i>Commission of Inquiry</i>, consisting of three independent members, to examine the content.
Commission of Inquiry: ILO's highest level investigative procedure	<ul style="list-style-type: none"> ▶▶ Is generally set up when a Member State is accused of committing persistent and serious violations and has repeatedly refused to address them. ▶▶ If the Commission of Inquiry decides that a convention has been violated, it can require the non-conforming State to adopt specific legislative reforms or significant changes in its practices. If the State does not comply with these recommendations, it may be sanctioned by the International Labour Conference. Such procedure was used for the first time in ILO history in 2000, when the Governing Body asked the International Labour Conference to take measures to lead Burma to end the use of forced labour.

How do you know if your State has Ratified a Treaty?

To bring a matter before a monitoring body, you must first find out which treaties and conventions your country has signed.

To find out about the status of ratifications worldwide, visit: www.unhchr.ch/pdf/report.pdf

United Nations Development Programme (UNDP)

The United Nations Development Programme (UNDP) is a global network mandated to promote economic and social development in respect of human rights and democratic governance. Since the inauguration of the UN International Year of Indigenous People in 1993, many of the UNDP's small grants programs

and its regional and national programs have involved indigenous peoples' communities. These initiatives have focused on poverty eradication, environmental conservation, conflict prevention and resolution, and cultural revitalization. In addition, the UNDP has recently developed a *Policy of Engagement* which establishes frameworks to guide its work in building sustainable partnerships with indigenous peoples.

Relevant programmes include: the Indigenous Knowledge Programme (IKP) — whose main objective has been to promote indigenous knowledge through targeted capacity-building and direct support for projects formulated and implemented by Indigenous Peoples' Organizations; and the Partners in Development Programme.

Indigenous Peoples and the UNDP

The following information can be found from the UNDP website: www.undp.org

- ▶▶ UNDP and Indigenous Peoples
- ▶▶ UNDP and Indigenous Peoples: A Policy of Engagement (2001)

World Intellectual Property Organization (WIPO)

Established in 1967, the World Intellectual Property Organization's mandate is to develop an equitable international intellectual property (IP) system. The rights and interests of indigenous peoples with regard to biodiversity, technical knowledge systems and cultural expressions conserved, maintained and practised by them, raise certain complex issues when it comes to intellectual property rights. The relationship between intellectual property and genetic resources, traditional knowledge and traditional cultural expressions (expressions of folklore) is being examined by Member States, NGOs and other stakeholders at the WIPO *Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)*.

The IGC is an international forum for the debate and development of legal mechanisms and practical tools established in October 2000 by the WIPO General Assembly. Its work has led to the development of two sets of draft provisions for the protection of traditional cultural expressions/folklore (TCEs) and for the protection of traditional knowledge (TK) against misappropriation and misuse. While these draft provisions have not been adopted or endorsed by the IGC and have no formal status, they illustrate some of the perspectives and approaches that are guiding work in this area, and

could suggest possible frameworks for the protection of TCEs and TK against misappropriation and misuse. These drafts are being used as points of reference in a range of national, regional and international policy discussions and standard-setting processes. NGOs, indigenous peoples' organizations and local communities have been directly implicated in this process. Special attention has been paid to enhance the work of the IGC: over 130 NGOs have been given special accreditation to the IGC, many of these representing indigenous and local communities. A voluntary fund has also been set up to facilitate the participation of nominated representatives of accredited observers representing indigenous and local communities.

Regional Protection of Indigenous Rights

Regional human rights mechanisms exist in Europe, the Americas and in Africa; however, this type of mechanism does not yet exist in the Asia-Pacific

Traditional Knowledge and WIPO

The following information can be found from the WIPO website: www.wipo.int

- ▶▶ WIPO's Traditional Knowledge, Genetic Resources and Traditional Cultural Expressions/Folklore
- ▶▶ Draft Provisions on Traditional Cultural Expressions
- ▶▶ Draft Provisions on Traditional Knowledge
- ▶▶ Accreditation Process to the IGC
- ▶▶ Voluntary Contribution Fund for Accredited Indigenous and Local Communities

region. Similar to the UN system, regional systems have adopted human rights conventions and treaties over the years which include monitoring bodies (Human Rights Commissions and Human Rights Courts). Some of these regional instruments can be invoked by indigenous peoples against States.

Dayak Women and Biodiversity in Sarawak, Malaysia. In Sarawak, Malaysia, Dayak women play an important role in the sustainable use of biodiversity. Due to logging and oil palm plantations in surrounding areas, as well as the departure of Dayak men in search of employment in such areas, Dayak women face issues related to food security, water shortages that affect their health and the loss of traditional knowledge as a result of the deterioration of biodiversity. They have noticed the decline of wild meat in logging areas, and the decline of fish supplies in rivers polluted by run-off diesel oil used by logging machinery.

“Wild” Plants and Indigenous Women in Eastern Nepal In the forager-farmer communities of Rai and Sherpa in Eastern Nepal, wild plants flourish in open areas as a buffer against food shortages. These wild plants are considered “emergency food” and are used as medicines and for rituals and ceremonies. The nutritional well-being of women and children largely depends on these wild resources, which are highly medicinal.

As gatekeepers of household food security and health, Rai and Sherpa women are further burdened when these wild plants are lost due to the degradation of natural resources. The loss of wild resources is a threat to



An indigenous woman from the Dayak Iban indigenous community in West Kalimantan.

the survival of these women and their families.

Questions for Discussion

1. In your communities, what are women’s roles in the use and conservation of environmental resources?
2. Have you noticed any changes in the environmental resources that you use in your everyday activities?
3. What are these changes and what do you think has caused them?
4. What can be done to address such changes?

To Find Out More

- ▶▶ Secretariat of the Convention on Biological Diversity: www.biodiv.org
- ▶▶ Indigenous Peoples and the Decisions of the CBD: A Guide. May 2005.
- ▶▶ Forest Peoples Programme: www.forestpeoples.org, info@forestpeoples.org
- ▶▶ United Nations Environment Program, “Women and biodiversity: the core of existence”, In *Women and the Environment*, Nairobi: UNEP, 2004, pp.30-47.
- ▶▶ Akhter, Farida, *Women and Trees: Trees in the life of Women in Kajuri Village*, Dhaka: Narigrantha Prabartana, 1990.
- ▶▶ Daniggelis, Ephrosine, “Women and “Wild” Foods: Nutrition and Household Security among Rai and Sherpa Forager-Farmers in Eastern Nepal”, In Howard, Patricia L., *Women and Plants, Gender Relations in Biodiversity Management and Conservation*, London: Zed Books, 2003, pp. 83-97.
- ▶▶ Siping, Suzima, “Indigenous Women and Biodiversity in Sarawak, Malaysia”, in Proceedings of the Second Asian Indigenous Women’s Conference, *Celebrating Diversity, Heightening Solidarity*, March 4-8 2004 in Baguio City, Baguio City: Tebtebba Foundation/AIWN, 2005, pp. 153-159.

SHEET 3

Indigenous Women, Biodiversity and the Convention on Biological Diversity



What is the CBD?

The Earth Summit, held in Rio de Janeiro, Brazil, in 1992, was an opportunity to remind participants of the intimate relationship that exists between indigenous peoples and the environment, and that the survival of indigenous peoples is closely linked to the protection of the biological diversity of their communal lands. The Rio Declaration adopted at the end of the Summit recommends that States protect the identity and culture of indigenous peoples. The adoption of the Convention on Biological Diversity (CBD), translated this reality into binding legal standards.

The CBD has been ratified by 188 parties and entered into force in 1993. This international treaty has three objectives: the conservation of biological diversity, the promotion of the sustainable use of biological resources, and the fair and equitable sharing of the benefits arising from the utilization of genetic resources. Several of its provisions deal directly with the rights and interests of indigenous peoples: first and foremost, Article 8(j), which requires States to preserve, respect and maintain knowledge, innovation and practices of indigenous and local communities which are relevant to the sustainable use of biological resources.

Given this commitment, indigenous and local communities have a direct interest in the work of the Convention. In fact, this legal standard is considered so important that a working group (the *Working Group on Traditional Knowledge*), devoted exclusively to its implementation was created. This working group is open to all Parties and, indigenous and local commu-

This sheet provides an overview of the Convention on Biological Diversity (CBD) and the potential for full and effective participation by indigenous women in CBD processes and implementation. It begins by providing the framework and context in which the CBD was established, followed by a presentation of narratives from indigenous women in relation to the conservation of the earth’s biological diversity.



By using their knowledge to conserve biodiversity, the relationship women have with biodiversity contributes to women’s survival, their communities’ survival, well being and empowerment.

nities’ representatives have been invited to participate fully in the working group, including in the group’s decision-making. Indigenous and local community representatives also participate in other meetings of the CBD of relevance to them and recently, a voluntary fund was established to facilitate the participation of indigenous and local communities in meetings.

“Biological diversity” means the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part: this includes diversity within species, between species and ecosystems.” (Article 2, CBD)

What the CBD seeks to address is the alarming loss of biological diversity. It is important to note that the world's hotspots of biodiversity correspond with many indigenous peoples' territories. This proves how indigenous peoples have protected and sustained biodiversity for centuries in their territories, which now are threatened. The CBD is an international agreement where there is recognition of the important role of indigenous peoples in the elaboration of its decisions and subsequent implementation.

Prior and Informed Consent

The principle of Prior and Informed Consent (PIC) (sometimes referred to as Free, Prior and Informed Consent – FPIC with the additional element that the consent of indigenous peoples is “free” of intimidation and pressure) is recognized within the CBD in relation to the following: traditional knowledge; resettlement as a consequence of the establishment and management of protected areas. The Conference of the Parties also adopted the Akwé: Kon Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessment regarding Developments Proposed to take place on, or which are Likely to Impact on Sacred Sites and on Lands and Waters Traditionally Occupied or Used by Indigenous and Local Communities.

Prior and Informed Consent...

- ▶▶ means that the community has been informed of the possible impacts of the decision (development project, use of knowledge or design)
- ▶▶ means that the community can say yes or no to the use of knowledge, a design or the implementation of a development project.

The Relationship Between Human Rights Instruments, Environmental Trade Agreements, and Economic Instruments

The CBD is a ‘framework convention,’ which provides global policies and guidance for achieving its overall objectives. This makes it different from other environmental and trade agreements. In the CBD, implementation of the decisions and programs of work

are in the hands of the contracting parties. This means implementation primarily takes place at the national level.

The CBD has 42 articles, at least four of which have a direct impact on the resources and rights of indigenous peoples which are:

1. Article 8(j) (Concerning: Prior and Informed Consent)
 - ▶▶ to respect and protect the knowledge, innovations and practices of indigenous peoples and local communities;
 - ▶▶ to promote the wider application of these with the participation and prior informed consent of knowledge holders;
 - ▶▶ equitable sharing of benefits.
2. Article 10 (c) (Concerning: The Traditional and Sustainable Use of Resources)
 - ▶▶ to protect and encourage customary use of biological resources;
 - ▶▶ must be in accordance with traditional cultural practices.
3. Article 17 (Concerning: Exchange of Information)
 - ▶▶ supports the retrieval and exchange of information and resources (such as traditional knowledge and practices in using and conserving plants and animals).
4. Article 18 (Concerning: The Equal Importance between Indigenous, Traditional and Modern Technologies)
 - ▶▶ recognizes that traditional knowledge should be given the same respect as any other form of scientific knowledge.

“(The Contracting Parties), recognizing also the vital role that women play in the conservation and sustainable use of biological diversity and affirming the need for the full participation of women at all levels of policy-making and implementation for biological diversity conservation... (CBD, Preamble, par. 13)”

Indigenous Women and Biodiversity

Biological diversity is crucial to the culture and livelihood of indigenous women. Rural and indigenous women in particular have intensely interacted with natural resources, collecting raw materials and producing food, fuel, and medicines. By using their knowledge to conserve biodiversity, the relationship women have with biodiversity contributes to women's survival, their communities' survival, well-being and empowerment. Women's knowledge of biodiversity often gives them special status as healers and food providers in the community and can give them access to decision-making about the land and seed or plant cultures.

The United Nations Environment Programme (2004) identifies the knowledge and practices of indigenous women in relation to conservation, biodiversity and survival:

- ▶▶ By using their knowledge, perspective and vision, women have greatly helped conserve and manage biodiversity and natural resources. Women's role in the family and in the community has been linked to biological resources since the Early Stone Age, when their collection of edible plants may have constituted 50 to 70 per cent of families' dietary requirements. Today they gather firewood, food, medicine, and material to build houses. They also collect wild food during epidemics, famine and conflicts and keep their families alive during these difficult periods.

In the Kalasin region of Northern Thailand, women manage both wild and domesticated species of edible plants. They have also brought new species of wild plants, including medicinal plants, under cultivation in their communities to regulate collection rights in the face of increasing commercialization.

Biodiversity is closely linked to spirituality in indigenous communities. In parts of India, traditional practices specifically emphasize the close ties between biodiversity conservation and spirituality. On auspicious days, women prepare the fields, sow the seeds or harvest. When heads of grain arrive at the threshing yard,

women welcome the first cartload with a ceremonial offering (*puja*). Before the seeds are sown, they take them to the local deity. Women make seed offerings to the village goddesses, which are later collected by the poor. Women also worship the draft animals and the farming implements for sowing. This has ecological implications.

In response to the rapid disappearance of biological diversity, the Indigenous Women's Biodiversity Network (IWBN) issued a statement in 2004, known as the Manukan Declaration. Among other things, the Manukan Declaration highlighted the link between the health status of indigenous women and their access to traditional medicines, practices and their ecosystems. The Declaration also details the roles of indigenous women in indigenous knowledge systems and the diversity of life and collective resources. This means that any erosion of diversity impacts on cultural heritage.

Women are holders and guardians of vast habitats with diverse flora and fauna. Transmitting knowledge from generation to generation is important in ensuring sustainable biodiversity. This is because indigenous women are the main holders of this knowledge and as such should be protected and empowered to ensure that knowledge of conservation and sustainable use of biodiversity is transmitted to young women. This has been the central theme in the Indigenous Women's Biodiversity Network (IWBN) statement in the CBD.

Indigenous Women's Stories

Women and Trees in Bangladesh

In the Bangladeshi village of *Kaijuri*, women play a special role in the sustainability of the village. By planting trees for material purposes (leaves and branches for firewood and for food) and for financial purposes (to be sold in times of financial need, or when a daughter marries, or for the treatment of disease), women as planters, know why each tree was planted, and thus have a moral connection to the trees. They do not cut down trees that were not intended for firewood. While men usually retain ownership rights over the land, women, as tree planters usually have ownership rights to the trees.



The Declaration on the Rights of Indigenous Peoples has specific articles about the rights of indigenous women.

3. Redefine development policies from a vision of equity and cultural appropriateness
4. Adopt targeted policies, programmes, projects and budgets for the development of indigenous peoples
5. Develop strong monitoring mechanisms and enhance accountability

Indigenous peoples participated actively in formulating the Programme of Action by submitting their proposals some of which were integrated into what has been adopted by the General Assembly. The most important event which occurred in the early part of the Second Decade is the adoption of the UN Declaration on the Rights of Indigenous Peoples on September 13, 2007. There were 144 states that voted for its adoption, 4 against while 11 abstained. Considered to be a major victory for Indigenous peoples, the Declaration has the distinction of being the only instrument in the UN that was drafted with the right-holders themselves.

Indigenous peoples have a strong ownership of this Declaration as they participated in its drafting and negotiations. It is unique in that it has been formulated and negotiated with the full participation of the subjects of the rights – the indigenous peoples. While the content as a whole is relevant to indigenous women, Article 22 (2) in particular focuses on the rights of women: “States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women

and children enjoy the full protection and guarantees against all forms of violence and discrimination.”

Visions and Hopes for the Second Decade

It is my hope, as the Chair of the UN Permanent Forum on Indigenous Issues, that by 2014 there is a clear articulated concept and framework of indigenous peoples’ self-determined development. This will be arrived at through a series of consultations and dialogues and will be underpinned by the UN Declaration on the Rights of Indigenous Peoples and a human rights-based approach to development. Equality and the non-discrimination of indigenous women will be part of the underlying principles and goals. Indigenous peoples’ indicators of well-being, poverty and sustainability are being developed for benchmarking and monitoring achievements of self-determined development of indigenous peoples. Measures are being taken, on a continuing basis, to ensure that states are complying with their obligations under international human rights law and multilateral environmental agreements which they have adopted and ratified.

Questions for Discussion

1. How can the cultures of indigenous peoples be strengthened while respecting the rights of women?
2. How can alliances be built to advocate the debate on the issue of land and resources?
3. After having read this testimonial, what are your priorities for action in the second decade?

To Find Out More

- ▶▶ Plant, Roger. *Indigenous Peoples, ethnic minorities and poverty reduction: Regional report*, Asian Development Bank www.adb.org
- ▶▶ Beijing Declaration of Indigenous Women: www.ipcb.org/resolutions/htmls/dec_beijing.html
- ▶▶ UN Declaration on the Rights of Indigenous Peoples: www.iwgia.org/sw248.asp
- ▶▶ Second Decade of the World’s Indigenous People: www.un.org/esa/socdev/unpfii/en/second.html

SHEET 4

Progress and Challenges for Indigenous Women in the Second Decade



By **Victoria Tauli-Corpuz**
Chair, UN Permanent Forum on Indigenous Issues
Convenor, Asian Indigenous Women’s Network



The First International Decade of the World’s Indigenous People (1995-2004) led to some important achievements which included the establishment of policies, mechanisms and spaces for the respect, promotion and recognition of indigenous peoples’ rights. The theme for this Decade was “Indigenous people: partnership in action”. Its goal was to foster international cooperation to help

solve problems faced by indigenous peoples in such areas as human rights, culture, the environment, development, education and health. The most important objectives in this program were the adoption of a UN Declaration on the Rights of Indigenous Peoples and the establishment of the UN Permanent Forum on Indigenous Peoples.

There was some important progress during the Decade but there were also several objectives which were not met. This fact sheet will briefly present some of these, especially those that have direct effects on indigenous women in Asia.

UN Permanent Forum on Indigenous Issues

The achievements of the Decade came about mainly because of the work of the indigenous peoples’ movements at the local, national, regional and global levels. At the global level, specifically at the UN, indigenous representatives worked in partnership with supportive governments to achieve some of the Decade’s goals.

The establishment of the UN Permanent Forum on Indigenous Issues through ECOSOC Resolution 2000/22 is one of the major achievements which could have not happened without the close collaboration between indigenous peoples and governments. This is a body mandated to provide advice to the ECOSOC governments, to UN programs, agencies and funds and on how these bodies can address indigenous peoples’ issues in a much better way and in a coordinated manner. Its mandated areas include education, economic and social development, environment, culture, health and human rights.

The theme adopted for its Third Session in 2004 was “indigenous women”. Submissions from indigenous women’s networks all over the world were presented and one of the recommendations which emerged is that “indigenous women” should be a cross-cutting issue which should be dealt with in every session of the Permanent Forum.

Indigenous Women’s Movements in Asia

Insofar as indigenous women’s rights are concerned, indigenous women’s organizations spearheaded actions to self-organize and raise awareness of their situation as indigenous women. Even before the Decade was declared, in 1993 indigenous women in Asia set up the Asian Indigenous Women’s Network (AIWN). This organization actively took part in the Fourth World Conference on Women which was held in Beijing in 1995. They were responsible for setting up the Indigenous Women’s Tent which gathered indigenous women present in Beijing and came up with the Beijing Declaration of Indigenous Women. It is involved in helping establish and strengthen indigenous women’s organizations and ensuring their active participation in the indigenous peoples’ movements at the local, national, regional and global levels.

Policies and Laws on Indigenous Peoples

Other progress that has been made is the adoption of policies on indigenous peoples by some governments, and intergovernmental bodies, including international financial institutions. In terms of national laws, the adoption of the Indigenous Peoples' Rights Act of the Philippines in 1997 stands out as an achievement in the Asia region. The box below contains the other policies adopted within this period which affect indigenous peoples.

- ▶▶ Germany: Policy for Development Cooperation for Indigenous Peoples in Latin America (1996)
- ▶▶ United Kingdom: Guidance on Ethnicity, Ethnic Minorities and Indigenous Peoples (1995)
- ▶▶ Spain: Strategy for Co-operation with Indigenous Peoples in Latin America (1997) (presently under revision)
- ▶▶ Working group to promote the rights of indigenous populations/communities in Africa under the African Commission on Human and Peoples' Rights of the African Union (2003)
- ▶▶ Asian Development Bank: Policy on Indigenous Peoples (1998)
- ▶▶ UNDP Policy of Engagement with Indigenous Peoples (2001)

UN Declaration on the Rights of Indigenous Peoples

One of the main objectives of the Decade was the adoption of the UN Declaration on the Rights of Indigenous Peoples. This did not happen during the first decade. And despite the General Assembly's deferment of its adoption in December 2006, the General Assembly finally adopted it on September 13, 2007. Prior to its adoption, the declaration served as a basis for the formulation of policies and laws on indigenous peoples during the first Decade. The Indigenous Rights Act of the Philippines and the UNDP Policy of Engagement with Indigenous Peoples, for instance, used this declaration as a framework of reference.

Developments in Asia

To see more clearly what changes took place in Asia during the Decade, Tebtebba Foundation and the ICI-

MOD (International Center for Mountain Development), did an assessment of the Decade in 10 Asian countries. This looked at the policies, programs and projects with direct implications on indigenous peoples, which were adopted and implemented by governments, intergovernmental bodies and indigenous organizations and NGOs during the Decade.

Findings of the Study

The study covered the following countries: Cambodia, Indonesia, Laos, Philippines, Thailand, Bhutan, Bangladesh, China, India and Nepal. The study mentions the following developments that occurred during the first Decade, though they are not necessarily direct results of the UN initiative.

1. All of the countries studied have signed major international instruments like the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All forms of Racial Discrimination, the Convention on the Elimination of All forms of Discrimination Against Women, to name a few. (Refer to sheet 2a).
2. Networking and organizing among indigenous peoples within the region of Asia increased significantly during this period. This cannot be directly attributed to the Decade, as some organizations were not even aware of it. It is more a result of the pressing issues they face and the inspiration they have taken from indigenous peoples in other countries. In Indonesia, AMAN (Aliansi Masyarakat Adat Nusantara) which is the national umbrella organization of indigenous peoples, was established in 1999. The Asian Indigenous Women's Network worked on the Beijing Declaration of Indigenous Women (1995) and the Baguio Declaration of the Second Asian Indigenous Women's Conference (2003), both which present information about their situations and their demands.
3. Indigenous organizations, networks and NGOs played key roles in attaining the objectives of the Decade. Their activities ranged from awareness raising, education and capacity-building, training activities, research, socio-economic projects,

peace-building and advocacy.

4. National governments adopted laws and policies recognizing indigenous peoples' rights, and established bodies to implement them. They also negotiated peace accords. Some examples of these activities include:
 - ▶▶ the 1997 Indigenous Peoples' Rights Act (IPRA) in the Philippines;
 - ▶▶ in Cambodia the Land Law of 2001 which recognized communal land rights of indigenous peoples, the Forestry Law (2002), Manual on Indigenous Peoples and Participation in Commune Development Planning Process (2003) and National Policy for Indigenous Peoples Development, (2004);
 - ▶▶ the Forestry Law in Indonesia which recognized the existence of *adat* communities;
 - ▶▶ Peace negotiations took place which led to the Chittagong Hill Tracts Peace Accord which was signed in 1997 between the government of Bangladesh and the PCJSS (Political Party of the Jummas).

During this period important research was undertaken which established some basic facts on the situation of indigenous peoples. The UN Permanent Forum on Indigenous Issues established that indigenous and tribal peoples represent about five per cent of the world's population but over 15 percent of the world's poor. The 2002 the Asian Development Bank study *Indigenous Peoples, Ethnic Minorities and Poverty Reduc-*

tion revealed that the poverty rate in the Philippines declined from 34.3 % in 1991 to 27.5 % in 2000 at the national level, but this is not the case for indigenous peoples. The malnutrition rate is higher in indigenous communities (Rovillos & Morales, 2002). In Viet Nam poverty dropped from 58 % to 37 % between 1993 and 1998 but in the northern and central highlands which are the indigenous peoples' territories, the poverty rates remained high at 73 and 91 % respectively (Plant, 2002).

The Second Decade of the World's Indigenous Peoples

Indigenous peoples were not satisfied with the achievements of the International Decade of the World's Indigenous People and so they lobbied for the establishment of a Second Decade. With some government support, General Assembly resolution 59/174 of 20 December 2004 proclaimed the Second International Decade of the World's Indigenous People, 2005 to 2014. The General Assembly Resolution A/Res/60/142 on the Programme of Action for the Second International Decade of the World's Indigenous People was adopted in 2005. The theme of the Second Decade is "Partnership for Action and Dignity." The goals of the Decade are the following:

1. Promote non-discrimination and inclusion of indigenous peoples
2. Promote full and effective participation of indigenous peoples in decision-making processes



Discussions about the UN Declaration on the Rights of Indigenous Peoples, in Geneva, Switzerland, 2005. Indigenous peoples have played a major and active role in the drafting of the declaration which was adopted by the General Assembly in September, 2007



Participants of the Second Asian Indigenous Women's Conference celebrating International Women's Day, 8 March, 2004.

These large-scale projects are often financed by the Multilateral Development Banks (MDBs) such as the World Bank or the Asia Development Bank.

“Indigenous Peoples uphold Free Prior and Informed Consent (FPIC) as a fundamental right in the development process, designed to safeguard their material interests, cultures and ecological values and to minimize harm. Meaningful exercise of FPIC requires a preparedness and capacity among various affected and interested parties to engage in processes based on respect and equality, leading to negotiated outcomes. It also means acceptance of Indigenous Peoples to reject developments that do not gain community acceptance based on informed choice...”

(Carino, J., *I.P's Right to FPIC: Reflections on Concept & Practice*).

Questions for Discussion

1. Are you aware of any development projects in your community? What impact have they had on women?
2. How can indigenous communities continue to uphold FPIC in the development process?
3. Are you aware of other development models than “development aggression”?

To Find Out More

- ▶▶ Jill K. Carino, “Piecing Together a Picture of Asian Indigenous Women” in *Indigenous Affairs*, No3/2000 pp12-17
- ▶▶ Permanent Forum on Indigenous Issues:
- ▶▶ ‘Indigenous Peoples and the Millennium Development Goals’ E/C.19/2005/4/Add.13
- ▶▶ Of Rodolfo Stavenhagen (21 January 2003). “Indigenous Issues” E/CN.4/2003/90



Indigenous peoples live mostly in rural environments, rich in natural resources (forest, water, minerals, oil, natural gas, and land). Even if for centuries indigenous peoples have demonstrated that they can sustain their communities through their traditional livelihood systems, their way of living is still regarded by many as primitive and backward. Many governments believe that modernization and assimilation into the market economy of the dominant society is the only way that indigenous peoples can improve their situations. However in the majority of cases, indigenous peoples are not consulted regarding the implementations of large-scale projects in their territories even when these projects would have a direct impact on their peoples and communities, and this consultation is even less likely to happen with indigenous women. For indigenous peoples, the terms “development” or “sustainable development” have acquired negative connotations. Indeed their traumatic experiences with the imposition of large-scale projects in their territories, have led them to call it “development aggression” instead.

What is “Development Aggression”?

Development aggression violates the basic human rights of indigenous peoples by denigrating and destroying indigenous development practices and systems. It stems from the fundamental assumption that the ways of the dominant society are inherently superior to those of indigenous peoples. Thus it reflects the conflicts characterizing the relationship of indigenous peoples’ communities with the economic, political and social structures of the dominant society.

“Development is development aggression when the people become the victims, not the beneficiaries; when the people are set aside in development planning, not partners in development; and when people are considered mere resources for profit-oriented development, not the center of development.... Development aggression violates the human rights of our people in all their dimensions – economic, social, cultural, civil and political” (The Philippine Alliance of Human Rights Advocates, 1996.)

Without the free, prior and informed consent (FPIC) of affected indigenous communities, large-scale development projects such as mineral, oil and gas extraction, dam and highway construction, mining and logging operations, agricultural plantations and industrial estates as well as tourism development projects such



Joji Carino from the Philippines at the International Workshop on FPIC held in Indonesia, April 2007.

as national parks and golf courses, more often than not, have devastating negative impacts on indigenous peoples, and in particular on indigenous women.

A UN report underlines the main effects on the human rights of indigenous peoples of these large-scale projects as being ‘the loss of traditional territories and land, eviction, migration and eventual resettlement, depletion of resources necessary for physical and cultural survival, destruction and pollution of the traditional

environment, social and community disorganization, long-term negative health and nutritional impacts as well as, in some cases, harassment and violence” (Report of the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People, Rodolfo Stavenhagen E/CN.4/2003/90).

Development aggression often leads to the militarization of indigenous territories. When development projects are imposed on indigenous communities, the State and/or the private firm involved fear resistance from the affected communities and protect their operations with security forces (military, police, or paramilitaries).

Further Marginalization of Indigenous Women

Asian indigenous women occupy an extremely disadvantaged position in society. They are victims of oppression at multiple levels: for being women, for being indigenous and for belonging to what is usually the most exploited classes in society. The profound impacts of development aggression on indigenous women and the various roles they play in their communities have contributed to their further marginalization.

Asian indigenous women play a primary role in production in their largely agricultural based communities. They engage in farming or plough cultivation in settled, irrigated or terraced fields, assuming difficult

duties such as hoeing, transplanting and weeding. In addition, in order to complement their diet or incomes indigenous women will often engage in other economic activities such as foraging, fishing and handicrafts production (weaving, knitting, basketry, embroidery, etc.). While men go hunting in hunter communities, women will be searching for food and other forest products.

“The women were catching fish in the river in the middle of an oil palm plantation when suddenly a security guard came and shouted to them, “Return all the fish to the river! None of you has the right to catch the fish here. This river does not belong to you anymore but to the company.” Then the women returned their fish to the river and, with a heavy heart, walked home in silence.” (Stephanus Djuweng, 1999)

With the loss of their territories or the destruction of their environment, indigenous women lose control not only over their means of production, which have been the sources of their livelihoods and survival for generations but they also lose their roles as guardians of indigenous cultural knowledge and knowledge of biological preservation. In Cambodia, they have been displaced by foreign logging companies and commercial agricultural plantations.

In the Philippines they have had to leave their territories because of mining industries while in Thailand,



Photo Source: Cahya Nidohas

A dam development project, near the Toule Sap River, Cambodia. Dams such as this can have a negative impact on indigenous women.

they no longer have access to their lands because the State has proclaimed them as national parks and conservation areas.

In Malaysia, the implementation of large-scale commercial mushroom plantations in indigenous territories and its effects on the environment have transformed indigenous women from being important productive forces in their community to being contractual workers of these industries. Commercial plantations and other food production for export implies the use of chemical fertilizer and pesticides which have a devastating impact on the environment causing pollution, land erosion and loss of soil fertility and biodiversity. In addition to further limiting women’s economic activities by making it harder to fish and forage, the degradation of the environment has also impacted on their health.

Forced evictions caused by development aggression have led thousands of indigenous women all over Asia to move to urban centers in search of other means of subsistence and opening the door to further human rights violations such as discrimination, violence, sexual exploitation, prostitution, trafficking and oppressive working conditions.

Why does Development Aggression Happen?

Several actors such as local governments, multinational corporations, and international financial institutions bear some responsibility in the establishment or the maintenance of structures, laws and policies which facilitate large-scale projects on indigenous territories. The decisions to implement these projects, without the free, prior and informed consent of affected communities, often results in the destruction of indigenous peoples’ environment, livelihoods and culture to the extent that it jeopardizes their very survival.

The national governments of most Asian countries have not recognized the rights of indigenous peoples on their ancestral lands and have ignored indigenous peoples’ customary land tenure systems. In Indonesia for example, the Constitution stipulates that the earth and water with its natural resources are controlled by the State. In countries where the government has recognized certain rights of indigenous peoples, such as in the Philippines with the *Indigenous Peoples’ Rights Act*, they have yet to implement it. National governments may also adopt laws which encourage and support the large-scale projects and the exploitation of natural resources by multinational corporations.



Photo Source: Tehrebbh

Canadian mining company TVI Pacific in Siocon, Zambonorte, Philippines. Mining operations such as this often have a significant impact on the environment, particularly on water sources which can affect the health of indigenous women.



A Papuan indigenous woman in traditional dress. Indigenous women in Papua are often victims of violence due to the militarization of their traditional lands.

ritories, women lose their social, cultural and spiritual sites and cannot fulfill their traditional roles in the community. Communities begin to disintegrate, and traditional ceremonies and customary activities cannot be performed. When this occurs, how can indigenous women maintain their identity, and transmit their culture to the next generation, especially to young girls?

Key recommendations from the *International Conference on Conflict Resolution, Peacebuilding, Sustainable Development and Indigenous Peoples*, organized by the Tebtebba Foundation (Indigenous Peoples' International Centre For Policy Research and Education) in December 2000 include:

- ▶▶ The need to create awareness among indigenous peoples and the public at large on the important role played by indigenous women in conflict resolution and peacebuilding, and the need to document their efforts in different parts of the world;
- ▶▶ The promotion of effective participation of women at all levels and stages of peacemaking processes;
- ▶▶ The encouragement and support (including training, technical and financial assistance) for women to build capacity and to seek decision-making positions, and the need to build mechanisms which will enable women to have access to such positions whether in the traditional or modern governance systems;
- ▶▶ The forging of networks and linkages with other women's organizations and networks at all levels in their respective region and internationally; and
- ▶▶ The urgent need for international agencies, NGOs, indigenous peoples, and the donor community to include gender in their analysis of conflict and

peacebuilding processes and in the assessments done on the economic, social, political and cultural situation pre- and post-conflict.

Questions for Discussion

1. Do you know any indigenous communities whose territories have been militarized? If yes, what is the underlying cause of this militarization?
2. In what other ways can indigenous women be affected by militarization?
3. How do you address these human rights violations? Are there any traditional mechanisms employed or that can be employed in resolving these issues?

To Find Out More

- ▶▶ Association of South East Asian Nations (ASEAN). Convention on Counter-Terrorism (2007): www.12thaseansummit.org.ph/innertemplate3.asp?category=docs&docid=17
- ▶▶ Visit www.tebtebba.org please check "Celebrating Diversity Heightening Solidarity." Proceedings of the 2nd Asian Indigenous Women's Conference. March 4-8, 2004. Baguio City.



If they are to survive, there are two specific challenges that indigenous peoples must overcome: the protection of their cultural identity and the preservation of their relationship with the land. Both of these are jeopardized when indigenous territories come under military attack, whether by state or non-state armed forces. The militarization of indigenous territories tears at the social fabric of the community at large, divides families and has particularly devastating effects on women. It is disturbing that some indigenous groups' numbers have been so reduced that they are at risk of disappearing altogether.

UN Security Council Resolution 1325 acknowledges that in armed conflict situations, most victims are civilians and not combatants. Among those civilians, women and children account for the vast majority of those badly affected. In fact, women and children constitute nearly 80% of the world's millions of refugees and internally displaced persons.

In Asia, the militarization of indigenous territories has taken on new shapes and dimensions over the past decades. Not only are a growing number of indigenous communities living in areas affected by armed conflict - such as the case of several states in Burma and in North-East India as well as in West Papua, Mindanao, Tibet, Kashmir and the Chittagong Hill Tracts - but many indigenous territories are also affected by military troops that have been deployed to protect the

implementation of large-scale development projects. Militarization is closely linked to "development aggression." As many governments push for their own development plans and projects, they neglect to obtain the Free, Prior and Informed Consent of the communities affected, and use militarization to intimidate or eliminate resistance from indigenous communities.

The United States' "war on terrorism" has been used by many national governments to justify militarization or the increase of military operations. Under the label of terrorism, human rights can be easily curtailed. Such human rights violations can occur not only on the ground due to the presence of militarization, but they also occur at the policy level where financial allocation for the so-called war on terrorism has drastically increased in recent years, thus having an impact



Indigenous women of the Chittagong Hill Tracts (CHT), Bangladesh participating in an education campaign. Women from the CHT have often experienced violence and conflict. The 1997 CHT Accord put an end to more than 20 years of armed conflict and laid the ground for strengthening the CHT self government system.

on the budgets of other government priorities. At the regional level, the Association of South East Asian Nations (ASEAN) adopted a Convention on Counter-Terrorism at its 12th Summit in January 2007.

Human rights violations under militarization can be carried out by State or non-State actors. State actors can take the form of a military regime (like in Burma) or the soldiers of a democratic state's armed forces deployed or based in conflict areas. Governments sometimes use trained paramilitary groups or militias. Non-State actors can include armed groups (insurgency, pro-independence, revolutionary, commandos, etc.) fighting the national government or they may be at war with other armed groups. Private corporations in indigenous territories often hire and arm their own security forces.

Impacts of Militarization on Indigenous Women

The militarization of indigenous lands affects women in disproportionate or different ways from men. In the past decade some progress has been made in documenting and publicizing sexual violence against women in conflict zones, which has been described as the extension of battlefields onto women's bodies. Even when human rights violations affect the whole community, the impact on indigenous women is different from the impact on men.

When the repression is strong, the men retreat because they are too vulnerable. Instead, the women come out in their traditional roles, as nurturers and as protectors of the community... It is the women who negotiate with the security forces and the administration... It is both women's importance and weakness that gives them the right to access the powerful and say "Give me justice".

Rita Manchanda, Kashmir (Ref.2, p.30)

Violence against indigenous women can take several forms, which can lead to the violation of their civil, political, economic, social and cultural rights, having a devastating impact on their physical, psychological and spiritual integrity as well as on their communities.

Rape and Sexual Violence

Armed groups regularly employ strategies that target women, notably sexual violence. Rape continues to be used as a weapon of war by armed forces. Numerous reports document the widespread and systematic use of rape by Burmese military rulers against indigenous women from Burma. Young girls and elderly women are not spared. The experiences of indigenous women in Vietnam, Laos and Cambodia in the 1960s



Karen indigenous women and children from Burma hiding in the forest from the military.

and earlier resonate in the present day experiences of indigenous women in Bangladesh, Burma, Indonesia and the Philippines who have been subjected to harassment, torture, rape, humiliation, forced prostitution, pregnancies as a result of rape, and compulsory servitude. It is not uncommon for women to be raped in view of the community or in front of their families. When women survive these types of attacks, they may be further victimized by domestic violence or their husbands may divorce them in accordance with cultural norms. Social stigma often results, particularly if a pregnancy occurs.

Members of armed groups often coerce young women into becoming their "girlfriends" in order to obtain information about the community or to involve them in the conflict by having them act as messengers or even recruiting them into their forces. Sometimes, un-

der pressure from insecurity and poverty, indigenous women become involved with military personnel as a way of seeking security for themselves or their families. However, in most cases the military personnel are transferred to other locations and the woman is abandoned. This situation has become so common that it prompted the participants of the second Asian Indigenous Women's Network (AIWN) Congress to consider this emerging phenomenon as another way in which indigenous women are dishonored and humiliated.

Occupation of Territories

Communities with ongoing contact with armed groups almost inevitably have increased problems with drugs, voluntary or forced prostitution, alcoholism, domestic violence and other problems that have long-lasting effects in the community. Militarization in these communities often curtails economic activities, the entry of food supplies and basic social services as well as disrupts children's education. In Bangladesh, Jumma women cannot take their products to the market, for fear of abuse and violations. Men take over the sale of products and as a consequence, indigenous women's freedom of mobility is impaired and they lose control of their own incomes. In other cases, they have nothing to sell, as the forests are completely under the control of the military while the agricultural lands are under the control of the Bengali settlers, or in the case of Burma, women are prevented from going to their fields.

Displacement

Most of the time the militarization of indigenous territories forces entire communities to flee for their safety. Fleeing the militarized areas does not, however, necessarily provide security for women; in fact it often makes them more vulnerable to trafficking, prostitution, rape or other types of physical abuses.

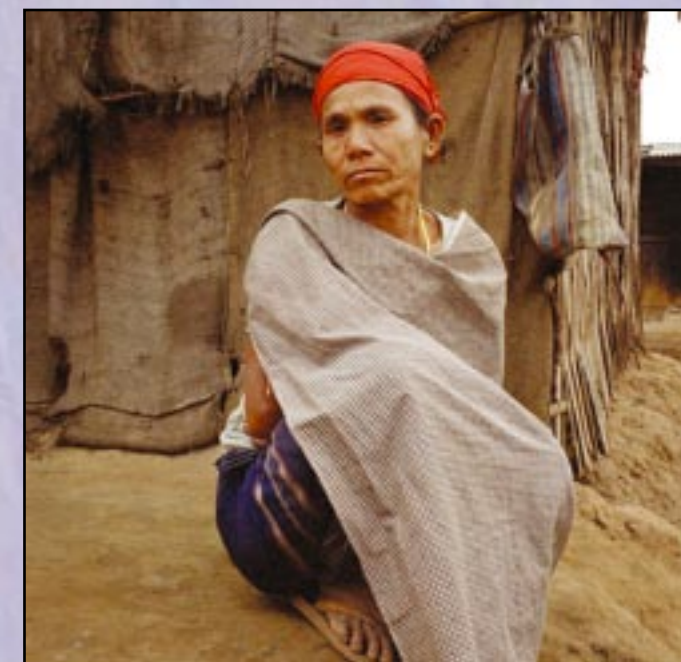
The primary role of women in many indigenous communities is to provide food and water for their families. When their communities are displaced, they find themselves without food, shelter or protection, forced to abandon not only their homes, their crops and be-

longings but also places of spiritual significance. This displacement can be devastating for indigenous women in particular, who are left feeling impotent and unable to provide for their families. Internally displaced persons (IDPs) are also vulnerable to a myriad of other issues such as the uncertainty of livelihood, family disintegration, the loss of customs and traditions, and unhealthy living conditions.

IDPs may move temporarily to a nearby community, hide in the forest for years, attempt to re-establish their community in another location, migrate to cities or eventually leave for neighbouring countries. When people migrate to urban centres, they often lose contact with other community members and begin to lose their traditional practices. It is not uncommon for women to migrate alone with their children and then they are forced to find a way of making a living in an environment that is foreign to them and lacks their traditional support system.

Loss of Identity

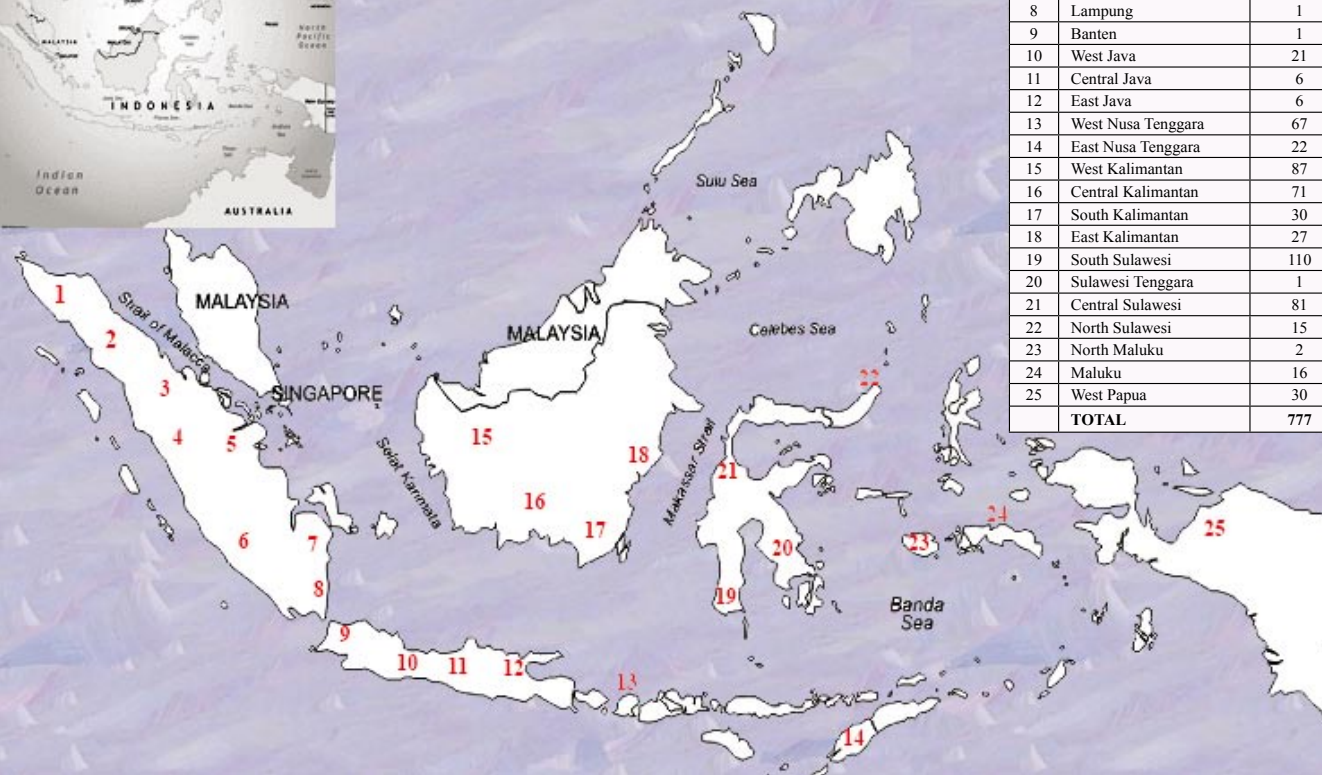
One of the significant impacts of displacement on indigenous women is the loss of identity they experience. Whether they flee to relocation sites, refugee camps or other areas outside of their traditional ter-



An internally displaced indigenous woman in India. Indigenous women often have to flee their villages to avoid military violence. The result is often displacement, where women have to live and work in territories that are not their own.



No	Region/Province	Total
1	Aceh	74
2	North Sumatra	23
3	Riau	29
4	West Sumatra	1
5	Jambi	25
6	Bengkulu	15
7	South Sumatra	14
8	Lampung	1
9	Banten	1
10	West Java	21
11	Central Java	6
12	East Java	6
13	West Nusa Tenggara	67
14	East Nusa Tenggara	22
15	West Kalimantan	87
16	Central Kalimantan	71
17	South Kalimantan	30
18	East Kalimantan	27
19	South Sulawesi	110
20	Sulawesi Tenggara	1
21	Central Sulawesi	81
22	North Sulawesi	15
23	North Maluku	2
24	Maluku	16
25	West Papua	30
	TOTAL	777



AMAN Members Throughout Indonesia

According to AMAN's Statutes and Rules of Association (1999) (Chapter 5, art.19.2), Indigenous communities are a group of people who have lived on their ancestral land for generations, have sovereignty over the land and natural wealth in their customary bounded territory, where hukum adat (customary law) and institutions arrange the social life of the community, and carry out the social-political and economic lives of the community.

Masyarakat Adat is AMAN's Indonesian translation of Indigenous communities, where masyarakat means society/ community, and adat means custom/tradition.

Questions for Discussion

1. What are some of the common issues that Indigenous women face in your community?
2. What can be done locally and nationally to address these common issues?
3. How can indigenous women overcome laws that ignore their rights as indigenous peoples and as women?

To Find Out More

▶▶ AMAN: www.aman.or.id



The Indonesian Archipelago hosts more than 1000 different ethnic and sub-ethnic groups, and as many languages. Such diversity means that it is a challenge to have a clear picture of the situation of indigenous peoples in general, more so to get a true overview of the situation of indigenous women in Indonesia. This is particularly true because Indonesian women are invisible in Indonesian statistics. They are not acknowledged in any government statistics related to health, justice, education, poverty or violence. However, despite this diversity, or perhaps because of it, indigenous women in Indonesia share one common element: they have to face a double marginalization: as indigenous peoples and as women.

The first factor of this marginalization is due to the fact that indigenous women are affected by the issues that touch indigenous peoples. In Indonesia this means that indigenous peoples are limited by government policies that do not acknowledge their rights to their traditional lands and natural resources. As a result of each problem affecting indigenous peoples, indigenous women face issues which affect their everyday lives. For example, if an indigenous community is displaced because their land has been granted by the government to a logging or plantation company, it is the women who have to walk longer distances to fetch water, find food and medicinal plants.

the gardens and rice fields, giving birth and taking care of the family), while men hold more dominant roles in the community, such as political positions at all levels (for example in adat institutions, farmers groups, youth associations or others).

In some indigenous communities, however, important roles and positions in decision making and leadership are held by women. This is the case in the Dayak Sukung community in West Kalimantan, the Toro Community in Central Sulawesi and the Toraja Community in South Sulawesi.

The second factor of this marginalization is that in general, as women, they do not have access to decision-making at any level, including within their own communities and in many cases within their own homes. Important decisions that influence the future direction of the community and family are done without involving women. At the community level, according to most hukum adat (customary law), the division of roles and labour of men and women in indigenous communities are quite clear. The role of women is linked to productive and reproductive work (e.g. finding water, working in



A demonstration of Indonesian indigenous women against all forms of discrimination by the State.



Ibu Den Upa Rombelayuk is an indigenous woman from Toraja, South Sulawesi. As a community leader, former AMAN Council Coordinator and key figure within the indigenous women's movement in Indonesia, Den Upa is an inspiration for indigenous women everywhere. This story is about her experiences in her village in Toraja.

Empowering Indigenous Women and their Access to Decision Making

The roles and positions of indigenous women in Toraja regarding decision making are equal with that of the men. *Kombongan* is the highest village-level decision making space, and decisions cannot be legally made without the presence of all community groups including women and youth groups. History has proven

that many Torajan women can take on leadership roles in the community. For example, several women were elected as District Head during the Dutch government period. Even if these women came from already prominent families, it is a significant point with regard to women's leadership.

This situation changed after the Indonesian government made all Indonesian village government systems uniform through Regulation No 5/1979 regarding Village Governments. Since then, all government systems including decision making mechanisms in the village have been determined by the Central Government. This meant that *Kombongan* automatically lost its decision making powers in the village and was replaced by a Village Meeting Agency consisting of several village manager positions generally occupied by men. With the disappearance of *Kombongan*, women no longer played a role in decision making; women were obliged to accept all decisions made without any consideration for them.

In 1985, after my husband was elected Village Head of his community, I used this opportunity to strengthen women's groups whose activities were limited to household skills and errands such as cooking, gardening and sewing. We translated these skills into economic activities in the form of social gatherings. From these activities, women's groups could afford to buy things that they needed such as clothes, cooking utensils that could be hired out for traditional ceremonies. There were even groups that could afford to provide educational help to their members' children. This increase in economic capacity had a direct impact on women's sense of self-confidence and pride.

In 1992, I was elected as the Nanggala Village Head by my community. I used this opportunity to bring back *Kombongan*. Its processes are quite long and complex because there are many problems that must be discussed, especially those related to women's participation. Fortunately at this time, women's groups are quite strong and we have been able to convince all parties that there is no reason not to involve women in *Kombongan*.

Common Issues

Indigenous women in Indonesia face several common issues such as the disregard for their basic human rights, linked with their civil, political, economic, social and cultural rights. Indigenous women are denied access to decision-making processes which has direct impacts on their interests. This often results in problems related to health and education, as well as violence.

For indigenous women, the main causes of their health problems are a shortage of health services, a lack of information about family planning and contraception as well as the disappearance of natural medicines because of the destruction of their environment and natural resources. The most significant health problem is related to the reproduction and the maternal mortality rate. According to the United Nations Children's Fund (UNICEF), for every 1000 births, four women die. In

Papua more than 10 indigenous women die for every 1000 births.

Indigenous women face increasing violence because of the implementation of private companies which employ militias and trans-migrant workers, facilitate the sale of alcohol and increase prostitution in the areas where they operate. Moreover, women from indigenous communities whose lands and natural resources have been taken away have very few other options other than to work abroad or on other islands as trans-migrant workers. Transmigration is also an issue that increases violence against indigenous women, as there are many cases of murder, sexual harassment, rape, and disappearances of indigenous women who have become trans-migrant workers.

The Indonesian Legal System and Indigenous Women

Despite the fact that Article 28I(2) of the Indonesian Constitution states that every person has the right to be free from any discrimination on any grounds and the fact that Indonesia has ratified CEDAW, as well as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, both of which contain non-discrimination and gender equity clauses, Indonesia still has some national laws that discriminate against indigenous women. The following are just two examples:

Marriage Act (No. 1, 1974)

The Marriage Act rigidly divides roles between men and women: "*The husband is the head of the household and the wife is the housewife*", (Article 31(3)). For indigenous women, this article legitimates the domination of men in the family and in the community. It also means that it is even more difficult for indigenous women to be recognized as legitimate leaders in Indonesian Law, even if they are recognized in some *hukum adat*. This Act restricts women's activities to the household and keeps them far from decision-making.

Religion

Despite the fact that the 1945 Indonesian Constitution states in Article 29(2) that "*The State guarantees all persons the freedom of worship, each according to*

his/her own religion or belief", a Religious Ministry Instruction (no. 4, 1978) ignores this and recognizes only the five major religions of Islam, Christianity, Catholicism, Buddhism and Hinduism, ignoring the existence of indigenous beliefs. This makes it technically illegal for indigenous peoples to perpetuate their traditional culture, customs and beliefs.

What is AMAN?

In March 1999, more than 250 indigenous representatives from all over the Indonesian Archipelago met in Jakarta to share experiences and discuss their concerns at the First Congress of Indigenous Peoples of the Archipelago. AMAN (*Aliansi Masyarakat Adat Nusantara* – The Indigenous Peoples' Alliance of the Archipelago), was created as a result of this Congress. AMAN is an independent civil society organization that acts as a forum for the indigenous peoples of Indonesia. It is the only national indigenous organization that also constitutes a network of indigenous organizations at the provincial and regency levels. See the map on the page 04.

Although indigenous peoples are partially recognized under Indonesian Law, the Indonesian government does not politically acknowledge indigenous peoples' rights or existence. Consequently, AMAN works on the issues of indigenous collective rights concerning lands and territories, as well as natural resource management and the right to self-determination.

Since the Third Congress of the Indigenous Peoples of the Archipelago held in March, 2007, AMAN has a directorate specifically working on indigenous women's issues. The directorate recognizes the importance of the work done by indigenous women at the community level, and therefore aims to involve indigenous women locally through the formation of community-based indigenous women's organizations. The directorate will also pursue the recognition of indigenous women at all levels, an increase in the resources that are available to indigenous women, the involvement of indigenous women in the planning, implementation and evaluation of policies at all levels as well as greater awareness among indigenous women of their rights as women and as indigenous peoples.



Training for indigenous women held in Central Sulawesi, Indonesia in 2006. During this training, many women shared their own stories and experiences of development aggression.

alized by their husbands and communities, creating social problems in addition to health problems.

Sexual Violence

Indigenous women who work in mining and plantation companies responsible for the loss and destruction of indigenous lands and natural resources often experience discrimination, even sexual violence. For example, in PT Kelian Equatorial Mining (KEM) in East Kalimantan, there have been several cases of sexual harassment of indigenous women by PT KEM workers at all levels in the company hierarchy. According to Mining Network, 17 out of 21 legal cases reported between 1987 and 1997 have been for sexual harassment, rape or sexual intercourse under psychological pressure from PT KEM employees on indigenous women working in the company.

Questions for Discussion

1. Are there any examples of development aggression in your community? If so, what are they and how do they impact on indigenous women?
2. How can indigenous women participate in resisting or minimising the impacts of development aggression while ensuring their safety is not compromised?

To Find Out More

- ▶▶ On mining, visit the JATAM (Mining Network) website: www.jatam.or.id
- ▶▶ On environment, visit the Friends of the Earth, Indonesia website: www.walhi.or.id
- ▶▶ On environment and indigenous peoples, visit the Down to Earth website: <http://dte.gn.apc.org>



This sheet provides a case study of the issue discussed in Sheet 5: Development Aggression and Indigenous women in Asia, specifically highlighting the situation of Indigenous women in Indonesia. In this sheet, illustrative cases of development aggression and their subsequent impacts will highlight the reality for indigenous women in Indonesia.

Development Aggression in Indonesia

Article 33, paragraph 3 of the 1945 Indonesian Constitution states that: “The earth and water and nature contained within are controlled by the Country and are utilized for social prosperity”. Since the Soeharto era, the Indonesian Government has continued to interpret this Article as Country ownership (rather than control) of the land and natural resources in Indonesia. This has meant that the government has allowed land and resources to be taken from indigenous peoples.

In the name of development, the country has and continues to transfer land ownership to private industrial enterprises such as mining companies, industrial timber companies, forest concession holders and other industries without implementing the process of Free, Prior and Informed Consent.

Government policy-making regarding the conservation of natural areas also bypasses indigenous peoples. Human involvement in the management of natural areas is not allowed, nor are people allowed to occupy them.

To reinforce support for development programs, the Government passed regulations on foreign investment in Indonesia in 1967. These regulations made it easier for foreign investors to invest their capital in Indonesia. For the funding of these development projects, the Indonesian government relied on foreign capital from International Financial Institutions such as the World Bank and the Asian Development Bank.

Land Loss and the Destruction of Natural Resources: Impacts on Indigenous Women

The statistics regarding land loss and the destruction of natural resources are overwhelming. Since 1950, approximately 70% of primary forest in Indonesia has been destroyed (Forest Watch Indonesia). This is the result of large-scale commercial forest felling for forest concessions and industrial timber plantations. This is aggravated by illegal logging in primary forests which contributes 70 to 80 % of wood production in Indonesia (Friends of the Earth, Indonesia). Equally disturbing are mining statistics. According to a report by The Mining Network, 35 % of land in Indonesia has been allocated for extractive mining. In 2004, a total of 890 contracts were given to mining companies in Indonesia for activities such as large scale mining of minerals, gold, coal and others found in primary forest regions.

The government’s attitude toward natural resource management produced policies that did not support management systems based on traditional wisdom. In addition to this, the presence of large-scale industries in the management of these natural resources affected the cohesiveness of indigenous communities, including social, economic, and legal practices as well as traditional institutions.

The shift in control over natural resources as a result of the presence of large-scale industry has changed the nature of management systems from community-based to individual-based. Not only have indigenous



Rukmini Paata Toheke, Chairperson of the Ngata Toro Indigenous Women's Organization (OPANT) and AMAN Director of Indigenous Women's Issues

OPANT and Ngata Toro Indigenous Women's Roles in Conservation:

The conservation of natural resources is vital to the livelihoods of indigenous women. This is because it is our natural resources - our forests - that naturally provide our life sources. In Ngata Toro, our forests enable us to garden, plant rice, corn, and vegetables for food. Our forests also provide several products needed for daily living such as wood, rattan, bamboo, palm sugar and medicine.

For me, the conservation of natural resources is the *wise* use of natural resources. Those who violate conservation values ignore the contributions of traditional knowledge to conservation. The lack of recognition of the role that women's traditional knowledge plays in the use and conservation of natural resources is an example of this.

Indigenous women in Ngata Toro have been active since the 1990s in building cultural identity based on community-based natural resource management. One of the aims of this collaboration with the rest of the Toro community is to protect the tropical forest ecosystem around the community through socio-cultural institutions and local leadership based on the revitalization of traditional knowledge.

OPANT is active in trying to re-cultivate and maintain the traditional methods of women in the continuous use of natural resources. In doing this, in Ngata Toro, OPANT sits together with other agencies to plan, implement and control conservation within the local area. With increasing acknowledgement by policy holders in Ngata of OPANT, women's roles in Ngata Toro have expanded from only domestic affairs to participation in village planning and decision-making relating to natural resources management.

peoples lost their land rights and the right to manage their territories, but the social systems that managed the functions and roles of indigenous women in natural resource management have also been affected. Women had specific roles and functions within their communities, such as the management of medicine crops and non-timber forest products. The opening of forests resulted in women losing medicinal sources, which forced a change from traditional medical treatments to more modern medical treatments. This resulted in a change in the political positions of indigenous women in their communities.

The capitalist and patriarchal work systems of industry have disrupted the social structures that traditionally defined women's and men's roles. This has caused discrimination against indigenous women. For example, for those women who have little choice other

than to work in such industries, they are paid less than men and have fewer opportunities to obtain strategic and decision-making positions. Women are usually employed as domestic or cleaning attendants. In addition to this discrimination, women also face increased threats of violence due to the military being hired to 'protect' the mines or plantations.

Poverty

Indigenous peoples who have traditionally relied on nature to provide them with all of their requirements such as food (plants and animals) from the fields and forests, fish from the rivers and seas, and sources of clean water, suffer from poverty when they are denied control and access to land and natural resources. The systematic impoverishment of indigenous peoples has occurred through the transfer of land and natural re-

source ownership, resulting in the loss of indigenous peoples' livelihoods. To survive, indigenous women have come to depend on their husband's income or, in some cases, have had to find paid work to increase the family's income. In many cases the family's income is not enough to cover the requirements for everyday life, including education and health.

Health Issues

Pollution of bodies of water and land resulting from disposal tailings and the use of fertilizers and pesticides has caused serious health problems for indigenous women. These poisonous chemicals enter the land, bodies of water and fields as well as plants that are used by indigenous peoples every day. Women's

domestic roles expose them to such chemicals in the land and waters and can cause serious health problems. Women also get sick from the animals they eat because the animals have been infected from the contaminated water and land.

HIV/AIDS is also becoming a serious health issue for indigenous women. For example, in Timika (Papua), the PT Freeport mining company has provided infrastructure such as nightclubs and motels which have encouraged migration (trans-migrant workers, military personnel) as well as the sex industry. Prostitution involving indigenous women has increased and as a result, HIV/AIDS has become an issue in indigenous communities. Infected indigenous women are margin-



Ibu Aletha, Chairperson of Organisasi Ataimamus (OAT)

Mining and its Impact on Indigenous Women

Mining started in indigenous traditional territories in the Mollo indigenous community in 1996. Mining has caused horizontal conflicts between communities, has destroyed the social order and the values of local wisdom as well as ignored the rights of indigenous peoples to access their natural resources.

Mining has had significant impacts on indigenous women. It has caused a loss of spring water which has increased women's workloads because they must travel further to look for clean water. The mine has also taken over community land that was a source of agricultural production. Because of this, there is a food shortage which is also very distressing for women. The situation has forced indigenous women to take part with men in protesting mining activities, and this has resulted in women often being intimidated, harassed and tortured.

To protest the mining activities, I began by doing advocacy work. I gained support from indigenous leaders for collective action from both men and women. I have been challenged in this struggle with patriarchal attitudes, as well as repressive actions from security apparatuses. I have had to deal with discrimination and the questioning of my capacity as a woman. I am constantly intimidated by those in positions of power, such as police authorities, and private businessmen.

With development aggression in Timor, there is an increasing gap between the interests of development and the real needs of indigenous peoples. The peoples continue to be marginalized and have their rights violated. Indigenous women continue to suffer, and poverty will continue like a ghost that is difficult to overcome because the development process is not a participatory one that recognizes the rights and needs of indigenous peoples.

In my opinion, the government, security apparatuses, military and investors are the driving forces of development aggression in Indonesia. To improve the situation caused by development aggression, the indigenous peoples' movement and all elements of civil society need to increase their involvement on these issues, particularly capacity-building for indigenous peoples, democratization, equality, justice, gender equity and indigenous-based development.