

An editorial introduction:

Indigenous peoples and rights to resources in Asia

Theme >
Introduction

Diplomats from around the world are currently discussing final revisions to the UN Draft Declaration for the Rights of Indigenous Peoples, to be presented at the forthcoming meeting of the General Assembly. It remains doubtful whether agreement will be achieved on outstanding issues – from definitions of key concepts like 'indigenous people' to the granting of particular rights. Territorial rights remain at the centre of controversy. Countries and groups of countries maintain conflicting positions on key issues while compromises are hard to achieve; the process that began more than ten years ago with the announcement of the United Nations' Decade for Indigenous Peoples (1995-2004) has yet to bear fruit.

By Gerard A. Persoon

Indigenous peoples in Asia

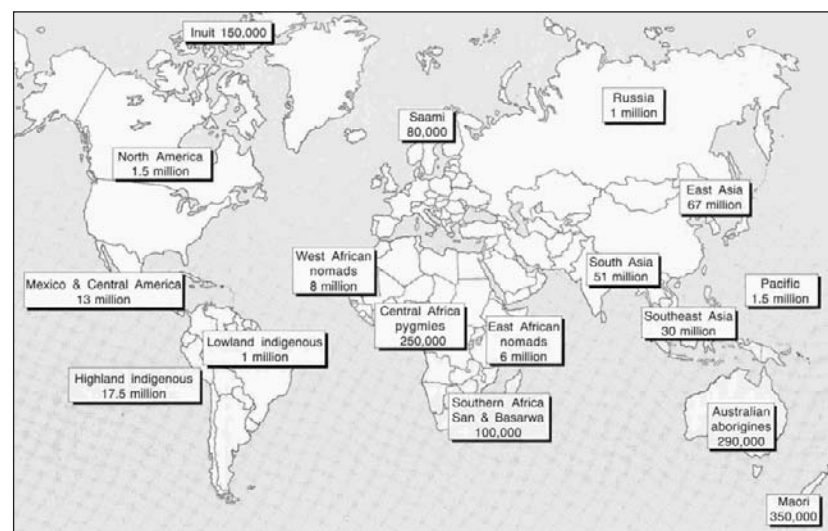
There are an estimated 300 to 350 million indigenous people in the world. About seventy per cent of them live in the Asia/Pacific region. This is surprising, as the global discourse is dominated by indigenous populations from Latin and North America, Australia and New Zealand. In the settler colonies, there exists a clear line between indigenous peoples and those who came in later waves of migration. This is not the case in much of Asia, where relative strength in numbers does not translate into greater representation at international forums. While India and China have the largest numbers of 'indigenous peoples', representatives from the Philippines, Malaysia and Bangladesh are the most vocal, claiming to speak on behalf of those whose voices remain unheard.

There is currently no agreement on the definition of 'Indigenous Peoples'. Within the UN system, many accept the working definition proposed by UN Rapporteur José Martínez Cobo and passed by the UN Working Group on Indigenous Populations and the UN Sub-Commission for the Prevention of Discrimination and Protection of Minorities in 1993, the UN Year for Indigenous Peoples. The 'Cobo-definition' states that '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.'

Many indigenous or minority peoples in Asia live in border areas. They include the Bajau or sea nomads of the southern Philippines, northeastern Sulawesi and Borneo. Another group, the Orang Laut, operate in the coastal waters between Sumatra in Indonesia, Singapore and Malaysia. Inland, minority groups inhabit the border areas between Malaysia and Thailand, and the borderlands of Central Vietnam, Cambodia and Laos, and Northern Vietnam and China. Some years ago, political unrest led to indigenous peoples streaming across the border of what is now West Papua and Papua New Guinea. Other well-known trouble areas include the border areas between Bangladesh, India and Myanmar. Groups straddling international borders often find they have different legal statuses in different countries. Internationally, such groups often aim to be recognised as a single indigenous people with equal rights on both sides of the border.

The relationship between the right to self determination and ethnic classification remains a complicated issue within international discussion. Indigenous peoples claim the right to determine who does and who does not belong to a particular group. Even the name of a people begets controversy. Some governments claim strict authority over the number and names of cultural minorities. In Vietnam there is an official list of 53 'ethnic minorities'. In China there are officially 55 'minority nationalities'. In other countries, numbers, names and lists vary considerably over time, and depend on the source. Political and other motives lie behind these variations.

The word 'indigenous' is rarely used in official Asian circles. Only the Philippines has adopted the term in accordance with international usage. Countries employ diverse terms – national, ethnic or cultural minorities, tribal communities, aboriginals, *adivasi* in India, *Orang Asli* in Malaysia, *masyarakat teras-*



Indigenous peoples worldwide

International Workgroup on Indigenous Affairs, 2001

ing in Indonesia. Whether any of these can be translated into English as 'indigenous peoples' is a matter of great controversy. Representatives of indigenous communities prefer using the term as the international community has adopted it for the granting of rights. Many governments prefer to deny the relevance of the concept altogether. Its usage raises a host of questions: how to define indigenous versus non-indigenous? What about people of mixed descent? What kinds of differences among citizens could this lead to? Few countries in Asia do not face questions of this kind.

Environmental discourse

At present, it is largely through the environmental discourse that indigenous peoples and their supporters strive for recognition of their rights. This is no coincidence. The fact that areas of high biodiversity often overlap with the home territories of indigenous peoples is the basis for the claim that indigenous peoples are ideal stewards of the environment.

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Numerous groups and conservation agencies have accepted this basic idea and have formulated policy guidelines around it. They combine environmental aims with collective human rights and apply the term partnership to describe the relation. The alliance, however, is not without tension. There are clear cases of indigenous peoples not living up to environmental ideals. In such situations, which should be given priority: collective human rights or environmental concerns? Discussions on the scope and methods of so-called aboriginal whaling within the International Whaling Committee is but one example.

It is within the context of the Convention on Biological Diversity that the alliance between environmentalists and indigenous peoples is most obvious. The convention, signed by more than 180 countries, refers explicitly to the positive role of 'indigenous and local communities' in protecting biodiversity. Representatives of indigenous organizations have entered negotiations through this channel; some countries include indigenous representatives in their diplomatic delegations.

An interesting characteristic of the international discourse on indigenous peoples is that there is no clear dividing line between the developed and developing worlds. Many 'devel-

oped' nations face identical problems. Some developing countries have adopted progressive legislation, a source of inspiration for indigenous peoples in developed countries. And just as some developing countries deny the relevance of the discourse for domestic purposes (as do most African countries), so do several richer nations. This sometimes leads to alliances between countries which usually do not share positions on most topics.

Numerous scientific questions derive from this alliance between indigenous peoples and conservation agencies. Environmental scientists are interested in the style and effects of management by indigenous communities. Anthropologists study how ethnic groups organise and manifest themselves as (newly self-conscious) indigenous peoples. There are questions of representation: who speaks on behalf of whom? And from a legal point of view: is there room within constitutional and other law to differentiate one part of the population from others? What exactly do collective rights over land and resources imply for allowable modes of exploitation? What are the consequences for members of society who cannot claim to be indigenous? What are the implications for people of mixed descent?

It is no longer *de rigueur* for scientists studying indigenous peoples (mainly anthropologists) to take advocacy or care-taker roles. Though this has been the case for some time, not least due to the profession's code of ethics, other positions are possible. These range from a mixed role to almost complete scholarly detachment. Some researchers have become critical of the role of indigenous peoples' movements and their supporters, claiming that too much is based on ties of blood and territory, and that this may lead to new forms of discrimination, even ethnic cleansing. Another development is the presence of indigenous peoples in higher learning, adding a new dimension to 'native anthropology'.

In this issue of the *IIAS Newsletter* we discuss recent developments touching on the position of indigenous peoples in Asia and their role in natural resource management. Given the complexity of the subject and the enormous diversity of peoples and countries in this region, this can be no more than a glimpse into the field. <

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