

Celebrating
**Territories
of Life**
in Southeast Asia





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*A T'boli family paddles peacefully across Lake Sebu, Philippines, on an early morning.
by Maria Louella Tinio*

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**Swedish Society
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It has been a little over a decade since the seeds of the ICCA movement were planted in the Southeast Asia region. From a loose collaboration of initiatives, we have strengthened our network to become a defender and supporter of Indigenous Peoples' rights to life, land and resources. Unified in our diversity, we have weaved through the nuances among Indigenous communities, country situations, cultures, political climates and other differences. Through peer exchanges, we have built our capacity to document, defend and sustain ICCAs – Territories of Life.

There have been many challenges along the way, and still many up ahead. But we celebrate our triumphs and all the advances that have been made towards the recognition and appreciation of ICCAs throughout the region. This publication is both a celebration and a call to action. With the multiple threats that ICCAs – Territories of Life face everyday, and given their importance to biodiversity conservation, governments need to recognize the governance of Indigenous Peoples over their territories and areas. The global conservation targets will not be achieved without IPLCs. It has become clear in the unfolding decades that they are the best custodians of the last remaining intact natural resources on Earth, on which we all depend upon for our lives and living.

Peter Kallang

Regional Council Chairperson

ICCA Consortium Southeast Asia

01

Introduction

- 4 *Why this Publication*
- 6 *ICCAs and their Global Importance*
- 6 *ICCAs in Global Policies and Targets*
- 6 *The Movers Behind the Movement*

07

Documenting and Mapping Governance, Management and Values of Territories of Life

- 10 *The Southeast Asia Region*
- 11 *Southeast Asia Biodiversity and ICCAs – Territories of Life*
- 12 *Range, Diversity, and Extent of ICCAs in Southeast Asia*
- 12 *Community Motivations for Conservation*
- 13 *Management and Governance*
- 14 *ICCA Mapping Initiatives*
- 15 *Mapping the Pangasananan of the Manobo Communities, Philippines*
- 16 *Initiatives of the Karen to Map and Conserve their Territory of Life, Myanmar*

19

Defending Territories, Defending Lives

- 23 *Southeast Asia Nations on International Policies on Indigenous Peoples*
- 24 *National Legal Frameworks Recognizing Indigenous Peoples and their Traditional Territories*
- 26 *Alternative Modes of Recognition*
- 28 *Key Challenges in Defending Territories of Life*
- 29 *Stories of Indigenous Peoples Defending their Territories of life*

Case Stories

- 31 *Neighbors Join Forces to Defend their Territories of Life, Malaysia*
- 33 *Tumandok: A People's Struggle for Land, Water and Life, Philippines*
- 35 *Kasepuhan Karang: The Struggle for Reclaiming Adat Rights, Indonesia*
- 37 *Community Management of Yeak Loam Lake, Cambodia*
- 39 *Our Fight for the Forest – The Future of Indigenous Territories in the Wake of the Myanmar Coup, Myanmar*

41

Territories Sustaining Communities, Communities Sustaining Territories

Case Stories

- 47 *Embracing the Memories of Alas Mertajati, Tamblingan, Indonesia*
- 51 *The Spirit of Paw Klo: Indigenous Communities Protect and Sustain their Ancestral Territories, Myanmar*
- 53 *Keyegangan: At the Forefront of Changing Indigenous Food Culture*
- 57 *Prioritizing Indigenous Rights and Benefits: Way to Sustainable Forest Protection in Quang Nam Province, Vietnam*
- 59 *Ha'alupan Bai (Waters in Front of our Village): Locally Managed Marine Areas of the Suluk People, Malaysia*

41

Challenges and Ways Forward

List of Textboxes

- 14 *Community Mapping Processes Used by Indigenous Communities in Southeast Asia to Document their ICCAs*
- 17 *The Significance of Land for the Malind People, Indonesia*
- 30 *Hkolo Tamutaku K'rer (Salween Peace Park): A Declaration of Hope, Myanmar*
- 55 *Rice and Food Sovereignty from the Krayan Highlands, Indonesia*
- 62 *The Tagal System, Malaysia*

Table

- 24 *Table 1. Key Laws and Policies on Indigenous Peoples*

Introduction

by Maria Tanya Conlu





*A Karen elder with a traditional drum
Photo by KESAN*

Why this Publication

There have been many publications on Indigenous Peoples' and Local Communities' Conserved Territories and Areas (ICCA) around the world, but none particular to the Southeast Asia region, where various ICCA initiatives have been thriving for over a decade. These initiatives have sprung from several entities at all levels – from communities to Indigenous Peoples' organizations to non-government organizations and various loose and organized local and global networks as well as key individuals who have all come together to push for Indigenous Peoples' and local communities' rights to self-determination and governance over their lands and waters.

This publication documents some ICCAs in Southeast Asia, where a breadth of experiences and examples can be modeled and learned by others. It compiles several stories of Indigenous Peoples documenting, defending and sustaining their lands and resources. Territories of Life in Southeast Asia are so many and so diverse, and the cases presented in these chapters are only a handful of examples from the region. This also only covers the countries in Southeast Asia where ICCA Consortium members and partners are active, particularly in Indonesia, Malaysia, Myanmar, the Philippines, and Vietnam. It also includes a story from Cambodia, where Indigenous organizations are active and have signified interest to join the movement.

This compilation is a celebration of all the efforts of caring for and protecting Territories of Life against all odds. Not all the stories have a happy ending; in fact, many communities are still in the midst of their struggles for their land, for peace, for life. This work identifies the gaps and recommendations by communities and the organizations that support them for an enabling environment for ICCAs to thrive, to ensure sustainability for life on Earth.



Waterfalls in the Baram in Sarawak
Photo by Save Rivers

ICCAs and their Global Importance

ICCAs are territories and areas conserved by Indigenous Peoples and local communities or simply Territories of Life. These are a subset of Indigenous Peoples' and local communities' lands, which are governed with conservation outcomes. When custodians of land and waters have an intrinsic link with their environment, their stewardship ensures the sustainability of resources. The International Union for the Conservation of Nature (IUCN) defines ICCAs as "...natural and modified ecosystems including significant biodiversity, ecological services and cultural values voluntarily conserved by Indigenous Peoples and local communities through customary laws or other effective means..."¹

ICCAs have three defining characteristics:

- 1** There is a close and deep connection between a territory or area and an Indigenous People or local community. This relationship is generally embedded in history, social and cultural identity, spirituality and/or people's reliance on the territory for their material and non-material wellbeing;
- 2** The custodian people or community makes and enforces (alone or together with other actors) decisions or rules about the territory or area through a functioning and self-determined governance institution, which may or may not be recognized by outsiders or by statutory law of the relevant country; and
- 3** The governance decisions and management efforts of the concerned people or community contribute to the conservation of nature (ecosystems, habitats, species, natural resources), as well as to community wellbeing.²

ICCAs are very diverse and are called by different names depending on their custodian community. In Southeast Asia alone they go by hundreds of names such as

Alas Mertajati for the Tamblingan in Indonesia, Faganoon Furuhayo for the Buhid Mangyan in the Philippines, and Kaw for the Karen in Myanmar. They encompass all areas used by Indigenous Peoples to hunt, gather, herd, cultivate, and other activities that make up their traditional livelihood. They include cultural landscapes and seascapes, community-managed areas, indigenous or community protected areas, sacred natural sites, migration routes, traditional harvest areas and ancestral domains, among others.

Indigenous lands cover about 38 million km², or about 25% of the world's terrestrial surface. These areas overlap with about 40% of protected areas³, and at least 36% of the world's remaining intact forest landscapes. Many studies have affirmed that forests protected by Indigenous Peoples, whether de facto or de jure, are better conserved than forests protected by governments, such as in the form of Protected Areas. Although Indigenous lands are also threatened by clearing and conversion, loss rates have been found to be considerably lower than in other lands.⁴ Biologically important lands and waters in the lands of Indigenous Peoples remain intact because of their stewardship and their traditional knowledge on conserving resources and adapting to natural disasters. In fact, it has been determined that Indigenous Peoples protect 80% of the world's biodiversity.⁵ This makes for a compelling argument that **Indigenous Peoples rights to land, including governance over these lands, should be given high importance if we are to avoid biodiversity loss and further climate change.**

In the Indomalaya realm where Southeast Asia belongs, a study found that there is less than 5% of forests considered intact forest landscapes, and of this 5%, 87% are in Indigenous Peoples' lands. In this particularly study, it was found that this region is experiencing the most deforestation, but rates on Indigenous Peoples' lands are far less at 16% than on other lands at 36%.⁶

ICCAs in Global Policies and Targets

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), ratified in 2007, has been the reference document for national policies and strategies for engagement with Indigenous Peoples. Although not legally binding, this declaration confirms the rights of Indigenous Peoples to self-determination, cultural identity, traditional knowledge and land and resources, among others.⁷

In recognition of these rights, and given the biological and cultural importance of ICCAs, international bodies have recognized them and included them in global conservation targets and guidelines. ICCAs have been recognized as key contributors towards international conservation goals, such as the Aichi Biodiversity Targets of the Strategic Plan for Biodiversity 2011-2020, particularly Targets 11 (Protected areas increased and improved), 14 (Ecosystems and essential services safeguarded) and 18 (Traditional knowledge respected).⁸ The Conference of Parties (COP) of the Convention on Biological Diversity (CBD) has recognized ICCAs as a key means to achieve Articles 8(j) on traditional knowledge, innovations and practices, and 10(c) on use of biodiversity with focus on customary sustainable use, and to implement the Programme of Work on Protected Areas (PoWPA), which mandates countries to fully involve Indigenous Peoples and to recognize their own conservation areas.

The International Union for the Conservation of Nature (IUCN) first recognized ICCAs in 2012, and included it as a governance type for protected and conserved areas, considering it as Other Effective Area-Based Conservation Measures (OECM). In 2018, the CBD COP officially recognized this in its Decision 14/8, defining OECMs as “a geographically defined area other than a Protected Area, which is governed and managed in ways that achieve positive and sustained long-term outcomes for the in situ conservation of biodiversity, with associated ecosystem functions and services and where applicable, cultural, spiritual, socio-economic, and other locally relevant values.”⁹

Guidance on recognition of ICCAs in situations wherein they overlap with government Protected Areas have been issued by the IUCN, and human rights-based conservation is being pushed in the draft of the CBD’s Post-2020 Global Biodiversity Framework.



*The first ICCA event in the region in 2011
Photo courtesy of Cristina Eghenter*

The Movers Behind the Movement

The ICCA Consortium is a global non-profit association dedicated to supporting Indigenous Peoples and local communities. It is a membership-based movement found in all continents that has supported numerous communities in their self-strengthening process and made the world aware of emblematic ICCAs. It has pushed for international and national policies to recognize the conservation value of Indigenous Peoples’ governance over their territories.

The network in Southeast Asia started as an offshoot of a 2011 symposium on ICCAs in Indonesia, which continued to other countries in the region until the Southeast Asia Regional Learning Network was formed in 2015 and formalized into the ICCA Consortium Southeast Asia in 2018. Starting as a loose network of organizations and individuals facilitating community dialogues and cross-visits, sharing skills through peer-to-peer capacity building initiatives and lobbying for policy changes with their respective governments, it has become a structured regional assembly with 18 members, 48 honorary members, a council and a seat in the global assembly. Each country has its own network of members and partners, including the Philippine ICCA Working Group, ICCA NEWS in Myanmar, Working Group on ICCAs in Indonesia (WGII), My ICCA in Malaysia, and Vietnam OECM Network.

Documenting and Mapping Governance, Management and Values of Territories of Life

by David Benjamin de Vera





*Discussing the finer details of
the 3D map elements
Photo by PAFID*

The Southeast Asia Region

The Southeast Asia region occupies the expanse between China, India, Australia, and the Pacific Ocean.¹⁰ It consists of eleven countries and is subdivided into Mainland and Insular zones. Mainland Southeast Asia is composed of the countries of Cambodia, Laos, Myanmar (Burma), Thailand, Vietnam, and Singapore while Insular Southeast Asia consists of the archipelagic nations of Indonesia, the Philippines, Brunei, and East Timor. Malaysia is unique as it is part of both zones.¹¹ In total, Southeast Asia covers approximately 4.5 million square kilometers, about 10.5% of Asia's total land area, and 13 million square kilometers including the sea area.¹²

The whole region virtually lies in the tropical and subtropical climatic zones subject to the monsoonal weather system, which produces marked wet and dry periods and provides ample annual rainfall. Southeast Asia is characterized by three interconnected geophysical features: mountain ranges, plains and plateaus, and water in the form of deep trenches, shallow seas, and extensive riverine or drainage systems.¹³

According to the World Atlas, the region's population was about 655.2 million as of 2018, which accounts for 9% of the world's total population. The population includes a wide variety of more than 100 ethnic groups with highly complex language patterns. Of the 6,000 languages spoken in the world today, an estimated thousand are found in Southeast Asia. This diversity results from the region's position as a sea route as well as a barrier and bridge to people's movements.

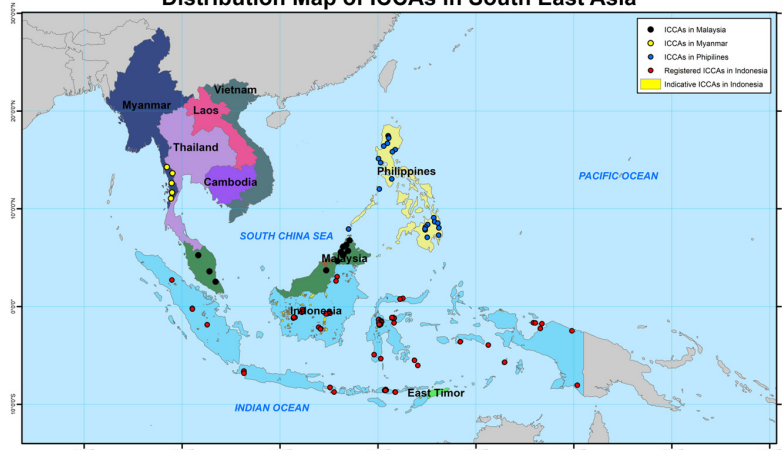


Southeast Asia Biodiversity and ICCAs – Territories of Life

Southeast Asia is undeniably one of the most diverse regions in the world. Representing one of the world's three major biodiversity and tropical landscapes, Southeast Asia hosts three of the twelve mega diverse nations (Indonesia, Malaysia, and the Philippines). These areas contain an astounding 20% of the planet's vertebrate and plant species with high rates of endemism. Southeast Asia is also home to nearly 15% of the world's tropical forests.¹⁴ The region's wealth in terrestrial habitats and species is matched by its marine resources: it contains nearly 100,000 square kilometers of coral reefs, almost 34% of the world total, hosting the highest marine biodiversity in the world. It is also the global center of biodiversity for coral reef fish, mollusks, and crustaceans. As of 2004, the region contains 51 of the world's 70 mangrove species and 23 of the 50 seagrass species.¹⁵

While it is globally recognized for its high biological diversity, Southeast Asia also has six of the 25 biodiversity hotspots in the world. Estimates suggest that habitat loss in the region is among the highest, and most severe in terms of biodiversity loss.¹⁶ It has the highest relative rate of deforestation in the world, with estimates of around an average rate of 1% forest cover loss annually.¹⁷ If this continues, Southeast Asia could lose three quarters of its original forests by 2100 and up to 42% of its biodiversity.¹⁸ Marine biodiversity is facing the same threat with an estimated 88% of Southeast Asia's coral reefs at risk. For 50% of these reefs, the level of threat is "high" or "very high" with only about 12% classified as low risk.¹⁹ The heavy reliance on forest and marine resources for economic gain and to sustain ballooning populations has resulted to its overexploitation and degradation.²⁰ Amidst this biotic threat, Indigenous and local communities in the region have been at the front-line of preserving and protecting the remaining habitats for terrestrial and marine life by sustaining their ICCAs.

Distribution Map of ICCAs in South East Asia



Map of ICCAs in Southeast Asia

In spite of the absence of state recognition, traditional governance of ICCAs provides the sorely needed in-situ governance of rich and fragile environments. In the Philippines, almost 90% of the Key Biodiversity Areas (KBAs) of the country are located within traditional lands and territories of Indigenous communities. In Indonesia, around 70% of state-claimed forested areas are located in Indigenous Peoples' territories that are used by the communities in shifting agriculture, hunting, and food gathering.



The scenic Sesan River along Padal Village in Ratanakiri flows to the Mekong
Photo by Femy Pinto

Range, Diversity, and Extent of ICCAs in Southeast Asia

Southeast Asia ICCAs are as diverse as the region's cultural, ecological and biophysical landscape. These are found in both terrestrial and marine ecosystems – from the mountain ridges, dense forests, lowland plains, coastal areas, and coral reefs – providing habitats to a high diversity of flora and fauna as well as life and spiritual sustenance to the steward communities.

In terms of size, ICCAs in Southeast Asia could be as small as less than a hectare of forest patch used as a burial ground of revered tribal leaders in the island of Mindoro, Philippines to 500,000 hectares of the Prey Lang Wildlife Sanctuary in Cambodia.²¹ Depending on how communities define their ICCAs, it could be just a part of the Indigenous territory such as the Borong Karamaka (sacred forests) of Indonesia's Ammatoa Kajang. ICCAs could also encompass the whole territory such as the Pangasananan of the Manobo in the Philippines. The whole extent of ICCAs in Southeast Asia, however, is yet to be determined. The United Nations Environment Programme World Conservation Monitoring Centre (UNEP-WCMC) ICCA Registry (www.iccaregistry.org) cannot be a basis of the number and area because different countries have their own processes and limitations in mapping and documenting ICCAs. For example, in Cambodia, only one ICCA is registered, the Prey Lang Wildlife Sanctuary, when in fact several Indigenous Peoples in the country consider their community forests as ICCAs. In Myanmar, only Salween Peace Park is registered, but the ICCA NEWS recognizes over 20 ICCAs in the country. Malaysia has none, but the concerted efforts of organizations who are members of My ICCA have already documented 19 ICCAs. The Philippines and Indonesia both have their own national registries and are at different stages in the process. The Philippines has mapped and documented at least 20 ICCAs while Indonesia has mapped and registered 104 ICCAs with a total area of 462,650 hectares. Jaringan Kerja Pemetaan Partisipatif (JKPP), the organization that maps Indigenous territories and areas, estimates that the country has potentially over 2.9million hectares of ICCAs.

Community Motivations for Conservation

Custodian communities have different reasons for sustaining the ICCAs in their territories, but often it is based on an innate and give-and-take relationship that they maintain with their environment. Motivations usually range from spiritual connectedness with the area, cultural significance of the place, and as a source for food and livelihood security for the community. This is aptly described in a review of ICCA recognition and support in the Philippines by Pedragosa in 2012:

“

ICCAs play an important role not only in the economic aspect of their life, but also in the development of their culture and socio-political systems. Religious and traditional beliefs, practices and rituals have evolved out of their relationship with them. Many Indigenous Peoples and local communities regard the biological, economic and social objectives of conservation as intimately related. Hence, their traditional activities include conserving a variety of natural environments and species for a variety of purposes, economic as well as cultural, spiritual and aesthetic.

”

This is true not only in the Philippines but also in other countries in the region. This is seen in the sasi system for lompas fish being implemented by the people of Haruku in Central Maluku, Indonesia, where the ICCA ensures continuous populations of lompas fish, an important source of food and livelihood for the community.²² The Batak community of Palawan, Philippines, believe that their whole territory is endowed with sacredness, hence resources must be well managed.²³ The Penan of Malaysia establish rights to the resources within the territory which they occupy not by cutting down the forest but by ensuring that their relationship with the landscape is nurtured. One of their practices for this is to maintain resting places they call lasan along man-made jungle tracks, thereby creating a sense of 'kinship' with the environment while taking a break in the forest.²⁴

Biodiversity conservation and climate change mitigation is not a motivation that many of the custodian communities had when their ICCAs were established but these are undoubtedly results of their age-old relationship with the resources in their environment.

Management and Governance

Custodian communities, especially Indigenous ones, have developed and practiced systems of governance and management that protects and sustains not only the physical aspects of the ICCA but also the relational aspect among the people in the community. The centuries of adaptation, practice, and experience contributed to the accumulated wealth of knowledge that is embedded in their cultures and day-to-day living. Governance and management of ICCAs vary among the different Indigenous and local communities in the region. These variations are usually determined by the spiritual beliefs, customs, and community institutions enforcing them, as well as the level of assimilation into the larger society. Common characteristics observed include: (1) management and governance structures and policies are derived from centuries-long experiences and adaptation practices, (2) resources are collectively managed and governed under local authority that promotes communal values, (3) management is based on self-determination, utilitarian, and very practical in nature; and (4) decision-making is based on current locally relevant issues and the existing body of traditional knowledge.²⁵

These characteristics may have played a role in the conservation of natural resources, species and ecosystems in the region and, more importantly, helped sustain the custodian communities for centuries. This is evident in the practice of *sasi*, for example, which protects certain plants or animals from overexploitation by limiting harvest to certain times of the year. This allows time for regeneration, thereby ensuring that the resource in *sasi* will still be available for the community for a long time. A customary institution called the *kewang* has responsibility for implementing *sasi* rules and other customary resource management policies.²⁶ In some communities, spiritual authorities play a role in resource governance as shown by the Talaandig community in Portulin, Philippines, where a *bailan* (shaman) works with the customary head of the clan called the *datu* (chieftain). The *datu*, in turn, enforces the rules with assistance from local forest guards called the *bantay lasang*.²⁷

One key feature in the governance and management of ICCAs is that it is rooted in the concept that Indigenous Peoples and other local communities are the custodians and caretakers, not necessarily owners, of these areas. It is not just about following orders and being scared by punishments but also about staying true to their cultural identity, being guided by their spiritual beliefs and social norms, and respecting the deep connection they have with their environment. This is why they “look at governance and management of ICCAs as part of their daily life and essential to their own well-being and survival”.²⁸ The community and their immediate environment are inextricably linked, and communities often say that the destruction of one leads to the eventual obliteration of the other, with emphasis on the dependence of the community to nature. This was aptly depicted in the words of a respected Indigenous leader

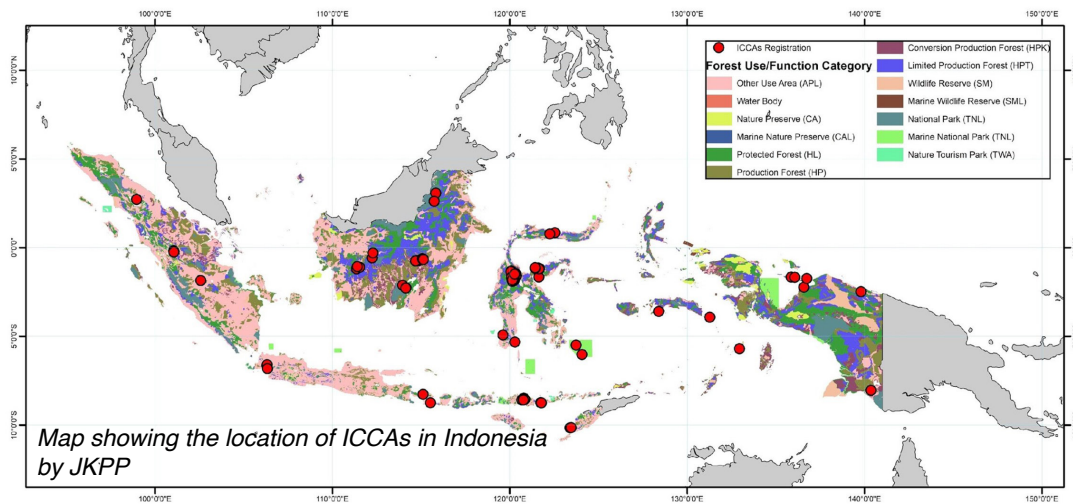
in the Philippines, Hawudon Tinuy-an:

“If we abandon the territory... we will perish and become nothing.”²⁹

This attaches a whole new meaning to “management and governance” for many of these communities and this also makes it more effective as compared to externally imposed management and governance mechanisms like government-established Protected Areas.

Although there are community institutions or structures tasked with enforcing rules, the duty and responsibility of ensuring that the ICCA is protected is shared among the members of the community. An example of this is the *Igmale’ng’en* sacred forests of the Talaandig community in the Philippines where community members, regardless of their status, inform the community chief of the status and observed violations against their *Igmale’ng’en*. Another example is how, traditionally, Indigenous Peoples in Cambodia regard natural resources as communal property used for subsistence lifestyles and not for the quest for individual profit. Hence, some rules are followed when extracting natural resources from the environment to limit overexploitation and to prevent individuals from taking away more than they should. In case mismanagement and overexploitation do happen, there is an organized system composed of elders which could handle conflict crisis and decide what to do at the village level with the aim of resolving the situation.³⁰

As mentioned, mechanisms for ICCA management and governance in Southeast Asia is also shaped by the community’s level of exposure to and relationship with cultures and governing structures external to the community. Isolated communities solely follow their centuries old management rules and governing policies but for communities that have been assimilated into the larger society, their management and governing structures are often influenced by and sometimes overlaid with prevailing non-traditional structures. For example, the Prey Lang Wildlife Sanctuary is managed by both the Prey Lang Community Network (PLCN) and Cambodia’s Ministry of Environment. The Menuvu, Higaonon, and Talaandig communities living in and around the Mt. Kalatungan Natural Park in the Philippines work with the local governments and Protected Area Management Board to ensure that development and protection plans for the Protected Area are inclusive of their own plans and customary governance. This relationship also boosts protection and conservation efforts for the ICCAs as well as provides the necessary support for their livelihood needs. There are also ICCAs with management mechanisms modified to specifically reject meddling of external institutions such as in the Karen people’s Kawthoolei, or customary territory in Myanmar. Here, the Salween Peace Park was established to protect against the Myanmar government’s development and resource utilization plans that entails environmental destruction and disempowerment of local Karen communities.



ICCA Mapping Initiatives

To protect and conserve their Territories of Life, Indigenous communities in Southeast Asia have initiated mapping and documentation activities. The need to document their ICCAs was identified by Indigenous communities in the Philippines as a priority activity that needs to be immediately addressed. In their Manila Declaration of 2012, they urged governments, non-government organizations (NGO) and the academe to provide support in building local capacities to effectively participate in activities that are critical to the recognition and protection of their traditional conservation areas. The same level of urgency and importance is apparent from other countries where communities and NGOs have invested heavily in the mapping of Indigenous territories.

There are a multitude of methods and tools available that can be used to effectively document ICCAs. However, a participatory approach in conducting research allows for a more in-depth analysis of the information based on the local and traditional knowledge. It also provides the opportunity for shared learning and validation that accords a strong sense of local ownership of the data and information amongst the members of the community, and ensures the quality, relevance, usefulness and validity of the research. **Community mapping is the most effective method that can facilitate the identification of the ICCA and the conduct of local resource assessment and inventories.**

Community Mapping Processes Used by Indigenous Communities in Southeast Asia to Document their ICCAs

Sketch mapping - Community members draw maps on the ground or on paper based on their collective memories. The maps represent salient features of the land and other natural resources from a community's perspective. The community members do not rely on exact measurements and do not use a consistent scale or geo-referencing. They do show the relational size and position of features.

Participatory 3D Models (P3DM) - Created from the template of a topographic map where pieces of cardboard or rubber sheets are cut in the shape of the contour lines and pasted on top of each other. The model is then finished with wire nails, glue, plaster, and paint. Geographic features are depicted on the model using push pins (for points), colored string (for lines) and paint (for areas). A scaled and geo-referenced grid can be placed in the model to facilitate proper digitalization.

Eco-cultural Mapping - Collects Indigenous Peoples' perception concerning forest areas, grasslands, cultivated areas, water sources, sacred places, and natural resources within their domain. The community members are gathered and consulted about their agricultural practices, cultural norms, and traditional beliefs. The eco-cultural maps are drawn showing the community and geographic boundaries, roads, water sources, cropland, pastureland, forested areas, major community infrastructure and others.

Participatory Geographic Information Systems (PGIS) - Combines a range of geospatial information management tools and methods such as sketch maps, P3DM, aerial photographs, satellite imagery, Global Positioning System (GPS), and GIS to represent peoples' spatial knowledge as virtual or physical two- or three-dimensional maps. These are used as interactive vehicles for spatial learning, discussion, information exchange, analysis, decision making, and advocacy. This makes global information technology (GIT) available to disadvantaged groups to enhance their capacity to generate, manage, analyze, and communicate spatial information.



*Splendid Tinuy-an Falls in the Manobo ICCA in Bislig, Philippines
Photo by Jan Gabriel Cabanos*

Mapping the Pangasananan of the Manobo Communities Philippines

The Pangasananan is the 6,996-hectare territory of the Manobo people situated in Bislig City, Surigao del Sur. The name comes from pangasan, the act of obtaining food and other needs such as timber, ritual materials, decoration and household materials, and anan as suffix denoting a place. For the Manobo people, the Pangasananan is everything they need – providing them food, shelter, medicines, water and identity. Its destruction is also their downfall. Hence, it is of prime importance for them to protect, conserve and manage it to ensure their survival.

The Pangasananan ICCA is part of the South Diwata/ Bislig Key Biodiversity Area (KBA) and the Bislig Important Bird Area (IBA), which features endemic lowland dipterocarp forests with 21 vertebrates and 9 plants that are globally threatened. According to BirdLife International, the Bislig IBA hosts threatened and restricted-range bird species namely Mindanao brown-dove, Mindanao bleeding-heart pigeon, spotted imperial-pigeon, silvery kingfisher, rufous-lored kingfisher, wattled broadbill, azure-breasted pitta, Philippine leafbird, little slaty flycatcher and celestial monarch.

The Pangasananan forest is also a breeding ground for the Critically Endangered Philippine Eagle and the entire area is part of its feeding ground.

Until the mid-1950s, the Pangasananan was almost entirely forested. But logging companies, most notably Paper Industries Corporation of the Philippines, Inc. (PICOP), operated for more than 50 years through government issued permits. Aside from clearing the forest, the company also planted foreign tree species for pulp production. Towards the end of its contract, the company inched closer and closer to the remaining forest, which inevitably brought the Manobo face to face with threats to lives and livelihoods – houses were burned, farms destroyed, tools confiscated, and Manobo people criminalized. Commercial logging stopped in 2008, but logging roads opened by the company allowed migrants easy access to the forests, who cleared more forest and took residence in the Manobo territory without consent. In 2018, a new threat emerged when 45% of their territory was declared a Protected Area without their consent – the Tinuy-an Falls Protected Landscape.

The Manobo of Sote decided to map their Pangasananan using P3DM in order to create a record of their territory which they can use to engage other stakeholders as well as a planning tool that can be used by the community during its regular assemblies. With the assistance of

Philippine Association for Intercultural Development (PAFID), the mapping process started with a series of consultations during which key group members, such as elders and leaders, provided information about their territory and discussed their needs and obligations with regard to the land. The members then produced rough sketch maps of their domain, and identified its boundaries and important geographical features such as mountains and water bodies. The dimensions and coordinates of these features are verified by GPS ground surveys, and the sketch maps are refined.

Next, the group created a “blank” relief model, which starts out as a series of layers of cardboard. Single contour lines from topographic maps were traced onto the cardboard, and the pieces cut out and pasted one on top of the other to build up a 3D model of the area. The members of the group brought the relief model to life using paint, yarn and push pins of various colors and sizes to indicate the details identified on the sketch maps, as well as natural resources, land cover, settlements and infrastructure. Other features, including administrative boundaries or protected areas, can be added to the model at a later stage. The meanings of the various map elements remain clear and consistent because all community members refer to a single, mutually agreed upon legend.

The next step in the process involved taking high-resolution digital photographs of the 3D model that can be integrated into a geographical information system (GIS) so that the data are more widely accessible. Once the images have been stored in a computer, they may be corrected with additional GPS ground survey data and combined to produce 2D thematic maps such as of land cover or natural resources. These maps are validated by the community to ensure accuracy and local adoption. The 3D models and the 2D GIS maps are regularly updated to reflect any changes in land use.

With their 3D map, the community was able to define the traditional governance boundaries of their territory. They divided the territory into nine sectors to better manage it. The sectors are named after major water bodies in each area namely Danao, Tinuy-an, Tabonan, Anislag, Mag-usa, Baguis, Daganluson, Sungkuan, and Sayaw. Each sector is headed by a hawudon. This map of the governance boundaries clarified the responsibilities and jurisdictions of each clan. This has resulted in a stronger relationship among the various clans in the territory as well as the more efficient implementation of their forest management policies.

The P3DM also helped them prove their occupation of the land since time immemorial. This has been very useful in the approval of their Certificate of Ancestral Domain Title (CADT). Now that the tribe has legal title to the land, the provocations and the violence have ceased. The P3DM models are also proving invaluable in natural resource planning. With increasing pressure on diminishing resources such as freshwater, forests and fish, making

sustainable development plans is crucial to the survival of small tribes. Because the physical 3D features of this model are immediately recognizable, all members - including elders and those who cannot read - are able to participate in resource planning. Such models have been used in resolving inter-tribal conflicts over resources, most notably water, and in pointing out problem areas and solutions to government planners.

The Manobo of Sote and PAFID’s experiences demonstrate that **an intelligent combination of participatory decision-making and modern technology can provide solutions to land conflicts and assist in natural resource planning.** The secret of the success of the P3DM approach lies in its ability to engage both Indigenous community members and the authorities in an ongoing political dialogue that is mutually beneficial.

Initiatives of the Karen to Map and Conserve their Territory of Life*

Myanmar

The Salween River basin contains one of the last great wild landscapes and natural teak forests of Southeast Asia. It supports some of the most biodiverse areas in the world and is home to threatened wildlife such as tigers, Asian elephants, banteng and the Critically Endangered Sunda pangolin. Roughly 2,400 kilometers long, the Salween flows from the Tibetan Plateau through Yunnan into Myanmar, briefly touching Thailand. It is one of the few major rivers in Asia that still flows freely and uninterrupted by large-scale dams. It is also home to diverse Indigenous groups including the Akha, Blang, Derung, Hmong, Kachin, Karen, Karenni, Kokang, Lahu, Lisu, Mon, Nu, Palaung (T'arng), Pa'O, Shan, Tibetan, Yao, and Wa. These communities are key to the conservation of Salween and its resources.

As custodians of the Salween River, community members maintain a spiritual relationship with the Salween, as their ancestors have done since they descended from the Tibetan Plateau many centuries ago. For the Karen, Salween is home to countless important spirits who are intermediaries between human societies and the environment around them. It supports the sacred animal and plant species who populate the cosmos and carries the memories of their ancestors whose lives were intertwined with the river. Their relationship with the spirits is maintained and the memories of their ancestors kept alive by their continuous interaction with the Salween River, the backbone of their traditional knowledge and practices.

After many years of conflict, the Karen wanted to protect their territory from extractive industries and established the Salween Peace Park. The heart of this initiative is the kaw, the Indigenous Karen system which is a physical area and social institution for sustainable land governance. Kaw integrates Indigenous ecological knowledge, protected areas, rotational upland fields, taboos against hunting keystone species and peaceful conflict resolution mechanisms.

The partnership between Mutraw District communities, the Karen Environmental and Social Action Network (KESAN) and the Karen National Union (KNU) has resulted into the establishment of the Salween Peace Park and its map. With support from KNU forest rangers and funding from the Rainforest Trust in Norway, the communities mapped the park, delineated community ownership, and documented its biodiversity. With a total area of 548,583 hectares, it is comprised mostly of 248 kaw at 415,301 hectares. It also contains 34 community forests and three wildlife sanctuaries. Mutraw communities have also been mapping their traditional socio-ecological management practices, highlighting the invaluable Indigenous and natural diversity that they encompass. The park serves as a sustainable alternative to megaprojects, as well as a way for refugees and

displaced people to reintegrate into Karen State with minimal disruption of the natural environment.

The Salween Peace Park initiative builds on more than a decade of community-based conservation work. The survival of this landscape and its biodiversity thus far can be explained by the indigenous Karen environmental ethic that integrates sustainable livelihoods, nature protection and democratic governance. This cultural heritage is an invaluable asset to a world facing species extinction and climate change.

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*AAbridged from KESAN. (n.d.) *The Salween Peace Park: A vision for an Indigenous Karen landscape of human-nature harmony in southeast Myanmar*. http://kesan.asia/wp-content/uploads/2017/12/Revises-Eng-Peace-Park-briefer_web.pdf; and from Twa, S.P.S., Fogerite, J. & Palmano, C. (2021). *Hkolo Tamutaku K'rer: The Salween Peace Park in Burma/Myanmar*. In ICCA Consortium, *Territories of life: 2021 report* (pp. 111-120). ICCA Consortium. report.territoriesoflife.org



Community members survey the forest in southern Tanintharyi
Photo by CAT



*Malind anim territories
Photo by WWF Indonesia*

The Significance of Land for the Malind People*

Indonesia

*by Prasetyo and (late) Agustinus Kanki
Balagaize, Malind Anim customary chief*

The Malind Anim Indigenous Peoples in southern Papua have a deep bonding with the land on which they live. This relationship derives from a recognition that it is the land that sustains and protects them. They are born in the forest and are almost completely dependent on forest resources to meet all their livelihood needs, including medicines.

The Malind Anim's relationship with their land is reinforced by frequent trips and extended stays in the forest, and is reflected in an extensive body of knowledge and local wisdom. For example, members of the community assess the fertility of the soil by observing the trunk shape or leaf color of the vegetation growing in a particular area. They also know when to plant or harvest forest resources based on the observation of the winds and fruit season of particular plants.

Over time, the Malind Anim people have developed customary rules to protect their natural resources. Examples are the prohibition on catching birds of paradise or other birds except for ritual purposes; no hunting of species that are the symbol or totem animals or plants of particular clans is allowed; use of fire is also strictly monitored and managed because of the big threat it represents to the habitat; immature sago plants that are not yet productive may not be harvested or damaged. All members of the community are expected to adhere to these laws and there are sanctions that are imposed when there are violations.

For the Malind people, their relationship with the land is of the utmost significance and they are fiercely protective of their traditional lands. The boundaries of the customary land are marked with totems including drawings or carvings of rattan, coconut tree, birds of paradise, cassowary and other animals or plants. Their social structure is regulated by clanship and belief systems associated with particular plants and animals. The Gebze clan of the Malind Anim peoples, for example, is connected to the land, stones, and all animals that live in symbiosis with the coconut tree.

When community mapping was introduced to the Malind community, it became the natural way for them to visualize the close relationship with the customary land, its boundaries, and enable them to secure the community's sources of livelihood and to preserve its cultural identity. Sites regarded as particularly sacred include ancient graves, which are marked by large rocks or trees. It is believed that the spirits of the dead remain in a single location and protect it. When a child is born, that child will continue to have strong ties with the village of birth throughout his life, because it is believed that the child's birth has been witnessed by the ancestors' spirits. Thus, the Malind people continue to protect their customary villages to ensure that their ancestors' spirits will protect them from danger and diseases.

If the land and the forest are life for the Malind Anim Indigenous Peoples, they also believe that the destruction of the natural environment will result in the death of all living beings. "If nature is destroyed, then all living things will die and perish. First, the small creatures will die and disappear, followed by the larger animals, and then finally human beings."

* Abridged from an article with the same title in Prasetyo & Bagalaize. (2021). *The significance of land for the Malind people. In Working Group on ICCAs in Indonesia, The long struggle of Indonesia's Indigenous Peoples for conservation and living space: Fifteen stories of Indigenous Peoples' and community conserved areas and territories (ICCAs) in Indonesia. Working Group on ICCAs in Indonesia.*

Defending Territories, Defending Lives

by Timothy Salomon





*Keh Bah Karen people performing traditional bamboo flute music
Photo by Keh Bah Affair*

Indigenous Peoples since time immemorial have occupied their traditional territories exercising self-rule through Indigenous political institutions and customary laws. As the rest of the world modernizes in haste, effectively disconnecting from nature, Indigenous Peoples remain faithful to their intimate relationship with their Territories of Life serving as its de facto stewards. Despite complex, multiple, and intersecting threats - armed conflict, displacement, land grabbing, deforestation, land use change, natural resource exploitation, migration and climate change – no matter what costs, they defend their Territories of Life!



*This forest is no longer state forest
after customary forest recognition
Photo by Albertha Cristina*

Southeast Asia Nations on International Policies on Indigenous Peoples

Several international treaties, conventions and declarations have been signed prescribing frameworks and norms for the recognition of Indigenous Peoples' rights. The nation-states of Southeast Asia have varying degrees of adherence to these policies, namely:

- 1 International Covenant on Civil and Political Rights (ICCPCR) of 1966
- 2 International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1976
- 3 International Covenant on the Elimination of All Forms of Racial Discrimination (ICERD) of 1965
- 4 UN Declaration on the Rights of Indigenous Peoples (UNDRIP) of 2007, and
- 5 UN Convention on the Conservation of Biological Diversity (UNCBD) of 1993

Cambodia, Indonesia, the Philippines, and Vietnam have strong adherence to international policies on indigenous peoples' rights, while Malaysia and Myanmar have expressed their non-adherence to the ICCPCR and ICERD, and the ICESCR for Myanmar. Malaysia and Myanmar consider these international policies as threats to national sovereignty citing incompatibility of international policies with their national legal frameworks.³¹ This manifestation must be understood in the context of existing independence movements in both nations emanating from assertions of sovereignty based on ethnic identity such as among the Karen in Myanmar and the people of West Papua in Indonesia.

National Legal Frameworks Recognizing Indigenous Peoples and their Traditional Territories

Amidst claims of self-determination asserted by political institutions of Indigenous Peoples, embedded in their history is their interaction with the nation-state. Of central importance is the openness of state policy frameworks to legal pluralism – the extent with which customary law is recognized and the respect accorded to its enforcement in traditional territories.

Table 1 shows the relevant laws and policies on Indigenous Peoples across the countries of focus.

Table 1. Key Laws and Policies on Indigenous Peoples

<p>Cambodia</p>	<p>Land Law of 2001: Establishes the broad legal framework for the recognition of land rights through registration including the recognition of collective ownership of traditional territories of Indigenous Peoples. The law explicitly includes lands that are actually cultivated and reserves for shifting cultivation.</p> <p>Sub-Decree 83 on Communal Land Titling of 2009: Through registration of collective ownership, Indigenous Peoples are provided legal tenure rights over land.</p>
<p>Indonesia</p>	<p>1945 Constitution: Recognizes Masyarakat hukum adat (Adat Peoples/Indigenous Peoples) and traditional peoples towards their traditional rights and cultural identity as long as they are still alive in accordance with community development and principle of Unitary State of Republic of Indonesia, which are regulated by law.</p> <p>Basic Agrarian Law of 1960: Recognizes the ulayat land as the collective rights of Indigenous Peoples, and further regulated in the implementing regulations.</p> <p>Amended Forest Law 41 of 1999: Recognizes Indigenous Peoples in their customary forest based on Constitutional Court Ruling No. 35/PUU-X/2012 that has decided the article that states customary forest is state forest was unconstitutional. Later this ruling amended the related article to exclude customary forest from state forest and included in the domain private forest <i>hutan hak</i> which has equal position with private rights (forest management fully owned by another subject of law). However, this law does not grant land ownership to indigenous peoples, but refers to the management of the forest based on traditional belief and customary law.</p>
<p>Malaysia</p>	<p>Aboriginal Peoples Act of 1954: Recognizes the customary tenure of the Orang Asli in Peninsular Malaysia.</p> <p>Federal Constitution of 1957: Includes “customs and usage having the force of law” guaranteeing recognition of customary law. This provides the framework for state governments to formulate laws pertaining to Indigenous Peoples and their territorial rights.</p> <p>Native Courts Ordinance of 1992: Institutionalized native courts interpret and enforce customary law in the judicial systems of Sabah and Sarawak.</p>
<p>Myanmar</p>	<p>National Land Use Policy of 2016: National framework for land use that includes a chapter recognizing the customary tenure of ethnic nationalities as communal land use rights. Protection is guaranteed for both agricultural land and forest lands where shifting cultivation is practiced.</p> <p>Biodiversity Conservation and Protected Area Law of 2018: Issues a national framework for the recognition of Key Biodiversity Areas and the establishment of protected areas in the country. It has a provision for the recognition of Community Conserved Areas.</p>
<p>Philippines</p>	<p>1987 Constitution: Recognizes the right of Indigenous Peoples to their ancestral land to ensure their economic, social, and cultural well-being.</p> <p>Indigenous Peoples Rights Act of 1997: A landmark legislation that recognizes the rights of Indigenous Peoples to their ancestral domains, self-governance, and cultural integrity. The law recognizes the ownership of Indigenous communities over their traditional territories which include land, bodies of water, and all other natural resources therein.</p> <p>National Integrated Protected Areas System of 1992 as amended in 2018: Recognizes and guarantees respect for the traditional governance of Indigenous Peoples over their ancestral domains as it shares areas with state-declared Protected Areas.</p>
<p>Vietnam</p>	<p>Constitution of 1992: Guarantees that all Vietnamese citizens have equal rights including ethnic minorities.</p>



Indigenous communities in Tanintharyi region campaign against agribusiness projects in their territories
Photo by CAT

It must be noted that since the military coup in 2021, the Constitution of Myanmar has been abolished and hence these laws only have residual applicability subject to new legislation and enforcement regimes issued by the new military government.

The recognition of Indigenous Peoples and their land rights in Cambodia, Indonesia, Malaysia and the Philippines is enshrined in policy. This recognition contends with the colonial legacies of land administration systems that have historically and to this date continue to miscategorize traditional territories as public land. The Philippines has had significant progress in the recognition of land rights in the issuance of Certificate of Ancestral Domain Titles (CADTs), to nearly a fifth of the country's territory, while meager progress has been seen in Cambodia and Indonesia through Community Land Titles (CLTs) and certificates of communal forests, respectively. Indigenous Peoples in Cambodia, Indonesia, and the Philippines are beset with inefficient administrative mechanisms for the recognition of traditional territories and fall victim to misappropriation of traditional territories to non-Indigenous Peoples and private entities.

Malaysia, despite existing laws, cite no progress on the recognition of Indigenous Peoples' land rights, but lead the region in the institutionalization of dispute resolution mechanisms in judicial systems through their Native Courts.

The government of Myanmar for one overtly refuses to recognize the existence of Indigenous Peoples. According to their Burma Citizenship Law of 1982, all ethnic groups who have been present in the current geographical area of Myanmar before 1823 or the beginning of the first British annexation are deemed taung-yin-tha or are all "indigenous". Some ethnic groups in Myanmar do not identify as taung-yin-tha and see themselves as Indigenous Peoples. To this date, the non-recognition of indigenous peoples' distinct identity serves as the basis for non-recognition of territorial rights and the prevailing approach of assimilation in its national policy.

In Vietnam, official policy refers to indigenous groups as "ethnic minorities", but in practice, the terms "ethnic minorities" and "Indigenous Peoples" are used interchangeably. Unfortunately, this leads to the non-recognition of traditional territories. Despite this, there are some opportunities for the recognition of their resources rights through the implementation of a Reducing Emissions from Deforestation and Forest Degradation (REDD+) program, which has served as a pioneer in enabling the participation of ethnic minorities in natural resource governance at multiple levels.

Alternative Modes of Recognition

Emerging global discussions on climate change and biodiversity conservation has provided Indigenous Peoples an opportunity to secure alternative modes of recognition. The role they play in the conservation of forests, biodiversity, and other ecological services such as clean air, clean water, and disaster mitigation is culminated in their assertion of ICCAs - Territories of Life.

In Indonesia and the Philippines, some sectoral laws in the forestry, maritime and plantation sectors recognize the rights of Indigenous Peoples in some regulations, for example “customary forest” and customary rights in coastal and small islands. This has provided an enabling environment on the recognition of ICCAs where maps are proposed to be integrated in official maps. This will recognize their voluntary efforts to contribute to global and national goals on biodiversity conservation and natural resource governance. This was made possible by the inclusion of sections on the respect of Indigenous Peoples’ traditional governance in national legislation such as the Amended Forest Law and several regional regulations in Indonesia; and the National Integrated Protected Areas System Act in the Philippines.

Through the continuous work of Indigenous Peoples Organizations such as Aliansi Masyarakat Adat Nusantara (AMAN) and support groups including Working Group on ICCAs in Indonesia (WGII), the Indonesian national policies on Indigenous Peoples have through the years slowly shown some improvement in the identification of Indigenous territories, recognition, and respect of Indigenous Peoples, their rights, and territories, at least on paper. A critical opportunity for ICCAs in Indonesia is through the amendment of the

Conservation Bill which is slotted to be discussed in parliament. The Philippines is quite advanced in efforts at recognizing ICCAs’ contribution to biodiversity conservation. The country’s legislative branch is currently reviewing the Indigenous Communities Conserved Territories & Areas (ICCA) Bill, which will pave the way for the creation of a national ICCA registry and provision of support to documentation, recognition, and inclusion of custodian’s rights in local government plans.

Representatives of the Royal Government of Cambodia along with civil society organizations embarked on a learning visit to study ICCAs in the Philippines in 2019 to explore its application in their country. Similarly, some government officials in Myanmar have been introduced to the concept of ICCA through exchanges with Philippine civil society representatives, although this was before the military takeover. In Vietnam, policy proposals are being formulated to recognize the ICCAs of Vietnamese ethnic minorities as OECMs.

National Biodiversity Strategic Action Plans (NBSAPs) recognize ICCAs and its alternative forms in several biodiversity conservation planning regimes in all the Southeast Asian countries in focus. NBSAPs are an important tool to advocate for ICCAs because it acts as a compliance document to the CBD that explicitly prescribes respect for Indigenous Peoples’ rights in biodiversity conservation. Whether or not there is national recognition of ICCAs, communities can self-assert their Territories of Life and directly submit to the UNEP-WCMC ICCA registry.





*A community meeting to discuss the Baram Peace Park
Photo by Save Rivers*

Key Challenges in Defending Territories of Life

As Indigenous communities navigate their place within the legal frameworks of the countries they belong to, the extent of their self-determination is dependent on the strength and resilience of their assertions, and the space nation-states provide for such self-determination to be exercised. When interests are aligned, nation-states respect Indigenous Peoples' self-determination over their traditional territories, but when governments have interest over land and/or natural resources, different governments in Southeast Asia have been found to be complicit with human rights violations, if not as the perpetrators themselves.

Where administrative mechanisms for the recognition of Indigenous Peoples' land rights are present such as in Cambodia, Indonesia and the Philippines, there is a trend that administrative mechanisms for the recognition of Indigenous Peoples' land rights tend to be inaccessible, under-funded, costly, and time-consuming. As a result, Indigenous Peoples are bogged down with administrative bottlenecks on the recognition of their claims. As a result, they unknowingly cede control over their territories as government agencies cover, distribute, and register their lands to the names of other citizens and private entities whose administrative mechanisms are more efficient.

A disturbing trend among governments is that though most Southeast Asian countries have supported the UNDRIP which contains provisions on respect for Free and Prior Informed Consent (FPIC), only a few have operational administrative mechanisms towards its recognition. The Philippines has an Administrative Order on FPIC, but it continues to be riddled with multiple allegations of manipulation particularly in the context of high-priority public-private partnership projects. Cambodia, Indonesia and Malaysia on the other hand have provisions for consultation of Indigenous Peoples in laws and policies, but these fall short from being considered as "genuine FPIC" in accordance with UNDRIP standards. Vietnam is still in the process of pilot testing FPIC processes established in the REDD+. Myanmar has no mechanism to recognize FPIC processes because they do not recognize Indigenous Peoples in their country.

The faulty conduct of FPIC is motivated by the prevalence of pro-business policies of Southeast Asian governments. Among such is the Sub-Decree on Economic Land Concessions (ELC) in Cambodia; the Omnibus Law of Indonesia; and various legislations on Special Economic Zones (SEZ) and the Mining Act in the Philippines.

The Sub-Decree on Economic Land Concessions in Cambodia have been the way with which many Indigenous Peoples' territories were leased and sold to foreign, mostly Chinese companies to establish commercial enterprises including plantations. The current slow progress on recognition of Indigenous territories

and ICCAs in Indonesia, and the subsequent tenure insecurity, have been exacerbated by the ratification of the Job Creation Law No.11 of 2020. The law, justified as a priority response to the economic recession triggered by the pandemic, weakens environmental assessment and public consultation for approval of new investment in ways that make it easier for land-grabbing by corporations. Customary forest and Indigenous territories are put at risk to become even more invisible and marginalized in decisions about land use.

In the Philippines, many SEZs have been proclaimed over Indigenous territories. Some have left a legacy of permanent displacement of Indigenous Peoples from their traditional territories while others continue to threaten displacement depending on the next politician who will continue the pursuit of SEZ establishment. A recent major development is the passage of Executive Order No. 130 in 2021 that lifted the moratorium on new mining agreements in the country citing economic recovery from the pandemic as a justification. This is detrimental to Indigenous Peoples in the Philippines because most of the mineral-rich areas in the country are in traditional territories. Some mining permits have been reactivated and companies have since restored mining operations without consent from Indigenous Peoples.

National human rights institutions such as in Malaysia, the SUHAKAM (Malaysian Human Rights Institutions) and Commission on Human Rights in the Philippines have produced independent reports on the violations of Indigenous Peoples' rights to FPIC by companies. These reports said that governments were found complicit or actively facilitating the intrusion of companies into traditional territories in the context of land investments sometimes through state armed elements such as the police and military.

In a June 2021 study, Legal Rights and Natural Resources Center (LRC) concluded that internal displacements, company aggression and land grabbing typically backed by military mobilizations are feared by Indigenous Peoples in the Philippines. Cases of criminalization are replete in Southeast Asia where customary access and use of land and natural resources are prevented by state enforcement agents when governments refuse to recognize and respect customary rights and impose their plans often involving corporate land investments and/or public infrastructure projects.

For the Philippines and Myanmar, cases of criminalization are made more complex by active internal armed conflicts that escalate instances of criminalization into full-blown militarization. As such, Indigenous Peoples have been subjected to severe and systematic violence through outright destruction of their domains that can be found across traditional territories affected by the coup in Myanmar; while in the Philippines, Indigenous leaders accused as members of the revolutionary left-wing New Peoples' Army (NPA) are massacred, arrested and detained without proper warrants.



*Community validation of ancestral lands
Photo by PAFID*

Stories of Indigenous Peoples Defending their Territories of Life

The cases that follow show some of the struggles of Indigenous Peoples in the region in the defense of their territories, highlighting cooperation, resilience and regaining management control. The first is about how two Indigenous Peoples, the Kenyah and the Penan, join forces to build a stronger defense against logging in their neighboring territories in Sarawak, Malaysia.

The next case is the Tumandok of Panay Island in the Philippines, whose lands have been taken for a megadam project. This is an example of how the Philippine government uses red-tagging to justify the violent suppression of communities defending their lands from unjust takeovers. Red-tagging characterizes activists and human rights groups as terrorists as a pre-emptive move for targeted assassinations, arrest without cause and other human rights abuses.

These struggles are not of the past; unfortunately, these communities are still fighting for their lands and lives in their different contexts. Perhaps the community whose situation has progressed the most is the Kasepuhan Karang, whose long struggle to regain their sacred responsibility over their land has resulted in securing their claims. However, their land overlaps with a park and their jurisdiction remains unclear to local authorities. Another long-standing struggle to maintain control over the management of their land and resources are the Tampuan communities in the Yeak Loam Lake area in Ratanakiri in Cambodia. Many attempts by businesses and their government allies to take control of the lake have been done in the past, and the struggle to maintain

the community's rights to the area continues.

Finally, a Karen woman speaks about the militarization of the Tanintharyi Region in Myanmar, and how the takeover has cost them their lives and forests. The coup has been a threat to the biodiversity and the integrity of their forests as it opens up their lands to big projects. Without peace, forests cannot be protected, and the lives of Indigenous Peoples are constantly in peril.

The situations may be dire, but the resilience of Indigenous Peoples show a pathway as the human race is confronted by several crises such as pandemics, climate change and biodiversity collapse. **With the breadth and depth of the threats to Indigenous Peoples, against all odds, their ways of life stand the test of time. This in and of itself is a testament to the inherent wisdom of their ways.** As they defend their Territories of Life from the worst inclinations of mainstream society, this society stands to benefit from learning from them, and may realize their better nature through Indigenous Peoples.



Hkolo Tamutaku K’rer (Salween Peace Park): A Declaration of Hope* *Myanmar*

Founded on Indigenous knowledge and generations of stewardship, the Salween Peace Park was established through the collective efforts of 348 Indigenous Karen villages in Mutraw District, Kawthoolei in Burma/Myanmar. With 548,500 hectares of intact forests, the area is host to diverse wildlife including several threatened species, free-flowing rivers, sacred mountains and diverse farmlands of the Karen people. It was formally declared in 2018 to protect Karen culture and the biodiversity of the territory from logging, mining, agribusiness, hydropower dams and other extractive industries. This after more than 70 years of conflict in one of the longest running civil wars.

The Karen has an intimate interconnectedness with nature, believing that the vitality of nature around them directly impacts their prosperity. A central aim of the Peace Park is the formal recognition of kaw common territories, in which traditional management protects community forests, fisheries, forests on slopes and ridges, and wildlife corridors between agricultural lands. Salween is a space for the Karen to practice democracy and self-determination and to develop their vision for an ecologically sound, just, peaceful and sustainable future. The peace however has been short-lived as the military junta that took over Myanmar in early 2021 bombed Karen villages, killing and displacing communities and bringing them back to the violent struggles of the past.

*Abridged from Twa, S.P.S., Fogerite, J. & Palmano, C. (2021). *Hkolo Tamutaku K’rer: The Salween Peace Park in Burma/Myanmar*. In ICCA Consortium, *Territories of life: 2021 report* (pp. 111-120). ICCA Consortium. report.territoriesoflife.org



Neighbors Join Forces to Defend their Territories of Life

Malaysia

by Annina Aeberli, Bruno Manser Fonds/Save Rivers

The government map shows forest, a few village names and some agricultural fields along the Baram River and its tributary, the Selungo River. The map looks empty. Going to the ground, one would expect untouched wilderness. The map impression deceives. The area on the upper reaches of the Baram River in Northern Sarawak, the Malaysian state on Borneo, is home to the Penan Selungo and the Kenyah Jamok. For them, the landscape is entrenched with human signs and serves as their history book. Their own maps, based on the communities' mapping effort, reveal fruit trees and poison trees, old campsites and farmhouses, forest gardens and sago palms, graveyards and salt licks. Suddenly, the forest area becomes filled with human activities and history.

The denial of the presence of the Penan and the Kenyah on the map is symbolic of the government's treatment of the two peoples. The government denies them rights to their land; they call it state land. In theory, the Sarawak Land Code guarantees the acknowledgement of Native Customary Rights (NCR) Land established before 1958, but the burden of proof lies with the Indigenous landowners. The courts work slowly and concessions given out to companies for plantations enjoy legal precedence over NCR land.

The Penan are well known for their fierce resistance against logging. Since the 1980s, they have repeatedly set up major roadblocks to stop the logging companies from extracting timber from their forest. With their efforts, they managed to protect some of the last pieces of primary forest in Sarawak. As former nomads, they face difficulties proving their rights to their territory. For long, they never cut any forest for agriculture, but just established temporary camps, hunted and gathered. The starch from the sago palm serves as their staple food. Molong, their traditional practice of resource use, serves as a form of stewardship for them to look after plants like the sago palm: take, but make sure that the plant can regenerate itself.

In 2009, 18 Penan communities of the Upper Baram organized themselves under the Tana' Pengida Pengurip Penan (Penan Peace Park), a Territory of Life. Komeok Joe, a Penan leader from Long Kerong, was amongst the initiators of the idea of the Peace Park. He said, "The Penan hope that with the Peace Park the forest will no longer be cut down but protected, and that our rights and our NCR land are recognized."

The vision of the park emerged in an attempt to create a positive vision amidst the logging activities and to strengthen their rights over the territory. In long

community meetings, they developed a vision, goals and rules. Under the framework of the Peace Park, the communities have achieved many projects such as a tree nursery, footbridges, and territory mapping. Just in 2021, they came together to block a logging road again and successfully stopped the logging company Samling from entering the territory of the Penan village of Long Ajeng.

The Kenyah Jamok from Long Tungan and Long Siut are neighbors of the Penan. While the Penan live higher up in the forest, the Kenyah Jamok live along the main river of the region, the Baram River. Their experience with the logging is similar. Village elder and passionate farmer John Jau explained, "Logging led to the pollution of our river and hampered our access to timber for the construction of our longhouse as everything had been cut down. The company also repeatedly broke their promise to maintain the access road to our village. We always have to beg them to repair the road."

The Kenyah are swiddeners by tradition. They used to establish rice fields along the rivers. While their agricultural practices leave greater marks on the landscapes, they nevertheless struggle with proving the full extent of their territory as they used to shift the rice fields and the forest grows back. They also use the surrounding forests for hunting and gathering, but communal forests are difficult to receive land titles for. The Kenyah Jamok have two communal forests. One, established long ago, is called Bai Keremun Jamok. It is protected from agricultural activities and logging and serves as the source of timber for the community to build their boats and houses. Timber extraction by the community relies on the permission of the elders.

The second communal forest was recently established after internal discussions. This communal forest is behind the longhouse where hunting and timber cutting is not allowed, and only leisure and touristic activities are meant to take place. They submitted a proposal for the Bai Keremun Jamok to the Sarawak Forest Department, but have not heard back from them. In 2018, the logging company Samling entered that forest without the permission and knowledge of the community. The community started complaining to the company and to the Sarawak authorities and managed to stop further intrusion. Without the official acknowledgement of the communal forest, however, the situation remains very fragile. In 2020, the logging company has certified the area of the Jamok's communal forest for sustainable logging – without the consent of the community.

The Penan and the Kenyah have overlapping land claims in the area. This results from different land use practices: the Kenyah mostly establish individual rights over land through clearing the forest for a rice field, while the Penan establish collective rights over land through hunting and gathering in the forest. The communities want to work together and protect their land, acknowledging their different ways of using the land and their common interest to defend the area against logging. Thus the



*Elders of the Kenyah Jamok looking at the results of the community mapping
Photo by Caroline Nyurang*



*The Batu Siman mountain is a key mark of the Baram Peace Park
Photo by Save Rivers*

Peace Park that the Penan started became the Baram Peace Park and now includes none-Penan villages in the area, such as the Kenyah Jamok. Together and with NGO support, they are currently negotiating with the Sarawak government and the International Tropical Timber Organization (ITTO) to make the Baram Peace Park happen.

Komeok Joe described the relationship between the two groups: “Our two ethnicities of the Penan and Kenyah consider ourselves brothers.” John Jau added, “We always had good relationships. I remember when I was only five years old, I was already able to follow my father fishing in the boat. I remember we met the Penan; I still know their children. They used to come and see us in the farmhouse before they settled. We want them to be close to us. We want them to share the Selungo River with us.”

The Kenyah Jamok and the Penan from the Selungo area have realised their first projects together. After finishing the mapping of their areas, the Penan supported the Kenyah Jamok to complete their own mapping too. Both groups now use the maps to speak out against the logging company in the area. Supported by NGOs,

they have also undertaken the Baram Heritage Survey, wherein community members collected data on their forest use. John Jau shared his experience, saying, “The Baram Peace Park, the Baram Heritage Survey and the mapping made our relationship even closer because we see that we have the same goal to preserve our land, to protect our land.”

While the Penan and the Kenyah work together on sustaining and nurturing their territories of life and their relationship, they always need to stay alert to defend their territories against the permanent threat of logging, nowadays in the guise of sustainable forest management. Defending their forest and their land is an existential matter for them. As Komeok Joe explained, “We Indigenous Peoples are the caretaker of the land. **Land is our life, land is our culture, land is our identity.** Every piece of land and river has our name on it. This is our home, hunting ground, our fields. They carry our memories and stories. We recall the past of our ancestors through the land. To lose our land and forest means that we lose our identity.”



Community assembly to discuss strategies against the dam
Photo by Giovanni Reyes

Tumandok: A People's Struggle for Land, Water and Life *Philippines*

by Giovanni B. Reyes, Bukluran

On December 30, 2020, military and police operations in Tapaz, Capiz in the Philippines barged into houses while people were asleep and killed nine Tumandok Indigenous leaders including Jomar Vidal. According to a news article in *The Inquirer*, military officials insisted that those who died “fired first at police operatives serving 28 search warrants for firearms and explosives.” Sixteen other Tumandok were arrested on charges of illegal possession of firearms.

The official narrative was that the Tumandok men fought back, a claim belied by the head of the regional police crime laboratory Colonel Enrique Ancheta, who reported that “seven of the nine Indigenous leaders who were killed tested negative for gunpowder residue.” The colonel was later relieved of his post. Defend Panay Network (DPN), an alliance of rights advocates, the church, the academe and environmental organizations, reported that the testimonies of the wives, children and family members revealed that the leaders were targeted for their decades-old struggle against the militarization of their communities and destructive projects such as the Jalaur River megadam. Even their legal counsel, Angelo Karlo Guillen who was defending Tumandok community members accused of resisting police arrest, was brutally attacked and killed.

A report by the Panaghiusa Philippine Network to Uphold Indigenous Peoples Rights said that the military and police were forcing them to sign documents supposedly to “surrender” and “clear their names.” They refused to sign the documents since they are not members or supporters of the Communist Party of the Philippines-New People's Army (CPP-NPA), a local communist insurgency tagged as a terrorist organization by the Philippine government. In recent years, Indigenous Peoples have been tagged as communists simply because most guerilla bases are in their ancestral domains. Naturally, as these are the last remaining forests in the country.

One such community who are protecting a forested mountain range are the Tumandok, who are rooted in a traditional territory at the foot of the highest mountains of Panay Island – Madja-as and Baloy, the headwaters of the rivers Jalaur, Pan-ay and Aklan, which borders all four provinces of the island. They comprise 6% of the 12-15 million of the Philippine's Indigenous population. The term tumandok means “one who belongs to a place,” or simply, a native.

Land dispossession of the Tumandok began in June 1960 when the government signed the construction of the Jalaur Multi-purpose Project (JRMP) into law. Phase one was World Bank-funded rehabilitation of four existing

national irrigation systems in Iloilo province covering 22,000 hectares of rice farms. Two years later, another presidential proclamation was signed declaring 33,310 hectares of Tumandok ancestral lands in Jaena Norte, Jamindan in Capiz province reserved for the Armed Forces of the Philippines.

In the '70s, the Tumandok people's vehemence to stay put resulted in peace making and inter-tribal unity. These efforts strengthened community positions against large-scale destructive projects, and ended the long-standing tribal disputes between the Pan-ayanon and Akeanon tribes, recovered pasturelands, and improved traditional cooperation while supplementing livelihood with new ways of raising farm products. The Tumandok also stopped paying tumado or land rent given to the Philippine army. Besides, many Tumandok families, following their land dispossession, became indebted to moneylenders who ask 50-100% interest payment per year through the sagahay system.

By the '80s, Tumandok communities organized themselves to improve agricultural production including campaigns on literacy and health, given that schools are located too far away, resulting in only 15–25% of the population's literacy rate. Malnutrition is widespread among children, while tuberculosis is widespread among the elderly. In 1996, they organized Tumandok nga Mangunguma nga Nagapangapin sa Duta kag Kabuhi (Indigenous Farmers in Defense of Land and Life) to mobilize the community to protect ancestral domains against mining and dams.

In 2009, concerns about loss of tradition became real when the JRMP Phase two was introduced. This phase includes the construction of three large dams: a 109-meter high dam, 10-meter catch dam, and a 38-meter after bay dam that is estimated to contain 197 million cubic meters of water. An 81-kilometer high line canal will connect the dams to five existing river irrigation systems. With an Official Development Assistance (ODA) fund by the South Korean Government of PhP8.96 billion (\$207.88M) through its Export-Import Bank, and Philippine government counterpart of PhP2.26 billion, the JRMP Phase two aims to "sustain the region's self-sufficiency and contribute to the annual increase in the country's rice production target of 7.6%."

What does this "self-sufficiency" mean for the Tumandok? It is interpreted everywhere to mean threat to the environment and people. Four Tumandok communities with a total population of 17,000 will be submerged and will inundate about 800 hectares of farmlands including forests without security of relocation. This also results to the loss of longstanding cultural traditions that are essential to their Indigenous identity and existence such as the epic Suguidanon of Panay, binanog dancing, and panubok (Indigenous embroidery), all of which are rooted in the land as a sacred celebration of life. These are considered heirlooms more prized than earthly goods. They face the loss of the irreplaceable maaram (learned

culture-bearer) and the respected magurang (elders who are keepers of Indigenous tradition), who make Panay a rich repository of traditional culture that is entirely unique to this part of the world. Moreover, five Tumandok burial grounds and one sacred site would be destroyed. It took decades to revive Panay Bukidnon culture after the atrocities that dominated the area in the 1980s and 1990s. **It is these very cultures and practices, the sacredness and spiritual values that the Tumandok attach on their lands, that have enabled forests, watersheds, and rivers to thrive and flow freely.**

In 2011, the Tumandok people declared opposition to the mega dam project. This collective community resolution was followed by the formation of the Jalaur River for the People Movement (JRPM), to coordinate public education against the project. Successive assemblies in 2014, 2016 and 2019 asserted the same position. A civil action was filed by the Tumandok in 2015 to secure protection order, which the court dismissed. On top of loss of biodiversity, livelihood and homes, severe flooding during typhoons is expected to affect around one million people living in downstream areas along eight towns and one city traversed by the Jalaur River. This is not to be dismissed as the country experiences an average of 20 storms annually. The JRPM sought negotiations and lobbied with government agencies and local governments to no avail. A team was sent to South Korea twice to bring to the Korean Export-Import Bank, the South Korean Government and the South Korean people the impact of the project.

Global voices have poured in to support the plight of the Tumandok, calling on the Korea Export-Import Bank to stop funding the dam. These include the ICCA Consortium and the Global Forest Coalition. All these efforts, however, have not succeeded and Tumandok leaders live in constant threat.

Government response to Indigenous Peoples' rights to their territories and conserved areas is too difficult to hide. The Tumandok case cannot be dismissed as "casualties of legitimate armed encounter." Here, legitimate dissent is equal to terrorist labeling and the killing that follows. This has to stop. The Tumandok's struggle for their Territory of Life reflects national-global Indigenous Peoples' struggles against projects destructive to land and life. For as long as Indigenous Peoples breathe life to nurture and nourish land, the vehemence to stay put against dispossession becomes all the more a sacred duty - to pass on to the next, mountains with trees and rivers with clear water, just as the Jalaur river will.



Customary forest of Kasepuhan Karang
Photo by Engkos Kosasih

Kasepuhan Karang: The Struggle for Reclaiming Adat Rights Indonesia

by Cindy Julianty*, Working Group on ICCAs in
Indonesia

The Kasepuhan Karang community is believed to have existed since the Dutch colonial era, shifting location several times before settling in Kampung Karang in the village of Jagaraksa, Lebak District, Banten Province. The community consists of descendants of the *Bongbang*, the royal troops charged with establishing villages in rural areas. *Bongbang* also refers to *Anu Ngaratuan*, the title of a queen, and the people in “the Queen’s land” are referred to as *bobojong Bongbang*. They believe they have been tasked to guard the sacred sites known as *kosala*, with the responsibility passed down to them by their *anu ditipekeun* (ancestors).

Those who adhere to the body of customary law of the community are referred to as *incuputu*. There are also other *incuputu* in other places throughout the district, but latest estimates only total to about 450 individuals. This is based on the number of participants in the *seren taun* (ritual harvest festival), attendance to which is mandatory for all *incuputu*. The purpose of the ritual is “*Nyoreang alam katukang, nyawang anu bakal dating*,” or to reflect on life’s journey, from the past to prepare for the future.

Kasepuhan Karang is governed by customary institutions, led by customary leaders known as *Kokolot* or *Olot*, assisted by officials known as *Baris Kolot*. These officials include a deputy who represents the community in its dealings with outsiders, an official who maintains order and enforces customary laws, a team of guards to patrol the village and protect the *imah gede* (traditional houses), an *amil* to instruct and guide for spiritual affairs, the *mabeurang* or women who play a special role in assisting birthing mothers and someone who conducts and oversees circumcisions, and someone who manages guests participating in traditional community events.

“*Gunung kayuan, lamping awian, lebak sawahan, datar imahan*.” Trees on the mountains, bamboo on the slopes, rice in the fields, houses on the flat lands. This is a proverb that serves as a guide for the management

of the natural resources and the customary lands of the Kasepuhan Karang community, with the use of the land determined by its contours and inclines. They also maintain a code of rules known as *Tatali Paranti Karuhun*, which has been passed down from their ancestors. This code includes a mandate for the protection of land containing sacred water springs, and the land surrounding the springs is used as a burial ground for departed members of the community. In these areas, community members are strictly forbidden from cutting down trees or collecting wood.

There are seven zones according to the Kasepuhan Karang customary land zoning system, which defines all lands according to the purpose for which they may be used. Areas with springs are regarded as sacred and are under strict protection. There are forested lands where trees should not be cut, foothills which may be used for rice fields, hilly land for planting of vegetation to prevent landslides, areas to construct ponds and small reservoirs to store water, and an area for cultivating vegetables and for settlements. The flat areas can be used for constructing houses for the members of the community.

There have been conflicts between the state and the Indigenous People of the Kasepuhan Karang community in the management and control of customary lands since the Dutch government declared the forested area around Mount Halimun Salak as a protected forest between 1924-1934. Since then, a number of restrictions have been placed on the community’s access to these forest areas. Following Indonesia’s Independence in 1963, the Forestry Bureau amended the status of the protected forest to that of nature reserve. In 1978, the state forestry company, Perum Perhutani, was granted rights to use sections of the nature reserve as production forest. Several decades later, in 2003, the status of this land reverted to conservation forest, when a total area of 113,357 hectares was placed under the management of

the Mount Halimun Salak National Park Center (BTNGHS).

This change of status had a tremendously detrimental impact on the customary community, and conflicts revolved around a number of issues. First, there are a number of conflicting claims to forest areas, with unclear functions and boundaries between different categories of land. In particular, **the Kasepuhan Karang community believes that Mount Kendeng and the forest area surrounding it has been entrusted to their community by their ancestors, with the current generation inheriting a duty and obligation to maintain and manage the land sustainably.** It is a matter of record that 250 families have been involved in the management of these lands since before Indonesia's Independence.

There are also discrepancies between the government's zoning of the land and the customary laws applied by the community. For example, forest land categorized by the community as reserve forest available for use to meet the needs of the community to collect forest products and establish gardens and rice fields has been designated by government as conservation area, prohibiting the community from accessing it. The community has not been consulted or invited to participate in determining the status and function of the land, despite the fact that it has legal standing and customary rights to these lands as they have been using these for generations.

With these protracted conflicts, the Kasepuhan Karang community has sought legal recognition for its rights as an Indigenous People to its customary territories, to enable them to utilize their customary areas and the natural resources they contain. In 2013, as a result of the advocacy of a number of civil society organizations and other friends of the Indigenous People, these claims were recognized through the promulgation of a decree by the district head concerning the recognition of the Indigenous Peoples in the Banten Kidul customary lands. This was followed in 2015 by the promulgation of a regional regulation that recognized their claims to 512 areas of land in the district of Lebak (Perda No. 8, 2015), including many areas of land claimed by the Kasepuhan Karang community. As a result of this, the community acquired legal standing to apply to the Ministry of Forestry and the Environment (KLHK) for the recognition of its rights to its customary forest, based on the Constitutional Court's Decision No. 35/2012, which drew a clear distinction between Customary Forests and State Forests. At the end of 2016, as a result of the determination by the Minister for Forestry and the Environment, the Indigenous community's rights to 486 hectares of land was recognized, although this was significantly less than the 797 hectares that the community claimed.

In 2017, the community established a cooperative, Jagaraksa Mandiri Cooperative, to facilitate the

management of the customary forests in the new legal context, as well as to provide services related to the storage of agricultural produce, including grain. A unique feature of this cooperative is that it is entirely managed by women. It provides loans with payments corresponding with harvests, or a deposit may be made from a portion of the cultivated crops. The role of women in the management of this cooperative relates to the traditional conception of women's role in the management of natural resources in the customary lands, where they often fulfill many of the same functions as men, including hard agricultural labor. As a result of their active involvement, women have a great body of knowledge in the cultivation of crops and collection of forest products, particularly in selection of seeds and use of plants for medicine.

The cooperative also has an active role in advocating for community tenure rights. Despite the need to build their capacity to develop the local economy, there is also a strong need to build awareness regarding the change of status of the land, as many stakeholders and office bearers including park managers and local governments remain unaware of the implications of this change.



Customary house of Kasepuhan Karang
Photo by Albertha Cristina

**Based on an article by Nia Ramdhaniaty and Rojak Nurhawan published in WGII. (2021). The long struggle of Indonesia's Indigenous Peoples for conservation and living space: Fifteen stories of Indigenous Peoples' and community conserved areas and territories (ICCAs) in Indonesia.*

Community Management of Yeak Loam Lake Cambodia

by Jeremy Ironside

Yeak Loam Lake in Ratanakiri Province is a Cambodian icon and part of the nation's folklore through songs and stories. It is a crater lake 800 meters in diameter, more than 50 meters deep and surrounded by 240 hectares of forest. Located five kilometers from Ban Lung, the provincial capital, it is a major recreation area and an important tourism site in the province.

For centuries the area has been protected and controlled by the Tampuan Indigenous communities living around it, traditionally in Lorn village's territory. Their beliefs that this is the home of sacred spirits has made them want to leave the lake as it is. Its natural beauty makes Yeak Loam Lake truly one of Cambodia's national treasures.

Community management of this lake developed from a combination of unique circumstances. After the Khmer Rouge civil war, the lake was occupied by the military. In 1993-94 a company opened a karaoke bar and brothel in the lake area. This became a national scandal, particularly as cultural traditions dictate that people should be quiet when in the lake area. Older villagers were greatly offended yet powerless as they watched the spirits of their lake and forest area being so gravely disrespected. Fortunately, intervention by the King and the Prime Minister forced the bar to close. In 1995 the provincial governor, Kep Chuk Tema, included Yeak Loam in a Provincial Protected Area system to try and protect some forest areas from a 1.4-million-hectare forest concession covering all of Ratanakiri province.

At this time, the International Development Research Centre (IDRC) began its work on community based natural resource management in Ratanakiri Province. The provincial governor became committed to this approach and requested IDRC to organize community management of Yeak Loam Lake. Against some local opposition, in 1998 the governor signed a 25-year agreement with Yeak Loam communities to manage the lake.

Community management of this pristine area has supported livelihoods and local peoples' rights, providing a vital example for Indigenous and local communities throughout Cambodia. Recently, a new Community Lake Committee was established, some with earlier lake management experience. This was to address management issues and is another of several attempts to maintain control of their lake, because business interests and their government allies have long wanted to take over. The Tourism Department and other powerful government officials have stated in many meetings with the Lake Committee that the province wants to transfer management of the lake to a company because community management and protection has not increased income or renovated the area.

In 2008, the Provincial Government approved a 500-hectare eco-tourism concession over Phnom Youl mountain, five kilometers to the east of Yeak Loam Lake. Sixty-five Yeak Loam families lost their farmlands and neighboring Aikapiep Commune communities, for whom Phnom Youl is their sacred hill and spirit forest, lost access to forest products. The company planned hotels, a casino and cable cars, but these plans depended on getting control of the lake. The government informed the Yeak Loam Committee that it would lease the lake to this company, arguing it could provide important tourism development. Officials commented "this is the era of development, not protection". A representative offered the committee chair \$US10,000 if he signed his approval. He refused and the committee resisted this take over. Legal advice was that the concession was illegal. The company disappeared but Phnom Youl remains closed off.

This led to the establishment of the Yeak Loam Advisory Group to support the committee and communities. Fundraising carried out supported community management because the minimal lake entrance fees



The Indigenous community center by the side of the lake
Photo by Tanya Conlu

were used for maintaining and repairing the tourism infrastructure. With outside support, and money and labor contribution from Yeak Loam communities, a traditional meeting house was built as a place to discuss lake issues and to physically strengthen community control.

In 2018, a new provincial governor informed the committee that the lake was being handed over to a Chinese company for 75 years. This company was going to invest \$US 7 million in a five-star hotel with 100 rooms and 70 bungalows with swimming pools. These plans were despite the Prime Minister saying, during a visit to the lake that year, that the lake should be kept for Yeak Loam communities to manage. Committee and community members tried to argue to keep the lake for their traditional beliefs and livelihoods, but were also afraid to challenge the provincial government. The central government stepped in and rejected the plan, and then instructed the Ministry of Environment (MoE) to establish the lake as a Community Protected Area (CPA). However, again in May 2022 the same provincial governor called in the new Lake Committee members to ask them to carry out community meetings to discuss whether they would agree to handing the lake over to a company as a concession. The reasons given were for development and local employment. The community meetings have not yet been carried out.

These attempts at outside control indicate the general pressure on the Lake Committee to hand over the lake. Significant outside support from a past governor with a broader worldview than some of Ratanakiri's political hierarchy allowed for implementing principles of participation, community management and local land rights. This however illustrates the precariousness of the situation. As pointed out in a 1999 IDRC report, this outside support "will be needed until they have the capacity to effectively administer and manage the area. With ... change in provincial administration it remains to be seen how much political will there is for local community management".

The proximity to the provincial capital means Yeak Loam Commune has been at the center of provincial changes for some years. This has made lake management particularly challenging. The powerful deem it not correct for villagers to possess the jewel in Ratanakiri's tourism crown. They see the Chinese and other development attempts as standard development processes, whereas the communities want to maintain the lake as a natural site to respect its spirituality. Communities want to balance this with getting benefits from the income from ecotourism operations, such as for wells and other necessities in their villages. Some of this has been done, but it has been difficult given the need to maintain the tourism infrastructure. Benefits have been limited to lake staff on low salaries and to market sellers, particularly with the Covid-19 pandemic's impact on tourism. There have been problems of staff borrowing money from lake income, and difficulties in repaying these loans. Human resource capacity remains a problem, despite



*Cambodia's jewel, Yeak Loam Lake
Photo courtesy of the Yeak Loam Advisory Group*

some competent and dedicated committee members. Initially there was difficulty in managing the complicated finances in a busy tourism site. This has been part of outsiders' critique of community management. Capacity has improved since, but the changes in the committee in 2021 were related to financial management. It has been difficult for the committee to deal with the important issues needing attention, at the same time resisting the outside pressure to take over the lake. Some community members have also commented they don't know what is happening with the lake, with a decrease in a feeling of community ownership. Outside influence and the degree to which communities feel they are benefiting and in control of their lake are ongoing challenges.

The past 23 years has been a contest between business interests for standard development and community management and protection. The provincial agreement has been a fragile form of tenure and national level recognition was required. Since this did not eventuate, the communities' claim has been continuously questioned. So an ongoing question is: to what extent will the communities be able to control the Yeak Loam Lake jewel? Indigenous organizations and networks see the lake management by the community as symbolic of the struggles for recognition of community tenure. Because of its significance, the direction which Yeak Loam takes will impact on cultural rights and community-based tourism throughout the country.

Our Fight for the Forest – The Future of Indigenous Territories in the Wake of the Myanmar Coup *

Myanmar

by Esther Wah

Tanintharyi Region, my home land in southern Myanmar, is home to a rich expanse of rainforest, ocean, and mangroves, where we still have wild tigers and elephants, and where the forest provides us with everything that we need. Our Indigenous communities depend on the forest for food, water, medicine, and our forests depend on Indigenous communities, who manage, conserve and protect them with great care. Over the past decade our communities have worked hard to defend our lands, so that future generations will be able to inherit forests and biodiversity. On the first of February, 2021, the military took back power, and are violently oppressing our people once again. We fear that we have lost all progress, and we no longer know how we can manage our forests and protect our futures. We Indigenous People across Myanmar, call for solidarity from Indigenous Peoples across the world, as we plan to fight to protect our forests, conserve our lands, and win back our lives.

As well as being a rich, green land, our communities have also been terrorized and traumatized by decades of armed conflict and militarization at the hands of the military. In 1948, our Karen people began our fight for greater autonomy, for self-determination, for our basic rights against fascist oppression of the Myanmar military. This resulted in a long and brutal civil war, in which villages were burnt down, our people were killed, raped and tortured, and hundreds of thousands of people were displaced in the forest and along the Thai-Myanmar border. Relentless oppression of our people meant that we never had a chance to develop, to forge our own destiny, to manage and protect our territory. This has been our long-term struggle.

In 2012, the Karen National Liberation Army (KNLA) and the Myanmar military signed a ceasefire agreement, bringing to a halt nearly seventy years of brutal civil war in our territory. During this time of relative peace, communities were able to re-establish their livelihoods, manage and protect their lands and forests, participate in political processes, and live and breathe without the fear of being shot, abducted or tortured. We were able to mobilize our communities, to develop new institutions, to create new ideas for a collective and peaceful future.

While ceasefire stopped the bullets flying and the soldiers destroying our villages, we experienced new challenges. Discriminatory land laws such as the Vacant, Fallow and Virgin Lands Management Law (VFV Law) made farmers and Indigenous Peoples criminals on their own lands, while opening up their territories to large scale projects that would plunder forests and destroy biodiversity. In Tanintharyi, 1.7 million acres of land were handed to crony companies for oil palm concessions, 3.5 million acres were earmarked for the Ridge to Reef project, a

large-scale conservation program funded by the GEF, and other parts of our region were taken for special economic zones, infrastructure development and mining operations. For us, it felt like the rug was being pulled from under our feet – we had nowhere to run.

In response to these new challenges, Indigenous communities and civil society organizations started to create their own conservation areas – proving their ability to protect and conserve their own territories. Communities across the region mobilized, strengthened their local institutions, and documented their boundaries and land use systems. We travelled across the country to show policy makers how we govern our territories and demand our rights to have our territories recognized, supported and respected. We built networks with Indigenous communities throughout the country, creating new spaces of inter-ethnic solidarity, and started to join international platforms with other Indigenous activists from across the globe. We campaigned against mega projects with great success – our campaigns halted mining operations, suspended palm oil concessions and cancelled conservation projects that did not include us. We knew that united – we could win.

Together with my community, we developed new visions for what our territory should look like. We brought communities together from territories across the region, each learning from the other, and working together to make our dream our reality. We developed a grassroots alternative to the Ridge to Reef Project, a Landscape of Life that proved that communities were best placed to protect and conserve our territory, and that a peaceful future would include harmony between our Karen people and their forests and biodiversity.

With the recent military takeover, however, our lives were thrown into uncertainty. The military staged a coup, arresting members of the elected National League for Democracy (NLD) government and brutally cracking down on resistance. Over 1,300 people have been killed, over 8,000 have been detained or arrested, and the military has started brutal campaigns in ethnic areas once more – dropping bombs on our forests and burning down our villages.

Forests in Indigenous territories also face an uncertain future. Environmental defenders have been targeted by the military for the work that they have done protecting their lands from theft and destruction by military companies and their cronies. Recently, Kyaw Min Htut, a forest defender from Sagaing region, was arrested and beaten because of his role in organizing his community and protecting surrounding natural resources. In Tanintharyi the offices of many environmental organizations have been raided and many environmental



Community members in Paw Klo march against the military coup
Photo by Karen Information Centre



A community protected island in the Andaman Sea
Photo by CAT

defenders have had to flee, hiding from arrest or murder at the hands of the junta. Defending forests and the environment in Myanmar in 2021 is a crime punishable by death.

Despite attacks by the military and decades of destructive development, we still have a lot of forest under our Indigenous territories. **Without forests, we cannot survive, and without us, our forests cannot survive.** We stand at the forefront of the fight against climate change. Attacks by the military on Indigenous Peoples and environmental defenders mean that protection of the forests are at risk – and for this reason we want to say to the world: this coup doesn't just affect our country, but the entire world.

Since the coup, our divided nation has become united. We have united in revolution against the military who has stolen our futures from us. We stand together to change the path of history, and until the end of the world we will not give up our efforts. Over 400,000 workers have joined the civil disobedience movement, youth from across the country have joined the armed resistance, and ethnic armed groups are continuing the struggle to defend their territories – together we cannot and MUST NOT lose.

While our struggle has disappeared from international headlines, we call upon Indigenous communities and organizations across the globe to stand in solidarity with us and help us to raise our voice - the world depends upon it. If we do not speak out and leave things as they are, our futures will be lost, and our forests will be destroyed. Until the end of the world, we will not let that happen.

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**Territories
Sustaining
Communities,
Communities
Sustaining
Territories**

by Maria Tanya Conlu





*Rice field from Kasepuhan Pasir Eurih
Photo by Muhammad Abdul Azis*

What makes ICCAs living territories? Forests and coasts are not only areas where communities live, but thrive. For Indigenous communities, land is life. It provides sustenance, livelihoods and other ecosystem services. Their lands and waters contain food, medicine, sources of income and building materials, among others. While this gives them strong motivation for protecting their land and biodiversity, their connection with the land goes beyond sustenance and monetary benefits, and dates back to time immemorial. Indigenous territories are linked to their sacred rituals, their language, their very cultural identity. With traditional knowledge passed down from their ancestors, Indigenous Peoples manage their natural resources sustainably through customary laws which encompass zoning, ownership, harvest practices and other land uses.

Indigenous communities throughout Southeast Asia are very diverse, yet through the evolution of centuries, some practices are similar, following the logic of nature. Examples of practices that can be found in different Southeast Asian countries are rice terraces farming in mountainous areas, establishment of fire lines, respect for ownership of marked trees for harvesting, and protecting or creating habitats for juvenile fishes. Recently, we discovered that they have traditional lockdown practices when there is widespread disease, such as the Covid-19 virus which became a pandemic.

For territories to continue sustaining communities, the ecological integrity of these lands and waters must be intact.

Issues facing the sustainability of Territories of Life are numerous, both external and internal. Indigenous lands and waters are always under threat of takeovers, particularly when security of tenure is weak or absent. Non-recognition of governments of the rights of Indigenous Peoples over their territories impede on traditional systems in place, and cut off communities from their resources. Many commercial interests have their eyes on rich Indigenous lands, either for large-scale resource extraction such as logging and mining; for infrastructure development such as dams, roads or residential subdivisions; or for tourism.

At a smaller scale, there are encroachers who do not use sustainable farming or harvest practices and do not respect customary laws. Even when ICCAs remain intact and undisturbed, the areas around it may be subject to changing land uses, which will still affect ICCAs and livelihood resources. Land conversion and the resulting loss of some species important to a community may mean the loss of several words in their language, of several harvesting and preparation practices, and entire traditional festivals or ceremonies altogether.

There are also internal challenges, such as disintegrating governance structures that impose traditional rules, and the loss of traditional knowledge when the youth have shifting interests and no longer know the ways of the land. There is also the challenge to Indigenous Peoples about the sustainability of some of their practices, which may have been viable in the past when there were small populations, but even the elders have acknowledged they have to adapt to their increasing numbers, especially if external factors have already limited or degraded their resources.

All this is compounded by the effects of climate change to land, water, and resources. Climatic changes have affected flowering and fruiting patterns, which affects harvesting and gathering of food and other forest resources on which communities are dependent. Typhoons, which have become stronger and more frequent in the last decade, destroy not just sources of livelihoods but also properties and even lives.

This chapter highlights how ICCAs surpass some of these challenges, and how communities sustain their territories by caring for it and ensuring that their management of resources is sustainable. This is mostly done through traditional practices, enforced through traditional systems of governance. Five stories from different Southeast Asian countries talk about wild foods, medicinal plants, fishing practices, forest and water management, and the emerging role of the youth in keeping their culture alive.

The Adat Dalem Tamblingan in Bali, Indonesia, is a story of resistance to the pressures of the tourism industry. It tells of how the community has maintained the sanctity of their lake, even as neighboring lakes have already opened up to tourism activities which contradict traditional norms. Despite this resistance, government laws have weakened the community's governance, resulting in forest and lake degradation. In this narrative, the youth shares their thoughts on the historical importance of maintaining the sanctity of their lake and forest, as they initiate reclaiming it as Customary Forest.

Paw Klo in the Tanintharyi Region of Myanmar is another story of a community-driven initiative that conserves, protects and defends its territory, despite not being recognized by the central Myanmar government. Their territory is not just rich in biodiversity, but also widely known for their herbal medicines and traditional healers. The Karen communities in this area see physical health of humans and health of the environment as intertwined. This makes them persist in protecting their lands amidst the militarization of the nation and all the threats of destruction to their forests that this change brings.

While the youth are at the forefront of regaining and making others appreciate their lands in Tamblingan, another story comes from Palawan, Philippines, about initiatives of the youth in keeping their traditions alive, particularly on wild foods. The Palaw'an youth of Amas have taken the lead in learning and documenting traditional knowledge from their elders, realizing that these will be lost forever if they do not take action. They formed a youth group dedicated to learning and encouraging other young members of their community to take interest in their wild foods, all the more as most of them have to eventually leave their communities due to the lack of educational facilities and job opportunities. Despite this and the onset of digital gadgets and fast food, the youth's enthusiasm and conviction that wild foods should not be lost is strong, and they are calling on the youth of other Indigenous communities to join their advocacy.

For the Lundayeh and Sa'ban of the Krayan Highlands in Indonesia, food security is not an issue as they have a thriving agricultural system for wet rice based on local knowledge, a strong bond with their environment, and centuries of adaptive management, making them resilient to climate change and other events.

In Vietnam, the Co Tu people have deep attachment to the Truong Son forests which they have inhabited and conserved for centuries, but the laws in the country decree that all natural forests are owned by the state. This has resulted in limited access to resources, affecting their livelihoods. However, their state government has seen how they protect their forest effectively and how their harvest practices are sustainable, making them the best custodians of the area. Collaborative management strategies were explored by the state government recognizes their traditional practices and even lobbied for the Co Tu to lead the management of their forests.

In a different context but with similar intentions, the Malaysian government made a move to protect the Lower Kinabatangan-Segama Wetlands in Sabah by turning it into a protected area, but inadvertently excluded its traditional owners, the Suluk, as there was then no mechanism yet for ICCA recognition at that time. The Suluk of Mumiang estuary have an intricate traditional knowledge of their natural environment and have reinforced their collective ownership of their coastal resources through traditional protocols and effective management initiatives. This led to the development of the area as a Locally Managed Marine Area (LMMA).





*Seeing through their eyes: An invitation to see the rich biological and cultural diversity of indigenous lands through handmade materials gathered from the forest
Artwork by Emmanuelle Andaya*

There are many examples of traditional beliefs and practices that contribute to conservation and even enrichment of ecosystems, from the sustainable honey harvesting of the Samawa of Sumbawa, Indonesia to the tagal and renggas fisheries systems of Indigenous Peoples in Malaysian Borneo, to the bertas zoning of the Palaw'an in the Philippines, to the still-controversial swidden farming in several countries. Although some governments such as in Malaysia and Vietnam are not ready to relinquish governance to Indigenous communities, huge steps have been taken towards shared governance in the case of the Suluk of Sabah, and co-management in the case of the Co Tu of Quang Nam.

Having sustainable livelihoods is important for community wellbeing, and this is achieved when it can cope with and recover from stresses and shocks and be able to maintain or even enhance its capabilities and assets without depleting its resources. There are many more outstanding examples of territories sustaining communities and communities sustaining territories, and many more stories of traditional management and harvest protocols that are effective in conserving resources. The next five cases in this chapter illustrate only a few and is a sampler of the rich and diverse traditions throughout the region.



*Women play an important role in conducting customary rituals in Tamblingan
Photo by Kynan Tegar*

Embracing the Memories of Alas Mertajati, Tamblingan Indonesia

written by Ketut Santi Adnyana,
edited by Atiek Kurnianingsih and
translated by I.A. Dwitasari

“
**We forget to love it,
 We just remember to enjoy it,
 We forget to take care of it, and
 We forget it's our friend**
 (Nosstress, Hopefully Just Forget) ”

Mist covers the lush trees that surround the lake and dew clings to the top of the grass while the ibis perches on the canoe, waiting for the sun on the eastern horizon. This is the ambience of or sacred Lake Tamblingan in the morning, one of four lakes in Bali which is still pristine and untouched by human greed. The traditional canoe is the only transportation allowed to cross the lake. Cage fish farming and water-based tourism, such as motorboats and paddle boats, are not allowed in the lake. Meanwhile, in the other three lakes, Lake Buyan, Lake Beratan, and Lake Batur, the sound of motorboats roars, and fish farming and various water-based tourism are commonly seen.

Lake Tamblingan is located in Buleleng Regency, Bali, Indonesia, in the highest part of a forest area of about 1,300 hectares called Alas Mertajati (Mertajati Forest). Alas Mertajati is supported by four villages residing below it, namely Gobleg, Munduk, Gesing and Umejero. These villages are called Catur Desa with a unitary Indigenous community called Adat Dalem Tamblingan (ADT). From generation to generation, the people of these villages have regarded Alas Mertajati as an upstream headwater which is sacred and sanctified.

Alas Mertajati is an intact area that we inherited from our ancestors for thousands of years. In the past, the community known as Karaman I Tambelingan lived around the Lake Tamblingan area, as written in the chronicle of Hindu Gobed. This is confirmed by the existence of nineteen sacred sites from the megalithic era, such as Linggayoni and Bebaturan in the form of menhirs that scattered around Alas Mertajati. Karaman I Tambelingan is also mentioned in historical records in

the form of inscriptions from the ancient Bali kingdom in the 10th century. At the end of the 14th century, to maintain the sanctity of the lake water and to preserve Alas Mertajati, Karaman I Tambelingan moved to the area below the lake which later became Gobleg Village. Subsequently, the village developed into the three other villages.

This historical proximity and sacred values give us the responsibility as well as the right to maintain and protect Alas Mertajati which includes Lake Tamblingan. We realize that the water which is essential to our life comes from there, and this perspective urged the need to conserve the Alas Mertajati as the source of life. The manifestation of this belief has been preserved for generations as Piagem Gama Tirta: live to glorify water and maintain harmony with nature. A series of rituals is held every two years, aimed to purify nature and the people who live around it, as well as sharing welfare with others. Thus, the balance and preservation of nature are maintained.

Currently, however, following the regulation of the Indonesian government, the Alas Mertajati area is divided into three different forest areas: Nature Tourism Park, Nature Reserve and Protected Forest Area. These statuses have rapidly affected the transformation in Alas Mertajati, posing serious challenges to our community. The three different statuses of the forest areas make the community deal with different authorities, weakening the position and control of the Indigenous People over the forest. As a result, forest has degraded and forest density has decreased due to illegal logging. Some species of flora and fauna have become rare and even extinct.



This not only reduces the quality of Alas Mertajati but also the surrounding environment, especially on the availability of clean water. The flow of the river and several water springs has decreased, and some have dried up. Camping activities in the area of the lake declared as Nature Tourism Park cannot be controlled by the local custom which further reduces the quality and sanctity of Alas Mertajati. The community is also experiencing serious problems in which their sense of belonging and caring for Alas Mertajati is dwindling. Some people have forgotten the important function of Alas Mertajati as the source of life, providing fertile soil, clean water, and clean air.

These challenges and problems pushed our community to seriously reorganize. With a strong basis and reason for preserving Alas Mertajati, we tried to claim it as Customary Forest. Participatory mapping, socio-cultural research, and participatory vegetation and fauna inventory were conducted to collect the basic data. The research has shown that there are about 90 species of trees and 50 types of undergrowth growing in Alas Mertajati, as well as dozens of fauna species living in it. In addition, there are 54 natural springs scattered in the Catur Desa area, although some have dried up or flow only during the rainy season.

The activities to claim Alas Mertajati as Customary Forest were carried out by the community's younger generation, including myself. We included various community groups, such as women and banten (offerings) makers in these activities. Banten for rituals utilizes various types of natural materials from Catur Desa and also from Alas Mertajati. Some of these are bija ratus which



is assembled from all types of agricultural grains, kidang (deer) as a native animal of the Tamblingan Forest and kuyuh (cork fish) as endemic fish of Lake Tamblingan. Some of these ritual materials have become difficult to obtain because of scarcity.

Immigrants coming from other regions make up 80% of the population of Tamblingan Hamlet. My friend Willy said, “The reason for the degradation of Alas Mertajati is the lack of sense of belonging, especially of the immigrants. The sense of belonging can arise when we understand and get the benefits from the existence of the forest and the lake. Apart from clean water and clean air, I get the economic benefits from Alas Mertajati as a trekking guide. I can share my knowledge of the forest and lake with my guests. While walking, I usually ask my guests to pick up trash on the path we pass, and I also monitor illegal logging activities.”

Another friend, Wahyu, a clove merchant in Catur Desa, added, “Out of sight, out of mind. If we have a better understanding of the forest, we will feel attached and proud because we still have a pristine forest and lake. That will encourage us more to conserve the Alas Mertajati. I only got to know Alas Mertajati through the various activities that we have carried out since 2018. We only go for ritual purposes every two years, so we don’t know of its condition, let alone conserve it. So, one thing we can do to create a sense of belonging to Alas Mertajati is to introduce it to people and provide a deeper understanding through books and videos we made.” One of the activities done by the community was to build Bale Melajah Alas Mertajati, a simple building near the lake that serves as a study center where the youth can gather

or do activities near the lake and forest.

Werdi, the leader of our group, reminded us, “Nowadays we can no longer protect the forest only through myths like we used to. For example, before people believed that if you cut down a tree, you will suffer various types of misfortunes. Together with the elders, we must dig into the forest management regulations of the past. We also need to make new forest protection rules, and strict penalties if anyone violates them. As the elders recall, there were rules for fishing in the lake. Back then, we could not take the fish from Lake Tamblingan freely. Only those who worked as menega (traditional lake guards) were allowed to do so. No one was allowed to live around Lake Tamblingan, including the menega.”

Unlike others who only seek to gain economic benefits from our forest, **we cannot go anywhere else if our living space is damaged.** We, the younger generation of the ADT, together with the elders as well as the future generations, have the duty to look after Alas Mertajati so our lives can be sustainable. We will continue to embrace the memory of the local wisdom from our ancestors, Karaman I Tambelingan, so that we may pass this on to the next generation. Hopefully, others will understand our feelings, thoughts, and determination in protecting Alas Mertajati, our source of life.



Paw Klo landscape
Photo by Tarkapaw Youth Group/CAT

The Spirit of Paw Klo: Indigenous Communities Protect and Sustain their Ancestral Territories

Myanmar

by Esther Wah

Paw Klo is a Karen territory located in Dawei District of Tanintharyi Region, Myanmar's southernmost region. The area is home to 16,000 Karen Indigenous People who depend on orchard farming and forest-based livelihoods, and vast areas of pristine evergreen forest containing extensive endemic and vulnerable flora and fauna, including Malaysian sun bears, clouded leopards and tigers.

The Paw Klo forest makes up an important part of Tanintharyi Region's landscape of life, part of one of Southeast Asia's biggest expanses of low elevation evergreen forest. The territory has been managed for millennia by Karen communities who have cared for this landscape, conserving its resources and protecting it from outside incursions.

Like the Salween Peace Park in northern Karen State, Paw Klo is a community driven initiative which strives to conserve natural heritage in line with local livelihoods, culture and sovereignty. While the central Myanmar government does not recognize this territory, seeing it as virgin land open for development, communities throughout the territory have worked hard to conserve, protect and defend it from a range of different threats, and the area is locally recognized as an ICCA. The Karen National Union recognizes the territory, and supports local communities in their efforts to conserve the area.

At the northern edge of Paw Klo stands Kaser Doh, a sacred mountain for the Karen, and a site of significant natural wonder and beauty. The mountain comprises an important part of Karen cosmologies and beliefs, and has been jointly managed and protected by Indigenous communities and the Karen National Union for decades.

The territory is widely known for its herbal medicines and traditional healers who are famous across Kawthoolei. Communities have identified over 245 different types of herbal medicine, and regularly go on week-long medicinal walks where communities drink and bathe in herbal medicines. Members of the community say that many people live to over 100 years old because of these herbal medicines.

Karen communities see physical health of humans and the health of the environment as being entwined and interconnected. Destruction of the forest or water systems can cause illness to the community, as spirits are disturbed. For this reason, Indigenous communities take much care in the protection of their territory.

There are different types of forest over Paw Klo. While some forests are used for local livelihoods such as shifting cultivation, in community managed forests, watershed forests, and medicinal herb forests, communities enforce tight restrictions over resource use. In these areas it is forbidden for community members to clear the forest, establish agriculture or start fires. Furthermore, villagers refrain from cutting trees around lakes and rivers. As a result of these local management systems, the territory continues to boast rich and deep forests.

Indigenous Karen communities in Paw Klo have managed and conserved the biodiversity in their territory through traditional knowledge and governance systems. They have formed community-based organizations through which rules and regulations are developed and enforced. Local forest committees sustain biodiversity by monitoring forests and resource use in the area. Research committees conduct local knowledge research of forest resources, and forest and water committees are responsible for enforcing democratically developed rules and regulations. Apart from the medicinal herbs,

the local research committee has also identified over 70 fish species and 188 forest vegetables. Local knowledge research exhibits the depth of local ecological knowledge of forest resources and the vast number of locally found products that communities use for health and sustenance.

Communities in Paw Klo manage water resources across the territory carefully. Through local ceremonies and institutions, communities have established over fifteen fish sanctuaries in rivers and streams. In these areas, which are often fish breeding grounds, community members are prohibited to catch fish for personal use and to use motor engines. As a result, there are large fish populations in rivers and streams. According to local communities, this also reflects clean water and a healthy forest.

In 2010, however, Myanmar and Thai companies were awarded a 2,100-acre mining permit to extract lignite coal from the northern expanses of the territory. The project stood to destroy vast tracts of rich forest, grab lands of communities from three villages, and pollute the primary water source of over 16,000 people. In 2012 the companies began operations on 64 acres of open-pit mine located on ancestral land, causing significant problems for surrounding communities.

Communities in the area mobilized and campaigned tirelessly to halt the mining project in their territory. Together, the community formed committees, held local campaigns, conducted research on their resources and worked with lawyers and civil society organizations to halt the project. In 2017, following the submission of complaints to Regional Government, the project was suspended and the primary investor subsequently filed for bankruptcy and faced criminal proceedings for fraud in Thailand.



*Paw Klo herbalists prepare medicines for the community
Photo by Tarkapaw Youth Group/CAT*

This is a story that shows the strength of united Indigenous communities winning a battle against global financial institutions and dirty climate change-causing industries. However, while this mega-mining project was suspended, communities continue to suffer from the effects of its operations, such as leaching waste piles and destruction of water sources. They live in fear that the project will someday be restarted, so they remain vigilant and continue their struggle to permanently terminate the operation.

On February 1, 2021, a military coup triggered a resurgence of violent conflict, and now Indigenous territories across Myanmar face uncertain futures. Like many other Karen territories, Paw Klo has been subject to decades of armed conflict in which communities were forced to flee their homes to the forest and the border. Periods of armed conflict are often preceded by land confiscations and the granting of land concessions to extractive companies. Communities fear that new oil palm, mining and infrastructure projects may come to the territory and harm the lands, forests and communities that they have long fought to protect.

Despite these insurmountable threats Indigenous communities throughout Tanintharyi Region pledge that they will fight until the end of the world to protect their ancestral forests and lands. Despite the changing political situation communities continue to monitor their forests, enforce their rules and regulations, and defend the biodiversity of their lands from new threats. Indigenous communities from across Myanmar have become united over the past years, and stand in solidarity as the military brings more threats to their lands and lives. Together, they are committed to winning their cause.

Keyegangan: At the Forefront of Changing Indigenous Food Culture Philippines

by John Vincent Colili and Maica Saar, Samahan ng Nagkakaisang
Katutubong Kabataan (SNaKK)

The Pala'wan tribe inhabits most of the rugged montane forest of southern Palawan in the southwestern tip of the Philippines. We maintain a 6,000-hectare ICCA located in the upland areas of Barangays Amas and Saraza in the Municipality of Brooke's Point. The lush bountiful forest of our ICCA is the main source of non-timber forest products such as *parukpok* (tigergrass), *huri* (corypha) and *begtik* (almaciga) among others, which acts as the primary source of livelihood for many of the community members, particularly those residing in the upland areas.

Due to the forested location of most of the Pala'wan settlements, nature is central to the traditions and beliefs of the Pala'wan people. The Indigenous farming or *pag-uma* for example, is guided by a tightly knitted tradition of paying respect to nature before clearing, before planting and even after harvest. Generations of Pala'wan have also managed effective techniques on safekeeping and preservation of vital forest resources. The *bertas*, an Indigenous zoning system, sets limits on land use for farming and housing to protect watersheds and important forest patches in order to preserve resources, such as the almaciga, which is treated with high regard as it brings bountiful income for the community. Thus, even though almaciga stands are frequently utilized for resin production, there are no recorded mortalities so far.

Another important thing the forest brings to us are wild foods, consisting of edible fruits and vegetables, which vary in taste, size, color and abundance. For our kin residing in the bountiful forest of southern Palawan, wild foods are an integral part of day-to-day diet and an important source of nutrition. From ridge ferns, deep forest fruit trees and riverside roots, there are countless wild foods that can be found in our lush ancestral lands. These wild foods are either consumed directly, fermented, or even processed.

Modern economic and educational demands have pushed many Indigenous youth to move out of their communities in order to seek education and employment opportunities elsewhere. Although some have learned Indigenous knowledge, a huge percentage of the youth who move out lacks in-depth understanding to continue these practices and pass it down to the next generation. In most cases, the youth only know the hows, but do not know the whys or the underlying reasons behind the practices, which mostly can only be acquired through firsthand experience.

The onset of digital entertainment systems in the form of mobile games, online streaming sites and social media have also decreased the interest of many, particularly the youth, in learning the traditional ways of food gathering and preparation. The decreased outdoor experience due

to these new modes of entertainment has lessened the exposure of younger community members to nature and wild foods. Back in the old days, most of the kids learned about wild foods by playing with their friends in the wild, or by building groups or parties in order to raid a specific fruit tree in the groves. The introduction of new food sources has also lessened the need or demand for wild foods. Unlike in the old times when young kids hike hills and venture in groves to gather fruits and berries, most kids nowadays can just go to a neighborhood store and buy tasty but unhealthy snacks. These developments have drastically changed the lifestyle of the youth, limiting their ability or interest to learn more about wild foods.

Our fascination for wild foods is one of the reasons we created the Samahan ng Nagkakaisang Katutubong Kabataan (SNaKK), an organization of Indigenous youth with members from Amas, Saraza, Mainit and other parts of Brooke's Point. The organization aims to create a fun and safe space for Indigenous youth to learn new things and improve their skills. SNaKK also envisions contributing to community empowerment, forest protection and safekeeping of Indigenous Knowledge, Systems, and Practices (IKSP).

With the goal of safekeeping Indigenous knowledge, especially on wild foods, SNaKK with support from Non Timber Forest Products – Exchange Program (NTFP-EP) ventured into knowledge transfer and documentation activities such as youth camps, immersion activities and lectures. During immersion activities, members of the organization are invited to participate in nursery building or tree-planting activities, wherein the guides introduce the young participants to wild foods. In some cases, older guides would stop for a while during hikes in order to show a wild food plant and discuss its taste and various applications, which the participants would take note of. During these activities, the snacks and delicacies that are being served are based on wild foods.

Aside from these, SNaKK also initiates activities such as food festivals wherein tribal elders share and discuss various things with the youth. In these events, the younger generations learn firsthand various ways of traditional food preparation, from the cumbersome process of making the *purad* (traditional yeast) to finding the correct measurements of coconut milk for the *lutlut* (sticky-rice delicacy). They also encounter different wild foods, such as *lipso* and *usaw*, and even witness some rare Indigenous rituals. To make the events more interesting and enticing to the youth, fun learning activities are usually integrated in the program. Interactive participation, wherein the youth themselves practice or share what they learn, are highly encouraged. With the permission from the elders,



*Members of SNaKK conversing with elders during the food festival
Photo by John Vincent Colili*

SNaKK takes these opportunities to document the wild foods and food preparation practices. The video and written documentation are then processed and stored for safekeeping and used in future activities.

Even though these activities can be challenging to organize, the youth's eagerness and passion to learn and experience new things can always be relied upon. During the first activities of SNaKK back in 2015, we experienced firsthand how mindsets can change with just a basic understanding of the importance of wild foods and traditional food preparation practices. Because in the process of all these learning activities, it is not just the existence of the wild foods that we learned, but also the underlying stories, legends, myths and practices that come with it.

However, we realize that this initiative is not enough. As long as the opportunities in the communities are few, more and more young Indigenous members will be forced to work in faraway places. Moreover, due to the lack of necessary skills and technical capacity of youth organizations such as SNaKK, we can only do so much. To address such difficulties, SNaKK is attempting to explore the creation and nurturing of strong networks and linkages with like-minded groups all over the Philippines. Interestingly enough, the hardships brought upon by the disruption of commercial trade and lockdowns due to the COVID-19 pandemic have helped in enlightening the youth on the importance of wild foods and traditional delicacies in maintaining communal food security. This opens a new window of opportunity to extend this initiative to many more Indigenous youth. Having a wider network will allow the exchange of ideas and resources in making things possible. It also opens up opportunities for collaboration and partnerships that can help empower and inspire the members of the organization.

Though simple and not very large scale, our activities really help in reigniting the interest of the youth in wild foods and appreciate our Indigenous legacy. These events also help to open the eyes of the youth to the existing problems Indigenous communities face, such as loss of wild foods, loss of Indigenous knowledge, and the effects of climate change. As we say in SNaKK, it must be understood that **we the youth are the future of our tribe, our culture, and our environment**, thus it is very important for us to take an active part in finding solutions to pressing communal issues.



*A mountainside view of Amas showing a swidden farm below the bertas line and the community's research station
Photo by Tanya Conlu*

Rice and Food Sovereignty from the Krayan Highlands Indonesia

by Cristina Eghenter

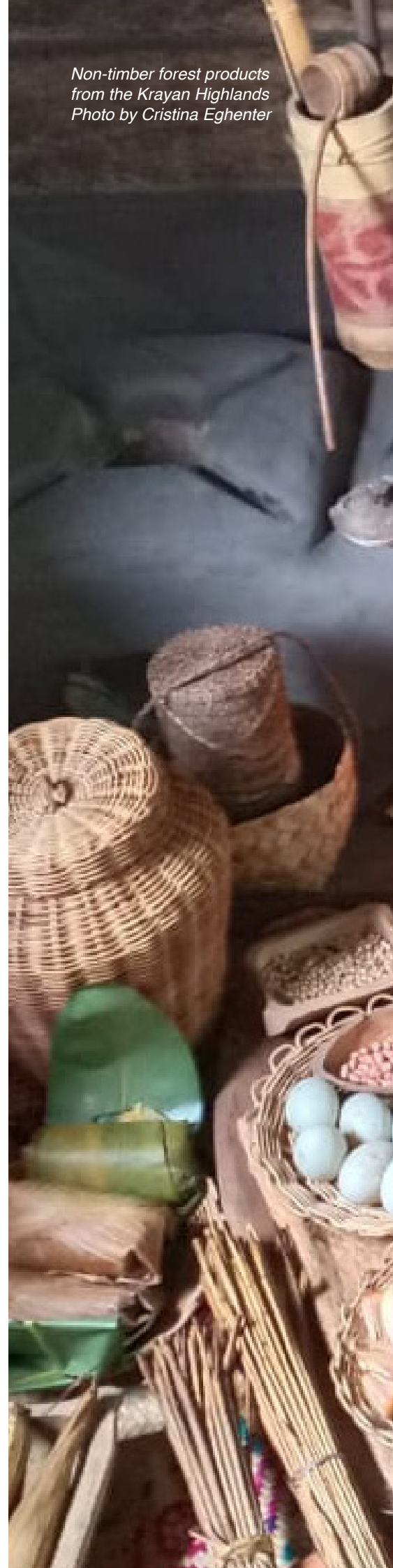
The Krayan Highlands is the homeland of the Lundayeh and Sa'ban Indigenous Peoples in North Kalimantan, Indonesia, who have deep cultural traditions and comprise over 70 villages with a total population of over 12,000. It forms one trans-border ancestral territory with the Lun Bawang and Kelabit Highlands in Sarawak and Sabah, Malaysia, who share a common linguistic, historical and cultural heritage. The Krayan Highlands are a place of enchanting views, wide valleys interlaced with traditional paddy fields, bamboo groves and fruit trees embraced by gentle slopes covered with forest.

The communities have traditionally been food secure due to their indigenous system of wet rice agriculture based on local knowledge, local seeds, water buffaloes and a healthy environment. Men and women here have been the custodians of local agrobiodiversity. Over 40 varieties of rice are planted and cultivated in this area, plus three varieties of sorghum and millet. The fruit biodiversity is also very high and many local varieties grow in fruit gardens and on the forest edges. This agrobiodiversity, locality and strong bonding with the territory have been for centuries a way to build security, resilience, adaptability, and reduce vulnerability to climate change and other events. The diversity of local food plants and crops is reflected in the local cuisine, luk kenen tau (our food).

The rice is as much food security as it is part of the cultural and ethnic identity of the people of the Krayan Highlands. In the face of other more destructive development options like oil palm plantations, the communities of the Krayan Highlands opted to protect the traditional agricultural practices. This was led by FORMADAT, the Alliance of the Indigenous Peoples of the Highlands, Indonesia and Malaysia, which was established in 2004 to encourage sustainable development in the Highlands and protect its cultural traditions and biodiversity. FORMADAT was instrumental in supporting this process and was one of the Equator Prize winners in 2015 in recognition of their efforts.

In 2016, they declared the Krayan Highlands an area for organic and traditional agriculture. They also successfully advocated with the District government in Nunukan to legislate in support of their declaration. In 2019, they formed a Slow Food Community. In the same year, a District Head's regulation was issued to protect the traditional and organic agriculture of the Krayan Highlands. The Krayan Highlands and its Indigenous Peoples have now secured a sustainable and culturally appropriate future, and their practices, knowledge and their strong bond with the territory can safely be passed down to the younger generations.

Non-timber forest products
from the Krayan Highlands
Photo by Cristina Eghenter





Prioritizing Indigenous Rights and Benefits: Way to Sustainable Forest Protection in Quang Nam Province Vietnam

by Phan Trieu Giang

We returned to the western mountains of Quang Nam, one of the highest biodiversity areas in Vietnam, in the last days of 2021. Along the way are forests stretching as far as the eye can see. Mr. Nguyen Van Hoang, deputy director of the Dong Giang Protection Forest Management Board (PFMB), said that these are the most intact primeval forests on the southern Truong Son mountain range of Vietnam. The forests here cannot be well preserved without the participation of many stakeholders, especially the Co Tu Indigenous community.

The Co Tu people have lived and are attached to the Truong Son forests for many generations. However, according to current law, natural forests are managed by the state through state forest management boards. As a result, in many places native people's access to forests and collection of forest products has become limited, affecting their traditional practices, wellbeing and source of income. Besides forest resources, other income sources of the Co Tu people are from crops (rice, cassava, chili, etc.), animal husbandry, employment as laborers, and especially acacia and Payment for Forest Environmental Services (PFES).

To harmonize community interests and forest conservation in Quang Nam, many initiatives have been adopted in the last two decades including allocating forest land to communities and contracting household groups and communities for forest protection. This form of contract for the community to protect forests and benefit from PFES is highly appreciated by many state forest owners and Indigenous communities.

Mr. Vu Phuc Thinh, director of Dong Giang PFMB, said that in the areas of stable and traditional forest with little impact, a community contract to protect the forest is appropriate. For forest areas that are easily impacted, high pressure of violations and have many ethnic groups such as the Kinh people, it is necessary to protect forests by specialized forest protection teams. Since 2013, in Dong Giang PFMB which has a total area of 37,500 hectares, nine out of eleven communes have been participating in contracting for forest protection. In Tay Giang PFMB, which has 50,570 hectares of mostly natural forest, all 64 communities are participating.

Although the state as forest owner still has a decisive role in forest management, the community has an active role in the model. They elect a self-governing board and forest protection groups. The board organizes forest patrols and distributes benefits in the community. The self-governing board in A So village in Ma Coih commune, Dong Giang district, for example, has seven forest protection groups with each group patrolling the forest two to three times

per month. When encountering violations, the group will handle it themselves or report it to the forest owner, depending on the case. Because the culture and customs of the Co Tu ethnic group are still strong in the locality and the role of village elders and traditional boundaries are respected, handling of violations with customary laws is still effective.

Workshops among forest owners and local authorities showed that contracting for forest protection to the community is appropriate and effective because the Co Tu people live in the area and have a high sense of forest protection, especially for pristine forests and watersheds. People possess Indigenous knowledge, know the areas with big trees and wild animals and patrol the forest with ease. **This participation of the Co Tu people in state forest protection helps maintain their customs and traditions, strengthens their roles and responsibilities towards the forest, helps villagers to collect forest products sustainably and improves their quality of life and income.** In 2018, the village received about 550 million Vietnamese Dong (about USD 24,000) over six months.

Money from PFES is paid according to the agreed regulations. Twenty percent (20%) goes to the self-governing board's activities, fifty percent (50%) is divided equally among contracted households, and the remaining thirty percent (30%) goes to the village fund to support the disabled members who cannot contract and for public works of the village. Pointing to the main road in the village, elder Nghiet said that thanks to the PFES money, people have repaired village roads and installed electricity for their long house. He added with a smile that when the village facilities are stable, then the community will consider developing eco-tourism.

Unfortunately, this is not the case for all communities. In discussions with stakeholders, it was pointed out that community patrols have weaknesses such as unprofessionalism, difficulty in assigning responsibility and limitations due to the customary fear of destroying village-mates' animal traps. The community's capacity to protect forests, especially in deterring and handling violators, is limited. In late 2018, the Quang Nam provincial government issued Resolution 46/2018/NQ-HDND to allocate funds to support the management and protection of natural forests, effectively transforming community-based forest protection to specialized forest protection forces to address these weaknesses. Some state forest owners in Dong Giang and Tay Giang Districts petitioned to maintain their community contracts



*Community forest patrol
Photo by Phan Trieu Giang*

and were approved due to their good socio-economic and environmental performance. This is the harmonized solution in the context of the existing legal framework which is unclear in recognizing traditional rights and sharing benefits from forests for native communities at the central level, and when state forest owners have to implement the central policy of downsizing staff resulting to serious shortage or human resources to protect forests.

In the future, representatives of the communities wish to continue the community contract model simultaneously with capacity building while waiting for the legal framework to change so that forests can be allocated to and protected by the people. In the long term, a sustainable solution is to help people strengthen their internal capacity and escape poverty through forest-friendly livelihood alternatives such as developing eco-tourism and planting trees and medicinal herbs under the forest canopy. The “one community, one product” model which has been applied in the region can help the community develop production, processing and market connection. For this to happen, it will be necessary to set up a village fund or a micro-finance fund with clear management regulations.

The successful application of community contracts for forest protection in Quang Nam province shows the importance of the initiative, flexibility and also compassion of state forest owners in applying the law appropriately, highly prioritizing the needs and interests of Indigenous Peoples. It also shows that a compromise in some instances may not give all the forest rights to communities but if they get the important rights such as access and benefits that are consistent with their traditions and interests, then their cooperation with state forest owners makes management of forest resources sustainable.



*An upland field in Quang Nam Province
Photo by Phan Trieu Giang*

Ha'alupan Bai (Waters in Front of our Village): Locally Managed Marine Areas of the Suluk People Malaysia

by Neville Yapp with Land Empowerment Animals People, Persatuan
Komuniti Kampung Mumiang and Forever Sabah



“ Our sustenance will be more blessed if we take care of the environment. If we take care of nature, nature will also take care of us and bring us more returns. -Asmara ”

Deployment of fish aggregating structures
Photo by Neville Yapp

Fluorescent lights begin illuminating the river banks along the main channel among the mangroves of the Kinabatangan estuary as people wake up to the call for Fajr prayers. Soon the hot, sharp sun's rays penetrate through the misty morning dew, accompanied by the chirping of birdlife. Meanwhile, schools of mullet and archerfish wander between the stilts of houses built over the river channels. Asmara eagerly gets into his boat, sets up his rustic boat engine singlehandedly, and takes off.

Asmara lays out his nets in his favourite spot about one hundred meters from his house in Mumiang village's main river channel, returning with a few snappers, croakers and shad after a mere two hours of fishing. He sells those of suitable sizes to a community-owned cold storage facility, cleans the smaller ones for drying, and keeps a few for food. For Asmara, this is his only way of sustaining his family. He is 75 years old and can no longer toil on the open seas for the lucrative yet uncertain tiger prawns destined for the demanding tourists at famous seafood restaurants in Sandakan.

The people of Mumiang are Suluk, which means man of sea currents. Theirs is a traditional fishing village situated in the mouth of the Kinabatangan River on Sabah's east coast in Malaysian Borneo. They have coexisted with the coastal habitats and seas for centuries. Many of these communities are orientated to the waters rather than the lands. Asmara and all the people in these villages live by the Islamic calendar to guide their daily lives. This calendar tracks the moon's cycle, which is reflected in the tides and fish behaviour. Asmara does not require a tides chart, and his body knows the state of the water by counting the days in the lunar month. From about the 5th day after the new moon to the 12th, and leading into the first quarter, Asmara's fishing schemes take advantage of slower currents and lower tides, while during the full moon, the higher tides mean fish will spread out inside the mangroves, and strong currents mean fishing baits and gill nets will drift. Those parts of the lunar month are reserved for sewing nets and non-fishing activities. Aligning to the rhythms of his watery territory make Asmara a monarch of his own toils.

Asmara is also an expert at observing the winds and adjusting the way he fishes to the changing seasons. The *angin utara* (northeast monsoon), occurring from October to February, brings floods rich in upstream nutrients in a delicate balance. Upon reaching the coastal areas, these nutrients support plankton blooms that catapult mass-spawning events towards the end of the floods. Asmara and his neighbours embrace these annual floods, even as heavy rain and rough seas mean it is a time for the communities to rest. But floods also bring giant freshwater prawns flushed down from hundreds of kilometres upstream. According to him, the yearly influx of freshwater into the tidal creeks helps the village's caged fish cleanse their gills and bodies from parasites, making chemicals unnecessary.



Asmara fishing at his normal spot in front of his house
Photo by Neville Yapp

The arrival of the *angin selatan* (southwest monsoon) brings a sense of renewal. The calmer seas and more transparent waters in the delta channels mean a new season ideal for hook and line as well as traditional fish traps. It is also a time to visit relatives, hold marriages and festivals, and earn income from tourism, crafts while taking advantage of the daily commute to the city to deliver their fresh fish for sale. Asmara is always ready to share the many taboos and good manners that need to be observed when fishing to avoid danger and make a good catch, including around right behaviour before entering the mangrove forest to collect other resources for subsistence. These are among the many practices and beliefs held by most people in the Kinabatangan and Segama Delta, signifying their sense of respect to the places that have provided for their needs for generations.

The Mumiang territory of life comprises 300km² of coastal mangrove estuary inherited from their ancestors. The Suluk have become divided by modern states that rule from dry land. Mass exploitation of timber and unregulated commercial fishing began in the 1960s and lasted for about three decades, followed by a state-created protected area that overlapped with the Suluk territory. In 2008, the Lower Kinabatangan-Segama Wetlands was designated as a Ramsar site, Malaysia's largest "wetland of international importance", without the government formally recognizing the communities' rights to their territories here. While the authorities knew these communities were long living there they lacked the mechanisms to attend to their inclusion, including because Malaysia's policy makers had not yet made the commitments now given to advance ICCAs. Despite its ten-year management plan, there is still lack of documentation of traditional ecological knowledge,

baselines to assess the health of fisheries stocks and quantifying the socio-economic contribution of small-scale fishing communities for an effective management of fisheries resources in the area. The area also continues to be threatened by land use change which disrupts the balance of the nutrient cycle, creating dead zones to the detriment of the communities who rely on wild-caught fish for their livelihood, as well as threatening endangered species. Sometimes the Northeast monsoon fails, meaning no floods and no prawn season; this has happened several times in the last twenty years.

Even within the community, things are changing. Asmara feels people don't respect the seas as they used to. People have forgotten the old ways and are shifting to commercial approaches, using less environment friendly fishing gear to make ends meet. There is also much competition as fishers from other areas move in to exploit the remaining productive regions of the Kinabatangan and Segama Delta, creating tension with the locals.

Asmara has a poetic way to describe the reduction of fisheries productivity as a result. He says that "*berkat* (blessings) from our arduous toils are less than before". He shared how back in the day people could afford to make the Haji Pilgrimage just from fishing returns.

He reminisced with excitement how a single throw of a cast net could fill up a big bucket with prawns. Now they need ten times the effort to catch the same amount with cast nets. This is why many people have started to use three-layered nylon nets, a gear type so effective that many juveniles get caught, reducing the number of juveniles able to grow to mature sizes and spawn.

Since 2015, Mumiang and other Territories of Life in the Lower Kinabatangan and Segama Wetlands, facilitated by Land Empowerment Animals People (LEAP), have engaged in a long-term process to regain management of their coastal resources. They have mapped and inventoried their Territories of Life and advanced livelihoods and community organizing skills. A movement developed among women and young people around citizen science, including water quality monitoring and restoration of lowland and mangrove forests. Access to mobile technology has increased significantly over the years, and now the fishermen have been recording their catches using Open Data Kit installed on their mobile phones to see changes in their fishery. These activities have raised local confidence and enthusiasm for more ambitious and comprehensive activities, and have raised capacities to effectively engage in shared governance of the area with State agencies. In 2020, Mumiang community became the first Locally Managed Marine Area (LMMA) in the site.

Since the onset of the pandemic, the community has been driving grassroots discussions and peer learning exchanges on ICCAs and LMMAs. This process has led to the development of a fisheries management protocol launched in late 2021 through a ritual and recitals of



verses from Al-Quran led by the village Imam, binding the community together. *Ha'alupan bai* (waters of our village) is the community's fisheries management protocol that designates several small areas along the main river channel as no-take zones and enriching them with fish aggregating structures in an effort to recover fish abundance. This is inspired by the knowledge of *renggas*, their underwater structures along mangrove estuaries and tidal creeks that mimic habitats to attract schools of fish. *Ha'alupan bai* shelters juveniles and mature fish sizes and encourages the schooling of fish around these structures that have a radius of 50 meters. This management protocol aims to advance shared governance with the Sabah Forestry Department.

Closed for six months with potential conflicts addressed through a series of consultations, the community is targeting the increased abundance of all snapper and grouper species common to the area, including the famed Bornean Black Snapper (*Lutjanus goldiei*). These structures also reduce the indiscriminate use of gill nets which helps other species such as the Indian Threadfin (*Polydactyls indicus*), which has been significantly fished in the last two decades. Asmara is an active supporter of the process and has contributed to a rich pool of traditional knowledge alongside other knowledge holders in the process.

Alternative livelihood development is key to the LMMA strategy of Mumiang to diversify sources of income and reduce fishing pressure. With support from local partners, the community has set up a cold storage and processing centre, enabling them to diversify their products and cope with the fishery market disruption caused by the pandemic.



The Suluk community leaders participating in a discussion held online
Photo by Neville Yapp

The Tagal System Malaysia

by Gordon John Thomas

Sabah in the northern Borneo of Malaysia has a population of 3.2 million people, and 61% of them are indigenous. With 32 ethnic groups and over 50 languages, Sabah is unique for its people, nature, culture and customs.

One practice that is well known is the tagal system, a customary practice by the Dusun community. *Tagal* means “no”, telling communities not to disturb or do any activity in a particular area or resource at a given time. It is a collective ownership and responsibility of the communities in stewardship of their natural resources and has the element of conservation values where it is seen as *gompi gonu* (use and protect). Other communities have a similar concept, for example, *tavol* by the Murut communities, *puru binondaan* in Sungai Tombonuo and *bombon* in several Dusun communities.

Tagal was initiated by the communities to ensure that the fish stock of their river flourishes and sustains them for generations to come. It protects their resources from irresponsible activities such as overfishing, using illegal fishing methods and polluting the river. The community sets zones which have a set of rules. For example, red zone means no activity whatsoever as this is the breeding ground for fish; yellow zone means there is only a given time to fish, usually once every two to three years depending on the fish stock; and green zone means it is open to all activities. Any wrongdoer will be sanctioned, or have *sogit* conducted.

The *tagal* system has been accepted and adopted into the Inland Fishery and Aquaculture Enactment in 2003. From this riverine experience, it can be expanded into other resources such as forests and seas, acknowledging the Indigenous Peoples of Sabah as having a best practice in conservation.

Challenges and Ways Forward

*by Maria Tanya Conlu, compiled from
contributions of ICCA Consortium members
and Indigenous community partners*





Children go to Tet Festival
Photo by Truong Dang

Throughout Southeast Asia, a lot of ground has been gained by Indigenous communities in documenting, defending and sustaining ICCAs – Territories of Life. However, as with ICCAs across the globe, there are many challenges and many threats coming from external and internal factors. Each sub-region or country is at different stages of recognition, legal or otherwise, and every community and the organizations that support them is navigating the varying socio-political contexts in which they find themselves. From the military takeover in Myanmar in the last year which obliterated any progress towards peacebuilding and forest protection by the Karen, to the solid legal basis of Indigenous Peoples' rights in the Philippines, ICCAs throughout the region are all developing their self-strengthening processes.

The resources on which Indigenous communities' lives and livelihoods depend on have become scarce or degraded as big companies and other outsiders encroach on their territories and harvest or extract resources unsustainably. Territories of Life, being naturally rich resources of biodiversity, are continually threatened by extractive industries, land conversion and big infrastructure. Roads and dams, as well as the conversion into large scale mono-crop plantations, have already destroyed forests and the biodiversity they contain. These unsustainable land uses have displaced Indigenous Peoples, often disrespecting their culture and beliefs and causing loss of livelihoods, cultural identity, and even lives.

Many government Protected Areas are in or overlap with ICCAs. Even when the goal is the same – conservation – these parks are sometimes just another form of violation of rights as Indigenous Peoples are often made to take a back seat or are even excluded in the management and benefit-sharing from their own lands and resources. Some Indigenous communities are recognized as the owners, but in very few instances are they actually given the right to self-governance. Despite the UNDRIP and other global and national treaties and policies, as well as many emerging studies proving the capacity of traditional knowledge to safeguard the forests, change in perspectives of government officials is slow and there is general distrust in the capacity of communities to manage resources sustainably. Some countries in the region still do not even recognize the distinct identity and culture of Indigenous Peoples, which marginalizes ICCA values and its contribution to the conservation of nature.

The Philippines has the most concrete law when it comes to Indigenous Peoples' rights, however its implementation is far from stellar, and other land uses supersede traditional use. Most Protected Areas still exclude them from their own lands and permitting processes for their own forest resources are slow and prohibitive. Similarly, the varying political will and slow pace of recognition of customary forests by the Ministry of Forestry and Environment is a big challenge in Indonesia. Most recently, however, the government revived its commitment on the recognition of customary forests and

has a plan for accelerating verification of communities' submissions.

In Malaysia where there is lack of recognition of Native Customary Rights, the threat of extractive activities and conversion of land by external actors threatens ICCAs. Logging activity is permitted by the state authority under Malaysian Timber Certification Scheme (MTCS). Indigenous communities in Cambodia also have to deal with the constant threat of government awarding their land to Economic Land Concessions (ELC). Throughout the region, communities are contending with government and big company takeovers to convert their pristine lands and waters into tourism sites with massive "development" that goes against what they want.

Myanmar was making headways with documentation of ICCAs, advocacy at national level for the recognition of ICCAs, and the holding of national Indigenous assemblies. However, with the military coup and the constitution abolished, all laws and national plans that recognized communities and ICCAs have become null and void. ICCAs are being attacked by the Myanmar military, displacing thousands of people in the Salween Peace Park and other communities. With the military takeover, mining and logging operations have also increased, and roads threaten to carve up Indigenous territories. Environmental defenders are at risk of arrest and torture. For Myanmar, democracy must first be restored before communities can protect their biodiversity and their territories.

To compound these conflicts of power and interest, the changing climate is also changing the landscapes, affecting livelihoods and damaging properties. The loss of forest resources means a loss of language and traditional practices that involve these resources. Many wild foods, medicinal plants, raw materials for traditional ceremonies and other useful forest resources are lost when trees are felled, waters are polluted, or villages are inundated. The infiltration of commercial products into rural communities is also a big factor in the loss of interest in wild foods, herbal medicines and traditional crafts made of natural materials. As Indigenous communities get mainstreamed in the local economy, traditional knowledge and craftsmanship are lost as the youth's interests and priorities shift, leaving their communities for education and job opportunities in the cities. There is no intergenerational transfer of knowledge and the elders pass on, burying the rich knowledge that has been passed on from their ancestors with them. In Malaysia and the Philippines, religious mainstreaming undermines cultural practices and beliefs and hastens their assimilation into society, further weakening traditional knowledge and structures.

Lastly, the COVID-19 pandemic has affected the entire world, including Indigenous Peoples. While many communities enforced their own traditional lockdowns, this also meant being cut off from supplies from outside the community, and being unable to trade their products.

The pandemic has also delayed community advocacy agendas at regional and national levels. However, many communities also turned the situation around by taking advantage of their time without outside intervention. It was a time to revive wild foods and cultural practices and a time for re-organization and self-strengthening.

With challenges come opportunities, and **creating an enabling environment for ICCAs to thrive requires concerted global, regional, national and local efforts from many players.** The first thing is to recognize that Indigenous Peoples as custodians of ICCAs are central to protecting and sustaining the natural and cultural values of their territories. Establishing this means advocating for policies in support of them. There is still a lot of work that has to be done in advocating for a more inclusive and enabling policy environment that will embrace ICCAs and recognize the critical role that they play in ensuring the future of the region.

International policy recognizing ICCAs is already in the framework of the IUCN and the CBD. Continuous engagement in the CBD process is an opportunity for a stronger basis for the protection of ICCAs and the rights of Indigenous Peoples to traditional self-governance, including in areas where ICCAs and Protected Areas overlap. The next challenge for supporters of Indigenous communities is to lobby for translation into meaningful national policies that will uphold the role of Indigenous Peoples as keepers of their territories within their countries.

The existence of international and national instruments give strength to ICCAs and traditional conservation initiatives, but in parallel, the ICCA custodians themselves have to be empowered and capacitated to be able to manage, sustain and maintain control over their territories. Their institutions and practices need to be strengthened and in some cases, revived.

The Indigenous youth are key in keeping their territories and their culture alive. They are realizing that they need to learn their traditions and take interest in community affairs and the conservation of their environment, otherwise their cultural identity is lost forever. They are also the bridge that will enable their communities to cope with the fast-changing world. They have the aptitude for accessing skills, technology, markets and networks for their community's needs and livelihoods, and are the best ambassadors for their advocacies.

On the ground, building cases for ICCAs remain relevant. Participatory mapping enables the recording and documenting of communities' wisdom in spatial management, as well as in identifying resources, changes, and threats. Documenting and mapping ICCAs are very important not just for community management but also as evidence of the conservation value of ICCAs.



ICCA Southeast Asia First Regional Assembly in 2018
Photo by Hoang Xuan Thuy

Documenting ICCAs passes on traditional knowledge and history, and enables the world to see that ICCA custodians have concrete, nature-based solutions to help reach global conservation targets.

The maintenance of databases such as the global and national ICCA registries are also crucial. Peer review systems at the regional and national fronts will strengthen the collective ownership of the data by the communities, and will facilitate their registration to the global registry.

Members and partners of the ICCA Consortium Southeast Asia are all at different stages in documenting, defending, sustaining and supporting their ICCAs. As a region, there have been useful inter-country exchanges and support for each other's efforts, and opportunities for more collaborative initiatives in the future should be created.

With the collective clamor for Indigenous Peoples' rights and the growing recognition of traditional knowledge, the world is starting to realize that Indigenous Peoples are, indeed, the best custodians of the last remaining forests, and effective managers of traditional lands and coasts. Appropriate support must be given to them if we want these places to keep thriving, not just for Indigenous Peoples but for all of us, for generations to come.

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