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Trends in
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THE RISING POLITICS OF INDIGENEITY
IN SOUTHEAST ASIA

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Trends in Southeast Asia

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FOREWORD

The economic, political, strategic and cultural dynamism in Southeast Asia has gained added relevance in recent years with the spectacular rise of giant economies in East and South Asia. This has drawn greater attention to the region and to the enhanced role it now plays in international relations and global economics.

The sustained effort made by Southeast Asian nations since 1967 towards a peaceful and gradual integration of their economies has had indubitable success, and perhaps as a consequence of this, most of these countries are undergoing deep political and social changes domestically and are constructing innovative solutions to meet new international challenges. Big Power tensions continue to be played out in the neighbourhood despite the tradition of neutrality exercised by the Association of Southeast Asian Nations (ASEAN).

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The Rising Politics of Indigeneity in Southeast Asia

By Micah F. Morton

EXECUTIVE SUMMARY

- Amidst rising trends of “nativism” and “xenophobia” throughout Southeast Asia, a related yet distinct movement framed around altogether different notions of “Indigeneity” is occurring among various long-oppressed ethnic minorities.
- These groups and their distinct claims of Indigeneity and linkages with the regional and global Indigenous movements are all arising in response to the heightened incorporation of their communities and territories into expanding nation states.
- The Asia Indigenous Peoples Pact (AIPP) Foundation based in Chiang Mai, Thailand, is playing a key role in promoting solidarity, networking and capacity-building among Indigenous Peoples in Asia as well as linking local communities with international funders and advocates.
- As highly marginalized communities residing predominantly in the region’s natural-resource-rich areas, Indigenous Peoples are bearing the brunt of the downside of ASEAN’s “ambitious investment plan” and “resource-extractive model of development”.
- Regardless of ASEAN’s overall stance of non-recognition of Indigenous Peoples as a distinct community, Indigenous Peoples in the region are increasingly identifying in solidarity with a larger, distinctive collectivity of Indigenous Peoples within the framework of ASEAN.

The Rising Politics of Indigeneity in Southeast Asia

By Micah F. Morton¹

INTRODUCTION

Throughout much of Southeast Asia and beyond, we are witnessing a resurgence of identity politics framed around notions of “nativeness” or “indigeneity” in opposition to “foreignness” or “otherness” (Dominguez and Metzner 2017). For example, in Myanmar and Thailand there is a rising trend among some members of the ethnic Burman and Thai Buddhist majorities towards the heightened politicization of Buddhism as an exclusive marker of the borders of national belonging (Hutt 2016; Jerryson 2011; Keyes 2016; Than 2015; Walton et al. 2017). In Indonesia, some groups are reviving an earlier public discourse of “*pribumi*-ism” (“indigenism”) alongside “political Islam” in order to address what are perceived as the ethnic roots of growing social inequalities in the country (Suryadinata 2017; Burhani 2017). Meanwhile, in Malaysia ethnic Malay nativism is on the rise as the ruling party attempts to shore up its support among the majority-Malay population (Lim 2016; Millar 2017). On the other side of the Straits of Johor in Singapore some nativists are making public assertions of “Singapore for Singaporeans” (Fenn 2014).

These resurgences of “nativism” are occurring at a particular juncture in history when states in the region are attempting to, first, exert more direct control over hitherto peripheral regions within their

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territorial borders, and, second, promote greater transregional economic integration within the utopian community of the Association of Southeast Asian Nations (ASEAN). These two processes of national and regional economic integration, while highly uneven and contested, are occurring hand in hand. In addition, while state-driven economic growth is generating great wealth throughout Southeast Asia, it is doing so in a highly uneven manner, leading to rising rates of inequality. On a more global scale, this resurgence is occurring amidst rising concerns over the ascendance of China and India to positions of global supremacy, and the waning of U.S. imperialism.

In the midst of these resurgences of “nativism” on the part of various national publics throughout Southeast Asia another related yet distinct movement being framed around altogether different notions of “Indigeneity” is occurring on the national and regional scale among diverse ethnic groups that have long experienced marginalization and oppression by more dominant ethnic groups during periods of European colonialism and post-colonial nationalism.² These communities include an estimated 93 to 123 million people belonging to roughly 1,210 different ethnic groups residing in Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Thailand, and Vietnam (AIPP 2015*a*, p. 3; AIPP et al. 2010, pp. 4–5).³ Many of these communities have resided for varying periods in the mountainous regions that were only indirectly controlled by lowland states during the pre-colonial and colonial periods and that have since come to be demarcated as the peripheral territorial borders of modern

² In this essay I capitalize the words “Indigenous”, “Indigenous Peoples” and “Indigeneity” according to the reasoning that “such capitalization accords these terms dignity and recognition as collective proper nouns or derived forms” (Graham and Penny 2014, pp. 17–18). “Peoples” is capitalized only when it comes after “Indigenous” and is used in the collective sense. Other nouns following “Indigenous”, such as “people” and “representatives”, are not capitalized.

³ Given that few states in Southeast Asia actually recognize Indigenous Peoples as a distinct group, along with the unreliability of national censuses in some parts of the region, it is difficult to find accurate or even approximate figures for the numbers of Indigenous people in the region.

nation states. In many instances the formerly contiguous territories of these communities were bisected by the drawing of national borders in a manner reflecting geographical and colonial legacies more than ethnic and linguistic realities on the ground.

The ethnic groups in the region that have dominated national politics in the post-colonial era view these ethnic minorities and their ancestral territories and distinct cultural identities as “primitive”, “backwards”, and “unproductive” communities, requiring — along with their traits and spaces — the “civilizing” hand of the development state in order to propel them into the “modern” world and incorporate their lands into national and regional economies. States throughout the region variably define and categorize these groups as “hill tribes”, “ethnic nationalities”, “ethnic minorities”, “Orang Asli”, “Masyarakat Adat” and so forth.⁴ In recent years, however, these communities are increasingly identifying in solidarity with a larger regional and global community of self-defined “Indigenous Peoples” as a means of self-empowerment.

Broadly speaking, Indigenous Peoples differ from ethnic minorities in being able to make legitimate claims of being the original inhabitants of a region. As discussed below, however, that particular claim of Indigeneity is especially problematic in the non-settler states of post- or neo-colonial Asia.⁵ Indigenous Peoples in Asia rather associate with and differentiate themselves from ethnic minorities in the following manner.

⁴ While beyond the scope of the current essay, it should be noted that states in the region hold differential attitudes towards various Indigenous groups that affect both their distinct positioning relative to the state and also the extent and nature of their participation in the Indigenous movement. For example, in Thailand the ethnic Karen, which for various reasons are generally perceived by the Thai state and public as more legitimate members of the nation relative to other so-called “hill tribes”, have emerged as the Indigenous movement’s iconic group (Morton, forthcoming; Morton and Baird, forthcoming).

⁵ Numerous scholars note the problematic nature of the concept of Indigeneity in relation to Asia, where the colonist-settler binary is less clear than in the case of the Americas, Australia, and New Zealand and regional ethnoscaples are characterized by a high degree of spatial mobility and ethnic fluidity (Kingsbury 1999; Niezen 2003, pp. 72–76; Toyota 2005, pp. 130–33).

Though both ethnic minorities and we, Indigenous Peoples, face the same experience of discrimination and marginalization, we are very different in terms of our rights and our identity. (AIPP et al. 2010, p. 3)

More concretely, in the broader framework of international legal instruments pertaining to human rights, the rights of ethnic minorities are recognized as rights accruing to individual persons and not collectivities (e.g., 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities). In contrast, the 2007 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) recognizes the collective rights of Indigenous Peoples to self-determination, land, development and culture (United Nations General Assembly 2007; AIPP et al. 2010, p. 3). The UNDRIP further points to the distinctive nature of the injustices and discrimination faced by Indigenous Peoples. Finally, the UNDRIP asserts the right of Indigenous Peoples to define themselves as such rather than be defined by other entities such as the state as a key component of their right to self-determination.

INDIGENEITY: A QUINTESSENTIALLY LOCAL YET GLOBAL COLLECTIVE IDENTITY

While the resurgences of nativism discussed at the beginning of this essay can be seen as ultra-nationalist responses to the seemingly destabilizing forces of globalization, the gradual growth of Indigenous identity politics on the part of non-dominant ethnic groups in the region is paradoxically both a result of their varied alignments with a global movement and discourse yet a perspective framed largely in reference to the all-important position of the state. Their distinct claims of Indigeneity and linkages with the regional and global Indigenous movements are arising in direct response to the heightened incorporation of their communities and territories into expanding nation states in the region, a process which is only furthering Indigenous Peoples' experiences of marginalization and oppression as third-class citizens, at best, and state subjects, at worst. In

this particular framing, Indigenism is simultaneously a quintessentially local yet global form of collective identity.

While some scholars emphasize the potential for claims of Indigeneity to generate or exacerbate inter-communal violence, focusing on the exclusive dimensions of such claims (Li 2002; Thawngmung 2016), the majority of scholars working on Indigenous identity politics in various parts of the world stress rather the empowering and inclusive dimensions of social movements framed around the global label and discourse of Indigeneity. The majority of Indigenous social movements in Southeast Asia tend to frame their claims for recognition and rights as Indigenous Peoples in an inclusive rather than exclusive manner that reflects their positions of non-dominance and concerns to not alienate more dominant groups. The aims of their movements are often not to gain any privileged status per se but rather to gain special recognition and rights in order to become more equal, full-fledged yet distinct members of the nation relative to more dominant groups. Nevertheless, the often state-imposed need to clearly define the Indigenous and, in so doing, differentiate them from the non-Indigenous can lead and has led to inter-ethnic tensions, especially over resources such as land.

On a global scale the United Nations is the most significant forum wherein Indigenous representatives have forged their now global Indigenous movement. The movement first began in earnest during the 1970s as Indigenous representatives from the settler-colonial states of the Americas, Australia, and New Zealand started organizing an international coalition to represent their collective demands for self-determination within their respective nation states and gain a voice within the state-centric system of the UN (Niezen 2003, pp. 40–44).⁶

⁶ Gray (1995) notes that, “The late 1960s saw indigenous mobilization springing up throughout the Americas but it was in 1974 and 1975 that the first international indigenous organizations, the International Indian Treaty Council and the World Council of Indigenous Peoples, were founded in the United States and Canada, respectively” (p. 43).

Since that time, the movement has made significant progress in creating a lobbying presence within the UN as reflected in the creation of the UN Permanent Forum on Indigenous Issues (UNPFII) in 2000, the UN General Assembly’s adoption of the 2007 UNDRIP, and current efforts to establish a permanent seat for Indigenous Peoples in General Assembly meetings on issues of relevance to them.⁷

For a variety of reasons discussed below, the movement only recently began to gain wider traction in Asia, including Southeast Asia, where the distinction between natives and colonial settlers is more ambiguous and those identifying as Indigenous must rework conventional understandings of Indigeneity in a manner that emphasizes their status as marginalized and oppressed yet culturally distinct collectivities within the nation rather than as either first or original peoples per se (Gray 1995, p. 37; Baird 2015, p. 55).⁸ This reframing of the conventional boundaries of Indigeneity makes it possible for groups such as the so-called “hill tribes” of Northern Thailand to claim Indigenous status, both in spite of and due to their long-standing stigmatization as “illegal migrants” and exclusion from the Thai nation. Regardless, Indigenous Peoples in much of post- or neo-colonial Southeast Asia have struggled to make a legitimate case for positioning themselves as distinct members of the nation, given the tendency for many states in the region to frame the nation as one of ethnic unity and equality. These often hegemonic claims of ethnic unity and equality harken back to nationalist historiographies wherein “all” are presumably united in their struggles for independence against the foreign colonizers — or, in the case of Thailand, for survival in the face of the risk of direct colonial control (Karlsson 2006; Kingsbury 1998, pp. 417–18; Li 2000).

⁷ The first annual meeting of the UNPFII was held in 2002.

⁸ While some Indigenous representatives from various parts of Southeast Asia, such as Myanmar and the Philippines, first began participating in these international organizing efforts during the mid-1980s, it was only during the 1990s and 2000s that the global Indigenous movement began to gain wider traction in Southeast Asia.

These hegemonic claims of unity and equality are strongest in the post-colonial socialist states of Laos and Vietnam, and in Myanmar.⁹ In each of these contexts any claims to distinction or “special” treatment along the lines of ethnicity are perceived by the state as threats to national unity and security. This view reflects the tendency of states in Asia, especially China, to (mis)read the global Indigenous Peoples’ movement as a broader effort to undermine the sovereignty and territorial integrity of states. Sub-national social movements framed around the global discourse of Indigeneity are accordingly absent in Laos, Vietnam, and China, and have only developed in Myanmar within the past three to four years amidst the country’s ongoing transition from military to quasi-civilian rule.

Indigenous Peoples’ distinctly local articulations of the global discourse of Indigeneity throughout Southeast Asia can be understood as taking place via a process of “glocalization” whereby the “interpenetration of the global and the local result[s] in unique outcomes in different geographic areas” (Ritzer and Atalay 2010, p. 319). In this respect, globalization is understood as provoking not any singular, homogeneous reaction on the local level but rather “a variety of reactions — ranging from nationalist retrenchment to cosmopolitan embrace — that produce glocalization” (ibid., p. 319). While the examples of nativism referenced at the very beginning of this essay can be seen as examples of the former reaction of nationalist retrenchment, the altogether different assertions of Indigeneity by Indigenous Peoples in Southeast Asia are best understood more as examples of the latter reaction of cosmopolitan embrace along with a deeply rooted sense of collective identity.

⁹ In March 2015, I helped organize an international workshop on the emerging concept of Indigeneity in Southeast Asia at the University of Wisconsin-Madison’s Center for Southeast Asian Studies (see Baird 2016). The workshop was attended by a number of scholars and activists — Indigenous and non-Indigenous — from Southeast Asia and the United States. One Indigenous scholar from Vietnam, however, was prevented from joining the conference by the Vietnamese authorities, which deemed the workshop’s theme to be of a “sensitive” nature.

As explained below, however, while Indigenous Peoples in the region are exerting some agency in creatively adapting the global discourse of Indigeneity to the particular historical contexts of their struggles for empowerment, they are nevertheless doing so largely by working within and through the hegemonic nationalist frameworks of their respective states. The examples of the Indigenous movements in Southeast Asia — with the partial exceptions of the Philippines and Cambodia during specific historical junctures — support the argument that while global connections are important, “the nation continues to be the locus of political negotiations in most places” (Tsing 2007, p. 39).

Regionally, the Asia Indigenous Peoples Pact (AIPP) Foundation based in Chiang Mai, Thailand, is playing a key role in promoting solidarity, networking, and capacity-building among Indigenous Peoples in Asia as well as linking local communities with international funders and advocates such as the International Work Group for Indigenous Affairs (IWGIA) and various UN agencies. While AIPP was officially established in Thailand in 1992,¹⁰ at the time there were only a few sub-national social movements formally organized under the banner of Indigeneity in Southeast Asia, namely in the Philippines and Indonesia, among Cordillerans and Papuans, respectively (Bertrand 2011, p. 855).¹¹

¹⁰ AIPP began operating as an informal regional network of Indigenous organizations in 1988 following an Indigenous Peoples Forum held in Chiang Mai under the auspices of the Christian Conference of Asia (CCA) (Morton and Baird, forthcoming; Nicholas 1989; Lasimbang 1997).

¹¹ Bertrand notes that Cordilleran representatives from Northern Luzon in the Philippines “were one of the first groups from Asia to join the international movement and cast itself as ‘indigenous’”, making their first appearance before the UN Working Group on Indigenous Populations in 1984 (2011, p. 855). Gray (1995) more strongly asserts that, “The people of the Philippine Cordillera were the first Asians to take part in the international indigenous movement. The Cordillera Peoples’ Alliance carried out successful campaigns against the building of the Chico dams in 1981–1982, and they have since become one of the best organized bodies in the world” (p. 44).

Cordilleran and Papuan engagements with the global Indigenous movement, however, were preceded by longer histories of struggle not for state recognition and rights as Indigenous Peoples but rather for independent statehood (*ibid.*, pp. 854–55). In addition, while Cordillerans and a larger, albeit loosely constituted, coalition of Indigenous Peoples that has since evolved in the Philippines have largely abandoned aspirations for independent statehood and made a number of significant achievements in pressing the Philippine state for recognition and rights as Indigenous Peoples — including recognition in the 1987 Constitution and 1997 Indigenous Peoples Rights Act — Papuans continue to pursue a more mixed-bag approach, variably pressing for either independent statehood or recognition and rights as Indigenous Peoples within the framework of the Indonesian state (*ibid.*, p. 855; Chivers 2017).

It is generally the case, however, that groups aligning themselves with the global Indigenous movement and seeking state recognition and rights as Indigenous Peoples choose to work within the existing state framework rather than pursue independent statehood (Niezen 2003, p. 194). For that very reason, a number of groups such as Tibetans in exile and many of the armed non-Burman ethnic organizations operating in Myanmar that would seem to fit the conventional bill of Indigeneity either show little interest in or outright reject the global label and discourse of Indigeneity as being too weak in positioning them as either “dependent sovereigns” or “special needs cases” (Yeh 2007; Morton 2017). In Myanmar, the relatively recent yet uneven adoption of the global discourse of Indigeneity can be explained in part by the post-colonial, ethnic-Burman-dominated state’s paranoid framing of the nation as a utopia of ethnic unity and equality that serves to dismiss any claims to distinction along the lines of ethnicity and mask the dominant position of ethnic Burmans (Gravers 1999, p. 49; Walton 2013, 2015, p. 2).

Since its official founding in 1992, the AIPP has facilitated the growth of an alliance of no fewer than fifty Indigenous organizations based in thirteen countries in Asia, with twenty of those organizations based in Southeast Asia (Carling 2017, p. 636). In Southeast Asia, additional sub-national social movements framed explicitly around the globalized banner of Indigeneity have evolved among certain ethnic

groups in Cambodia, Indonesia, Malaysia, Myanmar, and Thailand. While some of those movements, such as those in Cambodia, have gained state recognition of their distinct status and rights as Indigenous Peoples (Baird 2011),¹² others, such as those in Myanmar and Thailand, have yet to gain such recognition (Morton 2016, 2017; Prasit 2013). In Indonesia and Malaysia, Indigenous Peoples are working within and through distinct colonial and national regimes of constitutional and legal recognition to improve and upgrade their status (Li 2000; Tsing 2007; Idrus 2011; Subramaniam 2015).

In all of those instances — as in the cases of the Cordillerans and Papuans — Indigenous Peoples in the region began to formally engage with the global Indigenous movement during particular historical periods and have since glocalized the concept of Indigeneity in ways that speak to their distinct circumstances and map onto their historical struggles for self-empowerment. Malaysia is unique, however, in that the state recognizes and affords special rights to the majority ethnic Malay under the category of “*Bumiputra*” (“sons or princes of the soil”). The state-constructed category of “*Bumiputra*” also includes minority groups such as the Orang Asli of Peninsular Malaysia that have, in recent years, identified in solidarity with the regional and global Indigenous movements. In practice, however, the Orang Asli continue to experience discrimination in exercising their rights to land tenure and their own distinct languages and cultures (Idrus 2010). Yogeswaran notes that the Orang Asli “continue to face formidable challenges in realizing their rights as distinct Indigenous peoples despite being ascribed a measure of constitutional and statutory protection” (2015, p. 71).

Yogeswaran’s assessment of the Orang Asli of Peninsular Malaysia is further applicable to each of the national contexts in Southeast Asia where Indigenous Peoples were successful in gaining some form of state recognition and protection as Indigenous Peoples. In nearly all of those

¹² Ethnic groups officially identified as Indigenous Peoples in Cambodia include the Brao, Bunong, Jarai, Kavet, Kreung, Kuy, Lun, Stieng, Tampuan, and others (Baird 2011). The Cambodian state officially recognizes these diverse Indigenous groups in the singular Cambodian language term “Original ethnic minority group” (“Chun chiet doem pheak tich”).

cases, Indigenous Peoples continue to experience and, in some instances, have overcome significant obstacles and setbacks in striving to actually exercise their formally recognized rights. Table 1 provides a brief overview of the varied positions of Indigenous Peoples in those parts of Southeast Asia with formal social movements explicitly framed around the regional and global discourses of Indigeneity, namely Cambodia, Indonesia, Malaysia, Myanmar, the Philippines, and Thailand.

One significant reason for the expansion of sub-national social movements framed around the global discourse of Indigeneity in Southeast Asia can be found in the ever evolving regimes of international legal instruments relating to human rights and Indigenous Peoples coming out of various international bodies such as the UN. One of the most important of those legal instruments with respect to Indigenous Peoples is the 2007 UN Declaration on the Rights of Indigenous Peoples (UNDRIP), which all of the states in Southeast Asia voted to ratify on the basis of a general consensus among those states that UNDRIP did not apply to their respective states as either all or none of their rightful citizens were “indigenous”. Indeed, it is telling with respect to the overall position of states in Southeast Asia on the question of “Indigeneity” that the 2012 ASEAN Human Rights Declaration (AHRD) makes no reference whatsoever to “Indigenous Peoples” as a distinct group, in spite of significant lobbying efforts by AIPP and the Indigenous Peoples’ Task Force on ASEAN for such recognition (ASEAN 2013; AIPP 2011).¹³

In the next section, I discuss the varied, albeit limited, engagements of Indigenous movements in Southeast Asia with different ASEAN bodies and forums in the interest of creating a space for Indigenous voices to

¹³ The Indigenous Peoples’ Task Force (IPTF) on ASEAN is comprised of the leaders of different Indigenous Peoples’ organizations working throughout ASEAN. The IPTF’s secretariat is hosted by AIPP. Since its founding in 2009, the task force has coordinated the “participation and engagement of indigenous peoples in the work of ASEAN and its relevant bodies. The IPTF aims at formulating joint strategies and action plans to lobby the ASEAN Intergovernmental Commission on Human Rights (AICHR). The Task Force also engages other civil society organizations to support indigenous issues and build a common platform for AICHR advocacy” (IWGIA 2014).

Table 1: Overview of the varied positions of Indigenous Peoples in Southeast Asian states with sub-national social movements framed around the regional and global banner of Indigeneity

Country	Est. population of Indigenous people	Constitutional recognition as Indigenous Peoples?	Legal recognition as Indigenous Peoples?
Cambodia	197,000	No. The 1997 Constitution guarantees all “Khmer citizens” the same rights.	Yes. 2001 National Land Law; 2002 Forestry Law; 2009 Policy on Registration and Right to Use of Land of Indigenous Communities; and the 2009 Policy on the Development of Indigenous Peoples.
Indonesia	50–70 million	Yes. 2000 Constitutional recognition of “Masyarakat adat” or “Customary law based communities”; and not as Indigenous Peoples per se.	Yes. Implicit, though conditional recognition of some rights of “Masyarakat adat” in laws on agrarian reform (Decree 9/2001), agrarian regulations (Act 5/1960), and human rights (Act 39/1999). More explicit recognition in Regulation No. 52 of 2014 on Guidelines for Recognition and Protection of Indigenous Peoples.
Malaysia	3.4 million	Yes. 1957 Federal Constitution recognizes and calls for special protection of the “natives” of Sarawak and Sabah (Article 161A) and the “aborigines” of peninsular Malaysia.	Yes. In Sarawak, the 1958 Sarawak Land Code. However, that code, which recognizes “native customary rights to land”, is improperly implemented and “even outright ignored by the government” (AIPP 2015b; Lasimbang 2016, 273). Common law in Peninsular Malaysia recognizes Orang Asli customary land tenure. The 1954 Aboriginal Peoples Act continues to be the principal act governing Orang Asli administration. ^a

Myanmar	14.4–19.2 million	No. 2008 Constitutional recognition not as Indigenous Peoples but rather as “Ethnic Nationalities” alongside of the dominant ethnic Burmans (see Morton 2017).	Partially. In the 2015 Ethnic Rights Protection Law where Indigenous Peoples are specifically recognized in Article 5, Chapter 4 as “Local Ethnic Nationalities” — the Burmese language term that Indigenous advocates adopted as their official translation of “Indigenous Peoples”; in all other sections of the law, however, they are recognized as “Ethnic Nationalities” alongside of the dominant ethnic Burmans rather than as a distinct group (i.e. Indigenous Peoples).
Philippines	12–15 million	Yes. 1987 constitution guarantees the rights of “indigenous cultural communities/indigenous peoples”.	Yes. 1997 Indigenous Peoples’ Rights Act.
Thailand	1.1–4.3 million	No. Near recognition in an early draft of the 2016 constitution; eventual recognition as “ethnic groups” in an all-inclusive manner that does not recognize Indigenous Peoples as a distinct group.	No. Although the state argues that they are afforded the same legal protections as other citizens of Thailand. Several ministerial decrees from 2010, however, which recognize collective rights to land and culture for “local communities” and certain “ethnic groups,” in some cases, have yet to be adequately implemented by the state due to bureaucratic obstacles, political instability, and government turnover. ^b

Notes:

- a. AIPP further notes that currently at the national level, “there is an emerging body of law recognizing and reaffirming protection for native customary title rights, based on interpretations of the Federal Constitution, common law and international customary law” (2015b, p. 3).
- b. The first of these decrees was the May 2010 cabinet regulation on the issuing of “community land titles” allowing local communities to “legally and temporarily ... occupy and use state land for settlements and farming” (Emi and Kittisak 2010). Under that regulation, however, titles cannot be issued for land classified as protected areas, which includes most of the areas where Indigenous Peoples reside. Second, in June and August 2010, the cabinet issued resolutions in support of “revitalizing” the “way of life” of two particular ethnic groups — the Moken and Karen — that further identify themselves as Indigenous Peoples (Ministry of Culture 2011). Those resolutions, which contain sections on issues such as land management, citizenship, culture, and education, call for the establishment of “Special Cultural Zones” for each respective group. *Source:* The data included in this table are largely adapted from AIPP (2015b, 2016a) and Morton (2016, 2017).

contribute to the ongoing project of imagining and actualizing a larger ASEAN community. The most notable of those ASEAN bodies and forums include the ASEAN Intergovernmental Commission on Human Rights (AICHR), the ASEAN-Civil Society Conference/Peoples Forum (A-CSC/PF), and, more recently, the ASEAN Social Forestry Network (ASFN). Notably, AIPP first began to engage with ASEAN following the establishment of the AICHR in 2009 (Carling 2017, p. 636). Civil society movements in the region more broadly are increasingly concerned about ASEAN's economically lopsided vision and efforts to implement a larger ASEAN community at the expense of social equity, justice, and sustainability on regional and local scales. As highly marginalized communities residing predominantly in the region's natural resource-rich areas, Indigenous Peoples are bearing the brunt of the downside of ASEAN's "ambitious investment plan" and "resource-extractive model of development" through their rising experiences of land dispossession, forced evictions, and food insecurity as well as the destruction of their livelihoods, communities, and cultural identities (AIPP 2014).

SHIFTING (DIS)ENGAGEMENTS WITH ASEAN

The lack of reflection of indigenous issues in ASEAN bodies is one of the main reasons why ASEAN engagement generally is of low priority to indigenous peoples. (Gadit 2014, p. 588)

Between 2009 and 2012, AIPP and the Indigenous Peoples' Task Force on ASEAN consistently lobbied the AICHR for the explicit recognition of Indigenous Peoples as a distinct collectivity within ASEAN in the draft ASEAN Human Rights Declaration (AHRD) that was eventually ratified during the 21st ASEAN Summit in Phnom Penh in November 2012. In the end, however, no such recognition was afforded to Indigenous Peoples, who are rather lumped together with a number of "vulnerable and marginalized groups" — whose rights are further recognized as adhering to individuals and not collectivities — in Section Four of the declaration's general principles as follows.

The rights of women, children, the elderly, persons with disabilities, migrant workers, and vulnerable and marginalized groups are an inalienable, integral and indivisible part of human rights and fundamental freedoms. (ASEAN 2013, p. 4)

This recognition of Indigenous Peoples by other means fails to recognize either the distinct position of Indigenous Peoples in ASEAN in terms of their particular grievances, aspirations, and cultural identities or their *collective* rights to land tenure, communal integrity, and cultural identity as enshrined in the 2007 UNDRIP. AIPP and the Indigenous Peoples' Task Force on ASEAN subsequently released a press release wherein they, first, joined a large number of regional civil society organizations and international observers in identifying the AHRD as "flawed [and] falling below international human rights standards" on a number of issues, and, second, specifically decried the AICHR's disregard of all the prior recommendations made regarding Indigenous Peoples as a distinct group within ASEAN (AIPP 2012a, 2012b; Gadit 2014, p. 588; IJRC 2012; Davies 2013).

In addition to lobbying the AICHR, Indigenous organizations in Southeast Asia are working to forge a distinct space for representing Indigenous issues within the ASEAN-Civil Society Conferences/Peoples Forums (A-CSC/PF) that have been held annually since 2005.¹⁴ While in recent years they have gained some ground within the A-CSC/PF in representing Indigenous Peoples as a distinct group within ASEAN, in the past Indigenous organizations experienced varying degrees of marginalization and non-recognition within the A-CSC/PF, depending on the specific host country and historical context.

For example, in March 2012 the Cambodian government compelled the organizers of the eighth A-CSC/PF held in Cambodia to cancel a

¹⁴ The title of these annual post-2005 conferences was initially limited to "ASEAN Civil Society Conference". In 2009, however, following Thailand's hosting of the conference, the title was amended to include "ASEAN Peoples' Forum".

workshop organized by a regional network of Indigenous organizations. The workshop was to address the “common issues” facing Indigenous Peoples in ASEAN in terms of “their rights to land, territories, and resources” as enshrined in UNDRIP with the goal of developing a set of “recommendations for action [by] ASEAN and its members states” (AIPP 2012*c*). The Indigenous organizers later learned that the reason for the cancellation of their workshop was that its theme was considered too “sensitive” (ibid.).

At first glance, this particular blockage with respect to Indigenous issues seems odd, given that just a few years earlier, in 2009, the Cambodian government passed its third landmark piece of national legislation — the National Policy on the Development of Indigenous Peoples — specifically recognizing the rights to land and development of Indigenous Peoples’ (literally recognized as “Original ethnic minority group”) in Cambodia. In actuality, however, Cambodia’s stance towards regional and international Indigenous advocates has shifted since the late 1990s and early 2000s — when Indigenous Peoples were first recognized in the 2001 National Land Law — from relative openness and accommodation to indifference (see Baird 2011, p. 175). This shift occurred as a result of, first, Hun Sen’s consolidation of political power, and, second, Cambodia’s increased dependence on Chinese rather than Western donors (ibid., p. 175).

In addition, while Cambodia holds a relatively progressive stance on Indigenous rights in a formal, legalistic sense — most notably in terms of land tenure — Indigenous Peoples in Cambodia are experiencing significant obstacles and setbacks in actually exercising their legal rights, especially in the face of rising rates of state-led land dispossessions and concessions to foreign conglomerates in the name of national development.¹⁵ For example, as of late August 2017, Indigenous and

¹⁵ For example, while Cambodia issued a progressive National Land Law in 2001 that called for the issuing of communal land titles for Indigenous communities, as of 2011 only one such communal land title had actually been issued (AIPP 2016*a*, p. 20). As of July 2016, only eleven out of Cambodia’s 501 officially recognized Indigenous communities had received communal land titles (Kaliyann 2016).

non-Indigenous communities in Stung Treng Province were being forced to abandon their ancestral territories due to the opening of the massive Lower Sesan II hydropower dam (Khmer Times 2017; AIPP 2017a). Notably, the Cambodian government prevented panels focusing more broadly on land rights and, curiously, Myanmar, from taking place during the 2012 A-CSC/PF in Cambodia (A-CSC/PF 2012).

Two years later, in 2014, however, the 10th A-CSC/PF was hosted by a rapidly expanding number of civil society organizations based in Yangon. Notably, the sub-national Indigenous Peoples' movement in Myanmar first began to formally take shape in 2013 when Indigenous representatives from AIPP facilitated a meeting of local non-Burman ethnic organizations in Yangon in preparation for the 2014 A-CSC/PF (Morton 2017, pp. 3–4). While representatives from non-Burman ethnic groups in Myanmar such as the Chin, Kachin, and Karen participated in forums related to Indigenous Peoples at the UN as early as the late 1980s and early 1990s, no such pan-ethnic national-level coalition under the banner of Indigeneity existed until 2013 (*ibid.*, p. 4). In brief, while the development of the sub-national Indigenous movement was made possible by the post-2010 opening of greater space for political association in Myanmar, most of the movement's leading figures and organizations had worked on issues related to Indigeneity prior to that time from outside of the country – in places such as Canada, India, Thailand, and the United States.

During the 10th A-CSC/PF in March 2014 two non-Burman ethnic organizations — the pan-ethnic Promotion of Indigenous and Nature Together Organization (POINT) and the Chin Human Rights Organization (CHRO) — organized a workshop with AIPP addressing the “Situation of Indigenous Peoples in ASEAN” (A-CSC/PF 2014, pp. 82–83). POINT and CHRO have since played leading roles in coordinating the national-level Indigenous movement in Myanmar by spearheading the establishment of the Myanmar Indigenous Peoples/Ethnic Nationalities Network (MIPENN). The MIPENN is playing a leading role in advocating for state recognition of Indigenous Peoples as a distinct group with specific rights in Myanmar. Reflecting the particular context of Myanmar, however, the network is also advocating for the adoption of the Indigenous Peoples' label and discourse among many of

the unarmed and armed non-Burman ethnic organizations in the country that reject the Indigenous label and discourse for a variety of reasons (Morton 2017, pp. 5–6).¹⁶

In brief, while Indigenous Peoples as a distinct group in ASEAN with their own specific grievances, issues, and aspirations have at times been marginalized and left unrecognized within the evolving framework of the A-CSC/PF, in recent years they have gained some ground and recognition within the A-CSC/PF. The A-CSC/PF is also playing a role in facilitating and giving momentum to the growth and expansion of regional and sub-national social movements explicitly framed under the glocalized banner of Indigeneity. In addition, since the 7th A-CSC/PF in Jakarta, in May 2011, Indigenous issues have emerged as a specific area of focus addressed during each of the subsequent conferences/forums, with the partial exception of the 8th A-CSC/PF held in Cambodia discussed earlier. In a recent press statement issued by civil society organizations in the Philippines, which will host the upcoming A-CSC/PF in Manila in October 2017, the A-CSC/APF is described in the following manner.

¹⁶ First, some non-Burman ethnic organizations in Myanmar, specifically those associated with movements for political autonomy, oppose claiming Indigenous Peoples' status as it would further denote the recognition of their sub-national status within Myanmar. Second, other groups are reluctant to identify as Indigenous Peoples, given the label's conventional association with "primitive, forest dwelling tribes." Third, the complex and sensitive nature of ethnic politics in Myanmar makes any claims to "special status" on the basis of ethnicity problematic, as officially all "full citizens" are "indigenous" and afforded "equal" rights as members of the eight major "ethnic races" and 135 "ethnic nationalities." Some non-Burman ethnic organizations caution that ethnic nationalities who work to claim a distinct status as Indigenous Peoples might only be further marginalized and possibly lose their ethnic nationality status and thus legal and political citizenship altogether. Finally, many non-Burman ethnic organizations have long advocated not for special but rather separate and equal ethnic rights.

The ACSC/APF is a network of Southeast Asian civil society organizations and social movements that engages the ASEAN process in order to bring attention to the issues and concerns of its constituencies. Its constituents include workers, the peasantry, urban poor, fisher folk, women, children, LGBT community, indigenous peoples, migrants, older persons, employees, professionals, students and persons with disabilities. (Philippines National Organizing Committee 2017, p. 1)

It remains to be seen, however, if and how such recognition will carry over into other, more influential ASEAN bodies such as the ASEAN Intergovernmental Commission on Human Rights (AICHR) and the ASEAN Summit, which is analogous on a regional level to the UN General Assembly.

ASEAN is neither a monolithic nor a static entity. Recent developments suggest that some ASEAN bodies are gradually becoming more willing to provide a distinct space for Indigenous organizations to represent the interests of the region's roughly 100 million Indigenous people. First, some four years ago, due to earlier setbacks in lobbying the AICHR for the recognition of Indigenous Peoples and rising threats to Indigenous land rights and livelihoods, AIPP and the Indigenous Peoples Task Force on ASEAN (IPTF) began to channel their ASEAN-level engagement towards the ASEAN Forestry Network (AFN). The AFN is "an inter-government-driven network [established in 2005] that ... aims to develop a common social forestry and climate change policy framework and integrate it into the national strategies of each member state" (Gadit 2014, p. 588). Indigenous representatives especially note that in working with the AFN they are able to not only hold side events but also to directly engage with the AFN during its annual sessions and to make crucial recommendations for the recognition and protection of Indigenous Peoples' land rights and traditional ecological knowledge (ibid., p. 588).

Second, while regionally there is a growing trend towards state suppression of the legitimate activities of civil society organizations of all kinds, including Indigenous organizations, ASEAN is nevertheless

providing some space for civil society organizations (CSOs) to more formally engage with the ASEAN Intergovernmental Commission on Human Rights (AICHR; Carling 2017, pp. 635–36). For example, in 2016 the AICHR approved the applications of ten CSOs, including AIPP, “to become accredited organizations with consultative status with the AICHR, based on its Guidelines on Relations with CSOs adopted in February 2015” (ibid., p. 635). As a result of that accreditation, Indigenous advocates are hopeful that they might eventually succeed in gaining recognition of Indigenous Peoples and their distinct grievances, issues, and aspirations in AICHR’s ongoing work (ibid., p. 636). On a cautionary note, however, some scholars warn that ASEAN member states’ “growing intrusions into the [ASEAN Civil Society Conference (ACSC)] ... [and] expanding repertoire of tactics to direct the ACSC [have] seen the structure of CSO participation in [the] event recast, challenging the view of the ACSC as an independent space for advocacy and indicating the hollowness of ASEAN’s commitments to creating a ‘people-oriented’ Association” (Gerard 2013).

Finally, regardless of ASEAN’s overall stance of non-recognition of Indigenous Peoples as a distinct community, Indigenous Peoples in the region, by virtue of their varied engagements with different ASEAN bodies and forum, are increasingly identifying in solidarity with a larger, distinctive collectivity of Indigenous Peoples within the framework of ASEAN. The following statement issued by AIPP, IWGIA, and the Forum Asia in 2010 strongly articulates the basis on which this collective identity is being forged.

We, the Indigenous Peoples of the ASEAN nations, have parallel histories of struggle for the recognition and affirmation of our identity as distinct peoples with our own particular lifestyles [and] social, cultural and political systems. In varying degrees but certainly similar in experiences is a thread of common issues that bind us in our continuing endeavor against marginalization and discrimination and for the recognition of our rights: non-recognition as Indigenous Peoples; violations of our right[s] to our land, territories and resources; non-recognition of our traditional livelihood practices; [experiences of] migration and

forced resettlement; violations to the rights of Indigenous women; threats and violence against Indigenous human rights defenders; [and] the imposition of protected areas. (AIPP et al. 2010, p. 6)

CONCLUSIONS: A REALITY CHECK

While Indigenous Peoples in Southeast Asia are making significant strides in gaining recognition of their distinct collective identities, historical grievances, and future aspirations at the national, regional, and international level, it is important to keep in mind that they nevertheless continue to be one of the most marginalized and oppressed groups in the contemporary world. Towards that end I will close this brief survey focusing on various dimensions of the rising politics of Indigeneity in Southeast Asia by noting some disturbing trends that point to a rising culture of violence and impunity in much of the region during the current epoch of resurgent ultra-nationalisms and heightened state-corporate alliances in the often intertwined interests of expanding state power and generating corporate profit over and against the local interests of communal integrity, sustainability, and rootedness — all of which Indigenous Peoples generally identify as integral components of their collective identities.

First, in Malaysia, Jannie Lasimbang, a prominent human rights defender and Indigenous rights leader, has faced continual legal harassment and intimidation by the state for her involvement in the pro-democracy movement (AIPP 2016*b*; *New Sabah Times* 2017). Second, in Cambodia, Indigenous communities in Stung Treng continue to face the seemingly imminent threat of eviction from their ancestral lands to make way for a large hydropower dam and for agribusinesses (AIPP 2017*a*; Pheap 2017). Third, in the Philippines, Indigenous Lumad communities across Mindanao, including human rights defenders, women, and children, continue to face state harassment and violence under the martial law that Manila recently imposed on the island (AIPP 2015*c*; Viray 2017). Last, in Northern Thailand, calls for an independent investigation into the extrajudicial killing of a seventeen year old Indigenous Lahu activist, Chaiyaphum Pasae, in March 2017 by Thai security officials continue to fall on deaf ears (AIPP 2017*b*; Prachatai 2017).

The rising incidence of state suppression and violence towards Indigenous Peoples is a sobering reminder that Indigenous Peoples in Southeast Asia, while increasingly mobilizing to assert their right to belong and to be different, continue to “disproportionately suffer from multiple forms of discrimination and oppression based on their ethnicity, race, location and economic status, rendering them part of the poorest of the poor, [the] most politically disempowered, and culturally and socially discriminated” (AIPP 2014).

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