

Gender and Land Rights in Asia

Workshop Report, November 20-21, 2010



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(AIWN)
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Background

This workshop was a collaborative effort of the Asian Indigenous Women's Network (AIWN) and the Forest Peoples Programme (FPP). 29 participants from 10 countries in Asia and the Pacific met together for 2 days and shared case studies and experiences from their own communities and peoples.

The objectives of the meeting were

- To facilitate a discussion on issues facing indigenous peoples in Asia related to gender and land rights for indigenous peoples and strategies available to organisations to raise awareness of these issues
- To introduce participants to techniques of research and documentation to establish case studies illustrating issues and problems facing their communities
- To introduce participants to available training manuals and guides on the use of international mechanisms to address these issues and problems
- To establish plans in select countries to conduct research and use – where relevant – available international mechanisms to address issues facing indigenous women

Morning Session

Welcome and introduction

The workshop began with a welcome for all participants and introduction of participants briefly to each other. The workshop attracted participants from 10 countries, namely Cambodia, India (Central and North East), Thailand, Philippines, Indonesia, Bangladesh, Nepal, Lao PDR, Taiwan and Micronesia. The meeting was facilitated by Helen Tugendhat (FPP), Ellen Dictaan Bang-oa (AIWN), Shrimreicon Luithui (Asian Indigenous Peoples Pact Foundation – AIPP) and Jennifer Corpuz (Tebtebba Foundation).

Ellen Dictaan Bang-oa, Asian Indigenous Women's Network

Ellen provided a summary of the discussions that had taken place during the 3rd AIWN Conference (held on the 15th and 16th of November). The major issues that the AIWN Conference identified for further discussion were:

- Land rights and access to resources.
- Discrimination, both that which comes from external forces and that which comes in from within our communities (domestic violence or other problems closer to home) which need to be addressed, indigenous women themselves need to address some of these from the point at which our children are being raised. We need to recognize the impact on ourselves and our daughters of discrimination, we are the primary way in which our cultures are transmitted and we can address this in our relationships and our teaching to our children
- Participation. The opportunities for women are not equal, even where the opportunities are strictly equal or non-discriminatory, we have lesser access and we need to analyse this and try to address it. Some indigenous women have succeeded and are sitting in positions of some authority. We have moved on from earlier times and have achieved a lot. However issues remain. In some cases, we need to look whether indigenous women are representing us, our interests, or have they been co-opted.
- Research and Documentation. This is often a challenge because people are always busy and it can be hard to find time between all the other different things that people are responsible for in their communities and organisations. AIWN has previously done short documentation projects to collect and publish issues facing women.

Helen Tugendhat, 'Why gender and land rights?'

Helen presented the background to the FPP programme on gender and land rights and the rationale for working on gender and land rights in conjunction with each other.

The centrality of land rights

- Central importance of land and resource rights to the cultures of indigenous peoples
- Advocacy by indigenous peoples at the UN, with national governments, with financing institutions, have resulted in instruments that recognize and protect the land and resource rights of indigenous peoples
- UNDRIP, ILO 169, all instruments that indigenous peoples have fought for place land and resource rights at the centre of survival for indigenous peoples
- In addition to these instruments, there is a large body of law and jurisprudence protecting the rights of indigenous peoples to their lands and resources

Recognition of the challenges of discrimination against women

- Nationally, regionally and internationally there is a high level of recognition of the impacts of discrimination against women
- In Asia, ASEAN established a Declaration regarding the rights of women and children before any other instrument
- National laws aimed at promoting women's participation and protecting against violence against women have been established in all Asian countries

Where the two meet:

- Many cases exist of discrimination against indigenous peoples where the discrimination disproportionately impacts on women
- Land rights and access to resources are central to the survival of indigenous peoples, and in many cultures these resources come under the primary management of women
- However there is little recognition of the impact of such multi-dimensional discrimination

How to respond?

- Supporting research and documentation
- Developing training manuals for use of international processes
- Litigating and pursuing cases in regional fora (where possible)
- Supporting submissions to relevant instruments

Shrimreichon Luithui (Chonchon), 'AIPP women's rights programme'

Chonchon provided an overview of the AIPP planned programme on women's rights that is being undertaken in three countries, India (central), Philippines and Nepal. Prior to establishing the new project, AIPP has been conducting trainings on Indigenous Women in Decision Making including Violence against Women for the past 5 years and this project emerges from some of the lessons of that work. AIPP has also been facilitating the increasing participation of indigenous women in various regional and international conferences and events to ensure the inclusion of indigenous women's concerns and perspectives.

o empower indigenous women to advocate and lobby for the recognition of women's rights with focus on violence against women (VAW) in customary laws and in local legislation. The goal can be achieved through trainings and support to the activities of women in awareness raising, advocacy, dialogues and community mobilizations in promoting indigenous women's rights.

The project is focused on building capacity of indigenous women, and will begin with conducting a training need assessment of the target communities – to examine the needs, skills and knowledge in dealing with gender based violence and other issues. The project will then involve designing and delivering training according to the TNA results, which include action planning and skills development and then the trainees will conduct community activities for awareness raising, dialogue, community mobilization activity consists of monitoring and follow up

Country Presentations

Each of the countries present provided brief presentations on the issues facing women in their communities and in their countries.

Issue	Countries	Impacts
Land acquisition by companies or government for mining or plantations	Philippines – mining Lao PDR – casinos, plantations (rubber) Indonesia (Bali) Nepal – hydropower plants also NE India Bangladesh	<ul style="list-style-type: none"> • Mining, pollution, lack of clean water sources • Monocultures, environmental destruction (teak, acacia, pulp plantations) • Loss of land through relocation, impoverishment and landlessness • Loss of land through land sale by men, no recognition of women’s rights to lands • Migration related to infrastructure (both into and out of indigenous lands), sexual harassment and exploitation, increased numbers of female-headed households, impoverishment • Displacement from traditional lands • Land lost to military encampments, lost to hydro-development, land is lost sometimes with compensation and sometimes without, but always without choice
Government not recognizing land ownership of indigenous peoples	Taiwan Thailand Nepal Central India Bangladesh	<ul style="list-style-type: none"> • No provision of basic services in indigenous areas as the government tries to encourage movement • Living under the threat of relocation • Removal of indigenous names for areas, cultural dominance by others • Perceived notion of indigenous peoples as destroyers of resources, forests seen as threatened by indigenous peoples – and the government does not recognize ownership over forests
Complex and complicated laws and policies governing forested lands	Thailand Indonesia Bangladesh	<ul style="list-style-type: none"> • Lack of understanding about what actions are allowed or not allowed by the government, living under threat • Reserved forests are legally not allowed for residence, however it is the land of indigenous peoples so they like there still (CHT)
Patriarchal systems	Indonesia (Bali) Nepal Central India Lao PDR	<ul style="list-style-type: none"> • Women cannot own land unless they do not marry, on marriage her rights to land are lost and titles are transferred • Ownership being vested in the man places women in a position of great insecurity • Traditional decision making systems are do not allow higher positions to women • Widows and married women lack the right at the community level to represent themselves

Discussion

After each presentation there was extensive discussion among participants of the content of the presentations and comparative discussions between the cases discussed and other issues that they encountered in their work and in their countries. Further details were also provided by each of the presentations that is not recorded in full detail here.

The presentation from Cambodia emphasized the role of forest policy and law in negatively impacting on the daily lives of women in indigenous communities. The complexity of the laws and regulations combined with a low level of community knowledge about these laws means that often women are fearful when using the local resources – worried that they will be arrested or detained for their use of forest products that they view as their community’s property. The participants from Thailand noted that this is a major concern for indigenous women in Thailand in highland areas also, where the majority of highland communities are technically living illegally, resident in restricted or conservation forest areas, but allowed to remain for the time being. The lack of security in resource use is particularly difficult on women as they harvest forest products and cultivate garden plots near their homes.



The Cambodian presentation also involved a discussion of land alienation to outsiders, or to powerful local interests, where the process of land loss involves false information being provided to the communities, signatures (or thumb prints) gained under false pretences and a lack of any effective recourse mechanism. Land acquisition in this way is most often done by Cambodian elites, or Vietnamese and Chinese businesses, meaning that there is little or no way to challenge the false information or push for land to be returned. There is a land law that allows the registration of community lands, but this requires that communities be registered as such and the process is lengthy and cumbersome. It has only been successfully done a few times, and always with external financial and technical support (particularly an ILO-funded land titling project). There is also planned dam development that is expected to result in further lands being acquired. Philippine participants reflected at length on the Cambodian situation, urging that community empowerment and strengthening is central to long-term success in gaining recognition of rights. NE India and other participants noted the presence of dam building plans in their areas also.

Discussion of the situation in Lao PDR also raised acquisition of land by outsiders as a key concern. In the Lao context, this land is usually acquired by the government and then sold or transferred into the ownership of others. The two main purposes for which land is acquired and used are forest concessions in both the north and south of the country and also for casinos in increasing numbers. For both of these, it is Chinese and Vietnamese demand and companies that are involved. The Laotian participants shared that for many of these cases in which they have been involved, there has been no prior knowledge of and land ownership deal before the news that communities must relocate. Relocation is almost always to land that is inferior to the land that has been lost and results in impoverishment.

Both Lao PDR participants and participants from Indonesia raised concerns about mining projects in their lands also, both concerns over the land loss that accompanies mines being established but also concerns about longer-term environmental and health impacts.

Indonesian participants from throughout the country noted that land was primarily lost in their communities and from their peoples for the purposes of establishing palm oil plantations. NE Indian participants also noted that disruption of community and family life was almost always done in the name of development, from the construction of large infrastructure or the imposition of new and export-oriented agricultural systems. NE India also noted that the presence of the military in their lands meant that strategic areas in their valleys are taken for army encampments. Land lost in this way may have compensation payments attached to the land loss, but never is it done with choice provided to the traditional land owners.

Morning Session

Working group presentations

All groups were requested to consider the following questions:

- What strategies could assist the issues identified?
- What national level avenues are available?
- What resources or support is most needed to successfully work on these cases?

The issues that were to be addressed by each group were those identified in the earlier plenary discussions and presentations from each country:

- Land acquisition and loss of land from companies or government acquiring land for dams/mining/plantations
- Government non-recognition of indigenous peoples' rights to lands
- Complex and conflicting or unknown laws and regulations governing land and resource access

Group One	Strategies	Opportunities available	Resources and support needed
Taiwan Thailand NE India Lao PDR	<p>Land acquisition and loss / government non-recognition of land rights</p> <ul style="list-style-type: none"> -Women should participate in the decision making, above all on issues related to land to ensure against land alienation. - Before embarking on a devt. projects or grant land concessions the government should (a) carry out assessment of impacts on environment and IPs and (b) ensure FPIC from the IPs -Campaigns, advocacy, protests to get back IPs' land occupied by the government (Taiwan). -To campaign for government to pass law to preserve the highest point of the mountains/ watershed areas to be preserved. -If there are positive laws re IPs' rights on land and resources keep monitoring to ensure implementation of such laws and policies -Sensitize the indigenous leaders and parliamentarians on IPs' and indigenous women's rights -Mapping to show IPs' land management based on TK (Thailand) <p>Complex and confusion land use regulations</p> <ul style="list-style-type: none"> - IPs perform forest ordination (perform indigenous ritual ceremony) to protect the forests and keep with them. This is respected by the local government (Thailand). -Fight court cases by using/ citing customary laws to get back/ protect land and forests (Taiwan, NE India) <p>Patriarchal systems</p> <ul style="list-style-type: none"> - Awareness-raising in both private and public spaces to change attitude for gender balance and gender sensitization. - Involve men in gender related activities - Continued dialogue with men on indigenous women's rights 	<ul style="list-style-type: none"> - In Thailand there is policy for communal land title -In Lao PDR, all the Laotians have identity card and this ensures them the right to have land. -In Nepal, many positives laws re IPs, however they are not implemented. -In Taiwan, some indigenous communities have set up funds to protect IPs' lands. They provide remuneration to take care of the trees and also to not to sell off their lands. <p>Collective caring of children to teach indigenous language, culture mostly by women (Taiwan)</p>	<ul style="list-style-type: none"> - Need support for legal aid, lobby, scientific research etc. to counter the accusation that IPs are destroyers of forests and polluters by practicing traditional livelihood and they have been arrested. <p>Research and analysis of existing laws on: forests, wild life conservation, national parks etc to overcome confusing and complex laws</p>

Discussion. During discussions, women raised the increasing prevalence of issues around ‘production of carbon dioxide’, Nepal participants shared that at the district and local levels government officials were attacking shifting cultivation in terms of its ‘contribution’ to climate change. Thai participants also mentioned that in the more recent arrests of people for traditional livelihood activities in reserved or conservation forest areas involved the forestry officers were also talking about the contribution that these women were making to global climate change processes. Bangladesh participants noted the similarities in the local management techniques, whereby CHT peoples used a management system that delineated the community forest area and reserved it for use only for community purposes.

Group Two	Strategies	Opportunities available	Resources and support needed
Philippines Cambodia	<p><i>It is important to recognize the organisational level achieved within each country as this determines what strategies are available to us and our peoples.</i></p> <p>Capacity building for indigenous peoples (education, training, workshops, discussions, forums and awareness-raising)</p> <p>Building the strength of communities and community organisations is key, it is the basis on which responses to outside pressures can be built</p> <p>Research of our own situations, documenting what is going on, analysis, so we can respond in the most effective way</p> <p>Network building and advocacy</p> <p>Organise all sectors of society (indigenous youth, indigenous women, elders, etc.)</p> <p>Local actions, mobilization of support from others</p> <p>Use customary law and to make efforts to promote and protect traditional systems and laws wherever possible</p> <p>Indigenous peoples must reach out to engage and network with each other, within country as well as regionally or internationally</p> <p>Establish exchange programmes between indigenous peoples’ organisations locally, nationally and internationally so that indigenous peoples can share and exchange</p>	<p>In the local and community level:</p> <ul style="list-style-type: none"> Engage with village elders and leaders, commune leaders, district government <p>(However local government officials often state that higher level decisions are needed to change the rules and laws)</p> <ul style="list-style-type: none"> Non-government agencies <p>National level avenues:</p> <ul style="list-style-type: none"> National level government NGOs UN agencies, networks such as AIWN, media work, lawmakers 	<ul style="list-style-type: none"> Expertise from NGOs or elders to help us in training and advocacy for human rights and organizing activities Financial support Support from government, funds need to be directed to us, without loss of funds through corruption in the government

Discussion. Nepal shared that in terms of gaining support from the government, the Nepali government has allocated specific funds for indigenous peoples to assist in their organisation and development. However indigenous peoples are not very aware of this opportunity and it

tends to be taken by dominant caste groups. In some areas though, awareness-raising has enabled local organisations to approach the district government to ensure that these funds are provided to them. ‘No one gives us, unless we ask’. There is a responsibility for indigenous peoples also to demand support from this.

Group Three	Strategies	Opportunities available	Resources and support needed
Indonesia	<p>All four of the identified issues affect indigenous peoples in Indonesia</p> <p>Land acquisition and loss Community empowering is needed from the very local level through to the national level, capacity building too Conducting research into our histories and our customary laws Advocate for change in national laws and policies Establish a working team to conduct regular discussions with the government to use women’s solutions to the problems confronting us Build networks between us, through exchange visits between communities who are facing similar issues and problems and inviting journalists and media to cover our issues and struggles to that there can be greater attention on our issues among others at the national level Collective actions</p> <p>Government non-recognition of our lands Research and documentation of our histories and lands, this is important because such knowledge of our histories is empowering for us Mapping of our lands is needed to have an evidence base for use in many strategies, including dialogue with government Visits to other communities who experience similar problems to share strategies with them</p> <p>Complex rules and laws governing forest laws and regulations Research on customary and</p>	<p>Land acquisition and loss Push the development and use of laws intended to protect the rights of indigenous peoples Participate in dialogues with government representatives at all the various levels of government To push for the government to implement the international conventions that have been ratified by the government, including CEDAW</p> <p>Government non-recognition To push for a law or regulations about the protection of the rights of indigenous peoples Dialogue with executive and legislative bodies in our country, this is important because they make the laws and can change them</p> <p>Complex forest laws etc. Need to push for the government to pass laws to protect our lands Dialogue and</p>	<ul style="list-style-type: none"> - Mapping of our lands and also needs assessments for our communities - Financial support - Support from mass media and public journalism, both traditional and internet - Need for expanded networks with other national and international NGOs - Support needed from lawyers, researchers, academicians and judicial bodies within Indonesia <p>Government non-recognition</p> <ul style="list-style-type: none"> - Mapping of lands, borders and delineation of our territories - Funding support for this - Financial - Consultations and dialogue with the public - Collective actions with indigenous peoples in Indonesia

<p>traditional management practices and into national laws related to this</p> <p>Establish special courses for indigenous peoples, especially indigenous women, to understand these laws</p> <p>Exchange visits with other communities</p> <p>Lobby to legislative bodies and involving mass media in our struggle</p> <p>Advocacy with both the government and with customary institutions</p> <p>Ensure a strong working relationship with traditional institutions</p>	<p>consultations with the executive and legislative bodies in our government</p> <p>Push for government recognition of the contents of UNDRIP and revise/amend existing laws or abolish laws that do not accommodate indigenous communities' rights</p>	<ul style="list-style-type: none"> - Work with academics to establish good research on laws - Support from experts
<p>Patriarchal systems / internal discrimination</p> <p>Research and documentation is needed into the indigenous cultural, religious and traditional norms and laws impacting on indigenous women</p> <p>Lobby customary institutions and elders to build understanding</p> <p>Hold regular meetings and discussions with customary institutions and experts in custom</p> <p>To influence and approach customary leaders in such a way that they will themselves take on the revision of customary laws which are negative for women's human rights</p> <p>Push customary institutions to recognize amended norms</p>	<p>Patriarchal systems</p> <ul style="list-style-type: none"> - Publications, workshops and theatre productions - Involve customary institutions in this work 	<p>Patriarchy</p> <p>Independent customary experts and intellectuals supporting our analysis and work</p> <p>Need the support of customary institutions at the local level</p> <p>Involvement of media and journalism</p> <p>Increased research on customary issues</p>

Reflections included the need to gain support from other sectors within society, from academics, is important for the success of indigenous peoples within their own societies.

Group Four	Strategies	Opportunities available	Resources and support needed
Bangladesh Nepal Central India NE India Micronesia	<ul style="list-style-type: none"> · Need a unified voice from different organisations and people's movements to work for the same end on laws to protect indigenous peoples · Community mobilization for the causes/issues in the form of media both print and electronic · Need to emphasize local support and raising of funds by us and contributions in cash and kind, to strengthen ourselves first, before looking for support and cash from elsewhere 	Nepal <ul style="list-style-type: none"> - Ratified CEDAW, ILO 169, CERD, CBD, CESC, CCPR - Support UNDRIP - Women's Commission India <ul style="list-style-type: none"> - UNDRIP (with condition), ILO 107 (not 169), Tribal Ministry - Women and Children Ministry - Forest Rights Act 2006 - 5th and 6th schedule, Panchayat Extension Act 1996 Bangladesh <ul style="list-style-type: none"> - ILO 107 ratified, not yet ILO 169 - CEDAW ratified - CHT Ministry - National Policy on Women - Regional Council - CHT Regulation 1900 - Hill District Council 	Human Resources Logistical support <ul style="list-style-type: none"> • For organizing activities in the region..... Accommodation, budget allocation, co-ordination etc. Technical Support for; <ul style="list-style-type: none"> • Advocacy • Aware raising • Contribution both in cash and Kind Information Dissemination <ul style="list-style-type: none"> • Documentation • Research • Fact finding • Case studies and • Reporting

AIPP highlighted the recommendations that emphasized the need to strengthen within indigenous women's organisations before looking for funds from elsewhere. The contribution that women often make to the local strengthening is to manage and hold meetings and have discussions and strategies free from the influence that funders can have. The Philippine participants supported this, emphasizing the dangers of looking for finances from outside without being strong enough to ensure we are making the decisions about what we are going to do. Such local organizing is the basis of true success. The experiences of Taiwan and Micronesia support this need for self-empowerment and ownership of what we are doing.

Taiwan participants took the opportunity of the end of group presentations to share some additional information about the work that they are doing in Taiwan. Taiwanese indigenous peoples have faced a long period of non-recognition, even ten years ago when they began to push for recognition of their forest management practices.

Afternoon Session

Research and documentation

Helen Tugendhat, documentation and writing up case studies

Helen presented a framework of the approach to collecting information for, and writing up, a case study to demonstrate and argue a case regarding the impact of discrimination on women. The full framework can be found in Annex One. It is intended as a broad guide to stimulate discussion and highlight where and how additional training or support on research could be needed.

Discussion

Nepal participants suggested that the guidelines should be increased with a list of possible interviewees and this included in the documentation shared with participants.

Indonesian participants reflected on the usefulness of these guidelines, that they would be able to be used for research into many issues facing indigenous women. Aleta is currently doing research into the construction of traditional houses and will use some of these guidelines to assist in completing this. Philippines reflected that one of the problems facing this type of research is that during community visits, interviewees raise very complex reflections on the issue. For instance, violence against women, questions about this may lead to very complicated discussions bringing in a range of other issues. This is the point at which analysis come in.

Lao participants raised the issue of not having the permission to present information at a national level once the research is done. There is research done by people in Lao PDR about the situation of violence against women, but the government does not allow this to be presented because they do not want to 'lose face' with other countries and other governments. Is there experience from elsewhere that could help them? She also shared some of the cultural violence that occurs in Lao, the prohibition against twin births and the cultural dictum that one twin within Akha twin births must be killed and only one raised.

The Philippine participants also shared that they have used a strategy of building alliances with media people to raise their concerns when their government will not allow the information out. This is relevant in the Philippines now because of accusations of terrorism against indigenous activists, and making friends with media have been very useful. Media people can be very strong allies. Using electronic media is also a new avenue available for people. However it is also important to note that the media can be used either way and there are media outlets which are being used by the military or forces like the mining companies and others who we would like to work against. Media can be used both ways.

Lao emphasized that it is government censorship that is the biggest barrier for them. They have done research into violence against women, and have research demonstrating that about half of women in rural and indigenous communities have faced domestic violence in some form. When they wanted to publicise this, the government said that it was not appropriate to share this information at a national level, it was not right to publicise this and so they could not.

Thailand also shared that they have done research in the past but the language barrier is significant, and they find it difficult to share the research and to finalize it. They would like resources to help with this.

Bangladesh shared that their own struggle against violence against women within their own communities has involved also bringing in the police, etc. They have addressed within their organisation about 220 cases of violence against women, but have no documentation or research into this – they will try to use and apply some of the guidelines provided today to see what they can do within their organisation to collect and document what they do.

Nepal shared that the media within their own country is not very open to providing information about the issues affecting indigenous peoples, although there are a few, some few, who are friendly to indigenous peoples.

Strategy and Planning

Facilitated plenary discussion: facilitated by Shrimreicon Luithui

- What issues do we want to conduct research on?
- What barriers exist to conducting this research?

Philippines noted that they would like to conduct research in two key areas, (i) the impact on women of militarization of their lands, and (ii) the traditional knowledge of women in forest and resource management for use in campaigning and advocacy against development aggression. It was additionally noted that climate change was having immediate impacts on the way indigenous women are living, the way they make their livelihoods, and they want to conduct research into how climate change is impacting on the biodiversity in their lands. Barriers that have been met in the past include difficulty with publishing these researches and information for the use of others. They use the information in their own campaigns but have great difficulty in accessing funds for publication so their information can be used by indigenous women in other countries and places.

Indonesia (Timor, Aleta) shared that they have conducted research into weaving techniques used by the different peoples within Indonesia. We found that when it was time to use the data we collected, our analysis is sometime inaccurate. Also our research into house construction techniques or weaving techniques found that in some places these skills have been forgotten by the communities and societies in which we were trying to get information from. They are also looking at follow-up research on climate change impacts. Another participant from Indonesia noted that there are many barriers to their research that they have met in the past, particularly in ensuring that we have trouble with ensuring that we have good qualitative and quantitative data and also ensuring that our analysis is accurate and able to be useful for our peoples. Follow-up training on research and documentation would be very useful to address this. They are also planning research into climate change and the impact of these changes on our reefs and other resources. This remains preliminary at the moment, but the results can be very useful. There will be a follow up workshop soon to look again at the climate change impacts on indigenous women because climate change is causing a lack of fresh water and are facing failure of some of their harvests, impacting on their food security. These are the important issues that need to be examined in future plans for research.

Indonesia (Rukmini, Sulawesi) noted that communities that are included within AMAN organisation clearly show the impacts of climate change already, in three areas the harvests are failing already. Certain species are also disappearing, the leaf used to wrap *nasi goreng* is disappearing, it is difficult to find and harder to keep growing now. We don't know why these species are disappearing but research into these sorts of impacts is necessary.

NE India agreed that the topics identified by Philippine participants were shared with peoples in NE India as well, but additionally more specific species research is felt to be necessary. Research into the medicinal plants is one area that they would like to pursue in more detail, and also research into their own cultural histories and traditions as many are becoming weak and disappearing. Central India (Elina) raised an issue that relates to customary laws, that of witch hunting. This occurs when problems happen, when a child gets sick or another problem emerges, and the *shaman* of the community will identify the cause as a bad spirit coming from a woman, usually a single woman or widow, who are then shamed and made to do humiliating things like drink urine to atone for their deeds. However there is a link between who is

identified as witches and those women who have land residing in their names because they are widows, and their relatives may blame them for bad spirit acts so they will have the land taken out of their name. She also shared another example of a particular girl who was humiliated and excommunicated from her village because she wanted to marry a non-indigenous man and there was a fear that the land of the village would be lost in part through her marriage outside. Another example which links land to human rights abuses is the position of children born to unwed mothers. If a daughter is born to an un-married woman, that child can be adopted by others in the community, but if it is a boy that child will be rejected because land is tied to the man and if the child is adopted or goes elsewhere there is a fear that the land will be claimed later. The proposal is that research needs to be done into these cases, to look at how far land rights really are prompting or causing these problems. The communities may not like such research though, and it would need to be well planned and carefully executed.

In Cambodia, they would like to conduct research into the emergences of rubber plantations in their communities, throughout both Mondulakiri and Rattanakiri. In both these provinces these plantations are increasing in number. Indigenous women are increasingly selling their labour to cut the grass, to plant the seedlings, to do all the tasks associated with these plantations. The women are facing very difficult circumstances with this labour, they must travel large distances, access ID cards to allow their travel and continue their house tasks also. The other area that they would like to look into is how to disaggregate the data of indigenous peoples differently from others. There is a high level of migration into their areas from elsewhere and many health issues stemming from this. They would like to conduct research into how this is impacting on indigenous women. Rubber plantations are also being planted by some indigenous households, of a size of about 10-20 hectare, so very small scale.

Bangladesh is planning to conduct research into traditional knowledge of indigenous women because they feel that they are losing this knowledge. The knowledge of plants and herbs is rich but much of this knowledge is going, knowledge about how to produce traditional clothes and local foods is also being lost. There is a need to preserve and transmit this knowledge. They would also like to do research into the land rights of indigenous women, the peoples of the CHT are patriarchal and women are deprived of secure property rights. The impact of climate change on indigenous women is also an area that they feel they should look into in more detail. There is also a lot of rumours about the Bangladeshi government plans to respond to climate change in lowland areas and the potential relocation of climate change refugees from the delta into the highlands. Investigating whether this is planned, and investigating what coping strategies are available is very important. The tradition that women usually join the community of their husband on marriage is usually cited as the reason for men wanting to ensure that women do not have land rights, for they fear the land would leave the community upon the marriage of the women to others.

In Micronesia the situation is different as the land practices are weaker and their engagement with these issues is shorter, but they find these issues to be very important. The main issue that they would like to engage with first is the need to ensure that women are appreciated and valued by the society.

Taiwan wants to look in more detail at the traditional forms of governance because this has been largely lost in the face of the official reforms and decision making structures. The official government uses our lack of cohesion and unity to divide us, and to begin to confront this we want to revive our traditions of decision making. There are also many researchers coming into our areas, interviewing us, and we do not know what they do with this information. They take our knowledge, our genetic resources, even our blood, and we have little understanding of where it goes. If we want to conduct our own research and look for grants then we have to compete directly with those researchers for funds. The social fabric of the country also encroaches on us, because we are not licensed to do research, or licensed under the government

for many of the activities we do. Even things like caring for our children have become illegal because we are not licensed for group child care, but we do group care. In Taiwan all activities and professions need to be licensed by the government.

Nepal (Yasso) wants to conduct research into traditional handicrafts, those skills which are being lost as people stop practicing them. Another area which they are interested in doing further research into is the medicinal herbs and the use of natural resources and forest products. Finally they would like to do research into the trafficking of women and girls, some research has shown this to be as high as 38.7% and impacts very significantly the *Tamang* people, girls are trafficked into Indian brothels and into Arabic countries. There is also a significant lack of disaggregation of data, the census and other surveys of livelihoods are not separated by caste, ethnicity nor gender and these details are needed. This lack of disaggregation impacts on planning for our peoples. 2011 will be a new census in Nepal and many indigenous organisations are preparing templates for collection of accurate data on caste and ethnicity.

Lao PDR (Phonsay) shares many of the concerns already presented by others, so will focus on a particular area that they are interested in, that of natural resource management and the role of women. Also they are interested in research into cultural norms and traditions among indigenous peoples in Lao PDR to see what traditions should be strengthened and which need to be addressed for their violation of women's rights. They would also like to conduct research into species in the forest that they use for various purposes, medicinal plants and others.

Thailand (Lahkela) a serious issue that they would like to address is the complexity of the laws that impact on indigenous women in Thailand, they would like to research and study what these laws are. They would also like to look at what access indigenous women have to sexual and reproductive health services. At the moment they have received some support from UNIFEM to conduct research into discrimination against indigenous women in Thailand. They have collected a high level of information and data already, but they have not yet completed the analysis to complete the report. They feel that their analysis is not yet complete, they have not yet demonstrated how discrimination is felt by women specifically. At the same time there are additional issues that are coming to their attention which are not yet researched or addressed that they feel should be included, like traditional inheritance laws that are discriminatory against daughters and women.

Issue	Countries
Traditional knowledge of indigenous women concerning use of natural resources	Nepal, Bangladesh, Philippines, Cambodia, NE India, Taiwan
Traditional handicrafts, weaving, construction	Indonesia (Timor), Nepal, Cambodia
Traditional governance systems	Taiwan
Disaggregation of existing data sets	Cambodia, Nepal
Climate change impacts	Bangladesh, Nepal, Cambodia, Indonesia (Sulawesi, Bali)
Plantations and its impact on indigenous women	Cambodia
Militarization	Philippines, NE India
Customary law and the way it impacts on women's human rights	Central India, Lao PDR, NE India
Trafficking of women and children	Nepal
Violence Against Women	Central India, Nepal, Bangladesh
Health concerns, access to sexual and reproductive health, and HIV/AIDS impact on women and children	NE India, Thailand

Future steps and cooperation

Participants all agreed that in order to provide each other with support and advice in the coming months, that each participant would identify a research project or area of documentation that they were planning to engage in over the next 6 months to a year. It was agreed that the participants would form an ad hoc network between themselves to provide advice to each other and to raise questions about the work that they are doing.

The following indicative plans are those areas which each participant country identified as priorities:

Nepal.

NIWF have two on-going research projects, one with DANIDA funding and one on violence against women with AIPP. If there was additional funding then additional areas of research could be started, traditional handicrafts, medicinal plants, and many others would be planned, but for now these areas are sufficient.

Philippines.

The single biggest priority is to conduct detailed and effective research into women's traditional knowledge on natural resource management.

Central India. There is already research being done about the root causes and dynamics of violence against women in customary institutions, but the AWN would also like to look into 'the role of land in causing violence against women in Jharkhand'.

Indonesia (Bali, Sulawesi)

The priority area of research is to collect data on the impacts of climate change on the ecology (this focus will be narrowed further). The focus is to identify communities which will be able to be sites for the next phase of research the identification of the sites is taking place now.

Lao PDR

There are plans to develop research within the wider programme, although the organisation remains small and young and needs to develop a strong funding base to work from. They are requesting funding from UNDP GEF-SGP and Miserior, and the research will also include training programmes for communities. The proposal for training has gone to the French Embassy and to DFID. They also want to develop eco-tourism which will require external expert assistance. Phonsay (CAMKID) are doing empowerment of women linked with marketing of traditional products, income generation activities.

Thailand

The first priority is to complete the existing report on discrimination against indigenous women in Thailand. The report is close to completion but there is some work to be done to finalize it. The second area of possible work is a study of access to sexual and reproductive health services of indigenous women in Thailand.

NE India (Khasheli)

There are so many things that we would like to do but we cannot do them all, it is impossible, we must be careful with what we chose. For the Indigenous Women's Forum of NE India, our priority is a study of medicinal herbs, a study for which we think most of the resources that we will need are available at the local level. Support will be needed at the stage of publication. We would also like to look into HIV/AIDS and its impacts on our cultures.

Cambodia, they would like to do a study into the access that indigenous women have to health services comparative to the population at large in Cambodia. CIYA is in the process of proposing

this research for funding and looking for assistance in training staff with the necessary skills. Health Unlimited may be a partner in this study.

Bangladesh (Susmita) there are so many issues, it is difficult to choose one. The Women's Resource Network has as its priority studying the state of violence against women, both from traditional causes and from external causes. Financial support is needed for this type of research.

Taiwan will collect information regarding the wildlife and endangered species within the forests around their lands to provide evidence for their traditional practices. The resource most needed is networking with other organisations to share information, and access to what others do to promote and protect (and revive) their traditional ways of life.

Micronesia, the participants in this workshop acknowledge that the first challenge for them is to promote networking and engagement between women in Micronesia. Their greatest need is to remain engaged with all of the organisations here.

Annex 1: Research and Documentation: writing case studies

What is a case study?

A case study is the collection and presentation of detailed information about a particular participant or small group, frequently including the accounts of subjects themselves.

How do you start?

- Why are you doing the case study?
- What situation do you want to collect information about?
- Who are you going to give this information too?

What sort of methods do people use?

- Protocols (respect for customary laws or norms)
- participant and direct observations
- interviews
- examinations of records, and
- collections of research on the same topic from elsewhere

Who will you talk to? (and how do the questions change for each person)

- Key informants (individuals with personal experience of the issue)
- Social workers or local community based organisations
- Line agencies or relevant government agencies or organisations

What questions do you need to be thinking about?

- What questions to study
- What data are relevant
- What data to collect
- How to analyze that data

Using a case study

- How many audiences are possible for a case study?
- Media and national level publicity: emphasize the personal
- National level legal processes: evidence
- International legal processes: link the case to the law

Issues to think about

- Discussions may reveal very complex issues and trends which are difficult to separate out into answers for a particular question (VAW separate from land rights)
- Sample questionnaires are available but depend on the audience

Annex 2: Agenda

Time	Agenda Item	Presenter
	Morning Session	Helen facilitating
8.30	Registration	
9.00	Welcome and introduction to the agenda Introduction of participants	Helen Tugendhat
9.30	Re-cap on the Asian Indigenous Women's Network concluding recommendations	Ellen Dictaan-Bang-oa
9.15	Presentation of the FPP Gender and Land Rights programme <i>'Why gender and land rights?'</i>	Helen Tugendhat
10.00	Presentation of the AIPP Women's Rights programme	Chonchon Luithui
10.30	Coffee	
10.45 – 12.30	Country experiences <ul style="list-style-type: none"> - Cambodia - Taiwan - Lao PDR - Thailand - Philippines 	Lat Sokem Apuu Kaaviana Manivongxay Phonsay Lahkela Chataw Mila Singson, Vernie Yocogan-Diano, Lorna Mora
12.30 – 1.30	Lunch	
	Afternoon Session	Jing facilitating
1.30 – 4.00	Country experiences <ul style="list-style-type: none"> - Indonesia - Nepal - NE India - Bangladesh - Central India - Micronesia 	[Everyone] Suni Lama Khesheli Chishi Susmita Chakma Elina Horo Cecilia Rescue
4.00 – 5.30	Work group discussions on the issues raised and documenting or responding to them	

Time	Agenda Item	Presenter
	Morning Session	
9.00 – 9.10	Summary of the first day proceedings	Ellen facilitating
9.10 – 11.20	Presentations to the group: <ul style="list-style-type: none"> - What strategies could assist the issues identifies? - What national level avenues are available? - What resources or support is most needed to successfully work on these cases? 	
11.20 – 12.45	Presentation on documentation and research skills	Helen
12.45 – 1.45	Lunch	
	Afternoon Session	Chonchon facilitating
1.45 – 2.00	Presentation of available guides and resources	Helen
2.00 – 3.00	Plenary discussions <ul style="list-style-type: none"> - What issues do we want to conduct research on? - What barriers are there to us doing this research? What has happened in the past? 	
3.00 – 3.30	Coffee	
3.30 – 4.30	Facilitated plenary discussion on key issues facing indigenous women in Asia <ul style="list-style-type: none"> - Planning and resource assessment - Identification of potential support cases 	
4.30 – 5.00	Summary and wrap-up	

Gender and Land Rights: revealing the experiences of indigenous women

**GENDER AND LAND RIGHTS WORKSHOP,
MANILA, NOVEMBER 20-21 2010**

**FOREST PEOPLES PROGRAMME
HELEN TUGENDHAT**



Objectives:



- To facilitate a discussion
- To introduce techniques of research and documentation
- To introduce available training manuals and guides
- To establish plans to conduct research on issues facing indigenous women

Land and resource access and control

- Central importance of land and resource rights to indigenous peoples
- Advocacy by indigenous peoples at the UN, with national governments, with financing institutions, have resulted in instruments that
- UNDRIP, ILO 169, all instruments that indigenous peoples have fought for place land and resource rights at the centre of survival for indigenous peoples
- Cases

Forest Peoples Programme, UK



Recognition of discrimination against indigenous peoples

- While considerable human rights standards regarding indigenous peoples' land and other human rights have emerged in the past 20 years, the gender dimension of these rights is neither well developed nor well understood, and this is the case at both the national and international levels.

Forest Peoples Programme, UK



Recognition of discrimination against women

Also, while women's human rights are widely asserted and guaranteed, there is a need to develop and implement standards that are responsive to the specific violations that indigenous women face because of multi-layered discrimination, including land and related rights violations that specifically, differentially or disproportionately affect indigenous women.

Forest Peoples Programme, UK



What to do?

- Many cases exist of discrimination against indigenous peoples where the discrimination disproportionately impacts on women
- Land rights and access to resources are central to the survival of indigenous peoples, and in many cultures these resources come under the primary management of women
- How do we draw attention to this, in national and international processes?

Forest Peoples Programme, UK



FPP's approach

- Supporting research and documentation
- Developing training manuals for use of international processes
- Litigating and pursuing cases in regional fora (where possible)
- Supporting submissions to relevant instruments



Indigenous Women Programme of AIPP



Programme on Indigenous Women

AIPP's programme on Indigenous Women is primarily focused on capacity building and empowerment.

AIPP has been conducting trainings on Indigenous Women in Decision Making including Violence against Women.

AIPP has also been facilitating the increasing participation of indigenous women in various regional and international conferences and events to ensure the inclusion of indigenous women's concerns and perspectives.

2



Project on Empowering Indigenous Women in Traditional Customary Institutions

- Recently AIPP has started a project on **Empowering Indigenous Women in Traditional Customary Institutions** with support from UNIFEM for 3 years.
- Pilot project in 3 countries: India, Philippines and Nepal



Project partners

- The Cordillera Women's Education Action Research Centre (SWEARC), Philippines
- The Adivasi Women's Network (AWN), India
- Indigenous Women's Forum of Northeast India (IWFNEI), Northeast India.
- The Nepal Indigenous Women Federation (NIWF), Nepal



Project goal

- To empower indigenous women to advocate and lobby for the recognition of women's rights with focus on violence against women (VAW) in the customary laws and in local legislation.
- The goal can be achieved through trainings and support to the activities of women in awareness raising, advocacy, dialogues and community mobilizations in promoting indigenous women's rights.



Project activities

The project being focused on building capacity of indigenous women, it will have 3 main activities: training need assessment of the target communities – to examine the needs, skills and knowledge in dealing with gender based violence etc, designing and conduct training according to the TNA results, which include action planning and skills development and then the trainees will conduct community activities for awareness raising, dialogue, community mobilization activity consists of monitoring and follow up

