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COVID-19, LAND, NATURAL RESOURCES, GENDER ISSUES AND INDIGENOUS PEOPLES' RIGHTS IN ASIA

KEY MESSAGES

1. *Inclusive and participatory land and natural-resources governance should be integral to the COVID-19 response.*
2. *Strong land and natural resources tenure security is fundamental to the progressive realization of Indigenous Peoples' human rights, to reducing COVID-19's negative impacts and building back better.*
3. *Indigenous Peoples' land and natural resources tenure security is crucial for biodiversity conservation and prevention of future pandemics.*
4. *Inclusive, gender-equitable and meaningful participation in decision-making processes is essential for successful outcomes in tackling the pandemic.*
5. *Access to knowledge and information is important to enabling an effective COVID-19 response.*

INTRODUCTION

As the COVID-19 pandemic rages around the world, debate on its impacts and the most appropriate and effective responses follows suit. The World Health Organization has cited over 435 million confirmed cases and over 5.9 million directly attributable deaths,¹ as of March 2022. In Asia, some countries are still struggling to respond to the pandemic for a variety of political, economic, institutional-capacity and socio-cultural reasons. Some of these countries contain significant populations of Indigenous Peoples.

Policy debates on COVID-19 have intensified throughout 2020 and 2021. Researchers and policy-makers in governments, civil society and academia began with rapid assessments of potential impacts and likely needed responses based on experiences from previous epidemics and other humanitarian crises. Now, they are generating more informed appraisals of the actual early impacts and promising approaches and practices as they emerge. A number of organizations have begun to systematically document the impacts of COVID-19 in particular countries,

regions or socio-economic groups. They include the United Nations Development Programme (UNDP) and UN Women with their COVID-19 Global Gender Response Tracker,² the Land Portal's Land and COVID-19 Hub,³ and the Asia Indigenous Peoples Pact's (AIPP's) COVID-19 Response Information webpage,⁴ to name just three. Two key policy briefs were published in 2020 by the Food and Agriculture Organization of the United Nations (FAO) and the Office of the High Commissioner for Human Rights (OHCHR) that focused globally, and separately, on gendered impacts of COVID-19⁵ and on the pandemic's impacts on Indigenous Peoples' rights.⁶ This policy brief builds on those by drawing from the latest evidence on key issues at the intersection of COVID-19, Indigenous Peoples' rights and gender issues, with a focus on Asia and on land and natural resources rights.

Secure tenure rights and meaningful participation in the management and governance of land, territories and natural resources are key elements for the food security of Indigenous Peoples, who often rely on agriculture for their livelihoods. Indigenous Peoples have a strong cultural, spiritual, social and economic connection to their land, which is closely linked to their identity and their very existence.⁷ Land and natural resources tenure

security is also at the core of human rights enjoyment among Indigenous Peoples. Their right to food, housing and an adequate standard of living – just to name a few – are tightly linked to secure tenure rights.⁸ Furthermore, Indigenous Peoples play a key role ensuring sustainable development and biodiversity conservation, and their land tenure security is closely associated with that. Before the pandemic, forced evictions and conflicts over land and natural resources were already driving Indigenous Peoples into poverty and vulnerability. During the COVID-19 crisis, reports have increased of encroachments upon indigenous land. These infringements are creating hardship during an especially difficult time and placing Indigenous Peoples in a precarious situation.⁹

In this context, this brief asks specifically what impact COVID-19 is having on Indigenous Peoples' rights, especially women, and elaborates on how challenges could be overcome while leaving no one behind. The brief is targeted to a wide audience. Its recommendations may be considered by policy makers while developing strategies and legislation; civil society organizations (CSOs), grass-roots and Indigenous Peoples' organizations, and academia in the context of awareness-raising and advocacy activities; and development partners and the donor community while including priority issues in their strategic plans.





SETTING THE BROADER CONTEXT

1. COVID-19 AND GENDER ISSUES

The gendered impacts of COVID-19 reflect structural socio-economic, civil and political inequalities at all levels of society that long pre-date the current pandemic. It is well documented across the world that due to gender inequality, men and women face differential access to productive resources, credit, decent work, educational opportunities, health-care services, social protection and justice, all in highly context-specific ways. Globally and in every region, the prevalence of food insecurity is slightly higher among women than among men.¹⁰ Women also have differential experiences of gender-based violence, political representation, and participation in family, community and national decision-making processes.

The pre-COVID-19 world was one in which gender equality was not yet, in practice, the norm. Neither men, women nor any other gender category form homogenous groups. Diverse intersectionalities are increasingly recognized as contributors to within-gender differentiation. Nonetheless, broadly speaking, in relation to land and natural resources rights, women are likely to be disproportionately more negatively affected than men by crises because of longstanding patterns of gender discrimination. Discriminatory patterns exist in terms of access, ownership and control of productive resources, relative income poverty, physical vulnerability, and lack of fully equitable and meaningful participation at all levels of decision-making processes.¹¹ This is particularly the case for indigenous women in Asia.

In the majority of countries worldwide, women as a group do not fully enjoy all their human rights. They experience high levels of gender inequality and discrimination, especially in rural areas. Women's land rights are frequently violated due to discriminatory customary practices and relatively lower levels of education and awareness about their rights. Many lack the confidence to claim these rights even if they are aware of them. As a result, women's ability to exercise their basic rights, such as the right to food, housing and an adequate standard of living, is often constrained. This critical link between women's land and natural resources rights and other human rights has been underscored with respect to rural and indigenous women by the UN Committee on the Elimination of Discrimination against Women (CEDAW) in its General Recommendation No. 34 of 2016, which recognized "rural women's rights to land, natural resources, including water, seeds, forestry, as well as fisheries, as fundamental human rights."¹²



Furthermore, UN Women estimates that globally 47 million additional women and girls will have been pushed into extreme poverty in 2021 as a result of the COVID-19 pandemic, bringing the total number of women and girls living in extreme poverty to 435 million.¹³ The economic fallout of the pandemic is expected to reduce purchasing power to access safe and nutritious foods. Women, youth and persons with disabilities will likely be most affected given they are already disadvantaged in their access to economic and financial resources. Growing evidence suggests the pandemic is amplifying existing inequalities in gender relations, not least through an upsurge of domestic and gender-based violence and an increase in the burdens of unpaid care work. These impacts from the spread of COVID-19, and the policy responses to them, fall heaviest, though not exclusively, on women and “threaten to undo decades of progress” towards gender equality.¹⁴ Domestic violence has risen 40 percent in some countries, yet only 48 of over 192 countries analysed by UN Women have been treating services related to violence against women and girls as an integral part of their COVID-19 response plans. The COVID-19 Global Gender Response Tracker shows that only 25 countries have introduced measures addressing the three key impact areas: violence against women and girls, unpaid care work, and women’s economic security.¹⁵

What COVID-19 might broadly mean for women’s land rights in general was asked during the Land Portal’s multi-stakeholder webinar series and online discussion on Land Rights Implications of COVID-19.¹⁶ Contributors – many from CSOs and Indigenous Peoples organizations – shared anecdotal examples of land grabbing and land-rights violations taking place during lockdowns, including against indigenous women. They spoke of reduced access to land offices and dispute resolution bodies making it harder for women to claim their rights on widowhood. They detailed wide-ranging pressures on food security and nutrition disproportionately affecting women as main food providers, including when migrants return to rural areas.¹⁷ PRINDEX’s analysis of women’s perceptions of tenure security suggests that married women feel especially vulnerable to eviction after a husband’s death or a divorce.¹⁸ Due to gender discrimination in the access to and control over land and natural resources, women who lose husbands to COVID-19 risk losing the land they need to grow food crops and provide housing for their children. Women who get sick, or have to tend to sick family members, also suffer a decrease in their capacity for farming and livestock keeping. Secure land rights can protect women from displacement and help them rebuild their lives.¹⁹ Such rights are also essential to the livelihoods of all indigenous women and their communities.

2. COVID-19 AND INDIGENOUS PEOPLES' RIGHTS

Discussions of COVID-19 impacts have shifted through 2020 and 2021 from an initial concern with gender issues in general to a focus on particular vulnerable groups, including Indigenous Peoples. Common impacts of the pandemic on Indigenous Peoples' communities range from immediate issues around health and access to health care, to questions about participation, cooperation and leadership in gender-sensitive COVID-19 response planning and implementation. The impacts also include general issues of access to information, and broader themes around economic vulnerability and effects on indigenous peoples' livelihoods, territories, land and natural resources, with food security and nutrition being of particular concern.²⁰ Indigenous women and girls also face additional challenges from the pandemic because they were already more vulnerable to begin with, having greater exposure to different forms of gender discrimination, racism and gender-based violence.²¹

Food insecurity and malnutrition have increased in some Indigenous Peoples' communities. Health concerns are particularly acute for Indigenous Peoples with disabilities and for Indigenous Peoples' communities living in voluntary isolation. Consequences of the pandemic for indigenous women in rural areas are similar to those for all rural women – increasing workloads, especially in care work, increasing gender-based violence, more restricted access to markets and health services, including sexual and reproductive health care. Economic vulnerability of indigenous rural communities has also gone up during the pandemic, associated with inadequate access to health information, productive resources and income-generation opportunities, especially among indigenous women. Key policy recommendations stress the importance of increasing access to the most up-to-date health and COVID-19 response information in indigenous languages and using diverse, culturally acceptable dissemination tools and methods.²²

The OHCHR and the Special Rapporteur on the rights of Indigenous Peoples have documented inspiring good practices among indigenous communities in Asia and the Pacific. They include:

- **Thailand:** The Huay-E-Khang community identified areas for self-isolation or quarantine for returnees, providing individual instructions on health care and community rules. Other Indigenous Peoples' communities in Thailand returned to traditional land management practices to ensure food security and nutrition.²³ Also in Thailand, young women researchers interviewed indigenous women, aiming to identify community concerns and needs regarding the pandemic. Consequently, indigenous organizations started an online fundraising campaign that resulted in indigenous families receiving food, hand sanitizers, masks, first-aid kits and sanitary pads for women.²⁴
- **Cambodia:** Local authorities in Ratanakiri, Stung Treng, Mondulakiri, Koh Kong, Pursat and Banteay Mancheay provinces communicated COVID-19 messages through loudspeaker, television and radio in local indigenous languages.²⁵
- **Nepal:** The Indigenous Community Radio Network and Indigenous Television produced public service announcements about the pandemic in 19 indigenous languages that were extensively broadcasted and shared on social media.²⁶
- **Bangladesh:** Government food assistance agencies and local and national NGOs helped provide food and other support to indigenous families from the Tripura community in remote areas of the Chittagong Hill Tracts who were suffering from acute food shortages during the pandemic's first wave.²⁷
- **India:** Indigenous women, financially assisted by an indigenous organization, produced masks, purchased and distributed sanitation supplies in their communities, produced preventive public health programming for radio in local indigenous languages and promoted traditional medicine.²⁸

COVID-19, LAND AND INDIGENOUS WOMEN'S RIGHTS IN ASIA

Securing Indigenous Peoples' land and natural resources rights is crucial to securing their individual and collective human rights enjoyment and food security, especially during times of hardship. Evidence from the field is helping to identify essential policy issues and solutions to protecting the rights of Indigenous Peoples, and specifically indigenous women's rights during the COVID-19 pandemic. Five core lessons stand out.

1. Inclusive and participatory land and natural resources governance should be integral to the COVID-19 response

Using Indigenous Peoples' existing governance structures has huge potential for halting further negative impacts from the pandemic. Tapping into the vast reservoirs of gender-sensitive knowledge, experience, wisdom and adaptive management practices of indigenous communities is a win-win solution. Indigenous Peoples and their institutions must be included in a consultative and participatory way as leaders in all decision-making about the planning and implementation of COVID-19 response policies that affect them. The points below illustrate emerging and inspiring good practices from **India**, where governance structures of indigenous communities played a crucial role tackling the initial impacts of COVID-19:

- In Rajnandgaon District in the state of Chattisgarh, local communities and *Gram Sabhas*^a initiated a holistic COVID-19 governance plan well before the local administration. During lockdown, they drew on their community forest resource management practices to maintain livelihoods by collecting forest products, planting trees under a national rural employment guarantee programme, building ponds and harvesting water for irrigation and other purposes.²⁹
- In the district of Gondia in the state of Maharashtra, close to 50 *Gram Sabhas* are organized as a federation, guaranteeing competitive prices and bonuses to the communities for their forest produce collection, for which they adopted COVID-19 safe methods. In the Kutch district of Gujarat state, local knowledge of water systems, grasses and soils enabled Maldhari pastoralists and their cattle to survive lockdown, which coincided with a dry period, while *Gram Sabhas* helped to ensure the continuity of food supplies for particularly vulnerable nomadic communities in the Narmada district of Gujarat.³⁰



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^a Gram Sabha is a village assembly consisting of all the members who are registered in electoral rolls of the village.

- Indigenous women played a key role in managing the initial crisis in areas where *Gram Sabhas* were empowered. For example, in Dindori district, Madhya Pradesh state, women organized a system of food distribution and water collection that made sure physical distance was maintained in Baiga villages.³¹

Indigenous Peoples are well positioned to tackle the pandemic through their lifestyle, culture and connection to their lands, as noted in the report of the Special Rapporteur on the rights of Indigenous Peoples. The traditional knowledge of Indigenous Peoples can help enhance environmental protection and guide new models of food production and consumption, which are critical to prevent future pandemics. This knowledge should be taken into account by governments when designing prevention and mitigation strategies. Furthermore, the development of such strategies would greatly benefit from the support and involvement of indigenous organizations or authorities.³²

2. Strong land and natural resources tenure security is fundamental to the progressive realization of Indigenous Peoples' human rights, to reducing COVID's negative impacts and to building back better

Land and natural resources are key elements of Indigenous Peoples' human rights and central to their rights to life, health, water, food, housing, culture and self-determination. Indigenous Peoples often access land and natural resources through customary tenure systems. Even if their tenure rights may enjoy social legitimacy and legal protection under international human rights law, they might lack formal legal recognition at the national level. This can lead to uncertainty about the extent of their land and territories, and their rights over them.³³ Therefore, Indigenous Peoples are vulnerable to being dispossessed of their land and natural resources. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) affirms Indigenous Peoples' right to be consulted in relation to decisions affecting them, with the objective of obtaining their Free, Prior and Informed Consent (FPIC). In particular, FPIC should be required before adopting and implementing legislative or administrative measures that may affect Indigenous Peoples (article 19); and prior to the approval of projects that affect Indigenous Peoples' rights to land, territory and resources (article 32). Nonetheless, evidence and media reports suggest that this requirement is often overlooked.³⁴

Tenure security for Indigenous Peoples is essential to protecting their human rights through the pandemic and thereafter. This is especially true for the most vulnerable indigenous communities, and the most vulnerable members of all indigenous communities – women and girls among them. Land grabbing of all kinds is a real risk during the pandemic. Government capacities are under relentless strain. Remain-in-place orders and other physical restrictions are hampering access to justice and public services, consultations with Indigenous Peoples, participation in decision-making and environmental impact assessment processes, and a general lack of 'eyes on the ground' witnesses. The points below illustrate advantages of secure tenure rights during the COVID-19 crisis, and potential risks associated with tenure insecurity.

- **Indonesia:** Some indigenous villages, voluntarily cut off from the world, have secure tenure over their local natural resources and remain largely unaffected by COVID-19. They can produce or gather enough food from their lands to support their survival for months or even years.³⁵ Tenure security has played a pivotal role ensuring Indigenous Peoples' right to food and right to health, especially during times of hardship such as the COVID-19 crisis. Other Indigenous Peoples' communities were even able to supply 10 tonnes of rice along with fish and vegetables to vulnerable groups in Jakarta, such as informal sector workers who have been severely affected by the pandemic.³⁶ This demonstrates that with tenure security Indigenous Peoples can make the most of their traditional knowledge and sustainable natural resources management practices, safeguarding not

only their own food security, but also supporting the food security of those in urban areas. In contrast, where land rights are less secure or non-existent, Indigenous Peoples are forced to migrate or rely on external help.³⁷ In central Kalimantan province, three indigenous farmers remained incarcerated while waiting for a hearing following their arrest for stealing fruit from a plantation company they have accused of grabbing their land. The courts suspended proceedings and postponed their trial because of COVID-19, with police stating that their priority was COVID-19.³⁸ In this case, tenure insecurity led to conflicts, potential risks of contracting COVID-19 in jail and food insecurity among Indigenous Peoples.



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- **India:** In Dhule district, Maharashtra state, Indigenous Peoples' communities who have relied on their autonomous food systems and practiced self-sufficient agriculture since the legal recognition of their community forest rights were able to fall back on their saved supplies of food grains and vegetables during lockdown. In the district of Nayagarh in the state of Odisha, *Adivasi*^b Kondh communities survived lockdown on a diverse range of forest foods, having regenerated their natural forest resources over four decades as a result of tenure security from recognition of their forest rights.³⁹ Because of tenure security these communities were able to safeguard their food security. Moreover, as they did not need to look for external sources of food they were able to avoid contracting COVID-19. However, on 24 April 2020, it was reported that during lockdown, officials from the Odisha State Forest Department evicted 32 *Adivasi* Kondh families from Nehela village, Kalahandi district. The victims' houses were forcibly dismantled without notice and their belongings thrown to the ground.⁴⁰ Homeless, deprived of their land and livelihoods, these *Adivasi* families were driven into food insecurity and extreme vulnerability. Their risk of contracting COVID-19 was further aggravated. Land dispossession, in this case, is at the core of violations of their human rights to food, housing, health and an adequate standard of living.

^b *Adivasi* is the designation used for the several Indigenous Peoples groups in India.



In some cases, the COVID-19 crisis seems to have posed as an opportunity for curtailing Indigenous Peoples rights.

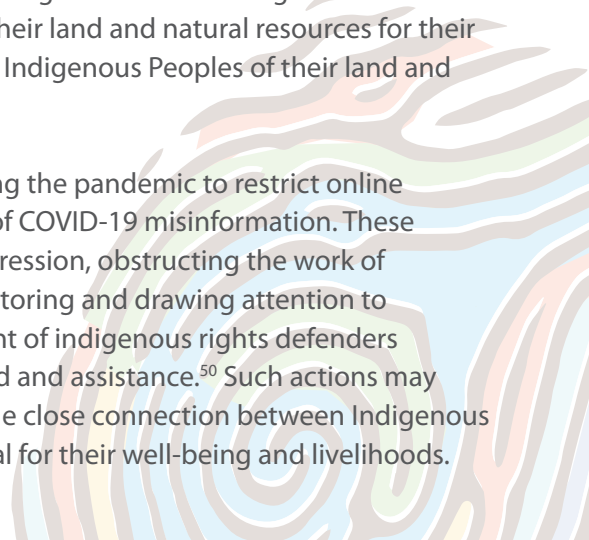
- **Bangladesh:** The military reportedly conducted widespread searches of Indigenous Peoples' homes in the Chittagong Hill Tracts, "utilizing the crisis to suppress their people and hunt down the rights defenders and activists who speak up against them."⁴¹
- **Nepal:** National Park authorities reportedly burned the home of 60 families of the indigenous Chepang people in late July 2020, leaving them homeless and further exposed to COVID-19 during the monsoon season. In Mushar in May 2020, 25 houses in a Dalit landless community were demolished to make way for a new road.⁴² However, two Nepali civil society land rights organizations, the Community Self Reliance Centre and the National Land Rights Forum, physically and legally protected households from being evicted in Surkhet District, Karnali Province.⁴³ Following lockdown, the NGOs advocated with the Ministry of Home Affairs and the District Administration Office to stop ongoing forced evictions of returning and informal settlers. Together with other members of the International Land Coalition's National Engagement Strategy (NES) group in Nepal, they are continuing to support ongoing government efforts to distribute land and secure land rights for landless communities during the pandemic.⁴⁴

The cases above illustrate an emerging trend during the pandemic. Third parties appear to be taking advantage of confinement measures and declarations of states of emergency to raid Indigenous Peoples' lands, triggering violence and forced displacement.⁴⁵

Some state measures to tackle the economic crisis triggered by the pandemic are clearly questionable and are negatively affecting Indigenous Peoples. Governments have reportedly prioritized private sector interests over Indigenous Peoples' land and natural resources rights. They have fostered the development of agribusiness, logging operations, extractive industries and infrastructure operations, declaring them 'essential.' Companies have been operating on Indigenous Peoples' land despite nationwide lockdowns and without their Free, Prior and Informed Consent, exposing them to a heightened risk of infection,⁴⁶ and jeopardizing their livelihoods during this particularly perilous period. The cases below illustrate that.

- **Cambodia:** Despite government-imposed lockdowns, exploitative agribusinesses and illegal loggers cleared extensive areas of a protected forest in the Keo Saima Wildlife Sanctuary in Monduliri province, encroaching on the land and ancestral home of Indigenous Peoples inhabiting the area, leading them to file a complaint against local authorities.⁴⁷
- **India:** A recovery package aimed at fostering economic growth and tackling the fallout of the pandemic included an online auction of 38 coal areas or blocks for commercial mining. These coal-mining areas are located in dense forests inhabited by Indigenous Peoples who rely on their land and natural resources for their livelihoods and well-being.⁴⁸ This policy will likely lead to dispossessing Indigenous Peoples of their land and cause environmental damage.⁴⁹

At the same time, governments have been using emergency decrees during the pandemic to restrict online and offline distribution of information, supposedly to prevent the spread of COVID-19 misinformation. These restrictions negatively impact the right to information and freedom of expression, obstructing the work of land and indigenous human rights defenders, preventing them from monitoring and drawing attention to human rights violations and abuses. In Asia, threats against and harassment of indigenous rights defenders have reportedly intensified, including against women leaders providing aid and assistance.⁵⁰ Such actions may aggravate the negative socio-economic impacts of the pandemic, given the close connection between Indigenous Peoples and their land, territories and natural resources, which are essential for their well-being and livelihoods.



3. Indigenous Peoples' land and natural resources tenure security is crucial for biodiversity conservation and prevention of future pandemics

Tenure issues go beyond basic rights and land grabbing. Indigenous Peoples everywhere are key players in protecting the earth's biodiversity. Their culture and knowledge are themselves key resources for protecting both their own territories and the planet as a whole.⁵¹ Indeed, most global centres of biodiversity are areas held by Indigenous Peoples. Indigenous Peoples' territories, which correspond to about 22 percent of the planet's land surface, encompass 80 percent of its biodiversity.⁵² That demonstrates that Indigenous Peoples' sustainable natural resources management practices have been effective in conserving and fostering biodiversity.

At the same time, indigenous women make an especially important contribution to biodiversity conservation. Indigenous women are food providers, custodians of seeds, keepers of medicinal plants and responsible for transmitting sustainable practices and traditional knowledge to new generations.⁵³ As noted by the Commission on the Status of Women, through their sustainable practices and traditional knowledge, indigenous women play a key role fostering conservation of biodiversity and natural resources such as land, water and forests.⁵⁴ Therefore, protecting Indigenous Peoples' and especially indigenous women's land and natural resources tenure rights, is not only crucial to ensure their human rights enjoyment, but is also a crucial element to protect the planet's biodiversity.

This is particularly relevant in the context of the COVID-19 pandemic. Evidence indicates that unsustainable utilization of natural resources triggered by urbanization, land use changes and extractive industries is among the key drivers fostering the emergence of zoonotic diseases.⁵⁵ The holistic and sustainable approaches to managing and conserving resources practiced by many Indigenous Peoples, resulting from reciprocal and interdependent relationships between humanity and nature, are vital to minimize the risks of further pandemics and to building back better.⁵⁶



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It is essential, therefore, that governments involve Indigenous Peoples as equal partners in their conservation endeavours, help preserving tangible and intangible indigenous knowledge, and learn from them about sustainable natural resources management. Furthermore, Indigenous Peoples should be engaged in the local, national and international dialogue related to policies and measures that might affect their land and natural resources rights. Such engagement is essential not only to safeguard their land-related human rights, but also to safeguard global biodiversity, considering that Indigenous Peoples have extensive experience and know-how on sustainable natural resources management practices.

The examples below illustrate instances in which tenure and natural resources rights violations and prejudice curtailed the rights of Indigenous Peoples' during the pandemic.

- Pre-COVID-19 encroachment by extractive industries into the territories of indigenous communities has made them particularly vulnerable to companies taking advantage of the pandemic to engage in human rights abuses. Those companies have ignored the dangers of the pandemic and fuelled its spread. They have been pressuring governments battling economic crises to loosen regulations intended to protect the environment and collective and individual indigenous rights.⁵⁷ In April 2020 in **the Philippines**, 100 police officers reportedly used force to disperse some 30 indigenous land rights defenders in the Didipio region of Nueva Vizcaya province, arresting one of their leaders. The defenders were trying to prevent access to a mining operation they believed was contaminating the local water supply. The company was accused of flouting quarantine orders to continue mining, despite its expired license. Notably, the defenders practiced social distancing during their protest.⁵⁸
- In rangeland areas, pastoralist communities viewed as carriers of the virus (which is zoonotic) have been further marginalized and have had to deal with increased restrictions on their movement. In **India's** Gujarat province, supplies of fodder decreased, directly threatening livestock numbers. Initially, local administrations were hesitant to intervene, further isolating the pastoralists from public life. As rumours spread that the presence of pastoralists and their livestock could exacerbate the pandemic, villagers in settled farming communities barred them from entering their farms and started harassing them when they tried to obtain supplies from village shops. Around 400 pastoral families who entered Chhattisgarh state through traditional nomadic routes as the pandemic began are facing a similar or worsening situation. In the Saurashtra region of Gujarat province, many pastoralists are entirely dependent on selling milk and milk products to survive, but as dairy cooperatives shut down and markets closed, it has become difficult for them to earn cash incomes, jeopardizing their ability to eventually migrate back home.⁵⁹ As women play a key role selling milk products, this lack of opportunity to earn an income hits them particularly hard.



Land rights violations and land dispossession of Indigenous Peoples illustrated by the cases above not only curtail their human rights, but also contribute to exacerbating biodiversity loss.


4. Inclusive, gender-equitable and meaningful participation in decision-making processes is essential for successful outcomes tackling the pandemic

Participation rights are integral to the enjoyment of all human rights. The UNDRIP specifically recognizes the right of Indigenous Peoples to Free, Prior and Informed Consent, in relation to their lands, territories and resources, before legislative or administrative measures that may affect Indigenous Peoples are adopted and implemented.

Impacts of COVID-19 on Indigenous Peoples' lives, livelihoods and land and natural resource rights affect their communities across the board. Indicators suggest that where impacts have been more effectively mitigated is where decision-making processes around response planning and implementation are both gender-equitable and fully inclusive of different social groups, including young people, thus allowing for meaningful participation. There are two key dimensions of inclusiveness and power inequalities here: the power dynamics between indigenous communities and government institutions, which require policy responses to meaningfully and safely engage with local actors; and within indigenous communities and their member households. Fully inclusive, gender-equitable and meaningful participation in decision-making requires mechanisms for indigenous women to be directly involved, along with indigenous men, in both internal and external negotiation processes. The cases below illustrate how participation and inclusive decision-making contributed to tackling the pandemic among Indigenous Peoples' communities:

- In southeast **Bangladesh**, a group of indigenous youth actively engaged in community-led processes to tackle the pandemic. The youths played a leading role. The group live-streamed socially-distanced performances of traditional songs on their Facebook page weekly during lockdown, and young indigenous artists and photographers sold artworks and photographs to raise funds for those hardest hit. As many Indigenous People in the Chittagong Hill Tracts do not understand the Bangla language, youth organizations such as Tripura Student Forum, the Bangladesh Marma Students Council, and Unmesh have run awareness-raising programmes in local languages to inform those living in remote villages about precautionary measures. Some of these volunteers have directly helped carry out protective measures, spraying disinfectant on vehicles entering the area or barricading village entrances with a traditional fence.⁶⁰
- Indigenous women in **Indonesia**, keepers of traditional wisdom linked to everything from herbal medicines to food cultivation, have taken centre stage in local community decision-making as communities attempt to weather the COVID-19 storm.⁶¹ In West Java, women of the Kasepuhan community were typically landless and excluded from land-related decision-making and natural resource management. A local NGO, the Indonesian Institute for Forest and Environment (RMI), worked with the community to raise awareness about gender discrimination and its harmful effects on women, linking with women's organizations that were teaching them about their rights. Women are now participating in forest resource management and cultivating lands they claim.⁶²
- In villages across **India**, indigenous youths who can use smartphones have become a vital link for providing information. Kerala, the first state in India to undertake reforms to support women's land rights, emerged as the leader in managing COVID-19, owing to strong village-level governance, a healthy civil society, and women's active participation in local governance. Kerala's *Kudumbashree*^c programme encourages rural women to form self-help groups and their federations act as an organized civil society counterpoint to village councils. Nearly

^c The Government of Kerala designed the Kudumbashree programme aiming to promote poverty eradication and women's empowerment.



65 per cent of all women elected to the village councils are *Kudumbashree* members.⁶³ These developments pre-date the fight against COVID-19, demonstrating the value of already having in place sound policies that prioritize gender equity in decision-making and empowerment of women and vulnerable groups before a crisis occurs.

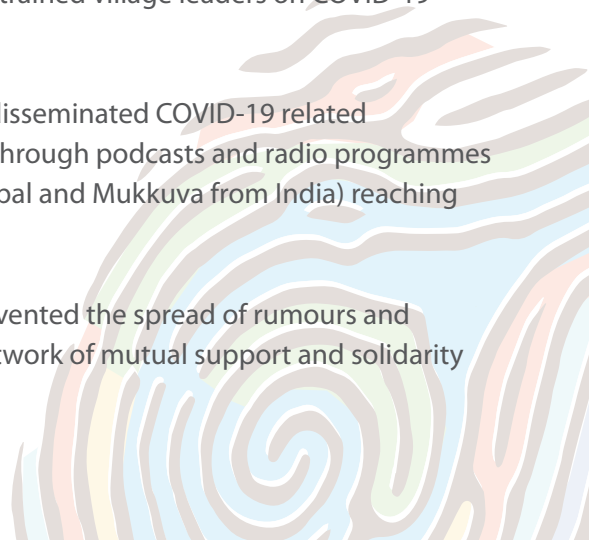
The good practices listed above demonstrate that enabling inclusive, meaningful and gender-equitable participation of indigenous women and youth in decision-making processes can pay dividends while tackling crisis situations such as the COVID-19 pandemic.

5. Access to knowledge and information is important to enabling an effective COVID-19 response

Emerging evidence from indigenous communities in Asia that have handled the pandemic with greater success points to the conclusion that knowledge is power with respect to protecting Indigenous Peoples' rights, especially their land and natural resources rights, and the rights of women and the vulnerable. Getting the most relevant up-to-date information out, in the most gender-sensitive, appropriate and culturally acceptable ways must be a policy priority. Information is essential for urgent health messaging, and to share news about short- and long-term policy responses. How the information is conveyed or delivered should be carefully designed to raise awareness and to ensure it reaches everyone within indigenous communities. COVID-19 containment information and materials need to be translated into local languages.⁶⁴ Documented examples include:

- In **Myanmar**, effective women-led sharing of information helped migrant worker returnees settle into quarantine centres and maintain physical distancing rules. Fear of being stigmatized for having stayed in quarantine facilities had led some returning women to hide or bribe taxi drivers to take them straight to their home villages at the start of the pandemic. However, fears were reduced through community-level awareness campaigns, disseminating information, education and communication materials and negating rumours about the returning migrants and COVID-19. Myanmar's Women's Organizations Network and Migrant Monitoring Group partnered to set up the quarantine centres with European Union funding. They incorporated awareness raising on gender-based violence into their COVID-19 campaigns, and created opportunities for the women migrants to work in the campaigns.⁶⁵
- In **Thailand**, a network of Indigenous Peoples' organizations and communities, and civil society groups created a support platform to help each other during the pandemic. Through this platform they shared information on preventive measures to keep Indigenous Peoples' communities safe. The information was shared in different Indigenous languages through social media. They also distributed food to the most vulnerable, exchanged rice for fish between Indigenous Peoples living in the north and south, and trained village leaders on COVID-19 prevention measures.⁶⁶
- In **Nepal** and in **India**, indigenous youth organizations translated and disseminated COVID-19 related information among local communities. Information was disseminated through podcasts and radio programmes in indigenous languages (Tharu, Magar and Newari languages from Nepal and Mukkuva from India) reaching over 25 000 views on social media.⁶⁷

Access to knowledge and information as illustrated in the cases above prevented the spread of rumours and misinformation that could have led to more infections, and bolstered a network of mutual support and solidarity among Indigenous Peoples during the pandemic.





GENERAL POLICY RECOMMENDATIONS

COVID-19 presents humanity with a rare watershed moment. There are huge opportunities to look for silver linings, and share and learn from successes. To build back better, strengthening human rights for all, improving governance of land and natural resources, protecting minorities, celebrating diversity, and encouraging normative change are key issues that need to be addressed.

General policy recommendations to mitigate the negative gendered impacts of COVID-19 in relation to land and natural resources rights for Indigenous Peoples in Asia include:⁶⁸

- Ensure Indigenous Peoples' land-related human rights by preventing land dispossession and encroachment on indigenous lands, territories and resources. This would require introduction of new legislation or campaigning for policy decisions that prevent dispossession, and strengthening and enforcing existing policy and legal frameworks.
- Ensure indigenous women's equitable access to, and control over, land and natural resources, services and opportunities through new policies and legislation, or by fostering the implementation of frameworks already in place.
- Recognize, preserve and document indigenous knowledge in a gender-sensitive manner, and promote indigenous practices for sustainable natural resources management, considering their key role as guardians of biodiversity.
- Create space for indigenous women's empowerment and provide opportunities for them to take on broader roles in society.
- Establish mechanisms to ensure indigenous women's active and meaningful inclusion and participation in all levels of decision-making related to land and natural resources.
- Adopt programme and policy measures to address gender-based violence through investing in women's leadership, and support their formal and informal networks to contribute to the response. These must be backed up by broader policies to promote and support of indigenous women's land rights. This would provide a solid economic foundation for normative changes in gender relations and women's empowerment.



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