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Indigenous resurgence and self-determination in Southeast Asia

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Doctor of Philosophy

November 2023

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Submitted in total fulfilment for the degree of Doctor of Philosophy at the University of

Melbourne

Abstract

The UNDRIP is the most comprehensive international instrument setting out the rights of Indigenous peoples, including the right to self-determination. While it did not create new rights, the UNDRIP introduced what some theorists argue is a “relational” model of self-determination, whereby Indigenous peoples exercise their right to self-determination in relationship with states. Some Southeast Asian countries have substantive legal and constitutional recognition and protections of Indigenous rights, including self-determination. There are also examples of Indigenous-state multilevel governance arrangements that empower self-determination at the local level, particularly in land and resource management. However, despite some such innovations and commitments in international and domestic law, Indigenous peoples’ rights in the region are largely ignored by governments. Indeed, the experience of ongoing colonisation connects Indigenous peoples globally. *Indigenous resurgence*, a growing body of decolonisation literature from North America proposes radical alternatives to the colonial relationship between Indigenous peoples and states. Central to resurgence theory is the assertion that Indigenous peoples should disengage from the state in order to protect themselves from further colonial harm and instead focus energies on their nationhood-building priorities. Then, from positions of renewed strength, engage with states in order to achieve political relationships based on *mutuality* and *autonomy*. This thesis considers how Indigenous peoples in Southeast Asia are defining and pursuing their right to self-determination, and whether these definitions and efforts reflect the tenets of Indigenous resurgence. To undertake this investigation, two original theoretical frameworks based on resurgence theory are applied to empirical findings about how self-determination is defined and pursued in the region. The findings show that self-determination in Southeast Asia can be understood in three ways: as a movement, an objective and a “toolbox” of tactics for interacting with states. Evidence of an Indigenous resurgence occurring across the region is reflective of Indigenous resurgence movements taking place in settle-colonial countries. As an objective, self-determination is a multifaceted pursuit, ranging from a

pathway out of poverty to political power, and broadly consists of three domains: socio-economic wellbeing, civil rights, and cultural *thrival*. As a “toolbox”, self-determination is being exercised via a trend of nine tactics that Indigenous peoples are strategically employing in their interactions with states. This thesis shows Indigenous resurgence is resonant in these objectives and tactics and fills a gap in the literature about Indigenous peoples’ political aspirations in Southeast Asia, advancing understanding of how self-determination as a relationship between Indigenous nations and states might be realised in the region. To this end, a novel relationship model is presented as a guide for Indigenous-state political relationships. The thesis also demonstrates the global reach of Indigenous resurgence theory, contributing to the ongoing global dialogue on the transformational impact of Indigenous peoples’ right to self-determination in international and domestic political spheres.

Declaration

I, Anya Thomas, declare that:

1. this thesis, entitled *Indigenous resurgence and self-determination in Southeast Asia* comprises only my original work towards the Doctor of Philosophy;
2. due acknowledgement has been made in the text of this thesis to all other material used;
and
3. the length of this thesis is fewer than the 100,000 words limit, exclusive of references, tables and figures.

_____ 3 May 2023

Anya Thomas

Dedicated to those defending our remaining wild places.

Preface

Sections of this thesis have been used in publications and in an unpublished conference paper.

In chapter two, three paragraphs under the subheading entitled "extraction" in section 2.3 appear in Thomas, A. (2021). Indigenous knowledge is not an extractable resource. *Academia Letters*, Article 3832. <https://doi.org/10.20935/AL3832>

The four elements of the disengagement and engagement theoretical framework (namely, rejection, persistence, challenge and reinvention) presented in section 3.4 are referred to in Breen, M. G., & Thomas, A. (2021). National minorities and Indigenous Peoples in multilevel governance. In A. Benz, J. Broschek & M. Lederer (Eds.), *A Research Agenda for Multilevel Governance* (pp. 191-207). Edward Elgar Publishing. <https://www.doi.org/10.4337/9781789908374>. An email confirming my original contribution to the book chapter is at Appendix A.

The four elements of the *disengagement and engagement theoretical framework* and preliminary analysis of some of the findings in chapters five and seven were presented at the International Political Science Association World Congress in July 2021. The unpublished conference paper is called *The pursuit of a renewed relationship with the state: Indigenous resurgence tactics in Southeast Asia* and is attached at Appendix B.

Acknowledgements

"PhD-ing" is a uniquely lonely journey. This one, along with many others who fatefully started their graduate studies right before the COVID-19 pandemic, was especially so. I coupled my academic journey and the global crisis with a stint in the desert and a cross-country solo road-trip, doubling down on the solitude. And yet, my journey was peppered with continuous encouragement and support from a small but mighty group of friends, family and colleagues.

While it is not customary to do so in written documents, I would like to acknowledge and pay my respects to the Wurundjeri and Bunurong peoples of the Kulin nation in what is Melbourne and the Mornington Peninsula; the Larakia nation in the Top End, and; the Warumungu nation in and around what is now Tennant Creek, on whose lands I had the privilege to live, explore and draw inspiration from during my PhD journey. I felt cared for and inspired in these places, which granted me the freedom to dive into this work.

An enormous thank you to the interview participants of this project who generously gave me their time and energy during an exceptionally challenging time in history. I am deeply inspired and motivated by their work and endeavour to continue supporting and amplifying it to the best of my ability.

I am eternally grateful that I happened upon the most amazing supervisory team. Sarah Maddison, Michael Breen and Belinda Hewitt; I cannot thank you enough for how you have guided me through this process. The wisdom, encouragement and opportunities you provided, and frankly, the speed at which you work, kept me moving forward and made this experience that much more enjoyable. It has been such a pleasure being under your mentorship.

To my family and friends who's reliable "you've got this" conversations from near and far carried me through these last four years – in particular, The Thomas-LaFortune-Smith-Bailey gang - Ulla (aka "Mom"), Clare-Bear, René, Lindz, Sven, Nel and the Germany crew; Joanna Mayhew-Brewster, Teresa Dodge, Ewa Madon (someday we'll write a "trail chats" book), Katie Smith, Kat Dee,

Sue, Len and the Metcalfe crew, and of course, my precious NAAT, Susan Salmon, Pauline Shoemaker and Elena Kay. Thank you for your relentless love and tolerance for my PhD-induced selfishness these past few years!

My colleagues who became friends, and in some cases pseudo mentors, and generously navigated long, musing conversations about this thesis – Dr. Steven Riley, Sally Wilkinson, Trish Wilson, Andrew McKay, Lucy McGarry, Margot Eliason and Corinne Shephard. Your collective intellectual generosity helped me wrap my head around what this thesis would eventually become.

To my partner Oscar – without your patience, brilliance, cooking, cleaning, parenting, soundboarding, editing, tech-tutorials and all-around support, this would have been a very different kind of journey.

And finally, to the magnificent Wilde – your timing for entering the world could not have been more perfect.

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Abbreviations

AIPP	Asia Indigenous Peoples Pact
AMAN	Aliansi Masyarakat Adat Nusantara
ASEAN	Association of Southeast Asian Nations
CANZUS	Canada, Australia, New Zealand and the United States
CSDM	Centre for Sustainable Development in the Mountainous Areas
CLT	Community Land Title
ILO	International Labour Organisation
KNU	Karen National Union
NCIP	National Commission on Indigenous Peoples
SPP	Salween Peace Park
UN	United Nations
UNDRIP	United Nations Declaration on Indigenous Peoples
VIKN	Vietnam Indigenous Knowledge Network
WTO	World Trade Organisation
WWII	Second World War

Chapter 1 – Introduction

"Finding appropriate political expression for a just relationship with colonised indigenous peoples is one of the most important issues confronting political theory today" (Iverson et al, 2000, p. 2).

This thesis was born out of a curiosity about how Indigenous peoples' right to self-determination is understood and pursued in non-settler colonial contexts. Growing up on the West Coast of British Columbia, Canada, I understood Indigenous self-determination and its exercise through self-governance to be a unique characteristic of the North American political landscape. I knew Australia and New Zealand had their own versions of this, and that Latin America wrestled with it as well, but in vastly different ways. Otherwise, I did not think of indigeneity as either a social, and certainly not a political, concept in the rest of the world.

Fresh out of university I stumbled into a role with the government of British Columbia's treaty negotiations office, working for several years as part of a provincial negotiating team. Through this work I was deeply entrenched in the technical details and nuanced dynamics of Indigenous-state political relationship repair and rebuilding. Monthly negotiations rotated through themes covered in the chapters that would make up the treaty: fisheries, citizenship, taxation, land management, and so on. Nearly every negotiation included looking back at what had been lost, a consideration of the realities of the present, and some projection of future needs, capacities, and changes to ensure the treaty sufficiently addressed historical losses and that it was both prescriptive and flexible enough to be accurately interpreted and implemented by future federal, provincial, and First Nations' administrations. The complexity of holding both the whole past and future in the present moment,

distilled to a handful of paragraphs of legal language on any of the critical topics covered by the treaty, was enormous¹.

The impacts of colonialism that I had learned about in school became very tangible, as did the deep and wide importance of land and the flexibility of sovereignty². I learned also about the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). On the day of its adoption by the United Nations General Assembly in 2007, those of us working in treaty negotiations watched as Canada voted against this monumental commitment at the international level that encoded the same rights we were busily seeking to define and breathe into life at the domestic level.

While I recognised my privilege in being part of this unique and history-making work, I also found it excruciatingly slow and bureaucratic. I left my role with the treaty branch in search of greater dynamism in the international arena. After completing a Master of human security and peacebuilding, I had my sights set on working in conflict transformation in global hotspots. I subsequently spent several years with the United Nations Development Programme in Nepal and Cambodia – not quite the peacebuilding stations I was aiming for, but nonetheless a radical introduction to human rights and, indeed, Indigenous rights, in dramatically different contexts. To my surprise, not only were there groups identifying as Indigenous in these countries, but they too, like their North American, Australian, and Māori counterparts, were advocating for recognition as First Peoples and for rights to land and self-governance, while also seeming to harbour aspirations not of secession per se but rather for their autonomy within the borders of the state (see for instance Colchester and Chao, 2011; Daytec-Yangot, 2018; Asia Indigenous Peoples Pact [AIPP], 2007; Morton, 2017a; Tan & Thompson, 2021). I found the commonalities in language and policy

¹ Former Canadian Federal Treaty Negotiator, W. Thomas Molloy details this complexity in his article on the Nisga'a treaty negotiations process: Molloy, W.T. (2004). A testament to good faith: the process and structure of the Nisga'a negotiations: a federal negotiator's perspective. *International Journal on Minority and Group Rights*, 11(3), 251-258.

² Brennan et al (2001) argue the traditional definition of sovereignty has evolved beyond its original monopolistic, static understanding. Rather, it is fluid and divisible and applies both internally, within territorial boundaries, and externally, between states (p. 310).

advocacy of Indigenous organisations and groups in these countries with those of First Nations back home in Canada quite striking.

These new insights seeded in me a fascination with how these rights translated to non-settler colonial contexts, where European colonisers had departed but left behind governing systems, processes, and norms that were subsequently adopted by national elites and used to perpetuate the marginalisation of ethnic minorities, including Indigenous peoples (Kingsbury, 2011; Kymlicka, 2005; Baird, 2008; Phuntsok, 2012; Miller, 2011; Khondker, 2018). The same tactics of colonialism – control, extraction, and elimination – that were being tirelessly called-out by Indigenous peoples in settler colonial countries – were also at work in Asia (Huat, 2008; Aljunied, 2011; Kingsbury, 1998); in this context, however, the adoption of the UNDRIP had very different implications. With little to no domestic legal protections, with complex colonial histories, facing ongoing violent oppression, and living in struggling civil societies, Indigenous peoples in Asia look to the UNDRIP as a lighthouse illuminating a way to more secure futures that prioritise both cultural survival and peaceful co-existence with the state (Daytec-Yangot, 2018; Shimray, 2022).

In subsequently moving to Australia and working for several years in the budding treaty process (the first of its kind in the country) in the state of Victoria, I came to appreciate the complexity of starting a political dialogue between Indigenous peoples and governments in a context where no history or existing practice of this kind of engagement exists. Australia stands out among British settler-majority Commonwealth countries for the absence of treaties or treaty-making practices between the continent's First Nations and settlers (Hobbs and Williams, 2018; Langton et al, 2004). From this new location I again reflected on my experiences in Asia. If starting political dialogue between Indigenous peoples and the state is so complicated in a functioning liberal democratic, settler colonial context, what hope is there for Indigenous peoples in Asia for realising their UNDRIP rights? This niggling question grew as I found a chorus of crickets where I expected deep engagement in scholarly literature on Indigenous rights and self-determination in a region

home to the world's largest combined Indigenous population³. Those bodies committed to these matters, like the UN Human Rights Commission, offered relatively little insight into what Indigenous peoples' self-determination rights might mean in practice and how they might be implemented in largely non-settler colonial regions like Asia and Africa.

In spite of the myriad projects focused on recognition and accommodation of Indigenous peoples' right to self-determination undertaken by settler colonial governments, these states continue to be heavily criticised by scholars, practitioners, and advocates, both in- and outside of the countries, for the shortcomings and inconsistencies of their efforts (see, for instance, Maddison, 2020b; Langton et al, 2004; Calloway, 2016; Mutu, 2019; Blackburn, 2019; Egan, 2013). A growing movement called "Indigenous resurgence" and its accompanying body of literature from Indigenous scholars and activists in North America is advancing an interpretation of self-determination that re-centres Indigenous peoples' nationhood-building priorities, rather than governments' political agendas. Indigenous resurgence paints a picture of a radically different, decolonised future in which Indigenous nations stand strong both within and amongst internationally recognised states. While resurgence writings are predominantly intended for Indigenous peoples, governments and non-Indigenous society would do well to pay attention to this growing movement and theory that is shaping advocacy and decision-making in the Indigenous world.

Indigenous resurgence offers a different path and may well contain the answers for what just political relationships between Indigenous peoples and state governments must look like. While Indigenous resurgence is framed within the settler colonial context, its assertion that Indigenous peoples are sovereign nations contained within the borders of states translates to various colonial contexts (see for instance, Ryser, 2012; Fukurai, 2018; Seton, 1999; Scott, 2009). Indeed, if this is the

³ Writings on Indigenous rights and self-determination in Asia are predominantly produced by advocacy organisations, notably the Asia Indigenous Peoples Pact, Indigenous Peoples Rights International, the International Work Group for Indigenous Affairs, and the Forest Peoples Programme.

vision for self-determination amongst Indigenous nations in North America, is it also that of Indigenous peoples elsewhere, for instance, in Asia?

Thus, the birth of this project. By bringing together my experiences working in and around Indigenous rights in Canada, Nepal, Cambodia, and Australia, this thesis seeks to help fill the scholarly chasm and to advance political dialogue on Indigenous peoples' right to self-determination in Southeast Asia. I argue that, like their counterparts in settler colonial countries, Indigenous peoples in Southeast Asia are also seeking renewed relationships with governments based on the principles of mutuality and autonomy. In pursuit of this, they are strategically engaging and disengaging with governments and their agents, using tactics characteristic of Indigenous resurgence, both to meet their more immediate needs and to preserve their cultures, lands, community cohesion, and independence in the longer term.

Upon commencing this study, I hoped to find creative and even sophisticated multilevel governance arrangements between Indigenous groups and governments that would provide lessons for policymaking in the region. My research revealed that very few such arrangements exist⁴. Instead, creativity and sophistication are characteristic of the ways in which Indigenous peoples are defining their rights and mobilising their communities in pursuit of those rights. It is in their actions and advocacy that lessons for what self-determination means and should look like in the region lie. As in North America, Southeast Asia is experiencing its own Indigenous resurgence, translating UNDRIP rights to the myriad and diverse local contexts in which they apply. Governments and organisations need look no further than the tactics and assertions of Indigenous peoples to find the meaning and application of self-determination in the region.

⁴ There are, however, some notable Indigenous-state partnerships in Sabah, Malaysia, Thailand, and in the Cordillera, Philippines that are discussed in chapter eight.

1.1 Research questions

I initiated this project in early 2019 with the intention of undertaking face-to-face fieldwork in 2020. The project was originally designed as a comparative case study between two sites where I planned to do a deep-dive investigation into multilevel governance arrangements in the Cordillera, Philippines and Sabah, Malaysia. By March 2020, I had received both formal and ethics approval from the university to undertake the research and had secured a visiting scholar position at the University of the Philippines Cordillera Studies Centre in Baguio, in the foothills of the Cordillera region. In the midst of preparing for my departure, COVID-19 presented itself to the world, borders shut, and universities barred any travel for an indeterminate period. Assuming, like many others, that the delay would be only for a matter of weeks, I returned to the literature, grateful for some extra time to strengthen the theoretical foundations of my study. As weeks turned into several months, I realised I would have to redesign the project in such a way that was more compatible with online research. As a result, I decided to "zoom out" and take a regional view of Indigenous-state relations in the hope of identifying evidence of broad trends across the region. While the delay and restructure cost approximately six months of research time, it did afford me the luxury of delving deeper into different bodies of literature, in particular resurgence theory. Had I not had this time to really internalise the core messages of this body of theory, I genuinely believe I would not have had such enriching conversations as I came to have with research participants. From the beginning of the fieldwork process it was clear that, while resurgence theory has not made a scholarly entrance into the region, its tenets are nevertheless both familiar and relevant to Indigenous leaders and advocates in Southeast Asia who are actively pursuing their own self-determination.

From this rich engagement with Indigenous resurgence early in the thesis journey, I developed new research questions concerning the ways in which Indigenous groups are strategically interacting with governments to achieve their self-determination objectives, and the implications of these interactions for Indigenous-state political relationships in the region. This study seeks to

extend the global dialogue on Indigenous-state political relations beyond settler colonial nations by examining the meaning and exercise of Indigenous peoples' right to self-determination in Southeast Asia. To do this, I considered whether the core tenets of Indigenous resurgence theory, a branch of decolonisation scholarship, had resonance in the region, and sought to understand the implications of this for the future of Indigenous-state political relations.

The key question that has animated this research is:

How are Indigenous groups in Southeast Asia strategically interacting with governments to achieve their self-determination objectives, and what are the implications of this for just political relationships between governments and Indigenous nations in the region?

To answer this question, I also asked:

- What does self-determination mean to Indigenous peoples in the region?
- How are Indigenous peoples strategically interacting with states?
- What lessons can be gleaned from these findings to inform the future of political relationships between Indigenous peoples and states in the region?

1.2 The global dialogue on self-determination

In 2008, the international community signalled an openness to recognising collective rights for the first time through the ratification of the UNDRIP. In the fifteen years since, however, few governments have managed to achieve meaningful implementation of Indigenous rights at the national level. Indeed, the persistent poverty and disadvantage of Indigenous peoples around the world is increasingly framed as the result of ongoing internal colonisation by governments (Kingsbury, 2011; Kymlicka, 2005; Baird, 2008; Phuntsok, 2012; Miller, 2011; Khondker, 2018). In recent decades, this has accelerated with the proliferation of corporate influence (Baird, 2008, p. 203). Ongoing development aggression, assimilationist policies, the absence of implementation of rights protections, and structural racism demonstrate that governments are broadly persisting with

tactics of control, elimination, and extraction in an effort to remove the inconvenience of Indigenous peoples and cultures from within their borders, despite some recognition of rights and accommodation measures. This work is ongoing and changes shape over time and spaces, yet its continuance is a unifying experience for Indigenous peoples around the world.

For decades before the UNDRIP, and indeed more intensely since, Indigenous and non-Indigenous writers have offered various theories and solutions for the exercise of Indigenous self-determination, in particular the right to self-governance within the jurisdictional boundaries of nation-states (See for instance Deloria, 1968; Manuel & Posluns, 1974; Nietschmann, 1994; Tully, 1995; Champagne, 1996; Kymlicka, 1999; Young, 2000; Cairns, 2000; Jung, 2003; Langton et al, 2004; Alfred & Corntassel, 2005; Simpson, 2011a; Papillon, 2011; Kuokkanen, 2012; Ryser, 2012; Corntassel, 2012; Simpson, 2014a; Coulthard, 2014; Moreton-Robinson, 2015; Cornell, 2015; Daytec-Yangot, 2018). The lion's share of this scholarship comes from settler colonial countries with liberal democratic governance systems, namely Canada, Australia, New Zealand, and the United States (referred to as "CANZUS" throughout this thesis). Recognition of Indigenous self-determination, now imperfectly enshrined in international declarations and domestic legislation around the world, reflects the tireless advocacy of Indigenous individuals and communities, coupled with resolute efforts by Indigenous and non-Indigenous scholars alike, to articulate how Indigenous and state political systems and aspirations might harmoniously coexist.

The global dialogue on Indigenous peoples' right to self-determination has been aided by legal decisions and legislation in all the CANZUS countries, including *Calder et al v B.C* in Canada in 1973, *US v Wheeler* in the US in 1978, *Māori Council v Attorney General* in NZ in 1987, and *Mabo v*

Queensland in Australia in 1992 (Brennan et al, 2004)⁵. These cases, among others, helped to shape modern understandings of how Indigenous self-determination might fit within liberal democratic systems. All four countries have also adopted legislation in an attempt to accommodate aspects of Indigenous peoples' right to self-determination within their borders. For instance, Aboriginal and treaty rights are protected in Section 35 of the Canadian constitution, providing a foundation for native title and treaty negotiations across the country (The Constitution Act, 1982). Notably, the Canadian government has also introduced legislation that provides a roadmap for the implementation of the UNDRIP (The United Nations Declaration on the Rights of Indigenous Peoples Act, 2021). In the United States, the 1975 Self Determination and Education Assistance Act enables Native Nations to enter into service delivery agreements with the federal government (Self-Determination and Education Assistance Act, 1975). The Native Title Act 1993 in Australia sets out the parameters for Indigenous peoples to gain title rights to traditional lands (Native Title Act, 1993), and in Aotearoa (New Zealand), the Treaty of Waitangi Act 1975 empowered the Treaty of Waitangi in New Zealand law and created the Waitangi Tribunal through which Māori people could make claims against the principles of the Treaty (Treaty of Waitangi Act, 1975). There is also significant scholarship on the mechanisms through which Indigenous self-determination can be exercised in concert with the state (for instance Alcantara & Mordon, 2017; Smith, 2002; Langton et al, 2004; Hobbs, 2018; Latta, 2018; Papillion, 2015; Rosenthal, 2012; Cornell, 2007; Hawkes, 2001). While the UNDRIP provides a definition of Indigenous peoples' right to self-determination, it does not offer clear guidance on its implementation. Some writers agree that traditional understandings of self-determination and sovereignty in relation to the characteristics of states cannot apply to Indigenous

⁵ The *Calder et al v B.C in Canada* decision in 1973 ruled that governments must negotiate with First Nations in British Columbia. *Wheeler vs the US* in 1978 ruled that Indigenous sovereignty is an inherent right; however, it can be given up. In *Māori Council v Attorney General* in NZ in 1987, the Supreme Court of New Zealand upheld the Treaty of Waitangi, giving weight to the Treaty in jurisprudence for the first time. *Mabo v Queensland in Australia* in 1992 affirmed native title but found that sovereignty cannot be considered by domestic courts of the nation whose sovereignty is in question.

nations (Young, 2000; Jonas, 2002; Tully, 1995). Indeed, Indigenous peoples around the world have argued they are not interested in secession; rather they are seeking to exercise their right to self-determination within the borders of the state (Bruce, 2015; Cambou, 2019; Cornell, 2015; Daytec-Yangot, 2018; Roy, 2021). Thus, comparative analyses of Indigenous governance, as the political expression of the right to self-determination, broadly cites agreement-making through negotiations as a key element of sustainable and just Indigenous-state relations (Langton et al, 2006; Hobbs, 2018). Similarly, Young (2000) posits that self-determination is best conceptualised as "relational autonomy", whereby the Indigenous nation expresses its authority interdependently with the state. Democratic federalism, in particular, is lauded for its capacity to accommodate this expression (Brennan et al, 2004; Breen, 2018c; Hawkes, 2001; Smith, 2002) as it recognises the "internal" sovereignty of sub-level governments (Brennan et al, 2004). Multilevel governance, in both federal and non-federal political systems, continues to be explored as both a flexible and stable mechanism for the exercise of Indigenous peoples' right to self-determination (Alcantara & Morden, 2017; Ladner, 2010; Wyatt & Nelson, 2013; Zurba, 2014; Papillon, 2015). Though treaties can also offer a solution (Hobbs, 2018; Tehan et al, 2006), the issue of sovereignty of non-state entities (a prerequisite for being party to a treaty) remains a much-debated point of contention (Weissner, 2008; Mansell, 2002).

Despite some progress and ongoing dialogue, the question of whether and how Indigenous peoples' right to self-determination can and should coexist with a state's political authority remains poorly understood. Scholars (Lightfoot, 2016; Hobbs, 2018; Elliot, 2018; von der Porten et al, 2019; Papillon & Roden, 2017) continue to explore the evolving dimensions of Indigenous peoples' right to self-determination within the context of an increasingly globalised world. Indeed, countries with vastly different political and social contexts from CANZUS countries often look to these nations for language and mechanisms to accommodate Indigenous peoples' self-determination demands. Meanwhile, as prominent Anishinaabe scholar Sheryl Lightfoot (2021) observes, "Indigenous peoples around the world often engage in a set of creative, innovative and assertive self-determination

practices, which fully respect Indigenous laws, traditions and nation-to-nation relationships with governments while disrupting the 'international' in important ways deserving of deeper analysis” (p. 977).

This thesis contributes to this global dialogue by offering insight into how self-determination is being defined and pursued in Southeast Asia, a non-settler colonial context. I show that while the historical, political, and cultural landscapes of the region are significantly different from those of CANZUS countries, Indigenous peoples are calling for the same or similar rights as their CANZUS counterparts and working to maintain their unique collective identities within the borders of states.

1.3 Setting the scene: Indigenous peoples and self-determination in Southeast Asia

Who is Indigenous?

Determining who is Indigenous in Southeast Asia is a complex matter. Diversity across the region is characterised by ethnic, linguistic, Indigenous, and religious dimensions, and further complicated by the intersections of these factors. For instance, Muslim Moros in the south of the Philippines, ethnic groups whose traditional territories cross state borders, or where a group is considered Indigenous in one country and not in the neighbouring country, as is the case on the Indochina peninsula (Cambodia, Vietnam, Laos, Thailand) (Clarke, 2001, p. 415). Additionally, the "saltwater theory" of colonisation remains dominant among governments in the region; that is, that colonisers are those who come from overseas, namely Europe, and all those already residing in the colonised country are Indigenous. From this perspective, decolonisation is considered to have taken place when countries were liberated from European colonial rule. In this view, there are no people or groups who are more or less 'indigenous' than any others (Baird, 2020, p. 1).

Indeed, the characteristic of *prior occupancy* as a central principle of indigeneity in international law creates challenges in the region as it tends to be confused with *first occupancy*. While determining who were the first occupants is near impossible in Asia, *prior occupancy* is a

useful marker and necessary for identifying who is, in fact, Indigenous (Phuntsok, 2012, p. 81). Some advocates and scholars have extended the definition of Indigenous to refer to "marginalised and vulnerable peoples living within state borders dominated by other peoples", highlighting the experience of colonisation as central to indigeneity (Baird, 2008, pp. 202-203; Daytec-Yangot, 2018, p. 53). Key to this definition is identification as a unique ethnic group that is historically self-governing in a particular territory and has a relationship with the state characterised by the experience of being dominated (Baird, 2008, pp. 217-18). Writing about Indigenous rights in Asia in the 1990s, Kingsbury (1998) observed that, "the concept of 'indigenous [sic] peoples' or its local cognates, has become an important unifying connection in transnational activist networks, linking groups that were hitherto marginal and politically unorganized to transnational sources of ideas, information, support, legitimacy and money" (p. 417).

Several Indigenous rights movements have had noteworthy successes, including the non-violent resistance against the Chico River dams in the Cordilleras, Philippines (a World Bank project) in the early 1980s which garnered significant international attention for being instrumental in the fall of the Marcos regime. Some argue that the Cordillerans' decision to identify as Indigenous gave their campaign stronger 'narrative fidelity' due to the recognition of Indigenous rights in broader society (Inguanzo, 2014, p. 6). In Malaysia, Indigenous peoples of Sarawak and Sabah have also led resistance campaigns in response to dispossession caused by deforestation. They received significant support from conservation organisations like the World Wide Fund for Nature (previously the World Wildlife Fund) for these actions (Inguanzo, 2014, pp. 4-5, 7).

However, Baird (2020) raises concerns about the definitional creep of *Indigenous* away from meaning only *original or first peoples*, suggesting that it effectively disconnects the concept of indigeneity from time (the idea of being first occupants) and place (connected to a particular territory), which are critical to Indigenous identity (pp. 1-3). Even a critic like Baird however, concedes that creating a universal definition based on time and space is difficult, if not impossible (p. 4). Indeed, some scholars also suggest that the concepts of decolonisation and indigeneity do not

have a place in Southeast Asia. Parreñas (2020) expresses a discomfort with the translation of these terms most commonly applied in the settler colonial context to Southeast Asia where the "who" and "what" they apply to are much less clear. She writes that "when decolonial writing is applied to Southeast Asia, 'Indigeneity' (with a capital 'I') threatens to become ethnonationalist and culturally imperialist" (p. 415). In fact, she argues, applying these terms in the Southeast Asia context is itself "an imposition from the Americas" (p. 415), an act that devalues Asian or African worldviews, perpetuating Western global imperialism.

Defining Indigeneity in Southeast Asia is additionally challenging because: a) Indigenous peoples are not always a minority; b) some Indigenous peoples are nomadic, making land rights and self-governance challenging; c) self-identification is resulting in a proliferation of people/s taking up the category; and d) it is not clear which groups were contenders and losers in state formation – a key quality in settler-majority states (He, 2011). Broadly, He's claim that "there is virtually no enthusiasm in Asia or the Arab/Muslim world to develop regional norms on minority rights" (He, 2011, p. 5) appears to continue to reflect reality, particularly in relation to Indigenous peoples. A clear example of this is the fact that the Association of Southeast Asian Nations (ASEAN) has no formal body or means to address Indigenous peoples' issues. Neither the ASEAN Charter nor the ASEAN Human Rights Charter makes mention of Indigenous peoples. Indigenous rights are treated synonymously with human rights; organisations can make presentations to the ASEAN Inter-Governmental Commission on Human Rights when they wish to raise an issue regarding Indigenous rights with the Commission.

Compounding this is the absence of a formal definition for Indigenous peoples from the United Nations (Erni, 2008, p. 16). Some definitional guidance has been provided in international law, specifically ILO Convention No. 169. *Tribal people* are defined as groups with cultures, customs, and traditions distinct from the majority population. Indigenous peoples are those who can trace ancestry to a people who occupied a particular territory prior to colonisation and maintain distinct social, political, and economic systems (Phuntsok, 2012, p. 77). In recent years, the UN has adopted

the approach of *self-identification* of who is considered Indigenous, an approach introduced by Indigenous peoples seeking solidarity with one another and wanting to advocate for their rights based on the shared experience of colonisation/state domination (Phuntsok, 2012, pp. 80-83). The UNDRIP's solution is to combine self-identification with verification by others (other groups). While this is broadly viewed as the most practical solution, it creates the challenge of seemingly flooding the category, having paved the way for many groups to use the designation to advance their cause (Daytec-Yangot, 2018, p. 56).

Nordin et al (2012) explicitly make the point that Indigenous peoples in Asia should not be treated any differently from those in the Global North, even if state governments prefer to refer to them as minorities or ethnic groups:

In respect of indigenes in Asia, it is wrong to classify all indigenous peoples as minority or ethnic groups, particularly when indigenous peoples in states such as the Philippines and Malaysia have fulfilled the criteria of indigenous peoples under international law. Indigenous peoples are entitled to the same protections provided to indigenous peoples in the Western hemisphere. (p. 529)

Further, as Niezen (2003) points out, "Indigenous identity is not contingent upon continued domination by peoples of European origin. It matters little to those claiming indigenous identity if their oppressors are historically successful immigrants or the recent beneficiaries of national independence" (p. 76).

Cultural imperialism is an entrenched reality in the region, and not in the favour of Indigenous peoples. It is their experience of being "the most disadvantaged people within disadvantaged states" (Niezen, 2003, p. 76) that causes them to reach out for the support and recognition that the label of *Indigenous* provides. Like their counterparts in CANZUS, Indigenous peoples in Southeast Asia are also surviving under the thumb of colonialism. It is well-established in the literature that a form of post-extractive colonisation is committed internally by post-colonial

governments; that is, national governments established after the departure of European colonisers sustain the colonial practices and institutions left behind, as do multinational corporations (Huat, 2008; Khondker, 2018; Aljunied, 2011; de Vries & Mejknecht, 2010; Tan, 2017; Daytec-Yangot, 2010; Nordin et al, 2012; Kingbury, 1998).

Without a clear definition of "Indigenous peoples", governments and critics can seek to delegitimise their rights claims. However, having a definition also runs the risk of governments stepping in to oppose, control, or deny the definition (Erni, 2008, p. 19). While international law has a responsibility to protect Indigenous peoples from domestic oppression and dispossession (Daytec-Yangot, 2010, p. 11), ultimately governments hold the power with respect to the interpretation and implementation of such law. As such, it has been argued that a global definition of "Indigenous peoples" is unhelpful because only domestic recognition can guarantee the protection of rights (Nordin et al, 2012, p. 529).

As Baird (2020) and Parreñas (2020) highlight above, it is difficult and even harmful to translate such a critical concept across regions without scrutiny. As Daytec-Yangot (2018), Nordin et al (2012) and Niezen (2003) point out, however, the concept of indigeneity has been widely embraced in Southeast Asia as a means of accessing collective rights under the designation, as will be elaborated upon in this thesis. In fact, Indigenous rights advocates in the region have "repeatedly emphasized that a definition is not necessary, and insisted on self-identification as part of their right to self-determination" (Erni, 2008, p. 17). The global Indigenous rights movement has illuminated the shared experience of colonialism by marginalised groups around the world. Rejecting minority peoples' claims to indigeneity, thereby denying groups the rights afforded them under international law, effectively preserves these exclusively for Indigenous peoples in settler colonial states, further entrenching the power asymmetry between the Global North and South. It is worth reflecting on why the designation has been so readily adopted in non-settler colonial contexts, particularly those in countries whose governments are hostile toward, or indeed reject the notion of Indigenous peoples within their borders altogether. The absence of other forms of protection for rights-holders

is perhaps a prime reason for the uptake of indigeneity claims, a gap worth exploring at the international level. The strength of the self-identification approach adopted by the UN is its empowerment of peoples who are frequently the subject of rights conversations while being excluded from participation. The UNDRIP and Indigenous rights movements provide these groups a seat at the table, which is arguably more important than landing on a universal definition of the term.

Lack of recognition and rights protection at the regional level.

While this debate is ongoing in the scholarly realm, the global Indigenous rights movement has empowered many culturally distinct, marginalised groups in the region to advocate for their collective rights (Morton, 2017a; Daytec-Yangot, 2018). In their *Statement of Indigenous Peoples at the ASEAN Peoples Forum in 2014*, the Asia Indigenous Peoples Pact (AIPP), a regional representative body for Indigenous peoples, highlighted the necessity of collective and cultural recognition and the right to self-governance for ASEAN's Indigenous peoples:

The non-recognition of Indigenous Peoples as distinct peoples with collective rights, including citizenship, remains the biggest obstacle as we move towards an ASEAN Community in 2015. Furthermore, the lack of space for political participation, the failure to recognise customary laws and enable self-governance, lack of indigenous women in decision making systems in both the state system and traditional institutions, persisting stigma and discrimination (both institutionalised and indirect), non-recognition of the educational institutions and traditional health-care systems, lack of citizenship and the economic and social marginalisation of Indigenous Peoples contribute to the deprivation of the rights of indigenous peoples. (AIPP, 2014)

Rights advocacy by regional and international organisations uses the language of decolonisation in reference to Indigenous peoples. Throughout the twentieth century, Asian states

have tried the same tactics as the West to eradicate and/or assimilate Indigenous peoples and to dispossess them of their lands. Most Asian governments remain optimistic that minorities will disappear with modernisation and democracy, while being pessimistic about their capacity or willingness to uphold human and democratic rights (Kymlicka & He, 2005). Despite some progress, the situation remains fraught with challenges, notably the ongoing development aggression and the non-implementation of protection and accommodation legislation (Daytec-Yangot, 2018; Xanthaki, 2003; Kingsbury, 1998; Kymlicka & He, 2005; Roy, 2005; Candelaria, 2012; He, 2011; Morton, 2017a).

Importantly, while Indigenous peoples face similar challenges across the region, their situations are enormously varied. Several countries have legal recognition and protection of Indigenous rights, including the right to self-determination and self-government (Roy, 2005). The Philippines, Malaysia and Indonesia, for instance, have all strongly embraced Indigenous designations, while Cambodia recognises Indigenous peoples in some legislation. Myanmar, Thailand, Vietnam, and Laos, on the other hand, do not formally acknowledge the existence of Indigenous peoples within their borders, instead classifying them as ethnic minorities (AIPP, 2014). Writers have observed a gulf between the international and domestic spheres with regard to Indigenous peoples and their rights. Many governments remain reticent in acknowledging Indigenous peoples for fear of societal instability or perceived threats to national unity (Kingsbury, 1998; Inman, 2016; Sibbel, 2005).

Unfortunately, the quality of Indigenous peoples' experience with international development organisations in the region is not much better than that of their interactions with state governments. Many international organisations have governance policies and programs that tend to be exclusive of or harmful to Indigenous groups in Asia as they do not account for the unique cultural or access needs of Indigenous peoples, or the structural barriers they face (Sibbel, 2005, pp. 23-25). In cases where an organisation is aware of Indigenous peoples and their rights they are often limited in the governance support they can provide due to restrictions on interfering with matters of national sovereignty. Consequently, both governments and development organisations either

assimilate or exclude Indigenous peoples, neither gathering data on them specifically, nor taking account of Indigenous peoples' different understandings of wealth/poverty, land rights, and collective versus individual rights (Sibbel, 2005, pp. 26-32). There are signs of positive change, however. The adoption of UNDRIP throughout the region, and the establishment of the ASEAN Intergovernmental Commission on Human Rights, followed by the adoption of the ASEAN Human Rights Declaration are significant steps for a region that has traditionally rejected human rights as a Western construct.

The connection between Indigenous rights and environmental protection is also opening up avenues for the recognition of Indigenous self-determination. The Asia Pacific Forum of Human Rights Institutions, for example, the regional body for national human rights institutions, advocates for native title claims to be settled in light of the rapid loss of land (Inman, 2016, p. 87). A strong argument could be made that, in Asia, the real opportunity for a resurgence of Indigenous political, legal, and knowledge systems is in conservation and responses to climate change. Advocacy groups are linking recognition of Indigenous governing systems with fulfilling commitments under international law on conservation and climate change:

Recognition and promotion of our customary governance and conservation practices with full and effective participation of our peoples, including indigenous women, are crucial to meet international commitments such as the Paris Agreement on Climate Change, Strategic Plan for Biodiversity and forthcoming post-2020 global biodiversity framework and 2030 Agenda for sustainable development. (AIPP & Asian Indigenous Peoples' Caucus, 2019, 1)

Indeed, the bulk of Indigenous peoples' political leverage (perhaps their only leverage beyond human rights) lies in the fact that a significant portion of Southeast Asia's natural resources lie within ancestral domain lands. Additionally, Indigenous nations have a strong track record of sustainable management practices. While climate change is one of the biggest threats to the region, it may deliver important opportunities for Indigenous peoples to be acknowledged and welcomed

into the political sphere when otherwise they may be excluded. As is discussed in chapter two, multilevel governance is a promising field of theory and practice being explored as a mechanism for the meaningful exercise of Indigenous peoples' right to self-determination; it is being used predominantly in cooperative land management regimes. I argue that the cultural diversity and political context of Southeast Asia, coupled with the environmental pressures on the region, make it an excellent site for exploring multilevel governance arrangements between Indigenous nations and state governments.

This brief overview demonstrates the complexity in defining indigeneity in Southeast Asia, and in recognising Indigenous peoples' internationally affirmed right to self-determination. While the debate on who is and who is not Indigenous in the region may hold some scholarly significance, communities and advocacy organisations are largely unburdened by the question. A more prominent unifying experience among those who claim indigeneity is that of being some of the most marginalised communities in the region. As such, for the purposes of this study, I rely on the self-identification approach taken in the UNDRIP, coupled with the experience of ongoing marginalisation, and being culturally distinct from the majority population. This is consistent with the approach taken by those shaping the Indigenous rights movement in the region, including the majority of the interview participants in this study. This thesis does, however, contend with the meaning and exercise of Indigenous peoples' right to self-determination. As will be demonstrated in the following chapters, the significant diversity in the region, as well as the fluidity of policy, social, political, and environmental trends at the international, regional, and domestic levels, are key factors in creating both hurdles and opportunities for the meaningful realisation of the right to self-determination. As in CANZUS countries, Indigenous peoples and their rights are often highly politicised and manipulated to serve the interests of those who hold power. However, Indigenous groups are well aware of this dynamic and are strategically asserting and pursuing their right to self-determination, demonstrating their refusal to disappear and instead a growing determination to take their place as autonomous political actors in the region.

1.4 Contributions of this thesis

This thesis makes several original contributions to the global dialogue on Indigenous peoples' right to self-determination, as well as to the field of Southeast Asian studies.

The first contribution relates to self-determination as an exercise of political relationship between Indigenous groups and state governments. In this thesis I argue that Indigenous resurgence writings, while not necessarily written for a non-Indigenous audience, or indeed for governments, provide critical guidance for just political relationships between Indigenous peoples and states. Drawing on these writings, I offer two new theoretical frameworks for understanding Indigenous-state relations in the twenty-first century. The first concerns the qualities of a just relationship between Indigenous groups and governments, namely that it must be based on the resurgence concepts of mutuality and autonomy. Mutuality refers to what I describe as *consensual interdependence* which in practice relies on both parties sharing benefits from and influence over the relationship. Autonomy simply refers to the absence of domination, in particular domination by the state over the Indigenous group. In chapter three I detail the six principles of mutuality and autonomy and elaborate on their characteristics. However, I also emphasise the mutuality and autonomy framework's flexibility and therefore applicability to vastly different political contexts. This framework is a contribution to scholarship on Indigenous-state political relationships, in particular an elaboration on the form and characteristics of such relationships. The second framework demonstrates how, through strategic tactics of disengagement and engagement with the state, Indigenous nations are working to both preserve their autonomy, communities, and ways of life, as well as to change the dynamics of their relationships with governments. Disengagement is performed via two broad categories of tactics: *rejection* or *refusal* (depending on the context), and *persistence*. Engagement tactics include *challenge* and *reinvention*. Through these tactics, Indigenous nations are enacting decolonisation by recentring their own priorities rather than expending energy meeting state-dictated requirements and rules of engagement.

As a second contribution of this thesis, through my empirical research I provide evidence of an Indigenous resurgence movement in Southeast Asia and argue that self-determination is defined variously on a spectrum from a pathway out of poverty to political power, with three distinct domains: socio-economic wellbeing, civil rights and cultural *thrival*⁶. I demonstrate the resonance of mutuality and autonomy in these objectives and argue that, broadly, Indigenous peoples in Southeast Asia are seeking renewed relationships with state governments as the exercise of their right to self-determination.

Next, applying the second theoretical framework, I demonstrate that Indigenous peoples are strategically engaging and disengaging with the state, consistent with the tenets of Indigenous resurgence theory and Indigenous movements in the CANZUS states. Scholarship concerning Indigenous peoples in Southeast Asia primarily focuses on the definition on indigeneity (Erni, 2008; Niezen, 2003; Nordin et al, 2012; Baird, 2020; He, 2011; Parreñas, 2020), on violations of land rights (Xanthaki, 2003; Luithui-Erni, 2019; Doolittle 2005; Clarke, 2001), and on the region's poor performance in implementing international law on Indigenous rights (Inguanzo & Wright, 2018; Meijknecht & de Vries, 2010; Candelaria, 2012; He, 2011; Inguanzo, 2014 & 2018). Some studies look at the mechanics of Indigenous customary law in plural legal systems (Colchester & Chao, 2011; Prill-Brett, 2007; Roy, 2005; Weiner & Glaskin, 2006), at native title claims processes, and conservation co-management schemes (Cariño & Pact, 2015; AIPP, 2019; Bulan, 2006; Carling, 2015; Crisologo-Mendoza & Prill-Brett, 2009; Eder & McKenna, 2004; Inman, 2016; Xanthaki, 2003). Few consider Indigenous peoples' political agency and aspirations (Lightfoot, 2021, p. 976).⁷ In this thesis I argue that, regardless of recognition by governments, Indigenous peoples are strategically engaging as political actors in many parts of the region. I provide empirical data demonstrating how Indigenous

⁶ “Thrival” is an original term referring to the state of thriving rather than merely surviving. I explain this further in chapter six.

⁷ This work is predominantly led by the AIPP and its partner organisations (See for instance, AIPP, 2020; Carling et al, 2021; Shimray et al, 2020; Shimray, 2019).

peoples engage politically, and in many cases how they are asserting themselves as self-determining agents, regardless of their political context.

Finally, drawing on both resurgence theory and my empirical data, I present a relationship model based on the principles of mutuality and autonomy as a contribution to the growing scholarship on self-determination as a political relationship. I also discuss some innovations in political relationships between Indigenous groups and states in Southeast Asia.

1.5 Structure of this thesis

This thesis is organised in such a way to gradually tell the story of Indigenous resurgence and the pursuit of self-determination in Southeast Asia. The next chapter (chapter two) provides an overview of the theoretical landscape in which this study is embedded. First, I argue that self-determination is a political relationship, setting out the state of the normative dialogue on the *relational model* of the UNDRIP, as well as exploring the exercise of Indigenous-state multilevel governance as a promising contemporary practice in political relationships between governments and Indigenous nations. In the second section of chapter two I set out the key themes in decolonisation writings concerning Indigenous peoples, drawing parallels with anticolonial writings on Southeast Asia. Finally I focus in on Indigenous resurgence theory as a branch of decolonisation, laying the foundation for the remainder of the thesis.

In chapter three I provide an overview of the methodological approach and tools I use in this study, outlining the research design, my approach to the fieldwork, and my tools of analysis. Specifically, I explain how I use a grounded theory approach to identify trends in how self-determination is defined and pursued in the region. I then present the two theoretical frameworks I use to consider the resonance of Indigenous resurgence in these findings. The first framework details a core objective of Indigenous resurgence: just political relationships between Indigenous nations and states based on the principles/qualities of mutuality and autonomy. The second framework outlines the strategic tactics Indigenous peoples use to advance their self-determination.

In this way, I take a bottom-up as well as top-down approach to defining and understanding self-determination in the region. I also offer reflections on my position as a non-Indigenous researcher in this field.

Before diving into the empirical findings and my analysis of the fieldwork data, chapter four provides a detailed overview of the political context of Indigenous peoples and their rights in Southeast Asia. Three broad themes are covered: first, historical and contemporary colonisation in the region, from European rulers to present day development aggression and "false climate solutions" that threaten Indigenous peoples' lives and their rights; second, the impact of the global Indigenous rights movement; and third, the current status of recognition and accommodation of Indigenous peoples' right to self-determination across the region.

Chapter five is the first of three chapters in the thesis dedicated to presenting and analysing the fieldwork data. As in parts of CANZUS, the pursuit of self-determination is *a movement* of resurgence of indigenous identity and a "homecoming", or return to traditional lands, languages, and practices across the region. I argue that there is a trend across the region of Indigenous peoples *reconnecting* with their customary lands and cultures, *reclaiming* their Indigenous identities, and *rebuilding* their traditional systems and processes. In some cases this movement is being led by young people and city-based Indigenous people, and has been amplified by the COVID pandemic.

In chapter six I set out the findings explaining how self-determination is also an *objective*. Self-determination is very much a place-based pursuit, characterised by the specific challenges and opportunities presented by the political, economic, social, and environmental contexts in which Indigenous nations find themselves. Through a grounded-theory analysis, I argue that Indigenous peoples in the region are in pursuit of improved socio-economic wellbeing, civil rights, and/or cultural *thrival*. By applying the mutuality and autonomy theoretical framework, I demonstrate the resonance of Indigenous resurgence across these three domains of self-determination. I highlight a broad trend of "leaning away" from the state in response to the violence that characterises

Indigenous-state relations in the region. At the same time, the resonance of the resurgence principle of *mutuality* also points to an overarching interest in just political relationships with governments.

Chapter seven considers self-determination as *a toolbox* of tactics employed by Indigenous nations to achieve their objectives. By applying the disengagement and engagement theoretical framework, I demonstrate that Indigenous peoples in Southeast Asia are employing practices of rejection/refusal, persistence, challenge, and reinvention, exercising their right to self-determination through strategic acts of disengagement and engagement. Here too I highlight a trend of "leaning away" from the state while simultaneously demonstrating an interest in engagement, albeit on vastly different terms.

Finally, in chapter eight I consider the road ahead for Indigenous-state relationships in the region. I discuss the trend of "leaning away" from states and highlight that the evidence also points to Indigenous peoples frequently "leaning toward" governments in an effort to transform their relationships with them. Bringing together the findings of this project and the normative dialogue on self-determination as a political relationship, I argue Indigenous peoples are variously interacting with the state with *protectionist* and *transformational* postures, balancing the need to protect their communities from further harm with the pursuit of an improved relationship with the state. Drawing on Indigenous resurgence theory, the findings, and analysis presented in the preceding chapters, I offer a principle-based model for political relationships between Indigenous peoples and governments in the region. I also consider several innovations in Indigenous-state political arrangements that offer some promise and guidance for what such relationships could look like in the future.

The concluding chapter summarises the findings and conclusions of this study, considers its implications and propose future research.

While Indigenous peoples in Southeast Asia are among the most impoverished peoples globally, they are also traditional custodians of some of the most biodiverse environments in the world. Beyond governments' moral imperative to protect and accommodate rights, responding to

Indigenous peoples' rights is also economically and politically critical as the world contends with global climate and food crises. Broadly, this thesis contributes to an improved understanding of Indigenous peoples' right to self-determination in the context of Southeast Asia, including by providing guidance on the possible characteristics of a decolonised political relationship between Indigenous nations and state governments. The region's diversity, strong rights advocacy, and youth culture position it well to innovate in political arrangements that are unfettered by the burdens of settler colonial countries. Rather than following in the footsteps of the CANZUS states, Southeast Asian countries must forge their own paths toward the realisation of Indigenous peoples' right to self-determination, and in doing so lift whole communities out of poverty, protect ancient cultures, preserve critical natural environments, and protect the diversity of their political communities.

Chapter 2 – Indigenous-state relations: The theoretical landscape

2.1 Introduction

This thesis contends with two key concepts in the field of Indigenous-state relations: Indigenous peoples' right to self-determination, and decolonisation. Specifically, I make several arguments relevant to these concepts. First, along with several other writers, I argue that self-determination is a political relationship between Indigenous nations and states (Cambou, 2019; Cornell, 2015; Daytec-Yangot, 2018; Kingsbury, 2000; Miller, 2007). As discussed in chapter one, the UNDRIP sets out Indigenous peoples' right to self-determination as a collective right that can be exercised within the borders of states. For most states this right necessitates, at a minimum, some domestic political rearrangement in which Indigenous peoples are respected polities with rights and authorities that are exercised alongside, and sometimes in concert with, the state. Accordingly, some writers in the field of multilevel governance are considering how such Indigenous-state political relationships might look. Indeed, there are several examples of Indigenous-state multilevel governance arrangements where Indigenous nations are meaningfully participating in governance over their lands and in areas that affect the wellbeing of their communities. Some scholars are even considering whether such arrangements can be understood as having a decolonising impact by disrupting power asymmetries that mar Indigenous-state relations (Ladner, 2010; Papillon, 2015; Wyatt & Nelson, 2013; Zurba, 2014). As will be demonstrated, however, the broader dialogue on self-determination as a relationship has been criticised for its state-centricity and for generally falling short of decolonisation (Corntassel, 2008; Maddison & Nakata, 2020; Snelgrove et al, 2014). Writers on Indigenous-state multilevel governance also remain unconvinced of its capacity to meaningfully bring about decolonisation, or even the full realisation of Indigenous peoples' right to self-determination, emphasising that this right goes far beyond participation in state governance processes – a conjecture with which I agree.

From here I turn to decolonisation as it concerns Indigenous peoples⁸, looking at how colonialism is understood and at trends in solutions to the colonial project. The lion's share of these writings hail from the CANZUS states, however I show that there are similar themes in anti-colonial writings from Southeast Asia. Here I make my second argument, that decolonisation sentiments from the settler colonial context have resonance in the non-settler colonial context of Southeast Asia, setting the scene for this research project.

Finally, I look specifically at Indigenous resurgence, a branch of decolonisation that radically challenges state-engineered projects of accommodation of Indigenous peoples and their right to self-determination. Here I frame the concept of self-determination as both political relationship and decolonisation. My third argument is that Indigenous resurgence offers a pathway to genuine self-determination⁹ via just political relationships with states. Resurgence writers are clear that *disengagement* from the state and rejection of state offerings, focusing instead on nationhood-building, is a priority for Indigenous peoples. However, they do not reject engagement with the state altogether. Some resurgence theorists offer guidance on how a truly decolonised political relationship between Indigenous nations and states might look (see for instance Alfred, 2013; Borrows & Tully, 2018; Corntassel, 2021; Coulthard, 2014; Mills, 2018; Simpson, 2011b). I used this literature to develop two theoretical frameworks as analytical lenses through which to consider

⁸ The concept of decolonisation has also experienced an evolution in recent decades. Traditionally, decolonisation is understood in reference to the liberation of nations from European colonial rule. Former colonies in Africa, Asia, and the Americas are considered to be 'post-colonial', most having won or been granted self-determination after the Second World War. Upon gaining independence, former colonies were welcomed into the international community of "nation-states", the zenith moment being acceptance as a Member State of the United Nations General Assembly. Writings on decolonisation, however, increasingly concern the experience and rights of Indigenous peoples, national, religious, and ethnic minorities residing within the borders of internationally recognised states. Most of this scholarship originates in settler-colonial countries and contends with the definitions and exercise of Indigenous sovereignty and inherent rights as original occupants and owners of the land and seas within the jurisdiction of the states they inhabit.

⁹ I use "genuine self-determination" throughout this thesis to differentiate the fulfillment of this right under UNDRIP in accordance with how each Indigenous group understands and pursues it, from the way in which states often define and reference the right in policy or governmental initiatives.

whether Indigenous resurgence has resonance in the way self-determination is understood and pursued within Southeast Asia. These frameworks are presented in the next chapter.

2.2 A relational approach to self-determination

The UNDRIP is the most comprehensive international instrument setting out the rights of Indigenous peoples, including the right to self-determination. While it did not create new rights, the UNDRIP did open a new space in international law by offering a definition of self-determination that sits outside both the individual-centred human rights program and statehood (Lightfoot, 2021; Stavenhagen, 2009). The UNDRIP does not provide much detail on the characteristics of self-determination in practice, but it does offer principles and tools for its implementation, summarised as participation and autonomy (Barelli, 2011; Cambou, 2019; Quane, 2011; Szpak, 2018). Notably, the UNDRIP does not address the issue of territorial sovereignty (outside of protecting that of the state in article 45(1)); rather, it frames Indigenous peoples' rights as an aspect of human rights law. It elaborates on article 1 of the UN International Covenant on Civil and Political Rights (ICCPR) which affirms the rights of all peoples to self-determination "within the confines of existing states", otherwise known as internal self-determination (Barelli, 2011; Quane, 2011). The ICCPR definition of internal self-determination, however, was intended to affirm the individual rights of the population, not the collective rights of distinct peoples within state borders, as is the case with Indigenous peoples. In this way, Indigenous peoples' right to self-determination in the UNDRIP can be understood as an enhancer or extender of these rights held by all people (Cambou 2019).

This interpretation is considered a "relational model of self-determination" which rests on the assumption that Indigenous peoples are bound together with non-Indigenous peoples in a dense and complex web of relationships. These relationships consist of interdependence and power and conflict, but also potential mutual interest and advantage. (Murphy, 2019, p. 78)

Indeed, former Special Rapporteur on the Rights of Indigenous Peoples, James Anaya, who participated in the drafting of the UNDRIP, wrote in 1996: "Any conception of self-determination that does not take into account the multiple patterns of human association and interdependency is at best incomplete and more likely distorted" (p. 79). Self-determination is characterised by ongoing negotiation between the state and Indigenous peoples (Lightfoot, 2021) and, according to Miller (2007), is the only means by which the right can be implemented and Indigenous peoples' rights realised (p. 346). Kingsbury (2000) agrees that self-determination, including the domain of autonomy, is about relationship:

in the overwhelming majority of cases autonomy is not simply freedom – it is a relationship. Indeed, most of the aspirations of most groups in the indigenous peoples' movement involve definition of relationships with states. The relational dimension of self-determination embodies these aspirations. Giving meaning to this element of self-determination thus requires that a central focus be on the terms and dynamics of these relational aspects. (p. 29)

In addition to empowering Indigenous peoples as autonomous political entities capable of equal partnership with the state in political discourse, the UNDRIP also sets out a framework for political dialogue between Indigenous peoples and states. Sections 13, 15, 18, and 24 variously describe the qualities of relational cooperation, partnership, and mutual respect between Indigenous peoples and states as guides to their interactions. The UNDRIP also provides the tools for these noble pursuits, namely "consultative- and consensus-oriented procedures for managing the relationship" between representative institutions, including free, prior, and informed consent (Miller, 2007, pp. 368-369).

Indeed, as has been discussed elsewhere, despite the language around nationhood and self-governance with regard to self-determination, Indigenous peoples tend not to seek secession from the state ("external" self-determination); rather, they pursue a relational model of self-

determination (Cambou, 2019; Cornell, 2015; Daytec-Yangot, 2018; Kingsbury, 2000; Miller, 2007; Stavenhagen, 2009). In light of their "distinct cultures and historical heritages", as Cornell (2015) argues, their interest lies in being recognised as

distinct political entities that should rightfully exercise control over their lands, over how those lands are used and cared for, over their own internal affairs, including how they govern those affairs, and over the definition of their interests and over how those interests are pursued – even as they continue to exist within encompassing states. (p. 3)

Secession remains a key concern of many governments (Quane, 2011). As a result, several writers on Indigenous self-determination examine the idea of secession – whether and/or under what circumstances an Indigenous people has the right to secede and, how much of a threat this might pose to states¹⁰ (see for instance Anaya, 1996; Barelli, 2011; Cambou, 2019; Daytec-Yangot, 2010; Hilpold, 2017; Szpak, 2018). While the UNDRIP does not expressly empower secession or independent statehood for Indigenous peoples, it does not explicitly exclude it either. One interpretation is that excluding secession would be discriminatory, as it should be available to those groups as "remedy for violations of the substantive right", otherwise known as *remedial secession* (Miller, 2007, p. 347). Kingsbury (2000) suggests that while internal self-determination may be optimal for some, in circumstances where an Indigenous group deems a relationship with the state too costly to their nationhood it should have the freedom of "establishing their own government and determine its relations to other political communities" (p. 26).¹¹

¹⁰ Several scholars refer to "remedial secession" according to which Indigenous nations can secede from a state if they are facing extreme violations of their rights (Anaya, 1996; Barelli, 2011; Daytec-Yangot, 2010; Quane, 2011).

¹¹ Indigenous peoples around the world are arguably choosing to pursue relationships with state governments in spite of ongoing rights' abuses, rather than secede. In Southeast Asia, Myanmar is a notable example.

While the UNDRIP has improved international understanding and acceptance of Indigenous peoples' right to self-determination, many states remain resistant to its recognition within their borders (Murphy, 2019), though many Indigenous rights advocates argue that self-determination is the central right of indigenous peoples on which all other rights hinge (Miller, 2007). In other words, where self-determination is not recognised, Indigenous peoples remain in a perpetual state of rights' violation. Fulfilling the two political dimensions of self-determination—autonomy and participation—is a mammoth adjustment for most states. Practically, this means first recognising Indigenous representative bodies or governance structures, and second, creating space for those structures to exercise their authority and share in the governance of the state. Ultimately, the UNDRIP calls for a reorganisation of state institutions, practices, and culture to provide for the participation of Indigenous peoples (Stavenhagen, 2009). Self-determination "requires important transformation, even for the governance of democratic states. Those transformations are multidimensional" (Cambou, 2019, p. 39). Indigenous nations must have available to them the means to participate as equals in decision-making; that means equal influence over how decisions are made and the outcome of the process. Indigenous nations in return must take a "strategic-political" approach to self-determination, balancing their autonomous rule with asserting influence in state governance (Murphy, 2019, p. 78).

Flexibility in the definition of self-determination means it can be tailored to an array of geographical, political, and cultural contexts (Quane, 2011). As such, how it is applied globally will vary considerably. It cannot be a state project of policymaking, however, and certainly should not be limited to participation within the state governance architecture (Daytec-Yangot, 2010, p. iv). The definition and parameters of self-determination must be negotiated between the state and Indigenous leaders and reflect Indigenous peoples' definition of their autonomy (Quane, 2011). As the former UN Special Rapporteur on the Rights of Indigenous Peoples Victoria, Tauli-Corpuz (2020), contends:

Insufficient attention has been devoted to the interpretation indigenous peoples themselves give to these rights, and to their own initiatives to realise them. Indigenous peoples' interpretation should be the starting point for the development and adoption of the measures required for their implementation. (p. 15)

Globally, Indigenous peoples are calling for greater autonomy and the right to represent their own interests. The anti-colonial interpretation of the UNDRIP does not recognise Indigenous peoples as sovereign equals to states, nor their right to share in state sovereignty. Instead, it establishes that Indigenous nations are international legal actors whose authority manifests through the exercise of a continuous relationship with the state within whose borders they reside. Autonomy for Indigenous peoples, articulated in this way, is the Declaration's primary and critical contribution (Macklem, 2015). Lightfoot (2021) argues that self-determination must be decoupled from understandings of sovereignty which in fact limit Indigenous peoples' authority. She writes that "Indigenous peoples' self-determination cannot be achieved exclusively within the bounds of existing states...Indigenous self-determination can and must exist in a different and more plural sovereignty arrangement" (p. 988). By interpreting Indigenous peoples' rights and authority through the Westphalian model, states can easily relegate Indigenous peoples to minority status within their borders and avoid engaging with them as nations.

While Indigenous peoples' right to self-determination establishes them as international actors, they must, ultimately, exercise their right to self-determination among those entities alongside them, namely government authorities within the borders of states. In the absence of clear, detailed guidance in international law regarding the features of relational self-determination, several advocates and scholars have taken up the task of exploring the 'nuts and bolts' of a just or decolonised Indigenous-state political relationship (Artelle et al, 2019; Curran, 2019; Ladner, 2010; Latta, 2018; von der Porten et al, 2015; von der Porten et al, 2019; Wyatt & Nelson, 2013). In recent years, multilevel governance has been investigated as a model for the exercise of Indigenous

peoples' right to self-determination in relationship with states (Nelson, 2013; Papillon, 2015; Wyatt & Zurba, 2014).

The decolonising potential of multilevel governance?

Indigenous-state political relationships is a growing area of study and practice, predominantly focused on settler colonial countries. The most advanced and active dialogue in this field occurs in relation to multilevel governance arrangements between Indigenous peoples and states. Even in the most innovative multilevel governance arrangements, however, Indigenous nations are still working tirelessly to assert their authority and reinvent the dialogue, moving it from one of administration to a conversation between polities.

While multilevel governance remains a nascent concept, with scholars in their analysis emphasising different aspects of decentralised arrangements, writers broadly agree that multilevel governance: 1. includes a breadth of actors who share authority devolved from a single sovereign entity (Alcantara & Nelles, 2014; Papadopoulos, 2003; Papillon, 2015); 2. is characterised by collaborative and continuous negotiation (Alcantara & Nelles, 2014; Jessop, 2004; Molloy, 2020; Papillon, 2015; Peter & Peirre, 2004) and; 3. can be either a structure or a time-limited arrangement (Marks & Hoogh, 2004; Molloy & Salat, 2020). Notably, for the purposes of this study, multilevel governance has also been lauded for its potential to accommodate the collective rights of ethnic minorities, including the exercise of self-determination by Indigenous peoples (Alcantara & Morden, 2017). Some scholars even suggest that the practice of multilevel governance can help advance broader projects of decolonisation (Ladner, 2010; Papillon, 2015; Wyatt & Nelson, 2013; Zurba, 2014), though also caution that such arrangements are equally vulnerable to being vehicles of further dispossession (Corntassel, 2021; Ladner, 2010; Papillon, 2015). These matters are elaborated in the following paragraphs.

Multilevel governance arrangements, practices, and mechanisms offer means for "intra-state" exercise of authority for autonomous or semi-autonomous private and public entities (Molly,

2020; Peters & Pierre, 2004). Non-Indigenous Canadian scholar Martin Papillon was the first to apply the concept of multilevel governance to Indigenous-state relations in the early 1990s (Alcantara & Morden, 2017, p. 253). Since that time, multilevel governance has been discussed as a potential best practice mechanism for Indigenous governance accommodation. Like most literature on Indigenous-state relations, that on multilevel governance, as it relates to Indigenous governance, has predominantly been conceived in settler countries with federal systems (Canada, US, and Australia). Many scholars have been committed to critiquing the inclusion or exclusion of Indigenous peoples in federal systems (see for instance Hawkes, 2001; Hobbs, 2018; Latta, 2018; Papillon, 2012) while the bulk of the remainder have focused on exploring multilevel governance arrangements in the natural resources sector (see for instance Artelle et al, 2019; Curran, 2019; Latta, 2018; von der Porten et al, 2015; von der Porten et al, 2019; Wyatt & Nelson, 2013).

As discussed in the previous section, self-determination includes two elements – autonomy and participation in decision-making. These fit well with the two pillars of federalism – self-rule and shared rule (Hawkes, 2001, p. 153). Federal systems are inevitably multilevel as, by definition, they recognise the *internal* sovereignty of state or provincial governments (Brennan et al, 2004, p. 310). By design, therefore, federal systems provide a good context for the accommodation of Indigenous governance structures (Smith, 2002, p. 7); they can accommodate different degrees of autonomy, respect diversity, are flexible, and allow for more innovation (Hawkes, 2001, pp. 153-156). However, as was touched on above and will be discussed later in this chapter, the growing body of literature calling for decolonisation via a dismantling of colonial state structures argues that simple accommodation of Indigenous peoples' rights within existing federal structures is not enough. Chickasaw scholar James (Sákéj) Youngblood Henderson (1994) summarises this sentiment well, arguing that "Without a balance between Aboriginal perspectives and the Eurocentric view, existing federalism reflects political domination and oppression built on colonial misunderstandings" (Henderson, 1994, p. 245). This perspective was echoed by the Indigenous leaders and advocates interviewed in this study, particularly those in the Philippines and Malaysia.

Nevertheless, Alcantara and Nelles (2014) argue that multilevel governance holds promise for understanding Indigenous-state relationships because it transcends the limitations of the frameworks of intergovernmental relations and federalism that are traditionally used to explain and evaluate the relationship dynamics. Marks and Hough (2004) contend that multilevel governance can be understood as occurring in two forms. Type one multilevel governance arrangements are "general-purpose jurisdictions" within which actors exist at fixed levels that are part of a governing system to which membership is closed (federal systems, for instance). Type two arrangements on the other hand are "task-specific" or "goal-orientated" with flexible structures that host innumerable, intersecting members/levels that cooperate on a specific task (pp. 17-20). This framing helps in articulating a legitimate alternative to participation in federal systems, in some respects echoing early literature on *treaty federalism* which advocates for a reorganisation of the federal structure rather than simply providing for Indigenous governments' inclusion in it (Henderson, 1994). In fact, type two multilevel governance reflects "pre-modern governance" in Europe (Marks & Hooghe, 2004) and among some Indigenous nations (Ladner, 2010), suggesting that it is perhaps a natural fit for both Indigenous and European political traditions. This is arguably also true for several countries in Southeast Asia where long histories of shifting power dynamics have created elaborate economies of informal or quasi-political relations that continue to play a significant role in the political landscape of the region today.

Some scholars have suggested that multilevel governance can be a stepping stone to decolonisation. As non-Indigenous Canadian academic Alex Latta (2018) argues: "The governments of those states need to be reminded that such collaboration is just a step along the way to truly decolonised relationships between peoples" (p. 14). Papillon (2012b) suggests that multilevel governance provides an alternative to dramatically replacing an old institution with a new one, while still reforming the relationship between Indigenous governments and the state. In fact, Ladner (2010) writes that "decolonisation will likely result in the regeneration of Indigenous systems of multilevel governance or the renewal and/or rebuilding of national, subnational and supranational

Indigenous governments" (p. 80), which could evolve naturally from multilevel governance arrangements with the state. In this respect, structures of governance "provide occasions, arenas and spaces for interaction" (Jarvie & Stewart, 2017, p. 215) where the "chipping work" of decolonisation can occur through progressive accumulation of place-based relationship capital.

Accumulating relationship capital through collaboration and negotiations. The ongoing interaction that multilevel governance requires can build relationship capital between the parties. Non-Indigenous American scholar Melanie Zurba (2014) writes that "respect, reciprocity and accountability are central to this type of governance system, which is not only meant to be inclusive of community perspective but is grounded in collaboration and power sharing" (p. 141). Indeed, multilevel governance requires continuous coordination and negotiation of resources and power-sharing between multiple actors (Daniell & Kay, 2017), providing a counterbalance to hierarchical modes of relating (Wyatt & Nelson, 2013). While venues and practices of multilevel governance vary from one arrangement to the next, scholars describe multilevel governance as "negotiation systems" – a patchwork of informal and formal structures and practices of consensus-building and accountability (Alcantara & Nelles, 2014; Daniell & Kay, 2017). Commenting on a multilevel governance pilot project in the Murdi Paaki region of New South Wales, Australia, Jarvie, and Stewart (2017) observe that "continuous negotiation" was the cornerstone of the pilot project between the government parties and Aboriginal communities (p. 218). Looking at Canada and South Africa, Zurba (2014) suggests that multilevel governance is a process of "constantly shifting dialectic relationship-building processes rather than a specific set of goals to be obtained" (p. 1235). Wyatt and Nelson (2013) agree, stating that agreement-making and multilevel governance arrangements can support a broader project of decolonisation by building relationship capacity and helping the parties to "overcome conflicts based in cultural and knowledge differences in colonial histories" (134). In other words, multilevel governance creates many and regular touchpoints between the parties that can enable relationship renewal.

Place-based and practice-oriented. Much of the literature on multilevel governance includes the investigation of examples of multilevel governance in action – theory is derived from observing the practices of multilevel governance. Papillon (2015) affirms the value of this, noting that the success of multilevel governance depends on the context, actors, and nature of the arrangement: "the transformative potential of multilevel governance is, in other words, an empirical question" (p. 6). This builds on his earlier work concluding that improvement to Indigenous-state multilevel governance can only happen at the ground level – through innovative practices of governance, rather than by the "cumulative layering of governance structures and processes" (Papillon, 2012, p. 306). Essentially, Papillon is suggesting that the evolution of multilevel governance and the relationships it cultivates are worked out through the details of its practice, rather than through its design.

Nishnaabeg scholar and artist Leanne Simpson (2017) writes beautifully about the Nishnaabeg approach to generating theory through practice:

Kinestics, the act of doing, isn't just praxis; it also generates and animates theory within Indigenous contexts, and it is the crucial intellectual mode for generating knowledge. Theory and praxis, story and practice are interdependent, cogenerateds of knowledge. Practices are politics. Processes are governance. Doing produces more knowledge. (p. 20)

While there is limited literature on potential synergies between Indigenous ontological traditions and emergent practices of multilevel governance, the action and place-based nature of multilevel governance aligns well with the principles of practice- and place-based generation of new ways of seeing, relating, and operating that underpin the decolonisation movement. It is notable that most multilevel governance arrangements involving Indigenous peoples have been discussed primarily in the context of natural resources management. As will be discussed later in the thesis, Indigenous-state multilevel governance arrangements in Southeast Asia also frequently occur in and around land and water management.

While multilevel governance is an interesting field of study that may well provide insight into the practice of relational self-determination, some decolonisation scholars caution against prioritising partnership between Indigenous nations and states before addressing power asymmetries and colonial violence.

The dialogue on self-determination is falling short of decolonisation. While relationship is a useful framing in the exploration of Indigenous peoples' right to self-determination, it has been criticised as being state-centric and falling short of advancing decolonisation. Scholars point to the colonial entanglement of Indigenous nations and settler states as a persistent and harmful reality for Indigenous peoples which needs to be disrupted before a new relationship can be envisioned (Corntassel, 2008 & 2012; Maddison & Nakata, 2020; Snelgrove et al, 2014) Speaking in the Australian context, Maddison (2020a) succinctly argues that

the ability for Indigenous peoples to live genuinely self-determining lives will depend on a careful disentangling of Indigenous and settler modes of governance, combined with extensive work to reconstitute Indigenous jurisdiction, decision-making and control. (p. 147)

Cherokee scholar Jeff Corntassel (2008) writes that the political rights-based discourse on self-determination does not account for Indigenous peoples' relationship to their lands and the natural world, a relationship essential to Indigenous nations' identity and survival. He argues that the political rights associated with contemporary interpretations of self-determination are "illusions of inclusion"; instead, the dialogue needs to shift focus from rights to guarding Indigenous peoples' responsibilities: "self-determination is more than a political/legal struggle – at its core are spiritual and relational responsibilities that are continuously renewed" (pp. 109 & 117). Central to these relational responsibilities is Indigenous peoples' continued authority over their traditional lands. Lands and territory are a contentious issue in the self-determination dialogue, one that is frequently separated out as it is considered exclusive to secession (Szpak, 2018, p. 184).

Similarly, while there is optimism about the potential of multilevel governance to provide for the exercise of self-determination and to advance projects of decolonisation, the literature also highlights ways in which it can deepen hierarchical relationships and disempower Indigenous nations. This can happen either through state control of multilevel governance (Gjaltema et al, 2020) or via an "equality wash" in which the focus on the equal sharing of authority disallows consideration for Indigenous peoples' unique rights, and/or where multilevel governance is controlled by majority rule (Alcantara, 2017). Multilevel governance arrangements can exacerbate or entrench power asymmetries despite, or even in response to, attempts to equalise the playing field (Breen & Thomas, 2021). According to Latta (2018), the situation is simply that "there is always the risk that progress in state-Indigenous relations can become a source of legitimation for the colonial structures that remain in place" (p. 14). Critically, in Indigenous-state relationships, the parties may be equal in participation, but not in power. Papillon (2015) posits that multilevel governance is not necessarily the best option for First Nations seeking greater autonomy and meaningful exercise of their self-determination.

As demonstrated, the dialogue on self-determination as political relationship, and on Indigenous-state multilevel governance with its potential for enabling self-determination, is a live and ongoing debate, including with regard to its contribution to a decolonisation agenda. I agree with the framing of self-determination as relationship, and with the view that multilevel governance arrangements have potential to act as stepping stones toward decolonising relationships between Indigenous nations and states where they are practised; however, I also agree that, while scholars are awake to the power dynamics at play in Indigenous-state political relations, their reflections fall short of the disruption to colonial systems, structures, and norms being proposed by decolonisation writers. Indigenous peoples' right to self-determination cannot be realised within contemporary state-centred politics. As Lightfoot (2021) argues, Indigenous nations are exercising their right to self-determination by behaving as states, but without demanding statehood in accordance with the Westphalian definition. In this way, some Indigenous peoples are decolonising their right to self-

determination by "broadening and re-shaping [its] meaning that breaks through the strict, static state-centric construction of Westphalian sovereignty in order to make room for more nuanced, flexible, dynamic and negotiated forms" (p. 973). In this thesis I explore such exercises of self-determination by Indigenous nations in Southeast Asia, arguing that the interpretation of and pathway toward meaningful self-determination in the region should be drawn from these.

In the next section I provide an overview of key themes in the decolonisation literature on Indigenous peoples from settler colonial countries and anti-colonial writings from Southeast Asia, demonstrating the parallels between these. While these writings may seem radical, I do not believe their proposals are unrealistic. While they remain normative concepts on the broader scale, Indigenous peoples, through Indigenous resurgence discussed in the final section of this chapter, are practising decolonisation in their lives, in their communities, and on their lands, exercising their right to thrive within the borders of states.

2.3 Decolonisation: Shared themes from CANZUS and Southeast Asia

Decolonisation in settler colonial countries is currently experiencing a revival of sorts, while a definitional creep applied to a variety of contexts is occurring alongside it. Unanga scholar Eve Tuck and non-Indigenous American scholar Wayne Yang (2012) warn of its increasing use as a metaphor to describe the work of unsettling settler colonialism in systems, policies, and processes. They argue that, however noble these pursuits, such social justice objectives are not necessarily compatible with decolonisation in its "truest" meaning – "the repatriation of Indigenous land and life" (pp. 1-2). In other words, using the term decolonisation in the same context as other social initiatives and reforms is problematic because decolonisation has a different objective to other projects of justice. While Tuck and Yang (2012) stand out among decolonisation writers for their radical interpretation of decolonisation, they find company with Indigenous resurgence writers whose work is covered in section four of this chapter. Even within the broader field of

decolonisation, however, writers (in particular, Indigenous scholars) are recentring indigenous priorities in decolonisation scholarship.

It is only in recent decades that writers from Southeast Asia, as well as external commentators, have begun to consider the Southeast Asian experience through the contemporary decolonisation lens. While decolonisation formally occurred when foreign colonisers granted independence to countries in Southeast Asia, not all people groups have reaped the benefits of liberation (Sengupta, 2019, p. 1). Complexities resulting from multiple waves of colonisation, significant cultural and religious diversity, challenging geographies (archipelagos, for example), relative poverty, proximity to powerful neighbours, and the emergence of a globalised economy have long stirred anti-colonial sentiment in the region. This section brings together decolonial writings concerning Indigenous peoples experience in settler colonial countries, and Indigenous and minority peoples experiences in Southeast Asia after the departure of Europeans, highlighting the shared themes within them. In what follows I draw on writings from Fourth World theory, Indigenous-settler relations, Asian studies, Canadian, Australian and Malaysian political philosophy, and Indigenous resurgence theory. The first section looks at the experience of Indigenous peoples as nations within states subject to the ongoing assault of colonial systems that continuously invent new ways to control, eliminate, and extract from them. While various "solutions" to the colonial project have come and gone, they tend to share common imperatives: 1. Indigenous peoples must be treated as nations, not individuals; 2. give back the land; 3. centre Indigenous priorities; and 4. reset the relationship.

Control, elimination, extraction: The tactics of colonial powers

Malaysian scholar Syed Muhd Khairudin Aljunied (2011) defines the theory of colonisation as:

a set of interrelated presuppositions, statements, explanations and concepts that present a logical view of the genesis and causes of colonialism as well as the policies, strategies and

ideologies employed by the given power and its collaborators to exploit, control and dominate peoples and lands which they regard as foreign or inferior to themselves. (p. 9)

Colonisation¹² necessarily involves acquiring land and territory and the domination and subordination of the populations that inhabit that land. In recent decades this trend has accelerated with the proliferation of corporate influence (Baird, 2008, p. 203). In an extractive/exploitative colonial context (where foreign colonisers do not settle or settle only for a short while in the colonised country, such as in colonised Asia, Africa, and South America), colonisers subjugate and oppress the native population by capturing and stealing wealth from the land and peoples. Relevant to this study, however, is the *internal colonisation* that followed the departure of foreign colonisers, whereby Indigenous peoples and minorities are subject to colonialism at the hands of ruling elites who adopted the practices and institutions of their previous colonisers. In a settler colonial context, the theft of land and territory is intermingled with settlement, including the redistribution or use of the wealth (including those extracted from other places) to further strengthen and entrench the settler colony (Tuck & Yang, 2012, p. 7). I argue, however, that such features traditionally associated with settler colonial contexts are also characteristic of internal colonisation in Southeast Asia.

Drawing on a wide range of literature in the field, I suggest that the tools of colonialism are control, elimination, and extraction of and from places and people, regardless of the form of colonisation. Understood this way, colonialism is ongoing, changing shape over time and spaces, and with its persistence is an identifying quality and unifying experience of Indigenous peoples around the world.

Control. Many advocates and scholars assert that Indigenous sovereignty has never been extinguished but rather is prevented from being exercised by colonisation (Brennan et al, 2004, p.

¹² A note on how “colonisation” and “colonialism” are used in this thesis: Colonisation is the external takeover of the peoples who are indigenous to a place by an external/newly-arrived authority. It can be enacted by foreigners or internally by minority or majority rulers. Colonialism refers to the act of ruling or governing according to the tools of colonisation – control, elimination, and extraction. The practices and policies of colonialism are employed by individuals and institutions.

311). The situation in which most Indigenous peoples find themselves is one of dependence on state systems and institutions to define and secure their self-determination (Bruce, 2015, p. 63). This experience is not limited to nations in settler-majority states. A body of literature called *Fourth World Theory*, which emerged in concert with the global Indigenous rights movement in the 1970s and '80s, juxtaposes Indigenous nations' experience of colonisation and struggle for self-determination with those of third world nations (Fukurai, 2018; Manuel & Posluns, 1974; Seton, 1999). Non-Indigenous scholar Seton (1999) observes that “third world colonialism has replaced European colonialism as the main global force threatening indigenous nations' survival today...As the notion of decolonisation was not extended to indigenous nations, Fourth World nations are now the subjects of recolonization and internal colonialism” (p. 58).

Scholars point out that control and domination can take many forms. Writing of the Australian context, non-Indigenous scholar Sarah Maddison (2020b) argues that policies of Indigenous inclusion in Australia are no better than former policies of exclusion – both seek to dispossess Indigenous peoples (p. 147). Lightfoot (2019) offers this succinct summation of the views of Indigenous resurgence scholars on the relationship between Indigenous peoples and governments today, in particular how it has not changed from its historical beginnings:

Indigenous-state relationships remain deeply colonial, and the structures of those relationships remain not only unjust, but they also retain all the elements of the same nineteenth century colonialism that these settler colonial states used to forcibly dispossess, domesticate and assimilate Indigenous nations into their newly formed nation-states. While the form of the oppression may have changed face over time, the fact of oppression itself remains unchanged. (p. 156)

Control and oppression even manifest through seemingly reconciliatory acts, via formal recognition initiatives, for instance. Recognition is perceived as an action taken by the state in response to calls from Indigenous nations to be recognised as having a distinct place in society. While this can result

in some positive changes for Indigenous peoples (indeed, the last several decades of recognition/reconciliation politics in settler nations have seen some of the most significant improvements in state-Indigenous relations globally), it affirms the colonial relationship by placing the state in the position of the *recogniser* and Indigenous peoples in that of the *recognised*. The mechanisms for public dialogue, including their language, processes, and scope, further entrench the notion that the map to progress laid down by the state is the only way forward. This limits the imagination of an Indigenous-inspired future. As a result, Indigenous peoples confine themselves to seeking menial gains from the state – concessions where they can, taking paths of least resistance (Elliot, 2016, pp. 414-415). This "psychological colonisation" raises personal and collective doubt in the value of Indigenous culture, and leads to acceptance of state narratives about Indigenous identity (Coulthard, 2014; Kuokkanen, 2000), completing the work of colonisation.

Narrative-shaping is a key tactic used by colonial systems to suppress and control subject populations around the world. Colonialism involves the crafting of a narrative that justifies the exploitation of people and land – this is a consistent theme in decolonisation writing and activism in the CANZUS countries and in anti-colonial writings from Asia. To advance their cause, European colonial powers in Southeast Asia drew internal boundaries and favoured groups who "elevated themselves" above others through the adoption of Christianity (Kingsbury, 1998, p. 427). These tactics, coupled with a deepening disconnect between national elites and the community, domination by the coloniser of trade, and the spread of "colonial ideology" – the messaging that the colonised were uncivilised ("lazy and mostly pirates and robbers") – sustained colonial control over populations (Aljunied, 2011, p. 17).

Power-sustaining tactics like controlling the political economy and crafting and spreading myths that justify colonial rule is evident in writings like Pantayong Pananawa ("for-us-from-us") – Filipino postcolonial writings that defend Filipinos in relation to their adherence to colonial norms, inadvertently accepting colonial narratives as "normal" (Huat, 2008, p. 235). This resonates with writings on "cognitive imperialism" by decolonisation scholars from CANZUS states who describe

how colonial forces, over time, changed from overt violence to psychological tactics – like narrative shaping discussed above – to weaken Indigenous peoples' sense of identity (Simpson, 2011b).

Colonialism also necessarily involved acquiring land and territory and the domination and subordination of the populations that inhabited those lands. It is notable that dominant populations in Southeast Asia typically inhabit lowland areas, having pushed Indigenous peoples into the hills or highlands (Baird, 2020, p. 2), particularly in Myanmar, Vietnam, and Indonesia, placing a strain on natural resources (Clarke, 2001, pp. 432-433). As Canadian anthropologist Ronald Niezen (2003) observes: "the conclusion of struggles for national independence did not liberate those who continue to depend on forests and pastures for their livelihood" (p. 75). Indeed, as will be discussed in chapter six, like their counterparts in CANZUS countries, regaining control over land and access to natural resources is a primary pursuit for Indigenous peoples in Southeast Asia.

Elimination. In his influential paper, *Settler Colonialism and the Elimination of the Native* (2006) Patrick Wolfe argues that settler colonialism "destroys to replace" Indigenous peoples a means of gaining access to their lands. Elimination of original occupants is central to the settler colonial project (p. 388). However, Wolfe makes clear there is a difference between genocide and settler colonialism's "logic of elimination", highlighting that elimination can present in myriad ways including as assimilation, which is a subtle form of erasure that can co-exist with the rule of law. Non-Indigenous American scholar Franke Wilmer (1996) agrees, arguing that "the project of remaking non-western people into the 'image of the white man' is central to the process of colonization" (p. 7).

The tactics of elimination are broad, taking place over a great expanse of space and time. Genocide was the modus operandi of colonial exploration (an event) while elimination is the project of the settler colonialism (a structure) which followed (Wolfe, 2006, p. 402). Tuck and Young (2012) argue that "In order for the settlers to make a place their home, they must destroy and disappear the Indigenous peoples that live there" (p. 6). Indeed, states have employed various means to wipe out, assimilate, or further contain nations within their borders, often under the auspices of "nation-

building" and economic development. Particular narratives of space (such as "terra nullius") and time (the elimination of Indigenous histories) have been used to situate states as centres of power and identity in the story of human history. In the non-settler context, contemporary projects such as transmigration – the in-migration of non-Indigenous peoples onto Indigenous lands, backed by the military – and environmental sustainability, a land management concept that emphasises the long-term productivity of resources and environments without taking into consideration human-use and need, are also used as colonisation tactics. Very often these "nation-building" projects are funded by transnational companies and international development organisations (Seton, 1999), and are used to justify further colonisation of Indigenous peoples. This necessarily "begins with the assumption of western superiority" (Wilmer, 1996, p. 7). In addition to land being taken from Indigenous peoples, labour is taken from individuals, dehumanising Indigenous bodies in the process and making the justification of their elimination palpable (Tuck & Yang, 2012, p. 6).

States may also simply rely on the passage of time to progressively advance the elimination of Indigenous peoples (Tuck & Young, 2012, p. 9). This approach is usually coupled with strategies like inconsistent, complex, and ever-changing funding and policies which generate competition, lateral violence, and confusion that further erode the strength of communities. Indigenous peoples are systemically required to use the language of colonial systems and Western political thought, even though it does not necessarily reflect their own political code (Iverson et al, 2000, p. 2). All these micro manoeuvres are like bending a wire back and forth until eventually it snaps.

Part of the elimination of cultural identities in Southeast Asia is a Eurocentric notion of the indisputable and ultimate authority of the state. In fact, the concept of "Asia" is a colonial construct; the countries that make up the continent have very little in common with one another. A core tenet of the Eurocentricity that persists in political discourse is that of the pinnacle role of the nation-state:

If there is a 'Eurocentric' myth that must be still abandoned in the region, it is that of Nation-State's absolute sovereignty. But in this realm, the ASEAN appears still far from the embodiment of an original and de-colonial solution. (Visone, 2017, p. 8)

As argued by decolonial writers, Visone here challenges the permanency and supreme authority of contemporary states on which colonial systems rely. As in CANZUS countries, state borders in Southeast Asia were laid over existing nations, building into them an inherent vulnerability to challenges of legitimacy, making the elimination of dissenting voices necessary for stability. Economic and political pressures to demonstrate their stability and capacity to participate in an increasingly globalised economy required national elites to establish their legitimacy and authority, through force or favour, among the populations within their borders. This prioritisation is reflected in the structure and functioning of ASEAN (Seng et al, 2016, p. 651). While CANZUS states and Southeast Asian countries differ significantly, the principles of capitalism similarly characterise their relationships with minority populations within their borders.¹³

Extraction. While "extractivism" is usually understood in economic terms, specifically in reference to the removal of natural resources from the earth for capital gain, it is increasingly being explored as a way of understanding forms of exploitation and subjectification of people in capitalist systems. Labour, arts, and cultural knowledge, for instance, can be treated as resources to be extracted and used for desired ends by the state (Junka-Aiko & Cortes-Severino, 2017, p. 178). This is a common dynamic of state-Indigenous relations around the world. State-led engagement strategies with Indigenous peoples frequently exhibit extractive undertones and overtones in that they are not mutually reciprocal arrangements. Knowledge and practices that most align with Western ways of thinking are selectively extracted from the place, language, and people responsible for their generation, management, and sharing, then contained, interpreted, and applied within Western

¹³ The three paragraphs in the next section ("Extraction") appear in Thomas, A. (2021). Indigenous knowledge is not an extractable resource. *Academia Letters*, Article 3832. <https://doi.org/10.20935/AL3832>

systems and institutions. Reaching for Indigenous knowledge when Western knowledge and systems fail is to treat that knowledge as a gap-filler or additive (Starblanket & Stark, 2018, p. 170). This not only perpetuates colonial relationships and the oppression of first peoples, but also undermines the dynamism and fluidity of Indigenous ontologies (Jonas, 2002; Mills, 2016; Simpson, 2004, p. 380).

Because of colonisation, corruption in Southeast Asia (as is the case elsewhere in the Global South) is "entangled with corruption in the Global North", particularly the disregard of moral considerations in the pursuit of economic power (Khondker, 2018, pp. 344-351). This dynamic is concerning as Indigenous ontology is increasingly being looked to as containing solutions to contemporary challenges, particularly with respect to climate change. Alongside growing anxiety about the future of the planet is a parallel "tendency to exalt Indigenous or non-Western others as symbols of inspirational environmental ethics, modelling interspecies, interconnectedness and reciprocity contrary to a Western will-to-destruction" (Neale & Vincent, 2017, p. 426). In this way, Indigenous knowledge extraction is increasingly part of a broader "paradigm of exploitation" (Junka-Aiko & Cortes-Severino, 2017, p. 178) that has significant implications for the survival of traditional ontologies and institutions and Indigenous peoples' ability to effectively exercise these in contemporary political, economic, and social spheres.

Similarly, well-intentioned collaboration and participatory approaches (such as co-management, co-design, and consultation) perpetuate asymmetrical power relations and are typically extractive, marked by Indigenous knowledge that is captured, interpreted, managed, and applied within the state's language, systems, and processes. Doolittle (2005) observes that while development practices are undertaken under the guise of advancement and unity, they "facilitate the expansion and entrenchment of the ruling, national ideology at the local level" (p. 99). This is resonant of Tuck and Yang (2012)'s description of the entanglement of land theft, or extraction, with settler colonialism, including the redistribution or use of wealth to further strengthen and entrench the settlers' claim and the narrative of entitlement to the land and its resources. This lack of spatial separation between settler colonial authority and the land (p. 7), as with time-limited foreign

occupation and extraction continued by national ruling elites, is equally, if not more pronounced in the internal colonial contexts of Southeast Asia.

Proposals for a radically different reality

Theorists and activists have long proposed solutions to the problem of colonialism. These have ranged from the modest (recognition and accommodation policies) to the radical (dismantling the state). The key challenge faced by writers in this space is balancing the depth and breadth of change needed to bring true liberation and just relationships against the realities of an established, deeply entrenched system and mentality of colonialism that pervades every corner of the globe. While solutions come and go, they have in common ideas that broadly revolve around elevating Indigenous ways of being and minimising the power of the state. Below is an overview of the broad themes among proposals for change posited by decolonisation advocates. Some of these ideas have made their way into policy or formalised government responses, but they typically fall far short of completing the work of decolonisation.

Nations within states. A core concept of decolonisation is that of Indigenous peoples' experience of containment within states. Fourth World writings centred on this premise seek to achieve recognition, emancipation, and political independence for Indigenous or Fourth World nations (Fukurai, 2018, pp. 225-226). To this end, Fourth World writers like other nationalism theorists (see for instance Gellner, 1983) make a distinction between nations and states. While nations are often ancient, states are recent political systems with control over geographical areas that are recognised by international law (Fukurai, 2018). Nations are thus "housed" within states, typically laid over multiple nations (Nietschmann 1994; Wilmer, 1996). Accordingly, the Fourth World has been described as the 'host' on which first, second, and third worlds exist (LaDuke, 1983), or as "bedrock nations" (Griggs, 1992), or "the first states" (Bruce, 2015), or as "hidden nations" (Spicer & Spicer, 1992).

A nation is a group of people psychosocially and culturally connected (Fukurai, 2018). Like all populations, Indigenous peoples and their cultures evolve over time, however their identity as distinct nations remains constant due to their sharing a common ancestry, language, and cultural homeland (Bruce, 2015; Kymlicka, 2000; Nietschmann, 1994; Spicer & Spicer, 1992). "Peoples" is a commonly-used term in international and political discourse that is generally preferred over "nations", which incites secessionist anxieties while challenging notions of sovereignty. While some writers assert that all peoples are nations and all nations are peoples (Nietschmann, 1994), the term "peoples" is insufficient as it does not reflect the territorial ties of a nation (Griggs & Hocknell, 1995, p. 53). Other common terms such as "ethnic group", "tribe", and "minority group" are often criticised for failing to capture the cohesion (common ancestry), longevity, and territorial ties of peoples submerged within internationally recognised states (Griggs & Hocknell, 1995; Nietschmann, 1994).

American non-Indigenous scholar Stephen Cornell (2015) observes that Indigenous nations in the CANZUS states generally share five characteristics: a significant connection to land; kinship systems that have survived colonisation; a narrative; a desire for recognition of their sovereignty; and a wish to differentiate themselves from other minority groups by seeing themselves as "nations within nations" (p. 4).

Non-Indigenous Canadian scholar Courtney Jung (2003) argues that Indigenous peoples' self-determination claims are not about cultural preservation in the face of threats by modernity, democracy, and globalisation; rather they are intended to upset existing power structures, create new political entities, and create a "challenge to existing hierarchies, exclusions and patterns of state-society relations" (Jung, 2003, p. 436). Essentially, self-determination is about decolonisation, including the recognition of Indigenous peoples' nationhood.

As has been discussed, Southeast Asia enjoys significant diversity (Clarke, 2001, p. 415). Reid (2009) posits that the "key identity-markers" defining the region are language, religion, "bounded sovereign space" (areas demarcated by boundaries drawn by European imperialists), censuses,

which refer to the assignment and counting of "races" within the colonial state (this categorisation was used to bestow authority and create divisions in the population by colonisers), and names, Chinese and Arabic names in particular which "have been particularly resistant to transformation in changed circumstances" (pp. 26-37). Many governments in the region do not perceive this diversity as a strength, but rather as a threat to cohesion and national security, and therefore relentlessly pursue 'unity' agendas (Baird, 2008; Miller, 2011; Tew, 2012). Different approaches to enhancing cohesion have been tried, including emphasising "civic characteristics" such as participation, rights, and governance (Kingsbury, 2011, p. 766), promoting shared "Asian values", suggesting these eclipse cultural and religious differences (de Vries & Mejknecht, 2010, p. 83), and adopting federalism as a means of holding together diverse populations (He, 2007; Breen, 2018b).

In spite of these efforts, the region has experienced "a retreat to ethnic specificity" (Kingsbury, 2011, p. 774), exacerbated in recent years as populations seek security in their cultural communities' responses to the COVID-19 pandemic (Carling et al, 2021). While connectedness with traditional communities and collective self-sufficiency have become increasingly important in response to recent events, they are already well-established phenomena in the literature as key themes in understanding the region's extremely broad diversity.

Give back the land. Tuck & Yang (2012) argue that "Decolonization brings about the repatriation of Indigenous land and life: it is not a metaphor for other things" (p. 1). Throughout their much-cited paper they state in no uncertain terms that decolonisation can only occur if all Indigenous land is fully returned to Indigenous peoples (p. 7). While similar ideas have surfaced over the last several decades, few scholars are as inflexible in their linking of decolonisation to full-scale return of land; however, notions of restoring care for and connection to land is critical. Anishinaabe academic and jurist John Borrows (2018) posits that decolonisation must necessarily extend beyond human relationships:

Reconciliation between Indigenous peoples and the Crown requires our collective reconciliation with the earth. Practices and partnership of resurgence and reconciliation

must sustain the living earth and our more-than-human relatives for future generations. This will not occur without the simultaneous resurgence of Indigenous laws, governments, economies, education, relations to the living earth, ways of knowing and being, and treaty relationships. (p. 68)

Indigenous academics Gina Starblanket (Cree) and Heidi Kiiwetinepinesiik Stark (Ojibwe) (2018) agree, arguing that returning the land to Indigenous ownership and care is not about who controls it but rather about a renewed relationship between all people and the natural world. They write that Western notions of "freedom" are impoverished – associated with the colonial political economic enterprise which is centred on the accumulation and use of non-humans. What is needed is a change to understandings of humans' interdependent interrelatedness with one another and the natural world, embedded in Indigenous knowledge systems (Starblanket & Stark, 2018, p. 176).

De-centre the state (centring on Indigenous priorities). De-centring the state means that Indigenous ways of being, needs, and priorities inform and guide interactions with the state. Sámi academic Rauna Kuokkanen (2000) refers to this as establishing an "Indigenous paradigm" and challenging "Western dualistic metaphysics and Euroculturalism" (p. 411). Key to uprooting Eurocentricity within the state and dominant society is the redistribution of power at its source – sovereignty. International relations are governed by the sovereignty of states – the sacred, immutable authority over the land and people between borders. The traditional definition of sovereignty has evolved beyond its original monopolistic, static understanding. It is increasingly understood as fluid and divisible, applying both internally, within territorial boundaries, and externally, between states (Brennan et al, 2004, p. 310). External sovereignty is about who has power to represent a state in relation to other states. Internal sovereignty refers to "how and where power is distributed within territorial boundaries" (Brennan et al, 2004, p. 310). This flexible definition of sovereignty allows for arrangements of sovereignty-sharing within the borders of the state. It could accommodate claims that colonisation did not extinguish Indigenous sovereignty but

thwarted the exercise of it (Mansell, 2002, p. 87). This is supported by the argument that sovereignty is enshrined in people rather than in institutions (Brennan et al, 2004, p. 311).

While the existence of Indigenous sovereignty and the necessity of recognising it remains a contentious issue, some scholars argue that a redistribution of authority and recognition must occur at the institutional level. Rights are

embodied and expressed in distinctive conceptions and idioms of law which in turn require institutional expression. The recognition and expression of indigenous rights will require accommodation and translation of all these different facets, with the additional burden of doing so in the context of an imposed non-indigenous legal framework. (Iverson et al, 2000, p. 4)

Mohawk scholar and writer Audra Simpson (2017) introduces the concept of "refusal" as a political act; it is an alternative response to participation in state-sponsored recognition projects for Indigenous nations. Refusal is a posture of resistance to being subsumed into state governance architecture through the "politics of recognition". The fact that Indigenous political orders largely continue to exist outside state systems is testament to the fact that Indigenous peoples continue to privilege their own nationhood and political systems, refusing to yield to governmental projects of colonialism (p. 18).

Reset the relationship. Decolonial writers argue that while Indigenous nations fiercely resist absorption into the state this does not preclude relationship with it altogether. In fact, "Indigenous philosophies of relationality" offer solutions/alternatives to relationships between Indigenous nations and governments which are usually characterised by states' "individualistic, hierarchical, anthropocentric and exploitative ways of being" (Starblanket & Stark, 2018, p. 175). In summarising key themes of the articles in a special issue of *McGill Law Journal* on Indigenous customary law in Canada, non-Indigenous Canadian legal scholar Fraser Harland (2016) observes that all writers agree that Indigenous law not only exists but is relational in nature, must be generated in and

communicated by Indigenous peoples, and must be approached respectfully by the non-Indigenous world. Further, the authors agree that observing these principles is crucial for the theory and practice of law (p. 723).

Indigenous and non-Indigenous writers are generally optimistic that a balanced relationship between states and Indigenous peoples is possible. *Treaty federalism* and *treaty constitutionalism* are proposed models in which Indigenous nations have government-to-government relationships through treaties, but formally sit outside the federation¹⁴. Logistical issues like funding and participation in decision-making make this model challenging, though not impossible; at the moment however it exists only in theory (Borrows, 2018; Ladner, 2010; Papillon, 2012). Treaty or agreement-making in general features prominently in the literature and increasingly in policy approaches in settler colonial countries. A popular view among CANZUS states is that treaties would affirm Indigenous peoples' sovereignty, legitimise the government's existence, and detail how sovereignty can be shared, after which socio-economic improvements for Indigenous peoples would naturally follow (Mansell, 2002, pp. 87-89). Cree/Oneida scholar Rudolf C. Rýser (2015) agrees, arguing that the only path to meaningful diplomatic relations between states and nations is through nation and state-specific "negotiations and dialogue mechanisms" guided by an international "Protocol on Intergovernmental Mechanisms to Implement the UNDRIP" (Rýser, 2015, p. 74).

In South America, self-determination essentially involves renegotiation of the relationship with the state. In their territorial advocacy, the Guaraní people did not seek the achievement of "ethnoterritorial closure through monocultural geographically fixed territorial units. Rather they sought to flexibly rearticulate across space to counterbalance centres of powers..." (Gustafson, 2009, p. 998). Indigenous self-determination or autonomy unfolds in "spaces of intercultural political engagement" (Gustafson, 2009, p. 998). This is consistent with Young's (2000) proposal of "relational

¹⁴ This applies in settler-colonial federal systems – Canada, Australia, and the US, noting the territory of Nunavut in Canada is an example of a treaty relationship between the Inuit people and the Canadian government that sits within the Canadian federal system.

logic" or a "relational ontology of distinct people" to guide Indigenous-state relations, characterised by interdependence: "a principle of self-determination for peoples should be interpreted along lines of relational autonomy or non-domination rather than simply as independence or non-interference" (Young, 2000, pp. 160 & 172).

Nations are in a continuous process of seeking to improve their relationships with states. In most cases the objective is to achieve a clear political status for the nation and cooperative arrangements through which the respective parties' interests can be recognised, within the parameters of the state (Nietschmann, 1994; Rýser, 2012). Indeed, there are innumerable possibilities for improving the state-indigenous relationship if interdependence is acknowledged and relationality emphasised. Unilateral actions by states to implement international commitments such as the UNDRIP, or to otherwise accommodate nations in countries where nations are in conflict with the state, only exacerbate tensions. Ultimately, the solution for a radical new reality must come from Indigenous peoples. As Maddison (2020b) observes:

Reform is not an option – the only way to achieve a just relationship is through dismantling the colonial system. The state cannot and never will be the architect or innovator of a just relationship with Indigenous peoples, nor the catalyst for their liberation from colonialism.
(p. 150)

The call of decolonial writers addressing the experience of Indigenous peoples to understand states as conglomerates of historical nations, return the land to its original owners, centre Indigenous peoples' priorities and reset the relationship between Indigenous nations and state governments, is strong and growing. These writings sit at the intersection of advocacy and scholarship. While Southeast Asia's populations cannot be so readily divided into Indigenous and non-Indigenous, decolonial sentiment towards European colonisers and those who came to power after Europeans departed are present. Additionally, as will be demonstrated later in the thesis, these sentiments are

merging with the influence of the global Indigenous rights movement in the region, framing understandings of and advocacy for self-determination.

The next section sets out the core tenets of Indigenous resurgence theory, characterising it as asserting both a disengagement and an engagement orientation toward the state and non-Indigenous society. While resurgence writings are from and about the settler colonial context, their themes are reflected in decolonial writings from Southeast Asia and, as will be demonstrated later in the thesis, in Indigenous peoples' self-determination advocacy and objectives in the region. I highlight two orientations of Indigenous resurgence – disengagement and engagement. While disengagement is a critical first step for Indigenous peoples' survival under colonialism, resurgence also offers guidance for engagement between the state and non-Indigenous society as a means of advancing decolonisation.

2.4 Indigenous Resurgence – Creating a new reality now

Indigenous resurgence is a theory born out of the Red Power Movement in North America in the 1960s and 1970s. The theory is centred on the premise that colonisation is not an historic event but rather an ongoing reality (Alfred & Corntassel, 2005; Champagne, 1996; Coulthard, 2014; Simpson, 2010; Simpson, 2011a; Simpson, 2011b; Wolfe, 2006) that manifests through the "politics of recognition" (Coulthard, 2014) and the "shape-shifting" tactics of the state to destabilise Indigenous identity (Alfred & Corntassel, 2005, pp.608-609). In response to this reality, resurgence theorists call on Indigenous nations to *disengage* from the state and non-Indigenous society as a primary and direct objective, and then to strategically *engage* on new terms as a secondary and indirect objective (Elliot, 2018).

Writers on Indigenous resurgence continue to unpack what it means for Indigenous nations to disengage from and then strategically engage with the state. Disengagement or "turning away" is the act of shifting focus and energy away from the state and dominant culture onto the rejuvenation of Indigenous culture and systems (Coulthard, 2014):

Rather than channelling energies into attempts to further modify the settler colonial order from within, efforts should be directed towards independently rejuvenating Indigenous nationhood and culture: reconnecting communities with traditional language, lifeways, and forms of governance; re-establishing sustainable economies and pursuing ties of solidarity and collaboration with others working toward a radical transformation of the contemporary social world both at home and internationally. (Elliot, 2018, p. 64)

Rather than engaging in state recognition and accommodation schemes, Indigenous nations have the option of refusing to engage. Refusal, as a political strategy, asks of the power in the position of recognising the other: "What is their authority to do so? Where does it come from? Who are they to do so?" (Simpson, 2014a, p. 11). Simpson (2016) argues that recognition strategies are temporal, while Indigenous sovereignty is permanent, making the settler context a situation of ongoing multiple sovereignties which will inevitably collide.

Engagement with the state and the dominant culture is a secondary objective of resurgence, and arguably more akin to a necessary evil for which resurgence writers offer guidance, rather than an active pursuit. Nevertheless, since the beginning of the Indigenous rights movement, and even earlier, resurgence advocates have offered alternatives to the colonial settler-Indigenous relationship. Resurgence engagement is the work of developing "a renewed form of dialogue on matters of justice and decolonization, structured by principles of genuine mutual recognition and reciprocity" (Elliot, 2018, p. 62). From a place of renewed strength, Indigenous nations can develop alternatives to the status-quo colonial relationship with the state (Alfred & Corntassel, 2005; Coulthard, 2014; Deloria, 1996; Simpson, 2011a). Ultimately, resurgence seeks to regenerate Indigenous ways of being and to remove obstacles to a renewed relationship and reciprocal dialogue with the state and non-Indigenous society (Elliot, 2018; Simpson, 2016).

The following is an overview of some key ideas of Indigenous resurgence, noting that resurgence is an evolving, fluid theoretical space. The ideas presented below progress from the most intimate and core objective of resurgence – rejuvenation of Indigenous ways of being and reciprocal

relationships – to the external, inter-national relationships. In this way, what is laid out is a pathway from staunch, purposeful disengagement to the co-creation of renewed engagement with the state and non-Indigenous societies. This is not a space of harmonious consensus, however. Indigenous resurgence has received hearty critique from both Indigenous and non-Indigenous writers; even resurgence writers themselves differ on the fundamental question of whether a relationship with the state is possible or even desirable. While the writings of many decolonisation scholars could be classified as Indigenous resurgence, this section predominantly draws on the writings of those scholars and activists who are directly identified with the movement. I cite some early resurgence writers (Vine Deloria, George Manual, Michael Posluns, Marie Campbell, Roxanne Dunbar-Oritz, and Champagne), but draw most heavily on contemporary leaders of this school of thought, namely Leanne Betasamosake Simpson (Michi Saagiig Nishnaabeg), Glen Coulthard (Dene), Gerald Taiaiake Alfred (Kahnawá:ke Mohawk), Jeff Corntassel (Cherokee) and Audra Simpson (Kahnawà:ke Mohawk).

Disengagement – Responding to "politics of recognition" with the "politics of refusal"

Resurgence writers argue that the state is constantly inventing new ways to remove or minimise the inconvenience of Indigenous peoples who are an ever-present material and symbolic reminder of the settler-state's precarious existence (Elliot, 2018). In 1968, Standing Rock Sioux author and activist Vine Deloria wrote that Indigenous people need a "cultural leave-us-alone-agreement", in spirit and in fact (p. 27). This sentiment remains at the heart of resurgence writing today.

Wilmer (1996) considers three impacts on Indigenous peoples by colonisers in North America, all of them oppressive and unjust. First, treaties were negotiated in bad faith and then not upheld; second, baseless wars were waged against Indigenous nations and included the use of biological warfare that harmed indiscriminately; and third, European colonisers used false premises to underpin the establishment of governments and legal institutions on Indigenous lands, using the

"law of conquest" (p. 4). Coulthard (2014) offers a fourth, contemporary Indigenous-settler encounter, called the "liberal politics of recognition". This includes treaty and land title negotiations, public apologies, resource-sharing agreements and reconciliation schemes. Resurgence writers consider these state initiatives forms of creative colonialism that aim to produce "neo-colonial subjectivities that coopt Indigenous peoples into becoming instruments of their own dispossession" (Coulthard, 2014, p. 156). In short, political acknowledgement, economic opportunities and security in exchange for Indigenous autonomy, land, culture and identity (Elliot, 2018).

Along with other decolonisation scholars, resurgence writers argue that colonisation has evolved from overt state violence to covert psychological manipulation of Indigenous individuals, causing personal and collective doubt about the value of Indigenous culture, and acceptance of state narratives about Indigenous identity (Coulthard, 2014; Kuokkanen, 2000). Simpson (2011b) refers to this as "cognitive imperialism", a tactic of the colonial system to convince first peoples that there is no such thing as Indigenous theory or Indigenous intellectual tradition (p. 33). Alfred & Corntassel (2005) suggest that this insidious "shape-shifting" work is a colonial tactic to destabilise identity within the person (individual), leading to the ultimate dismantling of the identity of the people, collectively. Ultimately this has the effect of "clos[ing] off Indigenous minds to the possibility and even the desirability of a radically different, decolonized future" (Elliot, 2018, p. 67).

Daily acts of resurgence through the exercise of "grounded normativity". The first and most important step in Indigenous resurgence is to engage with "grounded normativity" – "the modalities of Indigenous land-connected practices and longstanding experiential knowledge that inform and structure our ethical engagements with the world and our relationships with human and nonhuman others over time" (Coulthard, 2014, p. 12). First peoples have maintained and evolved their own processes and protocols for knowledge generation, management, and teaching for thousands of years. Coulthard (2014) explains that this happens through engagement with the land, in reciprocal relationship. As mentioned in the first section of this chapter, Simpson (2017) refers to the "kinetic"

nature of Indigenous intelligence: Indigenous theory is generated, managed; and taught through doing. She reflects on her own learning of this when researching with Nishnaabeg elders:

I kept asking them about governance, and they would talk about trapping. I would ask them about treaties, and they would take me fishing. I'd ask them what we should do about the mess of colonialism and they would tell me stories about how well they used to live on the land. I loved all of it, but I didn't think they were answering my questions. I could see only *practice*. I couldn't see their *theory* until decades later. I couldn't see intelligence until I learned *how* to see it by engaging in Nishnaabeg practices for the next two decades. (pp. 18-19)

Corntassel (2012) calls on Indigenous peoples to engage in "daily acts of resurgence", including speaking language, engaging in ceremonial activities, respecting ancestors – activities that "reclaim and restore cultural practices that have been neglected and/or disrupted". Through everyday acts of resurgence First Nations counter-disrupt the colonial system's social, political, and economic hold (pp. 88-89). These actions ultimately are the "embodiment of self-determination" (Corntassel, 2021, p. 3) which Simpson (2017) posits as "...change from within rather than recognition from without" (p. 22).

Resurgence from the inside-out. In response to the ongoing assault on Indigenous identity, connections, and ways of life, Indigenous people must focus their energies on rebuilding Indigenous culture, institutions, systems, and knowledge traditions (Simpson, 2011a). Writers agree that resurgence is first a personal process for each Indigenous person, a process of decolonising one's own thinking and behaviour (Coulthard, 2014; Simpson, 2011b). First, live according to the ethics of your nation in your personal life, evaluating attitudes, actions, and choices according to that intelligence. From that place of personal transformation, build a movement to develop an alternative way of relating to the settler system (Simpson, 2016). Corntassel & Alfred (2005) offer a pathway to decolonisation and resurgence for Indigenous peoples: reconnect with land, learn and

use Indigenous language, investigate and challenge complacency, "decolonize your diet", build capacity for self-sufficiency, and revive the mentor-learner relationship teaching methodology. Coulthard (2014) argues that "contemporary politics of recognition is ill equipped to deal with the inter-related structural and psycho-affective dimensions of colonial power" (p. 26). Governments excel at keeping Indigenous leaders and communities busy with consultations, funding applications, policy development, and reporting schedules that prevent communities from attending to their nationhood (Maddison & Thomas, 2023). Projects and initiatives that recognise, accommodate, and protect Indigenous rights go some way, but not far enough to hold space for the transformations needed to resurrect traditional systems, institutions, and ontologies (Alfred & Corntassel, 2005, p. 599).

Critical traditional system resurrection. The act of resurgence that follows individual decolonisation is "resurgence mobilisation", the process of looking inward to Indigenous traditions and breathing life into them again. For Simpson, this starts with Nishnaabeg creation stories which are the ontology of the Nishnaabeg intellectual tradition or Nishnaabeg "grounded theory" (Simpson, 2011b). Priority actions of Indigenous nationhood resurgence include connecting with land, practising culture, renewing relationships with community, engaging in Indigenous diplomacy, connecting with other resistance communities, and re-establishing governance and governance systems (Elliot, 2018). Indigenous knowledge is accessed, shared, and preserved through ceremony, dance, song, relationships with each other and the land, and storytelling (Simpson, 2011b).

While resurrection of Indigenous ways of being that were destroyed or lost at the hands of colonisation is central to resurgence theory, writers highlight that the objective is not to simply reinstate traditional systems; rather, the resurrection process must be critical and "self-conscious", taking into account contemporary values such as understandings of gender. Resurgence is not about recreating Indigenous structures and identities of the past, but about re-imagining these in a contemporary context, guided by Indigenous ethics. In other words, Indigenous nations must not unthinkingly reinstate traditional practices or institutions that are in any way exclusive or harmful,

thereby perpetuating colonial norms; resurgence must reflect Indigenous values that have necessarily evolved with modernity (Alfred, 2009; Corntassel, 2012; Coulthard, 2014; Elliot, 2018; Simpson, 2011b). Part of this work is resurrecting Indigenous internationalism. Indigenous nations are engaging in inter-national relations with one another, across formal borders, without the involvement of the state, creating and working toward a future "beyond the state" (Corntassel, 2021, p. 3). Inter-national relations between Indigenous nations, including agreement-making, cooperation and solidarity, is occurring as an act of disengagement from and to decentre the state. By engaging in Indigenous internationalism, Indigenous nations are decentring the state (Corntassel, 2021).

The false binary of resurgence and reconciliation

As mentioned above, disengagement resurgence has been subject to heavy critique as a response to colonisation; for example, while prominent Anishinaabe scholar Sheryl Lightfoot (2019) affirms and agrees with the foundational assertion of resurgence that colonisation is an ongoing reality, she makes three arguments against use of the disengagement approach to address colonial structures. First, she observes that it problematically distinguishes between authentic and co-opted Indigenous individuals (those who are psychologically colonised). This creates a hierarchy of indigeneity that simply reproduces colonial forms of exclusion and power-asymmetry (pp. 158-160). Second, the notion that the state is always seeking to dispossess Indigenous peoples to gain access to their lands harms efforts to establish positive relations with the state, disrespecting or ignoring the hard work and gains won by Indigenous advocates and leaders who tirelessly struggle to advance the needs and interests of their communities. (p. 162). And third, "turn away" resurgence writers' argument that engagement with the state is a zero-sum game in fact harms their efforts to develop their nationhood (p. 165). She argues that the UNDRIP adequately espouses the rights and responsibilities Indigenous nations are seeking – it is a sufficient mechanism to respond to Indigenous rights, however poorly it is implemented. Abandoning it as a colonial tool of states is to

dismiss its transformative potential (p. 157). Indigenous advocates' use of a human rights framework and discourse is a strategic tactic that should not be undermined or disparaged (p. 164).

Ultimately, Lightfoot suggests that disengagement resurgence is an elite academic pursuit that is disparaging or ignorant of the labour of grassroots advocates. It is harmfully pessimistic, in part due to its embrace of Fanon's notion of necessary violent action (p. 168). Non-Indigenous Canadian scholar Michael Murphy (2019) also argues that resurgence's call for disengagement encourages isolationism and does not allow the possibility of reform from inside the state systems and institutions (p. 70). Indeed, there has been considerable debate between "rejection and separatist resurgence" scholars and those seeking to advance the dialogue and practices of "resurgence-reconciliation"¹⁵. To some degree this contest originates from the projects of decolonisation in Asia, Africa, and Latin America during the post-WWII era. Themes from these processes, such as the master-slave dynamic, were adopted by some contingents of the Indigenous decolonisation movement in the CANZUS states. Removed from their cultural and political contexts, some resurgence-reconciliation writers argue that these themes were misapplied in the settler colonial context, ultimately causing divisions in the movement (Borrows & Tully, 2018, pp. 4-5).

Borrows and Tully (2018) consider disengagement resurgence as on a spectrum with reconciliation, describing it as a "field of activities, relationships, and possible futures between Indigenous and settler people" (p. 3). While disengagement resurgence is understood as Indigenous peoples' exercise of their authority apart from the state and settler society, others propose a more nuanced posture that allows for creativity in the relationship while still firmly rejecting oppression (Borrows & Tully, 2018, pp. 3-4).

Anishinaabe scholar Aaron Mills (2018) acknowledges the whole spectrum of responses to colonial violence. While he does not situate himself in the debate, he argues there is no space for

¹⁵ Some resurgence writers touch on reconciliation, offering a new definition for this popular yet heavily contested concept. This thesis does not engage with reconciliation as it was not raised in the fieldwork. The application of reconciliation in Southeast Asia would nevertheless be an interesting line in inquiry.

disconnection in "rooted constitutionalism", that is, the "earth-centred" ways-of-being central to Indigenous philosophies. Rejection resurgence proponents who "turn away" from relationship do so at the cost of growth, as disconnection is artificial and limited: "Our range of relational choice is not a narrow binary between domination and disconnection" (p. 159). This is not to discount the value and necessity of conflict and direct action; rejection of coloniality is critical to achieving a healthy relationship. Mills argues that it's not *whether* Indigenous peoples enact rejection, but *how* it is enacted (pp. 159-161). Indeed, many of those seeking to advance resurgence-reconciliation also recognise rejection as a necessary tool in the resurgence toolbox: "They recognize that separation may sometimes be needed but that this is only one option among many in the practice of resurgent, transformative reconciliation" (Borrows & Tully, 2018, p. 6). Outright rejection of relationship constrains even the rejector, not to mention denies the reality of interdependence, and cuts access to vital sources of support. This is not to suggest however that relationships of any kind should be maintained; there is of course space for rejecting relationships, particularly where they involve oppressive acts of one toward the other (Borrows & Tully, 2018, p. 6).

Engagement - Co-creating alternatives to the colonial relationship

As has been demonstrated, not all resurgence writers are arguing for a fulsome rejection of engagement with governments. While turning away from the state in order to rejuvenate Indigenous systems, culture, and identity is the primary objective of resurgence, the philosophy does not altogether reject co-existence with the state (Alfred, 2013). In fact, Coulthard, Cornthassel and others provide some guidance on engagement resurgence in which interactions with the state are directed toward achieving renewed relationships.

Indigenous politics has a place for non-Indigenous peoples. This is a different theoretical starting point than that of non-Indigenous systems which traditionally exclude others (inspired by Simpson, 2017, p. 138). Indigenous nationhood is innately relational: "Indigenous nationhood does not flourish on its own – it is grounded in multiple relationships that nurture and promote

community health and wellbeing" (Corntassel, 2021, p. 6). Turning away from the state is less about isolation and more about recentring Indigenous priorities:

turning away from the state is actually a recentering of Indigenous nationhood and land-based governance but is not a wholesale disengagement with state actors. Instead, those nations and communities engaging in resurgence invite engagement and solidarity through their actions and articulations of their relational responsibilities. (Corntassel, 2020, p. 12)

While some argue for a return to the original nation-to-nation relationships of early treaties which set out rights and responsibilities of the parties (Alfred, 2013; Simpson, 2011b), form matters less than intention. Ultimately, resurgence invites the state and state-backed entities to co-create alternatives to the colonial relationship with Indigenous peoples. Dene scholar Glen Coulthard (2014) discusses Fanon's "creative engagement" with Nietzsche's negation versus affirmation argument – while through their actions Indigenous nations are saying a firm *no* to further loss of their culture, lands, and way of life, they are saying a strong *yes* to a different way of co-existing with settler society (p. 168).

The first step toward alternatives to the colonial relationship is to remove obstacles to reciprocal and mutual relationships. In summarising resurgence writings, Elliot (2018) suggests there are five key areas of disagreement between Indigenous and settler thought that serve as obstacles to a renewed relationship: understandings of sovereignty; ethics and practice of political economy; permanence and inevitability of the settler political system; treatment of land and ecosystems; and language. Understanding Indigenous intelligence is the first step in overcoming these obstacles. Central to this is seeing Indigenous nations as "networks of complex, layered, multidimensional, intimate relationships with human and non-human beings" (Simpson, 2016, p. 23). Indigenous political, economic, and education systems are interconnected, and in responsive relationships between all living parts – human and non-human (Coulthard, 2014; Simpson, 2016). To support

settler understanding of Indigenous knowledge systems, resurgence writers propose that Indigenous nations engage in insurgent education.

Insurgent education. Insurgent education is the daily practice of Indigenous culture that causes non-Indigenous people to reflect on their relationships with Indigenous peoples and the natural world (Corntassel, 2012). Engagement resurgence should serve to unsettle colonial norms by changing the way non-Indigenous people think about Indigenous peoples, and then changing how they act towards them. Insurgent education is the act of living alternative ways of being, thereby provoking reflection and motivating "creative confrontations with existing social realities" (Elliot, 2018, p. 73). In this process, however, the literature is clear that engaging with non-Indigenous people as a means of inspiring new ways of thinking and behaving must come second to disengagement resurgence – non-Indigenous peoples' needs and priorities should not be at the centre of engagement resurgence work. Influencing non-Indigenous society must be indirect, not direct, thereby taking resources away from Indigenous nation-building. Indigenous people need to be wary of putting their energy into teaching and supporting non-Indigenous people to understand Indigenous perspectives when it may come at the cost of rebuilding Indigenous systems and ways of being (Elliot, 2018; Simpson, 2016).

Generating Indigenous alternatives to capitalism. Geopolitics, market incorporation, and cultural exchange are significant threats to Indigenous and other colonised people (Champagne, 1996, p. 2). Even state reconciliation projects are about reconciling Indigenous nations to colonial political economics (Coulthard, 2016). Coulthard (2014) asks: "how might we move beyond a resurgent Indigenous politics that seeks to inhibit the destructive effects of capital to one that strives to create Indigenous alternatives to it?" (p. 170). Resurgence can be harnessed to create alternatives to the capital-driven relationship between Indigenous and non-Indigenous peoples, and generally between people and the natural world. A key step is giving back land, which involves asking the question: what are the legal traditions that should inform how land and resources are conceived and

managed within a particular place? This would disentangle property from jurisdiction (Coulthard, 2016) by focusing the dialogue on care of land rather than on its ownership.

Resurgence in fact requires Indigenous peoples to actively take part in Indigenous alternatives to capitalism. As capitalism reproduces itself, so must Indigenous alternatives also reproduce themselves, requiring first peoples to go beyond daily action of resurgence to "regenerating our lifeways, relational responsibilities, and sustainable pathways so that we approach engagement with states and other colonial actors from a strengths-based approach" (Corntassel, 2021, p. 5). The outcome of developing alternatives is strengthened nationhood and an improved likelihood of a relationship with the state based on reciprocity.

While resurgence is one school of thought in the broader field of the study and practice of decolonisation, it is squarely rooted in the experiences of Indigenous peoples. Its call for the centring of Indigenous nationhood means it does not rely on a particular response from the state or any other non-Indigenous actor. Indigenous resurgence is happening, no matter what the state does or does not do. Points of contact between Indigenous peoples and state entities are an opportunity to open spaces in which Indigenous nations can flourish in relationship with states. Indigenous resurgence can continue to occur, however, even when the state persists with control, erasure, and extraction, including in non-settler colonial contexts (through the act of *persistence*, which is explained further in the next chapter).

2.5 Conclusion

In the first section of this chapter I presented the idea of self-determination as a political relationship between Indigenous nations and states. The UNDRIP's introduction of a form of internal collective self-determination for Indigenous peoples has extended decolonisation to Indigenous nations, affirming their right to autonomy and participation in governance with states. Scholars in the field of multilevel governance are exploring the "nuts and bolts" of Indigenous-state relationships, considering whether multilevel governance offers a practical means by which

Indigenous peoples' right to self-determination can be empowered. However, some scholars are not convinced such arrangements, or even political relationships between Indigenous nations and states in general, should be pursued before the broader issue of states' colonial posture toward Indigenous nations is addressed.

This criticism is consistent with the key themes in decolonisation concerning Indigenous peoples, presented in the second section. Contemporary decolonisation writings from both CANZUS and Southeast Asian states discuss colonisation as an ongoing project of control, elimination, and extraction, in response to which some Indigenous writers are calling for radical change characterised by recognition of their nationhood, return of their lands, recentring of their priorities, and a reset of their relationship with state governments. The "internal colonisation" experienced by Indigenous peoples in Southeast Asian states gains little attention at the regional level where the values of unity and non-interference are dominant. Despite little or no recognition of Indigenous peoples and their rights in much of the region, cultural identities remain strong, an asset that is highlighted in discussions of Indigenous-state political relationships later in the thesis.

The final section in this chapter provided a detailed overview of the key tenets of Indigenous resurgence writings, as well as some of the criticisms it faces, including from within the broader field of decolonisation literature. Indigenous resurgence is most commonly associated with the act of disengaging or "turning away" from the state in order to focus energy and resources on Indigenous peoples' nationhood-building priorities. In some cases, resurgence writers argue that the only way to achieve decolonisation and thus to be free from the control, extraction, and projects of elimination by the state is to dismantle colonial systems and structures. Not all resurgence theorists are so absolutist, however; a contingent of writers are advancing a form of *engagement resurgence*, providing guidance for decolonised Indigenous-state relations in which Indigenous peoples' priorities are at the centre and where political, social, and economic space is provided for the renewal and continuation of their nations. While genuine decolonisation, whereby the principles of colonialism no longer dictate the postures of governments toward and in relationship to Indigenous peoples, will

be long and slow, such a reality is not beyond the imagination of some resurgence scholars, and indeed, as will be demonstrated, Indigenous leaders in Southeast Asia.

The next chapter sets out the methodological tools and approach employed in this study.

Chapter 3 – Methodology

3.1 Overview

Researching cross-culturally is challenging, particularly so when the gaze of inquiry follows colonially-embedded power asymmetries. All research with marginalised peoples runs the risk of perpetuating the very harms it is often aiming to understand and resolve. This project is no different, raising questions that have followed me throughout the research process from conception to writing, inciting self-reflection, centring, and recentring the voices of those I am seeking to elevate. Choosing to engage with Indigenous resurgence theory has felt less like a choice than an imperative. Upon first encountering it, all other potential theoretical rivals yielded as both my settler-immigrant and researcher selves recognised the criticality of resurgence writers' calls for a radically different future in settler colonial countries. But, of course, as is explored in this thesis, coloniality is not limited to those countries that fit neatly within the "salt-water thesis"; its tentacles are long and many, reaching into every society at every level. The uptake of the "indigenous" identity and rights encoded in the UNDRIP by marginalised peoples globally is exceedingly telling, highlighting entrenched social, political, and economic norms that cross geographic and cultural boundaries.

This thesis critically examines the ways in which Indigenous groups are strategically engaging with governments to achieve their self-determination objectives; it considers the implications of these interactions for just political relationships¹⁶ between Indigenous peoples and states. As Dr. Michael Breen, one of my PhD supervisors said to me while I was in the throes of contemplating how

¹⁶I use "just" in this context in reference to the moral legal imperative of contemporary governments in both settler and internal colonial systems to contend with the authorities/sovereignties over the land that preceded the establishment of modern states. While the parameters of this imperative differ from one country to the next and remain ill-defined in most cases (particularly in cases where no historical treaties were signed), the adoption of the UNDRIP by the vast majority of UN General Assembly members signals a broad international consensus that Indigenous peoples globally maintain a right to internal self-determination that must be negotiated by each government at the domestic level.

to pivot my project in response to the COVID-19 pandemic: "A crisis like this does expose governance issues and offers a way in" (Michael Breen, personal communication, April 10, 2020).

This has certainly been the case in Southeast Asia, with remoteness, slow and unequal distribution of resources, and job-losses forcing many Indigenous people to return to their traditional villages and to subsistence farming to survive. As is discussed in chapter five, this trend has led to a resurgence in Indigenous culture and practices, and a shifting of the interests and expectations of Indigenous communities with respect to their right to self-determination. These ongoing impacts will be an interesting line of inquiry for years to come.

In this chapter I describe the design and tools of analysis of this project, including the two theoretical frameworks I use to consider the *resonance* of Indigenous resurgence in the way that self-determination is understood and pursued in Southeast Asia. I also explain how I define and apply the concept of *resonance*. I conclude the chapter by explaining how I took a critical Indigenous qualitative research approach and how I positioned myself as a non-Indigenous researcher in this field.

3.2 Research design and fieldwork

As discussed above, this project considers trends in understandings of and advocacy for Indigenous peoples' right to self-determination through the lens of Indigenous resurgence theory. Resurgence theorist and Anishinaabe scholar Aaron Mills (2018) asks, if resurgence is not fulsome turning away from the state, then "What are we pointing our aspirations towards?" (p. 141). This is a key question I explore with Indigenous leaders, scholars, and rights advocates in Southeast Asian countries. If Indigenous peoples are not seeking secession from the state, then what are they seeking in relationship with it? This is not an attempt to decode or otherwise interpret the mysterious or inaccessible messaging from the Indigenous world. Indigenous peoples are strong and very often clear about the political changes that are needed for a more just future to be realised in their immediate context. This thesis explores the more nuanced aspects of what political

relationships between Indigenous groups and states must look like for sustainable, mutually beneficial co-existence.

To undertake this exploration, I conducted *top-down* (theoretical) and *bottom-up* (inductive) thematic analyses (Braun & Clarke, 2006, pp. 83-34). For the top-down analysis, I developed two theoretical frameworks based on Indigenous resurgence theory. The first framework considers the qualities of a just political relationship between Indigenous nations and states, suggesting that Indigenous resurgence requires that such a relationship be characterised by the qualities of *mutuality* and *autonomy*. The second framework concerns how resurgence is exercised in interactions with the state. I argue that Indigenous nations use strategic disengagement (*rejection* and *persistence*) and engagement (*challenge* and *reinvention*) to assert their right to self-determination and to resist further colonisation. The theoretical frameworks are explained in more detail later in this chapter.

For the bottom-up analysis, I used a grounded theory approach, drawing on themes identified in the fieldwork to develop theories regarding how self-determination is defined and pursued in Southeast Asia. I found that self-determination is understood in three ways: as socio-economic wellbeing, as civil rights, and as cultural *thrival*. The second theory I derived from the fieldwork concerned how self-determination is pursued in interactions with the state. I found a trend of nine tactics employed by Indigenous peoples across the region in their interactions with governments. Both inductive theories are explained in chapters six and seven, respectively. Also apply the theoretical frameworks in these chapters. Figure 1 below shows the theoretical and empirical inquiries, the theories derived from the data and theoretical frameworks, and their relationship with one another.

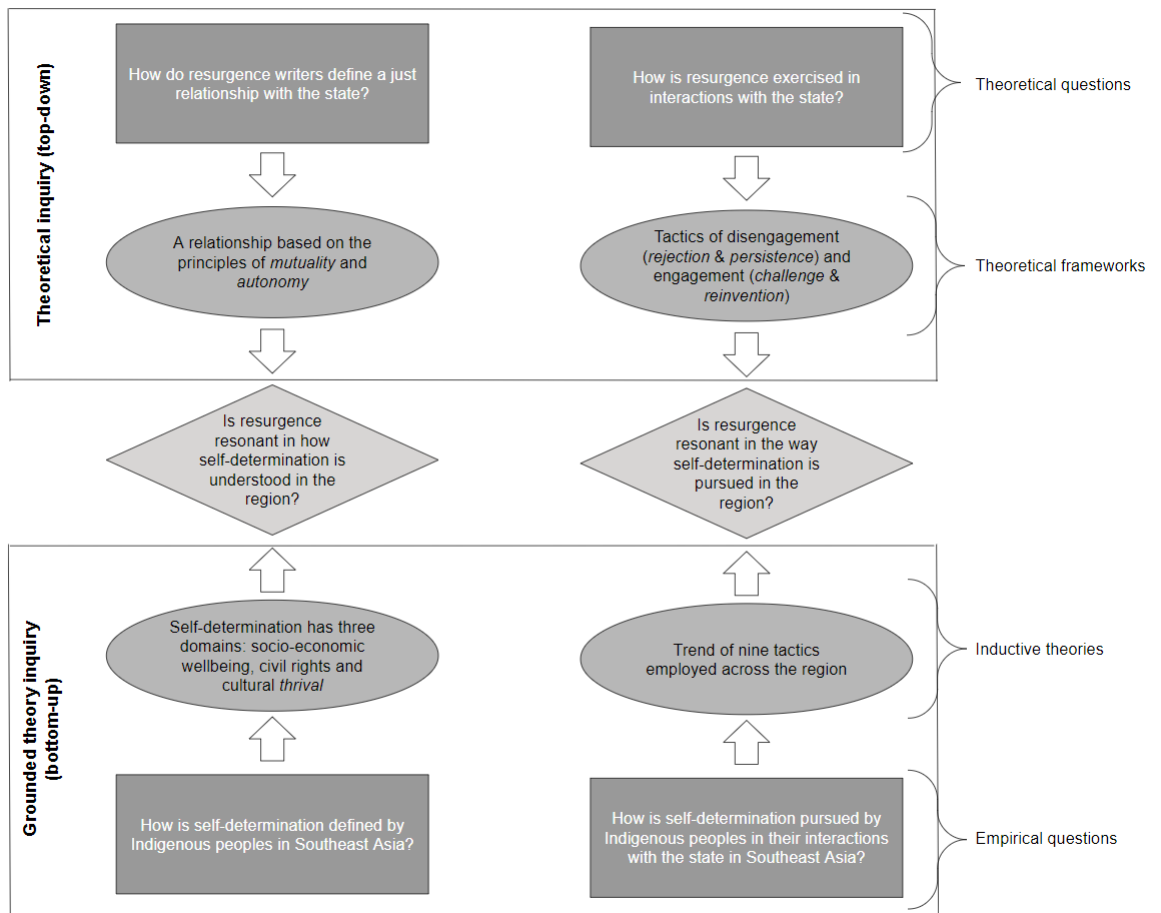


Figure 1: Research design.

Focusing on broader Southeast Asia, I developed theories that are fit for the region, understandable to a range of peoples, and general enough to be translatable to the myriad, highly diverse contexts of Indigenous peoples within the region, as well as flexible enough to allow for adjustment as circumstances change (Glaser & Strauss, 1967, pp. 237-245). I applied the theoretical frameworks to these theories to determine whether Indigenous resurgence is reflected in the findings. Specifically, the frameworks were used to answer four key questions:

- a) Is a resurgence of Indigenous identity and culture occurring in the region (chapter five)?
- b) Is Indigenous resurgence resonant in the way self-determination is understood in the region (chapter six)?

- c) Is Indigenous resurgence resonant in the self-determination advocacy tactics Indigenous peoples are pursuing in the region (chapter seven)?
- d) What are the implications of these findings for the future of Indigenous-state political relationships in the region (chapter eight)?

I limited the scope of this study to countries within the region with minority groups who identify as Indigenous, and to member nations of the Association of Southeast Asian Nations (ASEAN)¹⁷. The purpose of this second criterion was to allow for exploration of the relevance of this organisation to the issue of Indigenous self-determination and, in particular, of the regional levers it might offer. As such, the countries within the scope of this study are Thailand, Myanmar, Laos, Cambodia, and Vietnam on the Indochina Peninsula, and Malaysia, the Philippines, and Indonesia, referred to as the "archipelago nations". Additionally, all of these countries in scope are home to Indigenous rights organisations that are meaningfully involved with the Asia Indigenous Peoples Pact (AIPP), the leading advocacy and representative body for Indigenous peoples in Asia. The AIPP plays a key role in shaping Indigenous rights advocacy objectives and language by bringing together voices from across the region. Material produced by the organisation, including reports, public statements, submissions to different United Nations fora, and webinars served as a rich source of secondary data to complement the interviews which constitute the primary data used for this study.

In total, twenty-one interviews were conducted with a total of twenty-three people interviewed –one interview included three participants. Interviews were conducted via Zoom between November 2020 and November 2021. As shown in Table 1 below, the interview

¹⁷ Timor Leste is not covered in this study as it was only admitted to ASEAN with observer status in November 2022 (ASEAN, 2022). Singapore and Brunei are also not considered as they lack Indigenous rights organisations, raising questions about who identifies as Indigenous in those countries. However, minority groups in these countries are the same as those who identify as Indigenous in neighbouring Malaysia and Indonesia. Further research into the specific situations concerning Indigenous peoples in these two countries is needed.

participants represent a mix of Indigenous leaders, place-based scholars, regional experts, and rights advocates. In several cases, the individual identified with more than one of these categories.

Table 1: Interview participants.

Interviewee	Country/region	Gender	Indigenous (I)/ Non-Indigenous (NI)	Role	Date interviewed
<i>Participant A</i>	Peninsular Malaysia	F	NI	Civil society	November 14, 2020
<i>Participant B</i>	Region	M	I	Civil society/Indigenous leader	November 15, 2020
<i>Participant C</i>	Peninsular Malaysia	M	NI	Academia	December 13, 2020
<i>Participant D</i>	Sabah/Sarawak, Malaysia	F	I	Academia/Indigenous leader	February 1, 2021
<i>Participant E</i>	Region	M	NI	Academia/Civil society	February 6, 2021
<i>Participant F</i>	Indonesia	F	I	Civil society/Indigenous leader	February 19, 2021
<i>Participant G</i>	Region	M	NI	Academia	February 16, 2021
<i>Participant H</i>	Peninsular Malaysia	F	NI	Civil society	March 5, 2021
<i>Participant I</i>	Vietnam	F	I	Civil society/Indigenous leader	March 6, 2021
<i>Participant J</i>	Laos	F	I	Civil society/Indigenous leader	March 6, 2021
<i>Participant K</i>	Malaysia	M	NI	Academia	April 20, 2021
<i>Participant L</i>	Peninsular Malaysia	M	NI	Civil society	May 1, 2021
<i>Participant M</i>	Region	M	NI	Academia	May 9, 2021
<i>Participant N</i>	Philippines	F	I	Civil society/Indigenous leader	May 20, 2021
<i>Participant O</i>	Thailand	M	I	Civil society/Indigenous leader	June 8, 2021
<i>Participant P</i>	Cambodia	M	I	Civil society/Indigenous leader	June 23, 2021
<i>Participant Q</i>	Cambodia	M	I	Civil society/Indigenous leader	June 24, 2021
<i>Participant R</i>	Philippines	F	I	Civil society/Indigenous leader	October 1, 2021
<i>Participant S</i>	Cambodia	M	NI	Academia	October 11, 2021
<i>Participant T¹⁸</i>	Myanmar	M/F	NI	Civil society	November 8, 2021
<i>Participant U</i>	Myanmar	M	I	Civil society/Indigenous leader	November 13, 2021

¹⁸ Participant T represents a dialogue between three individuals who jointly responded to the interview questions.

A notable limitation of this study was that I was only able to interview individuals who had access to the internet. Indeed, the COVID-19 pandemic crisis meant that many organisations and leaders were busy responding to the needs of their communities and not able to take the time to speak with me. I believe that, in some respects, this has limited the breadth of people to whom I was able to speak. The participants were provided with the questions in advance which were focused on three broad themes: evidence of a resurgence of Indigenous identity and practices in the region; the strategic tactics and objectives of Indigenous groups navigating their relationships with the state; and the impact of these on their self-determination. Further details on the questions are in Table 2. To identify research participants, I used a purposive sampling approach, followed by the snowball technique, asking interview participants to refer me to other potential research participants. Despite my initial hesitation about the effectiveness of this approach, it worked quite well as the community of Indigenous rights experts and organisations in the region is relatively well-connected through the AIPP and various other networks. I learned quickly that many of them are in fact in frequent contact with one another through events organised by international organisations and initiatives. The snowball technique had the advantage of enabling me to interview several prominent Indigenous leaders and experts who agreed to the interview on the recommendation of the preceding interviewee. All the participants were very comfortable with the online format, particularly since most of their interactions were occurring online due to the pandemic.

The distribution of the interview participants across the region is not even, however; four of those interviewed were regional or multi-country experts, so were able to provide insights into the situation in multiple countries, which I could later verify with at least one other interviewee. The intention in the interview process and analysis of the interview data was not to treat participants as representatives of Indigenous peoples in the countries they spoke to, but rather to identify trends in advocacy and understanding of self-determination broadly, and to gain a sense of the resonance of resurgence concepts across these. Further research investigating these concepts and dynamics in more detail at national levels would certainly enrich the findings of this study. The distribution of the

interview participants is depicted below in Figure 2. Regional or multi-country experts are identified in the square at the centre of the map.

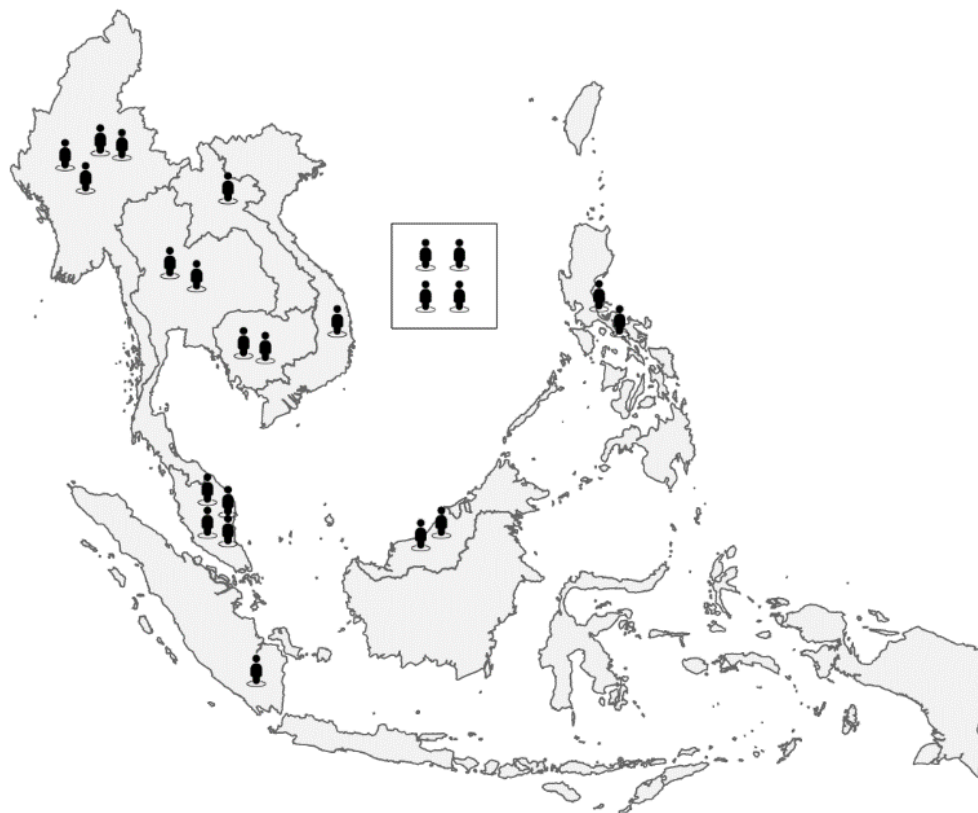


Figure 2: Distribution of interview participants across the region.

3.3 Data analysis

Consistent with the grounded theory approach, data analysis took place during the fieldwork process (Glaser & Strauss, 1967). I transcribed the interviews shortly after they occurred, then produced slightly shortened, more succinct summaries of each conversation which I subsequently sent back to the participants for their review. In several instances this yielded further exchange with those participants, resulting in additional material that was later added to the interview summary. As the interviews progressed, I made note of consistencies in the responses to the interview questions across participants, later identifying these as themes and sub-themes. The interview summaries were then coded via an axial coding process by "relating data together in order to reveal codes, categories and subcategories within participants voices" (Simmons, 2017, p. 2). The codes

signified themes in cultural revival, self-determination objectives, strategic engagement tactics, and challenges and innovations in Indigenous-state political relationships. Finally, I tallied the frequency of each theme according to the number of interview participants who spoke about that theme or sub-theme, and in how many countries these were evident. Table 2 outlines the themes and sub-themes that emerged in the interview data and that inform the analysis and findings of this project.

Table 2: Themes and sub-themes that emerged from the data.

Theme (code)	Sub-themes (code)
Cultural revival (CR) Practices of persisting with or returning to traditional systems, practices, identity, lands, and relationships.	Return to homelands (CR-RTH) Migrating back to traditional territories.
	Identifying as Indigenous (CR-II) Claiming indigeneity formally or informally, including symbolically, for instance through wearing traditional clothing.
	Practising/persisting with traditional governance (CR-PTG) Maintaining traditional governance structures and using traditional governance practices and processes in addition to or instead of state-based structures, practices, or processes.
	Cultural knowledge and practices (CR-CKP) The use of cultural knowledge or practices in day-to-day life.
Self-determination objective (SDO) How the community or Indigenous group define self-determination for themselves. In other words, the tangible outcome/s the group are seeking in their self-determination advocacy.	Protection (SDO-Pr) Special provisions from the state to protect the Indigenous group's unique culture and way of life.
	Power/decentralisation (SDO-P) Devolution of authority and resources to Indigenous leadership/governance structure.
	Autonomy (SDO-Au) Autonomy to govern and live on their own lands without interference from the state or secession.
	Participation in decision-making (SDO-PDM) Regular and meaningful participation in government decision-making processes that impact the Indigenous group or community.
	Land (SDO-L) Ownership and authority over traditional territories.
	Critical system resurrection (SDO-CSR) The revitalisation of traditional systems, processes, structures, and/or practices critical to the survival and wellbeing of the Indigenous community or group.
	Isolation (SDO-I) The absence of any contact or interference from the state without seceding from the state.
	Livelihood (including food security) (SDO-L) The freedom and resources (including access to territories) needed to pursue the livelihoods of their choosing in the manner of their choosing.
	Recognition (SDO-R) Recognition from the state as a collective entity. This can mean as Indigenous peoples, a unique semi-autonomous cultural group, or as a political entity.
	Strategic engagement tactic (SET) Strategic manoeuvres employed by the Indigenous group in their interactions with the state or its representatives in an effort to improve their relationship, their strategic positioning, or to protect themselves, their territories, and way of life.
NGO partnership (SET-NGOP) Engaging an NGO to advocate on behalf of the community.	
Infiltration and participation (SET-I&P) Gaining employment in state bureaucracies, getting elected, or otherwise participating in state political and decision-making processes/systems in order to advocate for their community or group rights and interests.	
Avoidance (SET-A) Actively disengaging with or avoiding interactions with state processes and representatives.	
Targeted & limited engagement (SET-TLE)	

	Engaging with state processes or representatives for a period of time in order to achieve a specific objective and then disengaging once that objective has been achieved.
	Parallel systems/processes (SET-PS/P) Establishing and utilising parallel governance systems/processes to those of the state.
	Strategic language use (SET-LU) Using words or phrases that carry particular weight or meaning within that political setting.
	Cultural assertions (SET-CA) Acts of asserting cultural difference and strength vis-à-vis the majority population/dominant culture.
	Reinventing government policies/practices (SET-RGP) Engaging with state representatives to create, apply, or reinterpret government policies that are aligned with the Indigenous group/community's interests.
	Constellations of co-resistance (SET-CC) Working in solidarity with other communities or groups to achieve shared interests.
	"Instrumentalisation" of cultural symbols (SET-ICS) Using cultural symbols in advocacy with the state.
	Exercising/enacting rights (SET-ER) Exercising or enacting rights as understood by the community or group where the state does not recognise that right or is not implementing protection or recognition legislation.
	Walking away (SET-WA) Refusing state offerings or disengaging from state processes aimed at meeting Indigenous peoples' interests where these are deemed inadequate by the community/group.
Multilevel governance arrangement (MLG)	A governing arrangement in which both the Indigenous group's governing processes and structures and the state entity are cooperatively governing. This can include sharing decision-making, implementing a policy or project together, or managing resources together (this can include but must not be limited to Free Prior and Informed Consent requirements).
Multilevel governance challenges (MLGC) Barriers to state-Indigenous multilevel governance.	Low capacity (MLGC-LC) Lack of knowledge/expertise, resources, or personnel on behalf of either the Indigenous group or the state.
	Incompatible systems (MLGC-IS) The priorities or practices of the Indigenous and state systems are too different to be able to work together.
	Breakdown of traditional governance (MLGC-B) Indigenous governance structures and practices no longer exist or have been forgotten due to colonisation and other external influences.
	Practices absent principles (MLGC-PAP) Traditional practices are employed absent the principles for which they were designed to act as a vehicle. In other words, the traditional practices are performed, but the reasons for them has been forgotten.
	Indigenous peoples politicized (MLGC-Po) Indigeneity and Indigenous issues are used by state entities and representatives as political fodder.
	Negative perception (MLGC-NP) The majority population has a negative view of Indigenous peoples and their rights' claims.
	Elite capture (MLGC-EC) One or several Indigenous individuals, claiming to represent their communities or groups, are personally benefitting from their relationship with state entities, while the community/group's true interests are not being heard or met.

	<p>Indigenous peoples' diversity (MLGC-IPD) The significant diversity of Indigenous groups/communities and their demands makes it difficult for the government to meaningfully engage with them.</p>
<p>Multilevel governance opportunities (MLGO) Strengths or advantages that could be built upon to strengthen or create Indigenous-state governing relationships.</p>	<p>Education (MLGO-E) Indigenous and/or state representatives have either formal or informal training in matters that could or do contribute to Indigenous-state partnerships.</p>
	<p>Longstanding relationship (MLGO-LR) The state entity and Indigenous group/community have a long relationship of co-existing peacefully or working together.</p>
	<p>Intact systems (MLGO-IS) Traditional Indigenous governance systems and practices are strong and respected.</p>
	<p>Parallel structures (MLGO-PS) Indigenous and state governance structures, processes, and practices co-exist harmoniously, in parallel.</p>

The themes and sub-themes are discussed in detail in chapters six to eight and inform the inductive theories. As discussed above, I apply the two theoretical frameworks to consider the *resonance* of Indigenous resurgence in these findings. I borrow Inguanzo and Wright (2016)'s definition of *resonance*, which the authors use to analyse social movements in Southeast Asia. They argue that there are two dimensions of resonance: credibility and relevance. Credibility exists when there is "congruency between beliefs, demands and strategies of action" (p. 3). Credibility increases when the movement behaves consistently with its values (a pacifist movement does not employ violent tactics, for example), is linkable to real-life issues or events, and has "prestigious allies" – credible individuals who support and promote the movement (p. 3). Relevance refers to the "salience" of the idea or movement, meaning it reflects the beliefs or worldview of the relevant population. Similarly, the movement's relevance relies on it being consistent with the lived reality or experiences of that population. Lastly, it must have "narrative fidelity", which means the movement's tenets must align with the population's dominant mythos and ideas (pp. 3-4). The concept of *resonance* enabled me to consider the actions and advocacy of Southeast Asian Indigenous peoples through the lens of Indigenous resurgence without requiring these to mirror those in CANZUS states. In other words, I believe it was a necessary tool for applying Indigenous resurgence in a dramatically different cultural context from the one in which it was conceived. In the next section I set out the two theoretical frameworks that serve as tools of analysis in chapters six and seven, respectively.

3.4 Two frameworks for understanding Indigenous-state relations

To consider whether Indigenous resurgence is resonant in the way self-determination is understood and pursued in Southeast Asia, I developed two theoretical frameworks which I apply to the data. The first framework posits that a just relationship between Indigenous nations and states must be based on mutuality and autonomy. I argue that mutuality and autonomy each have three principles. The principles of mutuality are *collective reconciliation with the earth*, *mutual sustenance*,

and *relational responsibility*, while the principles of autonomy are *nation-to-nation relations*, *living freely in difference in common worlds*, and *fluidity of friendship*. These are explained in detail below.

Co-creating renewed relationships based on mutuality and autonomy

As was discussed in chapter two, the primary and urgent call of Indigenous resurgence is for Indigenous nations to turn away from states to focus on personal decolonisation and nationhood rebuilding. While this disengagement posture is a key focus, some resurgence writers are also exploring what relationships between Indigenous nations and states must look like if states were to become co-creators in decolonisation. Asch, Borrows and Tully's (2018) *Resurgence and reconciliation: Indigenous-settler relations and earth teachings* is a particularly notable collection of essays exploring Indigenous-state relations that transcend coloniality. While *reconciliation* is not investigated in this study, the concept is unpacked and re-imagined through a resurgence lens in the book, providing insight into a resurgence view of just political relationships between Indigenous nations and states. Other resurgence writers, including Jeff Corntassel, Taiaiake Alfred, Glen Coulthard, and Leanne Betasamosake Simpson, also do not reject relationship with the state altogether. Bringing together the strength of disengagement with the relationality of Indigenous political ontologies, these writers illuminate an alternative pathway for the future of Indigenous-state relationships. Indeed, I argue in this thesis that the solution to dismantling colonisation lies in transforming this relationship. The challenge, however, is defining what such a relationship would look like across myriad cultural and political contexts.

While resurgence writings originate from and speak predominantly to the settler colonial context, it is clear from the argument made in the previous chapter that similar sentiments exist among Indigenous peoples living under a different form of internal colonisation in Southeast Asia. Borrows & Tully (2018) write that, for relationships between Indigenous peoples and states to be transformative, "they must be empowered by robust practices of resurgence. Robust resurgence infuses reciprocal practices of reconciliation in self-determining, self-sustaining and inter-

generational ways" (Borrows & Tully, 2018, p. 4). Deep connectedness to land and non-humans is a central characteristic of Indigenous nations' self-determination. Starblanket and Stark (2018) suggest that "Indigenous philosophies of relationality" offer alternatives to the destructive modus operandi of coloniality's "individualistic, hierarchical, anthropocentric and exploitative ways of being" and to impoverished notions of freedom (p. 175). What is needed is a change in understandings of humans' interdependent interrelatedness with one another and the natural world embedded in Indigenous knowledge systems. There are innumerable possibilities for improving the settler-Indigenous relationship if interdependence is acknowledged and relationality emphasised. Simpson (2017) also points to the healthy interdependence of Indigenous traditions. She writes that traditional international relations are "based on consent, reciprocity, respect and empathy". Speaking in the context of the Anishinaabe nation, she explains that "our shared diplomacy has created a relationship that enables two nations to coexist among many other nations in a single region" (p. 61).

Resurgence writers call attention to both the reality and importance of interdependence, noting in particular that Indigenous and non-Indigenous peoples in both settler and other colonial societies are already inextricably interdependent by virtue of sharing histories and territory. This interdependence is through the land, through cultural and relational intermingling, and through sharing a fate by cohabiting in these ways. This does not mean that the lines between Indigenous and non-Indigenous culture and peoples have been erased, but that the two are so intertwined as to deeply affect one another (Mills, 2018, p. 140). While interdependence can be a helpful lens through which to imagine a renewed relationship, non-Indigenous Canadian philosopher James Tully (2018) takes care to point out that it may be as harmful as it is helpful. Pointing to natural sciences, he argues that mutual interdependence is an ancient, often tumultuous existence, a quality that exists in even damaged and otherwise malfunctioning social systems which in many cases are no less sustainable. Tully maintains that

Sustainable life systems are not harmonious. They are often far from equilibrium, patchy, full of cheaters or free riders and subject to perturbations that can cause a life system to tip over into a vicious system. Yet, for all this indeterminacy, their remarkable qualities of resilience enable them to sustain themselves over vast stretches of time. (p. 98)

Interdependence is a feature of Indigenous-state relations, regardless of the form of colonialism. Wherever an Indigenous people cannot, or chooses not, to secede, the only option is to attend to the health of its interdependence with the state. Resurgence writers assert that a transformative relationship between Indigenous nations and states is characterised by *mutuality*. Mutuality is a healthy interdependence characterised by a *collective reconciling with the earth*, *mutual sustenance*, and *relational responsibility*. These qualities of mutuality are discussed below.

Mutuality. Land is undoubtedly at the core of both Indigenous and state identities, as well as the stage on which Indigenous-state relationships unfold. While they share a need for and value the land and its resources, the nature of Indigenous peoples' and modern states' relationships with it are quite different. This difference is central to the violence and complexity that mars the relationship between the two polities. While elaboration on these differences is beyond the scope of this thesis, broadly it can be stated that states are often capital-motivated in their relationships with the land, while Indigenous nations in most cases historically practised a relational reciprocity with the land and with non-humans. For Indigenous peoples, a decolonised, healthy relationship with the state centres on the land, not only through securing land rights and restoring ownership, but by building a relationship that is "deeply informed by what the land as a system of reciprocal relations and obligations can teach us about living our lives in relation to one another and the natural world in non-dominating and non-exploitative terms" (Coulthard, 2014, p. 12).

State schemes concerning land and resources are often capital-motivated, serving to corrupt Indigenous peoples' relationship with land; consequently, many Indigenous communities do not engage with land and the natural world with a spirit of reciprocity. Resurgence writers thus claim that healthy, non-colonial relationships between Indigenous peoples and states require a "*collective*

reconciliation with the earth" (Borrows, 2018, p. 68, emphasis added) from which a new co-created political order can emerge. Contemporary efforts to accommodate Indigenous peoples' rights to their lands, such as resource-sharing arrangements, affirmative action employment schemes, and impact-benefit agreements, are generally insufficient to achieve such reconciliation with the earth. While these can represent a shift toward improved sharing and distribution of land resources, they are typically built on and around state capitalist interests (Coulthard, 2014, p. 171) and do not reflect Indigenous principles of relational reciprocity. Land handbacks, where Indigenous peoples regain full ownership over and/or the right to govern those lands according to their principles and practices, are an important step. However, lands are usually returned to Indigenous peoples with considerable restrictions, and/or the stresses of poverty may lead the nation to use the lands and its resources for capitalist interests to meet urgent needs. *Collective reconciliation with the earth* can only be realised when both the state and Indigenous nation are freely able to build and maintain a reciprocal relationship with the land. Mutuality between two human parties then must include the mutual commitment to taking care of the land. This calls for a shared understanding of the land and of non-humans.

This is not to say that the state and Indigenous nation must share the same perspective or relationship to that land, but they must have a shared understanding of its importance in sustaining both parties, and a shared commitment to ensuring that it can continue to sustain the other. Mills (2018) explains that different "constitutional orders" (constitutional in this sense not referring to a governing document but to the ethos of "how we constitute ourselves as peoples") of the different political communities in relationship with one another create a shared constitutional order which necessarily originates from a shared relationship with the earth (Mills, 2018, p. 157). Using the image of a tree, Mills offers a vision for a renewed relationship between Indigenous peoples and the state in which the two political communities come together to be mutually rooted in the earth from which they build a new political order:

The trunk is the constitutional order that manifests these understandings as political community. It's our framework for living together called into being by the story we tell...Our branches are our legal tradition(s): the assemblage of processes and institutions we use to generate, sustain, alter and destroy norms. The leaves are our provisionally settled norms. They experience the highest degree of change within the set of relationships that constitute a normative order. Some will fall off, never to return. Others will return after renewal. All come from, all recur with, earth. (p. 157)

In order for Indigenous and non-Indigenous governing systems to truly create a new political order that is not characterised by colonial norms, the two political communities must reconcile with and renew their relationship with the earth.

Another characteristic described by resurgence theory as central to the quality of mutuality is *mutual sustenance*. *Mutual sustenance* is a response to the reality of Indigenous and state interdependence; it establishes the intention for that connectedness to be a source of nourishment rather than harm. Tully (2018) writes that Indigenous learnings from treaties and interdependence with the earth are centred on the principle of mutual sustenance – the giving of gifts that sustain both oneself and the other:

Each interdependent form of life not only sustains itself, but also in so doing, produces goods and services that help to sustain others; and vice versa. Accordingly, the way life sustains life by reproducing the conditions of life is portrayed as the mutual exchange of gifts among interdependent partners. (p. 85)

In discussing this translation of the ethos of intimate relationships between individuals to that between politics, Simpson (2011b) writes about nursing babies as a relationship and as the place where people first learn about treaties, demonstrating the centrality of *mutual sustenance* to mutuality in political relationships:

Nursing is ultimately about a relationship. Treaties are ultimately about a relationship. One is a relationship about sharing between a mother and a child and the other a relationship between two sovereign nations. Breastfeeding benefits both mother and the child in terms of health and in terms of their relationship to each other. And treaties must benefit both sovereign nations to be successful. (p. 106)

Simpson (2011b) also captures this principle in her explanation of Indigenous peoples' tradition with treaty-making. Historically, Indigenous nations made treaties with animal nations and neighbours in an act of accountable, sustainable co-existence with all living things in the land. Parties to the treaty agree to sustain the other through gifts, such as acts of caring for the environment or provision of resources (p. 114). Corntassel (2021) posits that, in fact, relationships are central to the health and nourishment of Indigenous nations: "...Indigenous nationhood does not flourish on its own – it is grounded in multiple relationships that nurture and promote community health and wellbeing" (p. 6). Borrows (2018) also discusses the centrality of mutual sustenance in highlighting the importance of inherent limits in treaty relationships where the parties are limited by "mutual aid and interdependence" (p. 64).

Finally, mutuality relies on both parties' commitment to "*relational responsibilities*", that is, the fulfillment of responsibilities toward the other that arise from the choice to have entered into the relationship, responsibilities that are central to Indigenous self-determination (Corntassel, 2021, p. 5, emphasis added). Such relational obligations are not prescriptive, or a framework to be implemented, or even static. Reciprocal obligations are iterative, fluid, responsive to the politics and the circumstances, and are fulfilled "by relational encounter and everyday negotiation" (Noble, 2018, pp. 317-326). Like *mutual sustenance*, *relational responsibility* is a feature of healthy relationships between individuals, but the idea can be extended to polities. It is, in essence, the application of relational principles from the context of relationships between individuals to the relationship between political societies such that the "...continuously responsive living-with relations

are transported into inter-political action" (Noble, 2018, pp. 327-328). It is similar to a marriage or kin-relationship.

The quality of *relational responsibility* is in fact captured in the legal definition of mutuality which refers to both parties being bound by mutual obligations (Merriam-Webster, 2023). It is also consistent with literature on Indigenous diplomacy, characterised by consensus decision-making, ongoing negotiation, non-hierarchical relations, sustainability, and mutual respect, all qualities Lightfoot (2016) refers to as "Indigenous ontologies" (p. 19). Resurgence writers argue for the need to return to these Indigenous diplomatic traditions, and to the original intention behind treaties between Indigenous nations and settlers that were informed by them (Alfred, 2013; Simpson, 2011b).

Relational responsibility is ultimately a practice, as are all the elements of mutuality. Corntassel (2021) writes that where Indigenous nations and states recognise their *relational responsibilities* to one another, they can co-create sites of solidarity rather than reproduce colonial violence (p. 12). Such a relationship must necessarily go "beyond the state", that is, it cannot be crafted around the priorities of the state (p. 3). A new dynamic of *relational responsibility* can only be realised where "the modalities of Indigenous land-connected practices and longstanding experiential knowledge that inform and structure [Indigenous peoples'] ethical engagements with the world and [their] relationships with human and nonhuman others over time" are centred (Coulthard, 2014, p. 12).

While healthy interconnectedness (mutuality) is vital to the overall health of the relationship, this does not negate the importance of both personal and collective autonomy. Autonomy is key to constructive and respectful political relationships which require "rebuilding the intellectual resources and political space to have more symmetrical, reciprocal and respectful conversations within and between Indigenous and state legal traditions" (Napoleon & Friedland, 2014, p. 15). The resurgence principle of autonomy is best understood as simply the absence of domination (equitability). This means respecting the other's authority and identity, including holding

space for these to evolve over time. In political relationships, the principle of autonomy is particularly critical in conflict. Balancing mutuality and autonomy in a political relationship does not therefore rely on the absence of conflict, but rather on the absence of disconnection.

Like mutuality, autonomy has three dimensions: nation-to-nation relations, living freely in difference in common worlds, and fluidity of friendship. These themes are discussed below.

Autonomy. As has been discussed previously, resurgence writers maintain that not only the grip of coloniality needs to be contended with in Indigenous-state relations, but also the existence of "other systems of politics; other land tenure systems, normative and philosophical orders that predate this one here" (Simpson, 2016). In order for autonomy to be respected, a relationship between Indigenous nations and the state must be characterised by respect for political independence (*nation-to-nation relations*), and a recognition of and allowance for difference (*living freely in difference in common worlds*), as well as providing space for the evolution of each party over time (*fluidity of friendship*).

Resurgence theorists argue that a restoration of the "original objective of Indigenous autonomy and *nation-to-nation relations* between original and immigrant peoples" (Alfred & Corntassel, 2005, p. 604, emphasis added) is required, just as countries relate to one another at the international level. As discussed in chapter two, many Indigenous nations view themselves as nations existing within the borders of states, and as such consider their relationship with the state to be one of diplomacy. Simpson (2014a) explains the situation as "nested sovereignty", in which

Indigenous sovereignties and Indigenous political orders prevail within and apart from settler governance. This form of 'nested sovereignty' has implications for the sturdiness of nation-states overall, but especially for formulations of political membership as articulated and fought over within these nested sovereignties. (p. 11)

Speaking of the experience of the Mohawks of Kahnawà:ke in Southwest Quebec, Simpson writes that in "simply refus[ing] to stop being themselves" (p. 2), the Mohawk nation has resisted being

subsumed by the state that surrounds it, maintaining its own political identity within the borders of the state. Chippewa scholar Duane Champagne (1996) argues that "all indigenous nations are confronted with the same dilemma of preserving political independence...although the historical situations and the organization and resources of indigenous nations will vary empirically, the need to preserve land and political independence confronts each nation" (Champagne, 1996, p. 2). In traditional Indigenous practices of making treaties with neighbouring nations, the question of takeover or loss of sovereignty or governing authority was never on the table. When Europeans arrived, Indigenous nations expected that the same meaning and practice of treaty-making would apply – that they would be agreements about peaceful co-existence and sharing of land resources (Simpson, 2011b, p. 43). As nations, Indigenous peoples maintain and evolve their own unique political, social, and economic realities within the borders of a state. In the present context that means Indigenous nations share in common the ongoing struggle of maintaining and evolving their identities without interference from the state.

Where the objective of the Indigenous-state encounter is not the elimination or dismantling of the other (noting this is the call of some decolonisation and resurgence writers, as discussed in the previous chapter), then the state and Indigenous nations must co-exist in their differences, on shared lands. Non-Indigenous American scholar Brian Noble (2018) refers to this as "*living freely in difference in common worlds*":

This stands, in my new understanding, as a non-colonial, reciprocity-activated, inter-political relation where multiple co-present, cooperative, and co-witnessing beings can live together respectfully without any of them problematically subordinated to others. All retain their distinction and difference, by sharing a common territory in their borderlands, by honouring and respecting one another, by living freely in difference in common worlds, where they renew their relations frequently and necessarily. (p. 319)

Resurgence writers argue colonial language, processes and worldviews cannot be used to house or communicate Indigenous peoples' knowledge, interests or ways of being (Alfred & Cornthassel, 2005; Coulthard, 2014; Simpson, 2004). The 2022 UN Expert Mechanism on the Rights of Indigenous Peoples' report on treaties and other constructive agreements states that "The recognition by States of indigenous peoples as peoples with their specific identity, institutions, culture and tradition and the right to self-determination is an enabling condition for meaningful engagement" (p. 7). Where autonomy is respected, the state and Indigenous polities would exist side-by-side, each retaining their "collectivity, difference and jurisdiction", neither subject to the authority of the other, and bound by reciprocal obligations freely entered into and regularly affirmed. Choosing this path would represent the refusal of coloniality's "...vicious-cycle political economic ethos" (Noble, 2018, p. 332). Critical to a decolonised relationship between Indigenous nations and the state is the freedom of each party to maintain and grow their respective nationhoods without interfering with or imposing upon the other. As was discussed in the previous chapter, the principle of non-interference is common in international relations, playing a particularly important role in Southeast Asia.

Lastly, autonomy within a just Indigenous-state political relationship must necessarily have the flexibility to allow for Indigenous identities to evolve and contradict themselves. This means the relationship is characterised by a "fluidity of friendship" (Mills, 2018, p. 157, emphasis added) so as to provide space for the parties to evolve. Simpson (2011b) explains how Nishnaabeg knowledge systems are innately fluid and, through practice, continuously evolving:

The Nishnaabeg conceptualizations of life I found were cycles of creative energies, continual processes that bring forth more life and more creation and more thinking...Our Nishnaabeg ethical intelligence is ongoing; it is not a series of teachings or laws or protocols; it is a series of practices that are adaptable and to some degree fluid. (p. 24)

Any broad or specific identity ascribed to Indigenous peoples risks locking them in place, essentialising Indigenous ways of being and excluding large numbers of communities. The "self-

identification" approach in the UNDRIP reflects this consideration as a key component of self-determination. Fluidity of identity and evolution is central to the process of critical traditional system resurrection, requiring a continuous renewal of the relationship (Mills, 2018, p. 142). In the process of breathing life into their nationhoods, Indigenous peoples are not simply returning to historical structures and practices but evolving in response to modernity while maintaining Indigenous values (Alfred, 2009; Corntassel, 2012; Coulthard, 2014; Elliot, 2018; Simpson, 2011b). Relationships between the state and Indigenous nations must be flexible enough to allow for adaptations to the institutions, practices, and positions that will naturally follow a critical traditional resurrection process.

Another important element of any relationship is the presence or importance of conflict. However, conflict in a fluid connection does not interfere with autonomy, as Mills (2018) argues:

it means that even in the face of conflict we are grateful to leave the identity of the others intact because we need them. This vision of harmony that the earth way sustains isn't one of non-conflict, but of non-disconnection. We affirm our interdependence and share our gifts to meet one another's needs. (p. 156)

In this way, mutuality and autonomy are not balancing forces, rather they need one another to be fully realised – autonomy relies on relationship with another to be anything other than isolation, and mutuality cannot exist without the freedom to generate and give its unique gifts and receive those of another.

This description of the resurgence concepts of mutuality and autonomy demonstrates the complexity and nuanced nature of this space. As coloniality is a multi-layered force, so too is the work required to unpack and create a healthy "new normal" in Indigenous-state relations.

The second framework outlines the strategic disengagement (*rejection* and *persistence*) and engagement (*challenge* and *reinvention*) tactics employed by Indigenous nations to achieve a decolonised political relationship with the state. I apply this framework to the data in chapter seven

to demonstrate the resonance of Indigenous resurgence in Indigenous peoples' pursuit of their right to self-determination in the region.

Strategic tactics of disengagement and engagement

Resurgence writers call on Indigenous nations to disengage with the state in response to its projects of oppression. Instead of expending energy on engaging with governments on their terms, Indigenous peoples are encouraged to focus inward on activities and practices which enhance their nationhood-building objectives. From this position of renewed strength, nations can *re-engage* with the state, but on new, more equitable terms. The following framework unpacks both "disengagement" and "engagement", drawing on examples from the literature and considering the application of these tenets in different cultural and political contexts.¹⁹

Disengagement (persistence & rejection). Strategic disengagement is employed through *rejection*, that is, the act of "turning away" from state processes, projects, or initiatives as a symbolic and/or practical act, or the deliberate *persistence* of traditional governance and ways of life in the face of encroachment on their rights and threats of violence by power structures. Disengagement is based on the idea that engagement with the state, no matter its form, whether political acknowledgement or participation, or economic opportunities and security, is only ever offered in exchange for Indigenous autonomy, land, culture, and identity (Elliot, 2018). As an example, several years ago the Thai government was offering Community Land Title (CLT) to communities. The CLT would entitle the community to an allotment of resources and decision-making authority over their lands; however, in return for these much-needed benefits, the community was required to agree

¹⁹ The four elements of disengagement and engagement detailed here (namely, rejection, persistence, challenge and reinvention) were included in a conference paper presented at the International Political Science World Congress in July 2021 and are referred to in Breen, M. G., & Thomas, A. (2021). National minorities and Indigenous Peoples in multilevel governance. In A. Benz, J. Broschek & M. Lederer. (Eds), *A Research Agenda for Multilevel Governance* (pp. 191-207). Edward Elgar Publishing. <https://www.doi.org/10.4337/9781789908374>

that the land formally belonged to the government. As such, Indigenous groups participating in the scheme had to determine whether to accept the government's offer and meet their immediate needs of secure access to land, or to reject it in favour of continuing advocacy toward their broader objective of recognition and ownership of their lands (Participant M, personal communication, May 9, 2021). State offerings to Indigenous nations are frequently accompanied by such provisos or otherwise cost the community significant time, energy, and resources from which they gain little in return, or may even suffer harm.

Persistence refers to a conscious continuation of traditional systems, structures, organisations, governance, and livelihoods in traditional territories or elsewhere in spite of pressure to abandon these by state and state-supported entities. Examples of persistence around the globe are vast. In Sabah, Malaysia, for instance, Indigenous peoples in the Tempulong and Govuton communities continue to practise customary property dealings, despite being legally subject to state property law, in order to maintain access to their land and natural resources (Doolittle, 2005, p. 159). In Myanmar, under constant threat from the military government, a collective of Karen communities have established an autonomous governance structure in an effort to manage their lands and preserve their culture and communities according to their traditional practices (Pearce, 2020). In these and other cases around the world, Indigenous nations are not necessarily seeking to draw attention to their plight or garner support for it; they are asserting their rights by persisting with traditional systems and practices despite great pressure to abandon them. While disengagement is the act of rejecting state accommodation schemes or persisting in the face of rights violation and encroachment, engagement is taking action in response to these.

Radical engagement (challenge & reinvention). Engagement also has two forms – *challenge* and *reinvention*. Challenge is the use of direct acts of resistance against actions or positions of the state. This includes activities like protests, blockades, sit-ins, and petition and letter-writing by Indigenous peoples and their allies (von der Porten et al, 2019). This form of engagement is most evident in the media and brings Indigenous interests and advocacy into public discourse.

Like persistence, examples of challenge are easy to identify. Recent examples from North America include Wet'suwet'en nation's resistance to the Coastal Gaslink pipeline in British Columbia (Bellrichard & Barrera, 2020) and Standing Rock Sioux Tribe's opposition to the Dakota Access pipeline in North Dakota (Lakhani, 2020). Around the world, Indigenous nations are actively challenging development projects in their territories. The Igorot peoples of the Cordillera, Philippines have led an anti-mining campaign against the state and state-backed extraction companies since the 1980s. A notable victory for Cordillerans was their successful prevention of the construction of the Chico dams in 1984. Indigenous elders across the region have since signed an anti-mining agreement, vowing ongoing collaboration in their resistance to extractive industry in the region (Tartlet, 2010, p. 1). Challenge can also present in the form of violence. In Southeast Asia, this is more the case in Myanmar than elsewhere in the region (Papua New Guinea and Mindanao being the other two examples). However, armed resistance does not necessarily suggest other forms of engagement are not occurring, cooperation and dialogue can take place alongside violent conflict. Indeed, most Indigenous groups use a variety of tactics in tandem (Participant T, personal communication, November 8, 2021).

Reinvention, on the other hand, is less easy to identify; it is the work to re-politicise the relationship between an Indigenous community and state entity to transform the engagement space from an administrative one to one of political dialogue between polities (Curran, 2019; Elliot, 2018; Simpson, 2016). This is the act of working on the relationship, asserting greater authority over its dynamics, structures, and norms. Reinvention is more difficult to identify as it differs significantly from one context to the next, and its strategies are often subtle or embedded within the dynamics of a multilevel governance arrangement. Indigenous groups may, for example, engage in inter-Indigenous collaboration, incorporate ceremony into negotiations, practise "Indigenous internationalism" (Corntassel, 2021, p. 8), or draft policies that draw on Indigenous legal traditions (von der Porten et al, 2019a, p. 66). These assertions of authority and tactics to re-politicise dialogue

(Curran, 2019) are efforts to establish a nation-to-nation dynamic thereby reorienting the relationship to one of reciprocity (Coulthard, 2014; Elliot, 2018).

The difference between challenge and reinvention is the difference between what Indigenous peoples are fighting *against* and what they are fighting *for* in their interactions with the state (von der Porten et al, 2019a, p. 69), which likely varies significantly from one context to the next. Challenge and reinvention have different goals and strategies that can spatially and temporally co-exist, or challenge can precede reinvention. In some cases, they may be activated alternately, resembling a process of building and unbuilding as the parties make concessions and create new relationship norms.

In the following and last section of this chapter I position myself as a non-Indigenous researcher in this space, setting out how I used a critical Indigenous qualitative research approach for this project.

3.5 A critical Indigenous qualitative research approach

I used a critical Indigenous inquiry approach for this project, which means that I have sought to ensure the design, process, and outcome of the research are aligned with the principles of emancipation, empowerment, and disruption. Critical Indigenous inquiry is an approach that "values the transformative power of indigenous, subjugated knowledges. It values the pedagogical practices that produce these knowledges and it seeks forms of praxis and inquiry that are emancipatory and empowering" (Denzin & Lincoln, 2014, p. 2). This means, first and foremost, that research is centred on the priorities identified by the community, that Indigenous peoples and their knowledge is empowered, that the success of the project is determined by the benefits gained by them, and that researchers are accountable to the community who get, "first access to research findings and control over the distribution of knowledge" (Denzin & Lincoln, 2014, p. 3). Rigney (1999) similarly defines "indigenist research" as having three principles: a) resistance to oppression with the objective of emancipation from colonisation by drawing attention to the historical and present realities of

colonisation; b) political integrity, meaning all research about and with Indigenous peoples must connect to their political fight; and c) the privileging of Indigenous voices (p. 115). Champagne (2015) writes that research about Indigenous nations must place Indigenous peoples at the centre; it should serve to further the goals of the nation and communicate their priorities and interests in their words. Additionally, Indigenous nations cannot be discussed as one of many minorities or colonised groups. Cornassel & Quinless (2016) make the argument for "responsive research" when working with Indigenous communities, meaning that the research must be demonstrably *for* the community. They highlight the importance of the research relationship, specifically, creating accountability. The researcher needs to be able to answer the questions: "Why are you here? What is the direct benefit to the community of your research?" In applying a critical Indigenist lens to this project, I sought to analyse the research findings by "participant-driven criteria, [and] by the cultural values and practices that circulate", as well as encourage "struggles for autonomy, cultural wellbeing, cooperation and collective responsibility" (Denzin et al, 2014, pp. 14-15).

By applying Indigenous resurgence theory as a lens for the project, I have sought to centre Indigenous peoples' voices, critiques, and experiences of colonialism. This theoretical framing provided the language for my discussions with interview participants. I worked to build trust and to be responsive to the participants by sharing as much information about the project as I could, including giving them the opportunity to comment on a 2021 conference paper I prepared based on the analysis of the interview data. I have worked to take care not to misrepresent or otherwise ignore the context of the concepts discussed, or statements made by Indigenous scholars, leaders, and activists. A core objective of this project is to elevate Indigenous peoples' voices, experience, knowledge, and guidance, and to act as another span in the bridge between Indigenous and non-Indigenous lifeworlds.

One participant said to me, in response to my question regarding the greatest good a researcher can offer Indigenous peoples in her country: "tell their stories" (Participant R, personal communication, October 1, 2021). I have done my best to understand and dialogue with the

teachings and experiences of Indigenous individuals (both scholars and research participants) and by no means position myself as an interpreter or cultural translator. As such, wherever appropriate, I have opted to use direct quotes from Indigenous scholars and participants rather than paraphrasing them. Generally, through the process of engaging with Indigenous resurgence theory, I came to appreciate that the sociopolitical norms of contemporary states are not just one model; that other, silenced cultures offer alternatives. This is by no means a novel insight – many researchers and theorists have demonstrated that there are other ways of being in the world and with each other; however, the rub always occurs at the point of transition. How do we (as in, humanity) move on from the tenets of colonialism that have shaped our modern world? How do we replace principles of domination, extraction, and hierarchy with, for instance, Indigenous political principles of mutual reciprocity with one another, with the Earth, and with non-humans? This thesis does not answer, or even attempt to answer these questions, but it does seek to deepen our collective understanding of the monumental task facing twenty-first century peoples, the task of shedding the notion of coloniality's inevitability, and consider instead the offerings of systemically oppressed political traditions.

Through my research design, questions, and analysis, I have sought to understand the resonance of Indigenous resurgence theory across vastly different cultural contexts, to explore whether there are rumblings of its principles among ancient, marginalised cultures under different colonial systems, and, where they do exist, to explore what this means for the political futures of modern states. Consequently, the subject matter, findings, and recommendations of this thesis are very nuanced. The "data" is in the micro-manoeuvres of Indigenous peoples, their intentions, perspectives, and often unconscious behaviours. By illuminating and framing these subtle dynamics I have sought, practically, to add more colour to a developing picture of the meaning of self-determination in non-settler colonial contexts, given that it is within the concept and practice of self-determination that Indigenous resurgence penetrates the field of political science. In other words, self-determination, still a flexible concept globally, is the political vehicle through which Indigenous

resurgence can be realised. While this is a statement of where the study of Indigenous-state relations is today, there may well be other political concepts and vehicles emerging in the future that are much better suited to the task of facilitating the decolonisation proposed by Indigenous resurgence theorists. Indeed, one hopes there will be. For now, self-determination provides both the structure and flexibility through which to undertake this exploration.

A note about my position in this dialogue: while I can only imperfectly understand the intelligence and experiences that birthed the Indigenous resurgence movement and theory, what I do understand resonates with my personal beliefs about justice and humankind's collective capacity and responsibility to evolve. I have undertaken this study from the perspective of personal responsibility, not just as a Caucasian, European settler beneficiary of coloniality, but as a twenty-first century member of human society with the capacity, resources, and freedom to consider what lies down the track for our species and this planet. Growing up on the Southwest coast of British Columbia, a territory drenched in the histories and cultures of Coast Salish First Nations, I was imprinted from childhood with the perplexing yet so normalised injustices that separated me from my Indigenous neighbours and classmates. Through the process of this research project, I have internalised a core teaching of resurgence theory – that I am responsible for my own decolonisation, self-determination, and self-actualisation.

Anishinaabe scholar, advocate, and leading resurgence writer Leanne Betasamosake Simpson (2017b) writes about each individual's "responsibility of figuring out a meaningful way to live in the world that is consistent with [their] most intimate realities...we all have the responsibility to figure out how to become contributing members of our society while honouring our deepest truths, gifts and skills" (p. 120). She offers the Anishinaabe principle of *Biiskabiyang*, "the process of returning to ourselves, a reengagement with the things we have left behind, a re-emergence, an unfolding from the inside out – is a concept, an individual and collective process of decolonization and resurgence" (p. 17). I believe that descendants of colonising countries and cultures have a responsibility to learn and to undertake individual and collective processes of *Biiskabiyang*. The

responsibility for learning and coming to see differently falls to each individual; no-one can facilitate another's shedding of colonial perspectives and ways of operating; it is a deeply personal responsibility and process. Indigenous scholars have generously shared wisdom that offers a different way of seeing. How the non-Indigenous person chooses to interact with that wisdom is a personal choice. With this in mind, I have engaged with this project with a sense of responsibility to embody the decolonisation I think is necessary at the collective level for just political relations between Indigenous and non-Indigenous societies to be realised. This conviction has inevitably shaped how I conducted this project, how I interacted with the literature, the nature of the exchanges with interview participants, the elements and themes of analysis, and ultimately the conclusions and recommendations drawn from the findings.

In the next chapter I provide the historical and political/colonial context for the critical work that follows by laying out some of the pertinent sociopolitical trends related to Indigenous peoples in Southeast Asia.

Chapter 4 – Postcolonial Southeast Asia and Indigenous nations

4.1 Introduction

For minority peoples in Southeast Asia, including most Indigenous peoples in the region, there is not pre- or post-colonisation. Rather, they have experienced waves of colonialism, which continues today at the hands of oppressive governments and unregulated multinational corporations (Daytec-Yangot, 2018). Independence gained after WWII liberated many states from European rule, but also opened the door to *internal* colonialism in which minorities are ruled by elites who largely adopted the tactics of their European colonisers (Kingsbury, 2011). An increasingly globalised economy has fuelled an urgency for economic development and ushered in corporations that operate with impunity (Doolittle, 2005; Kymlicka, 2005; Luithui-Erni, 2019). However, other global trends like conservation and renewable energy also threaten Indigenous peoples' rights. Indigenous lands are routinely appropriated for both conservation and extraction purposes, and the tactics used by the state for both are the same (AIPP & Asian Indigenous Peoples Caucus, 2019; Clarke, 2001; Dominguez & Luoma, 2020; He, 2011; Kingsbury, 1998; Kymlicka, 2005). While conservation and Indigenous self-determination are in many respects complementary, governments remain resistant to partnering with Indigenous groups. Advocacy organisations are saying that what is required are robust pathways for the recognition of Indigenous peoples' rights and customary systems and their meaningful participation in national and international dialogues (Carling, 2015).

Despite these indications of governments' unwillingness to recognise or accommodate Indigenous peoples, the region has played, and continues to play, a role in the international Indigenous rights movement. Indigenous activities and the organisations that support them work tirelessly to define and draw attention to Indigenous peoples' rights in the region. Building on traditional systems and land claims that survived European colonisation, some governments have adopted policies or employ tactics to accommodate Indigenous peoples' right to self-determination,

including regional autonomy, legal pluralism, land tenure, and political autonomy. However, most of these initiatives remain unrealised or poorly implemented, a situation made all the more challenging by the COVID-19 global pandemic.

This chapter outlines the current status of Indigenous rights recognition and accommodation in the region, in particular the right to self-determination. I argue that Indigenous peoples in Southeast Asia are subject to internal colonisation in their countries. While there are some notable examples of legislative protections and impressive advocacy supported by other actors in the global Indigenous rights movement, poor or absent implementation of these protections, a relentless drive toward land and natural resource-intensive economic growth, and growing global interest in "fortress" conservation and renewable energy continue to threaten Southeast Asian Indigenous communities, ensuring they remain among the most marginalised peoples in the world. Varied colonial histories and extreme diversity across the region mean that the approaches taken by the CANZUS countries in recognising and accommodating Indigenous rights cannot simply be replicated in the region. Southeast Asian nations will need to define and envision Indigenous peoples' right to self-determination in their own contexts; critical work that is being led by Indigenous communities and advocates in the region.

The following section discusses the challenges and politics around the language of human rights, including Indigenous rights, in the region. These are made more complex by the historical and contemporary colonisation context of Southeast Asia. From European rulers to present day development aggression and "false climate solutions", Indigenous peoples' lives and their rights continue to be threatened by colonial powers. The third section examines the impact of the global Indigenous rights movement in Southeast Asia, considering in particular the different interpretations of the UNDRIP in the region. The chapter ends with an overview of the current status of recognition and accommodation of Indigenous peoples' right to self-determination across the region, providing the necessary context for the chapters that follow which discuss Indigenous peoples' self-determination objectives and advocacy.

4.2 East versus West and North versus South

While all Southeast Asian nations except for Malaysia and Myanmar have ratified the Convention on the Elimination of all forms of Racial Discrimination and the Convention on Economic, Social and Cultural Rights (Inguanzo, 2014, p. 62), the human rights discourse in Asia can often get marred by an "east vs west" conversation (Diokno, 2000, p. 88). Surprisingly, while core concepts of the Indigenous rights movement thus far have largely remained unburdened by this dichotomy, the connection of Indigenous rights to human rights means that the east-west cultural chasm does offer states a way out of taking responsibility for protecting Indigenous rights. The other (similar) regional divide that has influenced the adoption of Indigenous rights in Southeast Asia is that of "North versus South". In this context, the "North" represents predominantly wealthy, settler-majority countries (such as the CANZUS states). Indigenous peoples from these states have greater influence in the international arena than those from the Global South (Xanthaki, 2003, p. 468) where the concept of indigeneity remains complex and where poverty and lack of support prevent meaningful participation. In this way, the inequalities between states are mapped onto Indigenous nations when they come together at the international level.

Whether the argument is centred on the definition of "indigenous peoples", the cultural and political underpinnings of international Indigenous rights, or the differences in colonial and other histories, there are myriad narratives around the relevance of Indigenous rights in Southeast Asia. The international Indigenous rights movement has created language and solidarity around the experience of ongoing colonialism, enabling Indigenous peoples to connect and gain support in their respective struggles. However, the cultural differences between global regions are sometimes also used to deny the universality of rights in Asia (Diokno, 2000, p. 88). Some scholars suggest, for instance, that "Eastern communitarianism", in particular the value of "harmony and fusion", stands in opposition to accommodation of Indigenous peoples' right to self-determination as imagined by "western liberalism" (Kymlicka & He, 2005). One argument made is that Asian cultures have their

own human rights codes that are more applicable in the region than the Western rights that inform international standards (Diokno, 2000, p. 88). States also point to differences in colonial histories as an argument against adopting international rights standards. As will be discussed in the following section, foreign colonising powers established extractive colonial institutions in Southeast Asia that were subsequently inherited by the national elites (neo-colonisers) who continued colonial rule (Kim, 2009). Marginalised groups therefore experienced multiple waves of colonisation, complicating notions of indigeneity in particular areas. This argument is also made by governments opposed to Indigenous rights, responding to the power that Indigenous status holds under international law which can be a significant threat, particularly with respect to authority over land and resources (Daytec-Yangot, 2018, p. 56).

Differences in state responses to Indigenous peoples' claims are closely linked to history. China, for example, was successful in establishing a unified kingdom, reflected today in the country's centralised power, with minority peoples existing on the margins. India, on the other hand, has never had a unified kingdom and has subsequently adopted a multinational federalism approach in which Indigenous peoples' rights are recognised (He, 2011, p. 471). He (2011) argues that certain elements make the acceptance of Indigenous peoples' rights claims more likely in post-colonial Asia, elements such as liberal democratic institutions, strong and pluralistic civil society, and certain historical and cultural factors (p. 470). The nascent status of liberal democracy in Southeast Asia continues to be an argument against the appropriateness of Indigenous rights in the region. As democracy is still taking shape, "many liberals in Asia believe that substate autonomies for national minorities should be delayed until firmer protections of individual rights and the rule of law are in place" (Kymlicka & He, 2005, p. 22). While Kymlicka & He (2005) made this argument before the adoption of the UNDRIP in 2007, Bertrand (2011a) and Harding (2018) observed more recently that Indigenous struggles for autonomy continue to be frequently undermined by states and are not implemented via fair negotiation.

Regardless of how states in Southeast Asia have responded to the notion of Indigenous peoples' rights, marginalised communities in the region have strongly taken to the "indigenous" designation and are actively engaged in international dialogue on Indigenous rights. A strong point of connection with their counterparts in the CANZUS states is the experience of historical and ongoing colonialism. While Indigenous peoples in the CANZUS countries must contend with the permanency and pervasiveness of settler colonialism, Indigenous groups in Southeast Asia have been subject to waves of colonisation that continue to batter and shape the lives of Indigenous communities in the region today.

4.3 Waves of colonisation: From European rulers to corporate aggression

Colonisation in Southeast Asia, as in most former colonies, has not unfolded in the same fashion as in settler colonial countries. The region is described as having been subject to "dual" colonisation (He, 2011, p. 462), both "salt water" and internal colonisation, "third-world' colonialism (Seton, 1999, p. 12), and multiple "waves" of colonisation (Daytec-Yangot, 2018). Indonesia, Brunei, Malaysia, and Singapore were colonised by the British and Dutch. Thailand claims to be the only nation in the region to have never been colonised, although it was subject to two unfair treaties with the French and British that included the annexation of land by colonies of those powers – the Chinese consider this to be colonisation (Huat, 2011, p. 238). Vietnam, on the other hand, is a nation of multiple colonisations, most recently and notably by Americans following the Vietnam War. Evidence of the impact of colonisation in Vietnam is visible in its hybrid culture – specifically traces of French and American imperialism (Huat, 2011, p. 238). Laos and Cambodia were similarly colonised by the French and, together with the colony of Cochinchina and protectorates of Annam and Tonkin in present-day Vietnam, made up French Indochina until the mid-twentieth century (Stuart-Fox, 1995, p. 111). Colonial rule over the Philippines passed from the Spanish to the Americans in 1898 following Spain's defeat in the Spanish-American War. After a brief occupation by the Japanese during WWII, the Philippines gained its independence in 1946, but Spanish and

American cultural influences remain strong in the country today (Crisologo-Mendoza & Prill-Brett, 2009). The British maintained colonial control of Burma (now called Myanmar) from 1824 to 1948, providing easy access to trade with China. During that time they encouraged the in-migration and influence of India and China. Like the Philippines, Burma was occupied by the Japanese for several years during WWII after which it was granted independence, as were many other colonies in the region (Godrej, 2008).

Scholars argue that minorities in Southeast Asia were subjected to colonisation long before Europeans arrived, and, as in settler colonial countries, colonialism continues today in the form of domination by metro-centric elites (Baird, 2008). Using the Brao people of north-eastern Cambodia/Southern Laos as an example, Baird (2008) writes that Indigenous peoples in the region have long endured colonialism in their lives by various interchanging authorities, and today continue to live under forms of colonial rule within the borders of the states they are in. Before France, Japan, and America each had stints of ruling or fighting over their territory, the Brao were enslaved by the Khmer, Laos, and the Siamese, caught in the middle of shifting powers in the region. For the Brao, as for many Indigenous peoples, there is no "pre"-colonial time; the last several hundred years has seen consecutive colonisers over their lands and communities (Baird, 2008, p. 204).

Aljunied (2011) paraphrases Dr. Burhanuddin Al-Helmy, a prominent Malaysian politician and nationalist in the early-mid twentieth century, commenting on the impacts of colonialism in Southeast Asia, calling it the "complete annihilation of indigenous civilizations (*tamaddun*)". Whole indigenous political systems were replaced with European ones when native elites adopted colonial processes of governance for personal gain. Essentially, they became puppets of the colonial system. With colonialism came inequality which manifested along ethnic and class boundaries (p. 17).

Internal colonialism.

Independence gained after WWII liberated states from Western rule but opened the door to "internal" colonialism in which minorities, including Indigenous peoples, are ruled by elites who

largely adopt the tactics of their Western colonisers. Colonial powers drew internal boundaries for economic and security reasons, favouring groups who "elevated themselves" above others through the adoption of Christianity. Some scholars suggest that ethnic politics in the region is a modern phenomenon, only emerging as a result of colonisation (Kingsbury, 1998, p. 427). Others concede that racial and cultural divisions created by European colonialism were grafted on to pre-existing, historical differences (Aljunied, 2011, p. 17); however, scholars largely agree that "the colonial era in Asia established distinct Westphalian-type borders, which were inherited as a matter of administrative convenience, regardless of ethnic or national make-up..." (Kingsbury, 2011, p. 766), resulting in intra-state social and geographical boundaries not reflective of social, political, or territorial realities as understood by the population itself (Griggs & Hocknell, 1995a; Inman, 2006; Santamaria, 2004).

State governments today have largely continued the marginalisation, oppression, and exclusion of Indigenous peoples practised by the colonial powers (Santamaria, 2004, p. 23), including colonial practices and systems over lands, creating internal borders that have eroded Indigenous traditional governance over their territories (AIPP, 2019, p. 1). In the Philippines, for instance, Spanish colonisers introduced the Regalian law which stated that all land belonged to the Spanish Crown. Subsequent colonisation by the US, as well as post-colonial governments, retained this law, adding more detailed regulations on top of it. Since independence, successive Philippines governments have introduced a series of land and resource legislation that have further entrenched the Regalian law, providing more details around what and how land and natural resources are owned by the state (Inman, 2016, p. 82). Writing about the plight of Indigenous peoples, also referred to as the "Fourth World" in the Global South, Seton (1999) argues that

Third world colonialism has replaced European colonialism as the main global force threatening indigenous [sic] nations' survival today...As the notion of decolonisation was not extended to indigenous nations, Fourth World nations are now the subjects of recolonization and internal colonialism. (p. 12)

The Asia Indigenous Peoples' Pact (AIPP), the regional representative and advocacy body for Indigenous peoples in Asia, agrees, arguing that "the root of the challenges that indigenous peoples in Asia face lies in the history and legacy of colonisation and/or colonialism – by internal or external actors – of their traditional lands and territories" (AIPP, 2019, p. 1). While the key mechanism of internal colonisation is economic development, it is initiated and maintained through a variety of tactics. A core strategy is transmigration, which is the in-migration of non-Indigenous peoples onto Indigenous lands, backed by the military. Very often so-called "nation-building" projects are funded by transnational companies and international development organisations. Similarly, projects claiming to advance "sustainability" are often just another take-over tactic. While the notion of sustainability emphasises long-term productivity of resources and environments, it rarely takes into consideration human use of land or human need of it. As such, sustainable development projects can often be no less harmful to Indigenous nations than economic development (Seton, 1999, p. 16).

These challenges are exacerbated by the notion of "civilizing the margins", still a dominant perspective in Asia (He, 2011, p. 2). Asian countries have tried all the same tactics as Western countries to eradicate and/or assimilate minorities (including stripping them of self-governance and instituting policies that suppress language and cultural practices) through their dispossession from land or by encouraging dominant cultural groups to settle in Indigenous nations' territories. Kymlicka (2005) argues that most Asian governments remain optimistic that minorities will disappear with economic progress, modernisation and democracy, and pessimistic that they are capable or willing to uphold human and democratic rights (pp. 20-26). As will be demonstrated later in this chapter, some governments (notably, the Philippines) have enacted legislation recognising and affirming Indigenous peoples' unique rights, though the poor or absent implementation of these laws suggests that governments are only loosely, if at all, committed to them. Chapters five to eight of this thesis show that many Indigenous peoples subscribe strongly to human rights as they are defined in international law, even though not all of their traditional political systems would necessarily qualify as democratic. Similarly, Indigenous groups across the region differ significantly in their views on

modernisation and economic progress. The findings of this thesis show that Indigenous communities largely want to benefit from modernity and economic growth without sacrificing their traditional ways of life.

Minority uprisings, calls for autonomy and the preservation of traditional governance.

As demonstrated above, liberation from European colonial rule did not translate into self-determination for all peoples. In fact, for some it delivered greater oppression and marginalisation as national governments sought to establish their authority over the country and prove themselves in the international arena. In the Cold War era, this involved taking a heavy-handed approach to dealing with communist uprisings or to movements labelled as communist uprisings. As in other parts of the world during the mid-twentieth century, communism served as an effective justification for swift and violent responses to dissent. In many cases, these campaigns were aided by former colonial powers (indeed, many countries across the "developing world" became pawns in the Cold War). In Malaysia, a British versus communist uprising lasted ten years after WWII, finally ending in 1957 and resulting in the independence of Malaysia. In the Philippines, the US provided support to the Filipino government to quash the Hukbalahap (HUK), the Communist party's military arm (Huat, 2008, p. 232).

In addition to communist uprisings in the twentieth century, several countries in the region have, and continue to, contend with identity-based secessionist movements. Among the most prominent have been the fights for regional autonomy in Mindanao and the Cordilleras in the Philippines, and the Aceh and West Papua independence movements in Indonesia. In Indonesia in 2005 the government and the Free Aceh Movement agreed on a ceasefire and on regional autonomy for the province of Aceh, granting it authority over all areas of governance except for foreign affairs and national security, monetary or fiscal matters, and freedom of religion (Hannum, 2008, p. 116). In the Philippines the Moro Islamic Liberation Front have only recently (2014) laid down arms, while the Bangsamoro Autonomous Region in Muslim Mindanao was established by

plebiscite in January 2019 (Rood, 2022, p. 29). The Filipino government has also made two attempts to grant autonomy to the Cordilleras region in the north on the Island of Luzon, predominantly inhabited by Indigenous people. Cordillerans made a strategic decision to "go Indigenous", connecting with the international Indigenous rights movement in the 1970s and 80s. Despite a strong campaign, Cordillerans ultimately voted against regional autonomy in a 1990 referendum (Bertrand, 2011b). West Papuans continue to fight for independence, with those behind the movement identifying as Indigenous, consistent with their assertion of being culturally and ethnically distinct from the rest of Indonesia (Free West Papua Campaign, 2022). Secession also continues to be a live issue in Myanmar and is still being floated to varying degrees in other parts of the region, Malaysian Borneo, for instance, has long harboured secessionist aspirations (Chin, 2020).

While most Indigenous peoples in Southeast Asia are not advocating for secession, some groups are pursuing independence, using the tenets and resources of the global Indigenous rights movement to support their cause. While these are significant political campaigns and are arguably consistent with the principles of Indigenous resurgence in many respects (notably, the professed experience of ongoing colonisation and interest in preserving and resurrecting traditional governance structures), they lay outside the scope of this thesis. For some Indigenous groups, secession is not desirable, in part because they have managed to maintain their traditional governing systems and practices (Colchester & Chao, 2011), usually due to isolation rather than legislative or other protections. The AIPP has observed that "many traditional institutions have evolved over time, but the decision-making process is basically maintained and, in some cases, has involved wider sections and also different sectors of the community, especially women and youth" (AIPP, 2007, p. 3). He (2011) contends that the continued practice of Indigenous governing traditions is evident in the fact that Indigenous peoples in the region are generally dealt with politically rather than juridically (He, 2011, p. 4). The persistence of Indigenous governance in the region is discussed further in chapter five.

The region's commitment to economic growth is a primary threat to Indigenous peoples' rights, in particular to their collective rights to their traditional lands. Coined "development aggression", actions by states and state-backed corporations keep Indigenous peoples in a perpetual state of survival and, as will be demonstrated in chapters six through eight, play a significant role in shaping many communities' interpretations of and advocacy for self-determination which they envisage as their path to freedom from such ongoing oppression.

State economic aspirations and collective land rights

Development aggression. Because Indigenous peoples often inhabit resource-rich areas of the country, government development projects are a constant threat to Indigenous peoples and keep them impoverished (Clarke, 2001, p. 424). State interference includes militarisation of Indigenous lands, forced displacement, and loss of livelihoods, culture, and community cohesion. Migration of majority ethnic groups into Indigenous territories is also a significant threat to the cultural, political, and economic security of Indigenous peoples as it displaces them from their lands and the natural resources that have sustained them (Clarke, 2001, p. 424).

A key vulnerability for Indigenous peoples is the non-recognition of their rights. Legal proceedings involving rights claims by Indigenous peoples tend to ignore customary or collective land rights in favour of private property rights (Clarke, 2001, p. 424). Businesses and governments seize Indigenous traditional territory without consent for mining and hydropower projects, to clear land for plantations, and for various other extractive activities (AIPP, 2019, p. 1), regardless of whether legal protections exist. Even where land rights legislation does exist, weak rule of law allows companies to undertake operations on Indigenous peoples' lands with the support of the state (Doolittle, 2005, p. 152; Kymlicka, 2005, p. 30; Luithui-Erni, 2019). The AIPP highlights this pattern, writing that such action "result[s] in wide-scale violations of our civil and political rights, including criminalisation of legitimate actions of the communities to defend their rights" (AIPP, 2019, p. 1). These abuses of power continue with impunity, in part because Indigenous communities largely

inhabit some of the region's most biodiverse lands –a trend that exists globally – and represent lucrative resources for the state (Daytec, Yangot, 2018, p. 54).

While international human rights bodies have substantial evidence attesting to governments' lack of concern for Indigenous rights in the face of economic development (Daytec-Yangot, 2010, p. 2), international organisations are often part of the problem. In particular, the World Trade Organisation (WTO), International Monetary Fund, and World Bank put pressure on governments to work toward economic goals, pitting them against Indigenous nations that are seen as standing in the way of development. Daytec-Yangot (2018) highlights how these international organisations, as the arms of international law, are essentially using state governments to advance their global economic goals:

International law legitimized the economic globalization regime through the WTO, which was purportedly erected to facilitate international trade and economic relations. Instead, it put the domestic economies under the control of a few global elites, effectively shrinking the powers of states. (p. 56)

The belief that Indigenous peoples are a barrier to economic growth remains strong (Eder & Mckenna, 2004, p. 63). Violating Indigenous rights to facilitate development projects is often justified in terms of nation-building and growth. One such justification uses the argument that the "homelands of indigenous peoples include substantial land and resources that could help alleviate poverty in the larger society. Protecting the rights of Indigenous peoples may make it more difficult to ensure that the basic needs of the majority are met" (Kymlicka, 2005, p. 32). This is a particularly potent argument in countries with a large poor population. However, very often development projects pursued under this banner only benefit a few rich people rather than contribute to human security and improved opportunities for people living in poverty (Kymlicka, 2005, p. 32).

Another common justification for Indigenous rights violations is the notion that Indigenous peoples are "anti-development" and "backward", a claim that rights advocates identify as a strategic colonial tactic to justify aggression and assimilation. Daytec-Yangot (2018) argues that Indigenous

peoples are not anti-development; like other cultures and peoples, Indigenous nations evolve and are modernising (p. 47).

Some of the greatest, ongoing threats to Indigenous peoples' rights are global manoeuvres in response to global threats, the most prominent among them being climate change. Even seemingly positive actions in response to this challenge can and do put Indigenous peoples' rights in peril.

Conservation and renewable energy: Displacement by another name. Indigenous peoples are displaced as much by a park or conservation zone designation as they are by economic development projects (AIPP & Asian Indigenous Peoples Caucus, 2019, p. 1; He, 2011, pp. 12-13; Kingsbury, 1998, p. 440). As the AIPP has argued:

Indigenous peoples have been forcibly evicted from conservation areas as they are wrongly considered destroyers of nature. Indigenous peoples are treated as enemies of conservation and, consequently, their sustainable resource management systems and traditional livelihoods have been curtailed and even criminalised. (AIPP, 2019, 1)

Throughout Asia, as in other parts of the world, governments are instituting "fortress" conservation, creating protection zones for areas of high biodiversity, national parks, or other conservation areas over Indigenous lands without the Indigenous communities' consent or consultation, effectively dispossessing Indigenous peoples who rely on these areas for their survival (Clarke, 2001, p. 432; Dominguez & Luoma, 2020, p. 2; Kymlicka, 2005, p. 31). With growing global interest in efforts to counter climate change impacts and to transition to renewable energies, Indigenous peoples' rights are increasingly being violated for the development of those renewable energy projects, for instance biofuels and hydropower (Carling, 2015). The environmental objectives of establishing hydro, wind, and solar energy operations are used to justify the removal of Indigenous peoples from their lands (AIPP, 2019). This is a significant challenge, compounded by the lack of protection for Indigenous and other human rights in the renewable energies sector. While

the proliferation of development organisations and donors has generally improved the situation for many Indigenous peoples, including by strengthening government policies and practices with respect to these communities, some development initiatives do more harm than good.

Advocates argue that, regardless of the purpose of the displacement, the tactics used by states to remove Indigenous peoples from their land are the same. Indigenous peoples are painted in whatever light is convenient, enabling the state to fulfil its objectives. When the pursuit is economic development, Indigenous people are painted as anti-development or "backward". When conservation or renewable energy development are the goals, Indigenous peoples are described as an environmentally destructive presence (Clarke, 2001, pp. 432-433; Dominguez & Luoma, 2020, pp. 4-5). This narrative-crafting extends to efforts alleging to protect cultural and traditional practices of Indigenous groups, efforts that, in effect, lock communities into traditional ways of being rather than allowing them to modernise on their own terms. As Kingsbury (1998) argues, "the imagery of passive victims living at one with nature and beset by unwelcome modernity is misleading as a general account of the practices and aspirations of many of the groups participating in the indigenous peoples' movement". (p. 440)

Indigenous rights advocates argue that companies and governments need to partner with Indigenous peoples, particularly in conservation and renewable energy production. However, while Indigenous nations and environmental groups have developed partnerships these are usually not straightforward because their interests do not always align (Eder & Mckenna, 2004, p. 80). Carling (2015) posits that such a partnership requires states and organisations to go beyond a "narrow conservation approach" where nations are patchworks of national parks and conservation areas that drive out the people who live there. She argues that the alternative is environmental protection policies and approaches that respect Indigenous rights and customary systems, and their participation in national and international arenas. The argument that conservation and Indigenous self-determination can be complementary is not new. Theorists have long argued that conservation should be sought through Indigenous self-determination, what Seton describes as "Nation self-

determination by conservation and conservation by nation self-determination" (Seton, 1999, p. 16). Indeed, an interesting trend in the region is the independent development of renewable energy projects by Indigenous groups. For example, a network of Indigenous communities throughout the region have been developing mini hydro power plants together with villages, enhancing their livelihoods and income while also contributing to the achievement of renewable energy goals (Carling, 2015).

Because of Indigenous peoples' connection to and presence in zones of high biodiversity, conservation is an area of great threat to, as well as opportunity for, the exercise of Indigenous peoples' right to self-determination. As highlighted in chapter three, land and resource management is a field of considerable innovation for Indigenous-state partnerships around the world, including in Southeast Asia. I provide some examples of these in chapter eight.

The ongoing violation of Indigenous peoples' rights and lack of governmental protections has led many groups to seek support from the international arena. The global indigenous rights movement, and in particular the UNDRIP, has played a crucial role in providing language, legitimacy, resources, and mechanisms for Indigenous rights advocacy in the region.

4.4 Impact of the global Indigenous rights movement and language in the region

The experience of ongoing colonisation connects Indigenous peoples globally. Since the late 1980s/early '90s, there has been some progress with improved understanding of the realities faced by Indigenous groups and democratisation in the region (Clarke, 2001, p. 434). As discussed throughout this chapter, however, the situation in Southeast Asia broadly remains burdened by challenges, notably ongoing development aggression and the lack of implementation of protection and accommodation legislation (Candelaria, 2012; Clarke, 2001; Daytec-Yangot, 2018; He, 2011; Kingsbury, 1998; Kymlicka & He, 2005; Morton, 2017a; Roy, 2005; Xanthaki, 2003). Despite this, or perhaps in response to it, Indigenous peoples in the region have reached out to and found support in the global Indigenous rights movement. Writing about Indigenous rights in Asia in the 1990s,

Kingsbury (1998) observed that "the concept of 'indigenous peoples' or its local cognates has become an important unifying connection in transnational activist networks, linking groups that were hitherto marginal and politically unorganized to transnational sources of ideas, information, support, legitimacy and money" (p. 417). Several Indigenous rights movements have had noteworthy successes, including the non-violent resistance against the Chico River dams in the Cordilleras (a World Bank project) in the early 1980s, a success story that garnered significant international attention for being instrumental in the fall of the Marcos regime. In Malaysia, Indigenous peoples of Sarawak and Sabah have also led resistance campaigns in response to dispossession caused by deforestation. These groups received significant support from conservation organisations like the World Wildlife Fund for Nature (WWF) for these actions (Inguanzo, 2014, pp. 4-5).

The following section demonstrates how the development of the UNDRIP continues to affect Southeast Asian Indigenous nations' participation in the global Indigenous rights movement. Interpretations of self-determination are strongly linked to the UNDRIP, consequently reflecting the anti-colonial sentiments that informed its drafting. Some Indigenous groups and governments argued that these sentiments hailing from the CANZUS countries are not appropriate in non-settler colonial contexts. Indeed, Indigenous advocates from the "Global South" brought a human-rights lens to the drafting of the Declaration. However, this thesis demonstrates that a human rights and anti-colonial interpretation of the right to self-determination in the UNDRIP are embraced in Southeast Asia. Indigenous advocates are less concerned about the normative unpinning of their self-determination advocacy than about what interpretation will best help them achieve their desired outcome. In other words, the UNDRIP is viewed as far more than a guide or statement of lofty rights; it is a practical, tangible tool Indigenous communities are using to hold state governments accountable.

Two readings of the UNDRIP

In the 1970s, when the UNDRIP was first being conceived, the anti-colonial movement ("sovereignty-based movements") from CANZUS states informed much of the dialogue: "Their agenda was political power for indigenous peoples based on prior nationhood status – in particular, the restoration of indigenous historical-political institutions and territory" (Erueti, 2007, p. 572). The de-colonial model stemmed from an historical practice of nation-to-nation relations, exemplified through the practice of treaty-making by settlers upon arrival in the CANZUS states (except Australia). For CANZUS Indigenous nations, the purpose of the UNDRIP was to address outstanding sovereignty claims and the fact that they had been passed over in the mid-century decolonisation project as a result of not qualifying according to the 'salt water thesis'²⁰ (Erueti, 2007, pp. 570-72; Macklem 2015; pp. 155-56).

As countries from Africa, Asia, and Latin America became involved in developing the Declaration, the dialogue began to reflect a human rights framework which better addressed the pressing needs of Indigenous peoples in the Global South. Before 2008, only the Philippines and Taiwan in Asia recognised Indigenous peoples. Japan recognised Ainu in 2008, bringing the total number of countries in the region that had acknowledged the presence of Indigenous peoples prior to voting on the UNDRIP to three (Erni, 2008, p. 15). Upon joining the conversation, Indigenous nations of the Global South rejected the decolonisation perspective because they believed it lacked application in their context, particularly in light of the decolonisation process that countries from these regions went through after WWII. Governments were also opposed to the decolonisation model for the UNDRIP out of fear of secession. When UNDRIP discussions were moved into the UN Commission on Human Rights in 1995, some CANZUS Indigenous nations reneged on their

²⁰ The idea that colonisation was conducted by foreign colonisers who travelled overseas (ostensibly from Europe) to extract from and/or settle in another country. This definition does not capture other forms of colonialism such as internal or domestic colonialism (Erueti, 2017, p. 570).

decolonisation advocacy, conceding it was unlikely to be accepted by the UN system and recognising that they were better off working within the UN's human rights architecture. Some continued to press for the decolonisation framework which, Erueti (2007) argues, is reflected in the "self-determination framework" contained within the UNDRIP today (p. 570).

As a result of these competing agendas, the UNDRIP can be interpreted as either a human rights or an anti-colonial framework, which creates some problems. Specifically, "the human rights model has detracted from the historic sovereignty arguments of indigenous peoples" (Erueti, 2007, p. 570). I argue, however, that while the two interpretations are not necessarily compatible, they can co-exist, even within the same state. The experience of internal colonialism by Indigenous nations in Southeast Asia suggests that the decolonisation model does have application. The developmental diversity within Southeast Asian nations – modern urban centres and underdeveloped rural regions – could mean that different models are relevant in different areas and for different groups. Ultimately, the intention of the decolonisation interpretation is to define the relationship between states and Indigenous nations through provisions allowing the exercise of self-determination and self-governance rights, including Free Prior and Informed Consent, recognition of customary land rights and law, and agreement-making, all of which are practised in the region. In Malaysia and elsewhere, courts have ruled in favour of recognition of Indigenous rights to land based on historical occupation; the Philippines and Cambodian customary land tenure processes appeal to elements of the anti-colonial framework, and rights advocacy by regional and international organisations use the language of the anti-colonial model in reference to Indigenous nations in the Global South. These are just a few examples, but they suggest that more research is needed to understand how anti-colonialism shapes the dialogue on Indigenous rights in Southeast Asia.

Despite the difference of interpretations of the UNDRIP, the Declaration remains the most comprehensive and clear statement of Indigenous peoples' wishes with respect to self-determination (Daytec-Yangot, 2018, p. 56). Macklem (2015) proposes that while the UNDRIP does not necessarily recognise Indigenous peoples as sovereign equals to states, or even recognise their

right to share in state sovereignty, it establishes that Indigenous nations are international legal actors whose authority is manifest through the exercise of a continuous relationship with the state within whose borders they reside. Autonomy for Indigenous peoples is thus the Declaration's primary and critical contribution (pp. 155-156), and it will surely continue to be unpacked around the world for some time.

The diversity in interpretation of the UNDRIP is in part connected to the considerably different responses to Indigenous rights by governments in the region, individually and collectively. The next section provides a detailed overview of the recognition and accommodations that exist for Indigenous peoples' right to self-governance, as a key exercise of their right to self-determination. I look at regional policy trends and characteristics that play a role in shaping the progress of and the discourse around Indigenous peoples' right to self-determination in the region.

4.5 Indigenous-state political relationships in Southeast Asia

In many parts of Southeast Asia, self-determination and governance rights claims by Indigenous nations have not fared much better than land and human rights. Assimilation continues to be viewed as a legitimate and beneficial policy approach throughout the region (Kymlicka & He, 2005, p. 31). Other regional characteristics such as dual colonisation (Kim, 2009), variable definitions of "Indigeneity" (He, 2011), communitarian values (Kymlicka & He, 2005), nascent liberal democratic systems (Bertrand, 2011a; Harding, 2018; Kymlicka & He, 2005), and state economic aspirations (Kymlicka & He, 2005) are identified in the literature as key challenges to the realisation of Indigenous self-governance rights. Across the region, legal discourse on the abuse of rights suffered by Indigenous nations at the hands of development aggressors focuses on individual rights, for instance human, property and cultural rights. While these are useful for drawing attention to rights claims, they are blind to Indigenous collective rights which lie at the heart of self-determination (Daytec-Yangot, 2010).

Nevertheless, as discussed above, Indigenous self-governance rights have been acknowledged to varying degrees throughout Southeast Asia, including through ratification of the UNDRIP, the implementation of the principle of Free Prior and Informed Consent, constitutional recognition and legal protections, including, in some cases, the establishment of semi-autonomous regions and concurrent governance structures. Case law has also played an important role in recognising Indigenous customary law and land rights in many parts of the region (Wu, 2013; Xanthaki, 2003). While the global Indigenous rights movement introduced new language, "cultural, political and legal pluralism has also been a long-term characteristic of many of the pre-colonial State politics of Southeast Asia" (Colchester & Chao, 2011, p. 18). Some nations, in particular the Philippines, Malaysia, and Indonesia, have mature plural legal systems in which Indigenous customary law is exercised alongside state law. In Malaysia, native courts are an integral part of the Sabah and Sarawak state legal systems (Colchester & Chao, 2011). In the Philippines, Indigenous nations in the Cordilleras participate in decision-making and practise customary law alongside that of the state (Molintas, 2004), and land-use decisions are subject to the consent of Indigenous nations. In Indonesia, customary law can be used as evidence for land claims. Indigenous nations throughout the region also continue to have diplomatic relations with one another, negotiating peace agreements, land and resource co-management schemes, and hospitality arrangements (Colchester & Chao, 2011). State and Indigenous land and resource co-management schemes have also seen success in parts of Southeast Asia. For instance, the practice of *Tagal*, an Indigenous fisheries management system, has been adopted by the Malaysian Borneo department of fisheries, operating as an exemplary shared governance model (Vaz & Agama, 2013).

In a review of practices of Indigenous governance in Asia, the AIPP recommended "a redefinition of the relationship between Indigenous peoples and the states in which they now live, in particular through the negotiations process" (AIPP, 2007, p. 5). To achieve such renewed relationships, they further recommended the "establishment of mechanisms of joint control by an indigenous autonomous institution and central government" (AIPP, 2007, p. 5). While much of the

discourse around Indigenous rights in Southeast Asia remains focused on "the utility of international law [being only] as good as the willingness of States to submit to its force" (Daytec-Yangot, 2010, p. 59), localised political relationships between Indigenous nations and state bodies offer some insight into how a "bottom-up" approach to Indigenous governance may be achieved in the region.

Indigenous governance recognition and accommodation

The patterns of colonialism across Southeast Asia have forged, and arguably continue to forge, the political landscape of the region. With the passage of the UNDRIP and growing global understanding of Indigenous rights, countries are exploring what recognition and accommodation of Indigenous governance and customary law might look like within their borders. While some argue that post-colonial Indigenous self-governance originated in Canada and then spread to America, then Africa and Asia (He, 2011, p. 2), the longevity of tolerance and even support for the exercise of Indigenous governance in parts of Southeast Asia suggests it is actually a longstanding practice. As discussed earlier in this chapter, Indigenous governance has continued almost unchanged since before European colonisation in some parts of Southeast Asia. This has resulted in the adoption of various approaches to recognising and partnering with Indigenous governing representatives and structures. However, unfortunately, this has not always translated into rights protection – even where protections exist, implementation is generally lacking. Indeed, Southeast Asian nations largely trail behind the CANZUS states in the quality and effectiveness of their policies concerning Indigenous governance and in the systematised practices of empowering and partnering with Indigenous governance structures. Nevertheless, practices of recognition and accommodation do exist and are increasingly coming to light as Indigenous peoples' rights and interests are further understood.

Domestic recognition and accommodation of Indigenous governance. Diversity in Southeast Asia is generally referred to at the regional, not the national level. This is due to a significant emphasis on national autonomy – the right of each nation to determine its own democratisation

journey – and the tendency of most governments to place higher value on harmony than on human rights, which means Indigenous rights are not a priority; rather they are viewed as obstacles to progress. The rights of Southeast Asian countries to determine their own development course, including how human rights are reflected or considered, is the most significant threat to Indigenous and minority rights. As de Vries and Mejknecht (2010) argue, "by invoking their cultural specificities, [Southeast Asian countries] have created an unverifiable grey zone in which they are free to do whatever they want: to realise 'Asian values', but also to violate basic human rights" (p. 88).

Laws concerning Indigenous peoples in the region vary considerably from one country to the next. The region can be very roughly divided into two groups in terms of responses to Indigenous peoples. The archipelago nations (the Philippines, Malaysia, and Indonesia) provide some protections for the practice of customary law and governance, though Indonesia still does not formally recognise Indigenous peoples. The three island nations also have strong Indigenous rights advocacy bodies. All except Cambodia of the peninsular nations (Thailand, Cambodia, Laos, Vietnam, and Myanmar) view Indigenous peoples within their borders as ethnic minorities, so protections and advocacy are weak, though Thailand's Indigenous rights network is gaining momentum (Morton & Baird, 2019). The following is an overview of Indigenous rights recognition and accommodation in these two "sub" regions, followed by a brief discussion of policy trends.

The archipelago nations. In the Philippines, Malaysia, and Indonesia, "customary laws are recognized in law as a basis for rights in land" (Luithui-Erni, 2019, p. 18); however, each country approaches these laws differently. The Philippines' Indigenous Peoples' Rights Act 1997 (IPRA) is considered one of the strongest mechanisms for the legal protection of Indigenous rights in Asia (Molintas, 2005, p. 294; Prill-Brett, 2007, p. 11). It includes the right to self-government, support for two autonomous regions, including the Cordilleras Autonomous Region, participation in decision-making, and the right to pursue collective interests and development aspirations (Bertrand, 2011a, p. 860). The IPRA also provides for the recognition and granting title to ancestral land and domains, protecting the rights of Indigenous groups to develop, inhabit, regulate entry, access to natural

resources, and resolve conflict in accordance with customary laws, on their lands (Cariño & Pact, 2015; Roy, 2005). The Department of Environment and Natural Resources Special Order 25 also provides for Indigenous communities to be granted a certificate of ancestral domain claim, which acknowledges the group's collective rights to land and natural resources as a result of continuous occupation and/or possession – except for recent interruptions by colonisation (Perera, 2009, p. 40). This is not without its flaws, however:

Although the IPRA has been recognised as one of the world's most far-reaching laws specifically addressing indigenous peoples' rights, after having been in existence for over ten years, many criticisms have been laid upon the IPRA and its implementation agency [National Commission on Indigenous Peoples] NCIP. (Inman, 2016, p. 82)

The government has not allocated appropriate funding to the NCIP, and the agency itself lacks the capacity to properly implement the IPRA. Land titling in the Philippines "has been criticised as being unnecessarily costly and lengthy, and lacking in cultural sensitivity" (Luithui-Erni, 2019, p. 17). Additionally, the IPRA conflicts with other legislation, namely the Mining Act 1995 which allows companies to "engage in exploratory missions and entrenches existing mining operations in ancestral lands of the indigenous communities" (Inman, 2016, p. 83). Indigenous peoples have long protested against the Mining Act, specifically calling for it to be revoked and for a moratorium to be placed on mining operations, but the government has so far ignored these calls, persisting with mining/resource extraction plans (Sibbel, 2005, p. 31), recently lifting a nine-year mining moratorium (Philippine Taskforce for Indigenous Peoples Rights, 2021).

As in the Philippines, Indigenous rights in Malaysia are enshrined in legislation. Malaysia has three primary legal instruments for Indigenous rights recognition and protection: the Aboriginal Peoples' Act 1954, the Sabah Land Ordinance 1930, and the 1958 Sarawak Land Code. The Aboriginal Peoples' Act is the main legal protection for Orang Asli ("first peoples") in Peninsular Malaysia. It provides for the establishment of Aboriginal reservations, including protections against the

declaration of those areas as protected areas or the granting of licences to companies for any commercial undertaking (Aboriginal Peoples Act 1954, s. 6-14). Case law has repeatedly affirmed both Indigenous customary law rights and the Malaysian government's fiduciary obligations to Indigenous peoples, as well as their unique rights under the Malaysian federal constitution (Bulan, 2007, p. 55; Errico, 2012, p. 5; Subramaniam & Nicholas, 2018). The Sabah Land Ordinance 1930 and the 1958 Sarawak Land Code also recognise Indigenous land rights; however, they have been criticised for creating a dual land ownership system which is confusing and rarely implemented appropriately (Morton, 2017a, p. 12; Xanthaki, 2003, p. 456).

The Malaysian state governments of Sabah and Sarawak in Borneo are the most progressive in their recognition of Indigenous governance rights in the country. Many Indigenous communities in Malaysian Borneo reside in their traditional territories where they are governed by customary laws (Bulan, 2007, p. 55). In Sabah, the state government has a toolbox of policies that enables it to support communities with traditional conservation practices; for instance, one initiative that has been successful is the creation of *Community Use Zones* that allow communities to legally access resources within parks. This means that community growth and development become part of parks management (Vaz & Agama, 2013, pp. 147-154). The Bumiputera policy, also provides for particular judicial authorities on Sabah and Sarawak for Indigenous peoples (Kingsbury, 1998, p. 431), empowering Indigenous customary and state law to work in concert in the judicial system (Colchester, 2011, p. 3; Inman, 2016, p. 87; Roy, 2005, p.20).

On both the Malaysian Peninsula and in Borneo, land title rights have required Indigenous peoples to use the land in a particular way, for mono-crops for example. In Sabah, Indigenous groups are required to do this in partnership with a state or private company (Inman, 2016, p. 87). A significant issue in Sabah and Sarawak is the granting of leases to extractive companies in Indigenous territory for large-scale commercial agriculture. In Sabah, land title is given "on condition that communities agree to development of the land" (Luithui-Erni, 2019, p. 18). The result is that, while the government appears to be implementing a land title, land rights are actually used as a bargaining

chip to gain agreement from Indigenous communities to develop their lands. In addition, there is considerable government interference in Indigenous governance – particularly problematic is the appointment of Indigenous or village leaders by the state (AIPP, 2007, p. 9).

Indonesia has a history of evolving legislation relating to Indigenous peoples, starting with the recognition of Indigenous hereditary rights in the constitution that was drafted shortly after gaining its independence in 1945 (AIPP, 2014; Bamba, 2008, p. 259). This recognition included protection of customary/traditional governing systems that existed in the form of administrative units known by different names across the country. These were referred to, and protected, under the category of "Special Territories". The constitution went on to state that any government decisions or actions must consider these hereditary rights. A third amendment to Article 18b-2 of the constitution also recognised the rights of Indigenous peoples. Various other laws with reference to Indigenous peoples include the Basic Agrarian Regulation, Law N. 39/1999 on Human Rights, and the Decree of MPR No X/2001. The Basic Agrarian Law continues to be one of the primary instruments used for interpreting and applying Indigenous rights in Indonesia. It states that Indigenous peoples' rights must be consistent with the interests of the state, in particular with national unity (Bamba, 2008, pp. 259-60).

While implementation of rights protection and accommodation legislation is weak, Indigenous customary governing structures are considered a part of the national governance architecture. Though the development of this arrangement has not been linear. Despite generations of recognising and accommodating Indigenous governance structures (referred to as *Adat*), the 1979 decentralisation law, Act No. 5, replaced *Adat* communities with local administrations called *Desa*, and Indigenous communities were reconfigured into larger villages. This created parallel governing systems, undermining traditional leaders and eroding traditional values. In 1999, Act No. 22 enabled communities to revive *Adat* governing systems if they chose. Some communities have been successful in rebuilding traditional authority structures, however many have not been so fortunate (Sibbel, 2005, p. 25).

With respect to self-determination, the Indonesian government has been careful to define an Indigenous right *of* self-determination, rather than a right *to* self-determination, the difference being that "right to" suggests the possibility of secession while the "right of" does not; it only allows for internal self-determination (Bamba, 2008, p. 261). This is arguably more pertinent in a country of islands with historically distinct traditional kingdoms and in light of the ongoing struggle for independence in West Papua. Indigenous peoples have generally received poor recognition and protection under the law because of the government's reigning view that all Indonesians are indigenous and that there are only "vulnerable groups". This has been a significant challenge, as Bamba (2008) argues, "The present conception of the government on indigenous peoples issues reflects the paradigm shift away from a strong and clear recognition by the founding fathers to the manipulative, ambiguous and false recognition by the present government" (p. 260).

The National Alliance of Indigenous Peoples in the Archipelago (AMAN) is the key advocacy body for Indigenous peoples in Indonesia. Established in 1999, AMAN is a multilevel advocacy organisation for Indigenous peoples, the largest of its kind in Asia (AIPP, 2014). From 1999 to 2007 its advocacy was centred on challenge and disruption; however, upon the adoption of the UNDRIP in Sept 2007 AMAN changed its approach from confrontation to engagement in order to support implementation of the UNDRIP principles through the formalised recognition of Indigenous peoples. In 2013, the Constitutional Court of Indonesia delivered a landmark ruling requiring the government to hand control of land back to Indigenous communities. Under this decision "the government is obligated to relinquish control over state forest areas that fall within indigenous laws, per the 2013 Constitution Court ruling" (Jong, 2018). AMAN has since been advocating for the adoption of legislation to formalise this decision in law. Ultimately, AMAN's key goal is to support Indigenous communities to become "politically sovereign, economically independent and culturally dignified" (Sombolinggi, 2019).

The Indochina peninsula. Unfortunately, Indigenous peoples on the Indochina peninsula have not fared as well as their island neighbours to the south and east, due very much to governments'

resistance to acknowledging Indigenous peoples within their borders. While the experience among Indigenous peoples is shared on the peninsula due to the changing and arbitrary positioning of state borders over hundreds of years of colonialism (Baird, 2008, p. 204), some legal accommodations do exist. In 2009, for instance, the Cambodian government passed the National Policy on the Development of Indigenous People which makes certain provisions for the economic and social development of Indigenous communities. The pre-eminent legal instrument for Indigenous rights in the country is the Cambodian Land Law 2001 which both defines "Indigenous peoples" and enables communities to apply for collective land registration. Collective ownership refers to the "immovable property of indigenous communities and specific conditions of land use under the responsibility of the traditional authority, and the community's decision-making mechanism is in compliance with their traditional practices" (Kham et al, 2016, p. 1). In recent years, however, the collective land ownership policy has been challenged by a new land tenure policy called Order 01 (nicknamed the "leopard skin policy") under which hundreds of thousands of private land tenures were distributed to community members, causing disarray and confusion at the village level as a patchwork of land ownership emerged across rural and forested areas (Milne, 2013, p. 323).

State violence and land grabbing under the guise of economic development remains the status quo interaction between Indigenous peoples and the state in Cambodia (Milne, 2013, p. 324). Attempts by communities to protect their rights and lands is typically met with violence and coercion. However, with the support of development agencies some communities have succeeded in negotiating somewhat better outcomes, including a reduction in the amount of land seized and in reduced deforestation (John et al, 2014, p. 34). Decentralisation in the country has also eroded the authority and traditional governing structures of Indigenous peoples (Sibbel, 2005, pp. 23-25). The tragedy of the Khmer Rouge insurgency in Cambodia in the late 1970s greatly affected not only the general knowledge and capacity of the population, but also cultural and nation-specific knowledge. While the presence of international organisations has helped rebuild Cambodia's intellectual capacity, it has also inadvertently "mediat[ed] the weakness of the Cambodians in the area of

knowledge about their political system and knowledge about ethnic minorities" (Santamaria, 2004, p. 30). This is the knowledge necessary for harmonious inter-group relations.

The situation is similar in Vietnam. While the *Law on Land 1993* allows for proprietary rights of a group, this does not translate into any form of self-determination. Indigenous peoples are not recognised as such; rather they are considered to be ethnic minorities with some cultural and language rights but not customary law or land rights (Luithui-Erni, 2019, pp. 1-10). In fact, even though ten percent of the population belongs to fifty-four different ethnic groups, the national census does not take culture into account (Sibbel, 2005, p. 31). Indigenous interests are represented by the Centre for Sustainable Development in the Mountainous Areas which supports a network of Indigenous communities, providing education on Indigenous and minority rights, leading advocacy campaigns, and accessing funding. Indigenous leaders gather annually to plan and coordinate advocacy and development strategies, but otherwise there are no formal governance or representation mechanisms for Indigenous peoples (L. Truong, personal communication, March 6, 2021). Some advocacy occurs regionally via the AIPP and internationally, particularly in the US, building on historical connections between the US military and the mountain tribes (otherwise known as "Montagnard") that developed during the Vietnam war. A key advocacy goal of the Montagnard Human Rights Organization is to achieve "autonomy and self-government" for Montagnard peoples (Nay, 2010).

Indigenous peoples are not formally recognised in Thailand, though the Thai constitution recognises "traditional communities". Broadly, the Thai government holds firmly to its conviction that the country is a "homogenous Thai-Buddhist nation" (Morton & Baird, 2019, p. 11). Those who do not ascribe to this identity are treated as a threat to national unity and have been subject to various government policies attempting to deal with the "problem" of their lack of assimilation, and are thus significantly disadvantaged vis-à-vis the majority Thai population. Despite non-recognition, self-identifying Indigenous peoples reside throughout the country, having found a platform in the global Indigenous rights movement to advocate for their rights as marginalised peoples (Morton &

Baird, 2019, p. 7). Those who have most strongly taken to the Indigenous designation live in the hills in the north of the country. Thai "hill tribes", as they are commonly known, are denied citizenship by government as a matter of course, preventing land rights and ownership for those who identify as Indigenous (Xanthaki, 2003, p. 472). Some critics argue that many of the groups claiming to be Indigenous to Thailand are in fact newcomers and have no longstanding/traditional connection to land (Kymlicka, 2005, p. 29)²¹. Nevertheless, those identifying as Indigenous in the country came close to constitutional recognition in a 2015 draft of a new constitution following the 2014 military coup. The draft, which included the requirement that government support Indigenous peoples and ethnic minorities to "live in their own individual ways with dignity", was rejected by the military (Baird et al, 2017, p. 543). A strong Indigenous rights movement led by an educated and well-connected coalition of activists within the country has been lobbying the government for recognition of Indigenous peoples since shortly before the UNDRIP was ratified by the Thai government in 2007 (Morton, 2016). Five bills concerning the rights of Indigenous peoples drafted by different organisations have been submitted to government, however are being progressed very slowly (Bangkok Post, 21 August 2022).

Myanmar is among the most ethnically diverse countries in the region (Sunuwar, 2021), ethnicity lying at the heart of its federal structure. The Panglong Agreement of 1947 which established Myanmar's federalism was agreed between the Burmese government and representatives from Shan, Kachin, and Chin peoples, granting these minority groups a certain degree of internal autonomy while wholly excluding others, notably the Karen people (Breen, 2018c, p. 71). Since the strengthening of the global Indigenous rights movement, some of these groups who have long struggled for self-governance, the Karen National Union (KNU) and Chin National Front (CNF) in particular, have sought to amplify their causes through the global Indigenous rights movement, but with limited success (Dunford, 2019, p. 52). This is due in part to what some argue is

²¹ A number of groups labelled "hill tribes" in Thailand are refugees from Myanmar.

a mismatch between the international definition of indigeneity which "privileges colonised, underrepresented, or otherwise oppressed groups", and its translation into Burmese as *taingyintha*, meaning "national race". The term has been weaponised by the Burmese government which uses it to justify who is "in" and who is "out" with respect to rights in the country (Dunford, 2019, p. 51). Presently the government is wielding the label against the Rohingya people, claiming they are not indigenous and therefore not entitled to even citizenship rights – they are not on "the official list of Myanmar's 'national races'" (Baird, 2019, p. 3). The Burmese-dominated government has also passed policies that advance Burmese culture and Buddhism while isolating minorities not only geographically but also "from their very sense of selves, their identity and their sources of collective memory" (Santamaria, 2004, p. 26). Groups identifying as Indigenous in the country have played a central role in protesting against the military regime that took power via a coup in February 2021. In addition to rallying against authoritarianism, a collective of these minorities is calling for the 2008 constitution to be revoked and a new federal structure that more fairly accommodates the country's diversity to be established (Sunuwar, 2021).

Like Myanmar, Laos is one of the most diverse countries in the region. The Laos government has recognised forty-nine ethnic groups and one hundred and sixty sub-groups (Baird, 2015). Those belonging to the Mon-Khmer, Sino-Tibetan, and Hmong Hmien language groups are considered Indigenous peoples by the international community, but the government disagrees, affording them no special rights or accommodations (Luithui-Erni, 2019). The Laos constitution defines the country as "multicultural", with all groups in the country being equal (AIPP, 2014). However, the government has signed the UNDRIP and, for a short period following its ratification, the Ministry of Foreign Affairs acknowledged "Indigenous Peoples Day", though this has since stopped. As is the case elsewhere in the region, while the government is resistant to recognising Indigenous claims by groups within its borders, the concept is taking root, advancing with significant support from the international community, including NGOs, multilateral banks, and the UN (Baird, 2015). Similarly, Indigenous peoples in Laos are facing ongoing threats from development aggression (notably from

hydropower) from which the "Indigenous designation" should offer some protection; however, even where development banks with policies on Indigenous peoples' rights are behind the projects, Indigenous groups in the country are struggling to be recognised and respected (Manoram et al, 2017).

Comparative policy trends

In a study of legal protections of Indigenous peoples in Southeast Asia, Iguanzo (2014) found that Indigenous rights in Southeast Asian legislation tend to broadly fall into one of three categories: land rights, legal pluralism, and political autonomy (Iguanzo, 2014, p. 65). Asking the question, "What degree of recognition of Indigenous peoples' rights can be found in the different countries of Southeast Asia?", she concludes that the Philippines has the greatest protections according to the study's metric, with Sarawak and Sabah second and Cambodia third (Iguanzo, 2014, p. 54). However, legislation is not the only way in which Indigenous peoples and their rights are recognised and accommodated by state governments and majority populations. Practices born from historical relationships and longstanding informal arrangements that have made their way into contemporary bureaucracies and policies and are broadly accepted as the norm are also a way in which Indigenous peoples have status in social, political, and economic life in Southeast Asian countries. These "bottom-up" norms are often stronger protections to Indigenous peoples than legislation, though can be notoriously inflexible. However, as was discussed in chapter three, a place-based and local political partnership is more likely to have a decolonising influence because the power distribution between the parties is more equal.

Drawing on Iguanzo's work, the following section briefly sets out three policy trends in legal protections and accommodation in the region that go some way to empower, or, in the least, open avenues for Indigenous peoples' right to self-determination: land rights, political autonomy and legal pluralism. While alone these accommodations do not provide for the exercise of self-

determination, nor are they rarely adequately implemented, they represent a degree of regional capacity to provide political space for authorities alternative to the state.

Land rights. As in other parts of the world, land for Indigenous peoples in Southeast Asian countries is an economic, knowledge, spiritual, legal source: "The political dimension is expressed in strong determination to define their land and territories" (Luithui-Erni, 2019, p. 12). States generally do one of three things with respect to Indigenous land rights: ignore them, grant limited rights and protections, or grant strong rights and protections (Xanthaki, 2003, p. 469). All three responses exist in Southeast Asia, including responding with legislation laying out Indigenous peoples' rights in an array of areas.

With respect to land, only the Philippines' constitution and those of the Malaysian Borneo states of Sabah and Sarawak recognise Indigenous land and territory rights in the region, though they do not codify Free Prior and Informed Consent (Iguanzo, 2014, p. 54). Other legislation in the Philippines and Cambodia recognises both land rights and Free Prior and Informed Consent (Baird, 2019, p. 2; Iguanzo, 2014, p. 59). On Peninsular Malaysia, the Aboriginal Act which governs the lives of the Orang Asli peoples recognises "inalienable collective ownership for the *Orang Asli*". In all other countries in the region inalienable ownership of the land remains with the state (Iguanzo, 2014, p. 59).

The reality, however, is that where there are land laws concerning Indigenous peoples they are usually attempts to assimilate Indigenous groups into the general population (Xanthaki, 2003, p. 468), or to otherwise placate or control them. Often laws concerning Indigenous land rights create dual ownership systems which are confusing and therefore poorly implemented, if implemented at all (Xanthaki, 2003, p. 456). Across the region, it is clear that even where legal protections for land rights are good, weak rule of law allows companies to undertake operations on Indigenous lands (Kymlicka, 2005, p. 30). Additionally, Free Prior and Informed Consent, while broadly an important rights instrument, can also be harmful to Indigenous communities by giving extractive industry a means to enter and operate on ancestral lands under the auspices of Free Prior and Informed

Consent. Daytec-Yangot (2018) argues this particularly in the Philippines context where the IPRA "has been used to legitimize the plunder of resources in ancestral domains through the free, prior and informed consent process, which is often railroaded by the government in favour of big business" (p. 55).

There have however been some signs of improved land rights recognition, particularly through the courts. The 2013 constitutional court case in Indonesia, requiring the return of state forest areas that fall within Indigenous laws is significant, particularly in light of Indonesia's size and influence in the region. In Malaysia, two high court cases (*Adong bin Kuwau v. Kerajaan Neri Johor* and *Nor Anak Nyawai v. Borneo Pulp Plantation*) confirmed that Indigenous land ownership preceded the legislation (in other words, it had not been extinguished). Another high court case, *Sagong bin tasi v. Kerajaan Negeri Selango*, also found that the Temuan people were an "aboriginal society" whose land rights had been violated" (Xanthaki, 2003, p. 456).

Legal pluralism. For the purposes of Indigenous rights recognition, particularly that of self-determination, a key strength in several Southeast Asian countries is the practice of legal pluralism. Legal pluralism occurs where two or more legal systems are functioning in one jurisdiction, society, or geographical location. While one system generally is more powerful than the other/s, legal pluralism is a unique regional capacity that can aid the public (and the government's) imagination around Indigenous peoples' right to self-determination, and indeed, how Indigenous governing systems, laws and structures might maintain a political relationship with the state.

Throughout Southeast Asia, customary law plays a role in the legal, social, and/or political lives of states. While it is not as powerful as state law, customary law enjoys recognition in domestic legal instruments (Xanthaki, 2013, p. 3), particularly in rural areas. Even where it is not recognised, however, customary law affects the interpretation of state law (Tobin, 2014, p. 13). In the Philippines, Malaysia, and Indonesia in particular, "customary laws are recognized in law as a basis for rights in land" (Luithui-Erni, 2019, p. 18). In the Philippines, the IPRA recognises customary law within ancestral domains where it is deferred to for conflict resolution and peacebuilding, as well as

for judicial processes. Other laws including the NCIP 1998 (section 8) and the Local Government Code 1991 (Rule IX sections 1-6) also acknowledge Indigenous customary Law. In Malaysia, the constitutions of Sarawak and Sabah recognise customary law for the Indigenous peoples of Borneo, but there is no equivalent for Orang Asli in Peninsula Malaysia. In Indonesia, the Forestry Law 1999 and Decentralization Law 2004 provide for customary law, however with the proviso that customary law is "only applicable at the community level, to the community members and cannot contradict the national law". This is also the case with provisions concerning the exercise of customary law in the Land Law 2001 in Cambodia (Inguanzo, 2014, p. 60).

Beyond simply recognising or accommodating the exercise of customary law, in some cases customary and state law are practised in concert. In parts of Malaysia, for instance, "private property law imposed by the colonial state and reinforced by the postcolonial state does not simply override or replace customary law but, rather, intermingles with it in a process of continual negotiation" (Doolittle, 2005, p. 159). In the Borneo states, three levels of courts hear customary law cases, concurrently applying state and Indigenous customary law (Colchester & Chao, 2011, p 3; Inman, 2016, p. 87; Roy, 2005, p. 20). Indigenous peoples in some provinces of the Cordilleras region of the Philippines also practise their customary law alongside that of the state (Molintas, 2004, p. 274).

In addition to usefully evolving state law to better recognise and accommodate Indigenous peoples' cultural differences, practices of legal pluralism help to strengthen communities' self-determination. As Inguanzo (2014) argues:

Legal pluralism usually corelates with some kind of political autonomy (with the exception of Myanmar). This is theoretically possible because if states recognize customary law as legitimate at least at the community level, they also recognize the capacity of the peoples to rule and decide over their own matters, and then they are likely to recognize community authorities and decision-making procedures. (p. 64)

Indeed, for a law or legal system to be implemented, an individual, council, or institution needs to be entrusted with the authority to interpret and apply the law. Legal plurality thus goes some way to providing for the exercise of self-governance by Indigenous peoples in parts of the region. These authorities vary significantly in formality and power in wider society, but generally where legal pluralism is practised the state maintains power, yielding either very little or only yielding in matters on which it places little importance. Nevertheless, the practice of legal pluralism is well-established, indicative of an appetite or capacity for partnerships between different political traditions and, for some Indigenous communities, a tangible means of exercising their right to self-determination.

Political autonomy. The final policy trend to be discussed is political autonomy. While political autonomy for an Indigenous group in Southeast Asia is rare, as was discussed earlier in the chapter, some governments (the Philippines and Indonesia in particular) have granted degrees of political autonomy to sub-regions or have made provision for community autonomy. As with land rights and legal pluralism, the practice of political autonomy is indicative of some understanding of the value of granting self-determination to minority groups and the state's own capacity to govern cooperatively with a semi-autonomous entity within its borders.

Cambodia, Indonesia, and the Philippines have made provision for community autonomy to some degree through decentralisation legislation (Iguanzo, 2014, pp. 61-62). Some countries empower Indigenous peoples with the right to elect leaders according to traditional methods. In Sarawak and Sabah, Malaysia, traditional leaders are ambiguously recognised with authority loosely equating that of a sheriff. In other words, they have some tax collection and community policing authority (Iguanzo, 2014, p. 62). However, the traditional governance structures and processes are not always ideal in terms of human rights and empowerment. Responsibility and power in traditional governance tends to be determined by age and gender. Indigenous women do not have the same opportunities to participate in decision-making as men (Sibbel, 2005, pp. 23-25). This creates dependencies between communities and the government as well as within communities.

Community level governance through decentralisation does not always serve Indigenous peoples well. In Cambodia, for instance, decentralisation has eroded the authority and traditional governing structures of Indigenous peoples in the provinces of Mondulkiri and Ratanakiri. The multiple levels of government listen to local governments but not traditional governing authorities, even though the traditional authorities are more representative of and more connected to local populations. Traditional elders are replaced by young people who are selected by the administration to speak on behalf of communities, or the administration is led by outsiders and conducted in non-Indigenous languages, meaning communities are not informed or consulted on activities that affect their access to land resources. These dynamics can also extend to governance structures established by development organisations, which can threaten or destroy traditional governance by creating parallel systems at the local level that take authority away from traditional leaders and/or cause conflict (Sibbel, 2005, pp. 23-25).

Some Southeast Asian nations have attempted to accommodate cultural diversity through legislated regional autonomy. Sabah and Sarawak in Malaysian Borneo, for example, have special status under the constitution due to their majority Indigenous populations. Similarly, Myanmar state parliaments – *Hluttaw* – have law-making authority in recognition of their cultural distinctiveness, while Indonesia provides some regional autonomy to Papua, West Papua, and Aceh to accommodate cultural and religious minorities (Iguanzo, 2014, pp. 61-62) – though Indonesia has been inconsistent in its responses to these claims, responding positively to self-governance advocacy by religious minorities in Aceh, but negatively to the same advocacy from Indigenous peoples in Papua and West Papua (He, 2011, p. 10). While regional autonomy is desired by some Indigenous groups, a vulnerability in this approach is that it blurs the lines between regional or state governments and community or traditional governance. Regional governments that have granted autonomy for ethnic or religious reasons will more readily interfere with community governance structures. For instance, a significant challenge in Sabah and Sarawak is government interference in

Indigenous governance, particularly by directly appointing Indigenous village leaders (AIPP, 2007, p. 9).

As discussed above, the Philippines' IPRA, in addition to providing self-governance rights at the community level, empowers two autonomous regions, including the Cordilleras Administrative Region where the majority population are Indigenous, participation in decision-making, and the pursuit of collective interests and development aspirations (Bertrand, 2011a, p. 860). While two Cordillera autonomy agreements have been rejected by Cordillerans, the region remains a "Special Administrative Region". However, self-determination and self-government is recognised at the local, rather than regional level (Iguanzo, 2014, p. 62).

As demonstrated, there are trends in recognition of land rights, legal pluralism, and political autonomy in parts of Southeast Asia. While these are complex and imperfectly implemented, their existence is indicative of some degree of political and legal flexibility that could benefit Indigenous peoples' self-determination claims in the region. As yet however these policy trends, along with the protections and accommodations discussed in the preceding section, are not meeting the interests of Indigenous peoples who face ongoing barriers to recognition across the region.

4.6 Conclusion

This chapter has provided a broad overview of the political and historical circumstances of Indigenous peoples and their rights in Southeast Asia. The language of rights itself is problematic for governments in the region, often getting caught in an east-west debate about the application of "Western" norms in the region. After consecutive waves of colonisation, Indigenous peoples across Southeast Asia are subject to "internal" colonisation in which the colonial norms and institutions of Western colonisers have been taken up by local powers and thrust upon Indigenous peoples and minorities. Globalisation and capitalist pursuits are also an oppressive force, driving relentless resource-rich economic development that is threatening Indigenous peoples and their lands across the region. Economic development is not the only driver of displacement for Indigenous peoples,

however; "fortress" conservation and renewable energy projects are also increasingly threatening Indigenous peoples' right to their lands. These pressures have led advocates and communities to actively engage with the global Indigenous rights movements in an effort to hold their governments accountable and connect with Indigenous peoples around the world. Both ILO 169 and UNDRIP have largely been adopted by Southeast Asian nations and are regularly used as advocacy tools by communities and organisations. These instruments are shaping the regional dialogue on self-determination, providing both a human rights and anti-colonial frame for the conversation. While some countries in the region have enacted robust domestic legislative protections for Indigenous peoples' rights, implementation is nearly non-existent. Even where customary law is acknowledged, its collective rather than individualist orientation is generally incongruent with state governing practices. Despite this, there are some policy trends in the region that speak to a capacity for accommodating both Indigenous peoples' rights and Indigenous-state multilevel governance arrangements that could be avenues for the exercise of self-determination. These are discussed further in chapter eight.

While the challenges facing Indigenous peoples in the region are significant, Indigenous peoples are not deterred from the pursuit of their right to self-determination. The following chapter demonstrates that the pursuit of self-determination in the region is a *movement* of Indigenous resurgence through which Indigenous peoples are both asserting their rights and reclaiming their cultural identities.

Chapter 5 – A movement: A resurgence of Indigeneity and nationhood

5.1 Introduction

This chapter begins to introduce the empirical research findings, and answers the question, what does self-determination mean to Indigenous peoples in Southeast Asia? In the next three chapters I argue that self-determination is understood and pursued as a *movement* of Indigenous resurgence (chapter five), a multi-dimensional *objective* (chapter six), and a *toolbox* of strategic tactics for maximising benefits and minimising harm in interactions with the state (chapter 7).

Indigenous rights movements are occurring all over the world, have varied characteristics, and are shaped by myriad social, political, and economic dynamics. Often the catalysts for such movements are instances of rights violations, in particular dispossession and land theft. However, Indigenous resurgence movements are broader campaigns of decolonisation, not necessarily in response to oppression, but rather *in spite* of ongoing projects of control, elimination, and extraction. As discussed in chapter two, Indigenous resurgence is by and for Indigenous people, and is occurring independent of any action or recognition by the state or non-Indigenous society; it is the work of cultivating and nurturing Indigenous relationships, practices and intellectual traditions neither in defiance of, nor as an invitation to non-Indigenous society and the state. Rather, Indigenous resurgence movements are an objective in and of themselves – they are simply, the act of existing in accordance with Indigenous ways of being, and radically, the stoking of counter-realities to those perpetuated by colonial systems.

Indigenous resurgence movements are characterised by Indigenous peoples turning away from government and non-Indigenous society to focus energies inward on reviving and rebuilding their nations. Simpson (2016) explains that,

The point of resurgence...is for Indigenous peoples to regenerate the processes and ways of living of our ancestors, our practices, our grounded normativity, within an Indigenous criticality (so we aren't mistakenly replicating the logics of settler colonialism) and figure out how to centre this in our individual lives and in the collectives of which we are part. (p. 26)

Indigenous resurgence movements have both individual and collective aspects, beginning first with the individual before growing outward to the Indigenous community, and then, if appropriate, to reforming external relationships and the political context. The objective is to first decolonise, that is, "undo" the colonial ways of thinking and being which Coulthard (2018) describes as a "purposefully inward project" whereby Indigenous communities combat colonialism with Indigenous thought. Alfred and Corntassel (2005) also elaborate on this, writing that decolonisation is "remembering ceremonies, returning to homelands and liberation from the myths of colonialism" (p. 601). Second, Indigenous resurgence movements revive and centre Indigenous ways of being and thinking within individuals, Indigenous communities, and external relationships. Observing the practice of resurgence in land and water management in British Columbia, Van der Porten et al (2019) explain that centring Indigenous nationhood is the objective, and that this is decolonisation: "As a reframing of decolonial praxis, resurgence re-centers Indigenous nationhood in political movements and focuses on the complex interrelationships between place-based relationships and community-centered practices that reignite everyday acts of renewal and restoration" (p. 62).

As mentioned above, Indigenous resurgence movements are not seeking any particular outcome from state and/or non-Indigenous society, setting them apart from other social justice movements. In fact, as Simpson (2016) explains, Indigenous resurgence even discourages engagement with "the system", noting that interactions with the state are counterproductive to the goals of resurgence:

Engagement with the system changes Indigenous peoples more than it changes the system...
resurgent movements are trying to do the opposite – we are trying to centre Indigenous

practices and thoughts in our lives as everyday acts of resistance, and grow those actions and processes into a mass mobilization. (p. 24)

While changed relationships with states are not the objective of resurgence movements, reforms to governments' postures toward Indigenous nations in response to Indigenous peoples' improved strength are welcome. Non-Indigenous Canadian political scientist Martin Papillon (2012) highlights that such reforms to Indigenous-state relationships are central to movements of self-determination around the world: "The Aboriginal self-determination movement now challenges this forced domestication. Indigenous peoples around the world seek to reassert their status as distinct political entities with a unique relationship with the state and majority population" (p. 285). In a recently published book of essays entitled *Indigenous Resurgence: Decolonization and Movements for Environmental Justice*, decolonisation scholar Jaskiran Dhillon (2022) writes that through resurgence movements "Indigenous peoples are mapping the contours of alternative modes of social, political and economic organization that speak to the past, present, *and* the future..." (p. 2). In other words, through their resurgence movements, Indigenous peoples are challenging structural norms by presenting alternatives to the status quo.

Indeed, as discussed in the previous chapter, Indigenous peoples across Southeast Asia face significant historical-political barriers to the realisation of their right to self-determination. In addition to these, further socio-economic and structural hurdles like traditional governance breakdown, the politicisation of Indigenous peoples, and what I am calling "elite capture" are undermining Indigenous nations' strength. Despite these challenges, Indigenous peoples across the region are pursuing their right to self-determination through a resurgence that is reflective of the Indigenous resurgence movements in CANZUS states. In this chapter I argue that self-determination as a movement is understood and pursued through *reconnecting* to land and traditional culture, characterised by a "coming home movement" occurring across the region, *reclaiming* Indigenous identity through assertions of indigeneity, and *rebuilding* traditional systems and relationships that have been (and continue to be) affected by waves of colonisation. Consistent with Indigenous

resurgence, these efforts are objectives in and of themselves, however, they are also the work of counteracting government tactics of control, elimination, and extraction.

5.2 Reconnecting: A "coming home movement"

While the language of "indigenous resurgence" is not being used in Southeast Asia in exactly those terms, the research for this thesis makes clear that across the region there is a trend of returning to traditional territories and ways of life, which often means returning to remote or rural areas. In 2021, the AIPP, together with leaders and representatives from the Karen Mae Yod village²² in northern Thailand, produced a publication in the form of a comic called *Let's Go Back Home*. It tells the story of a young Karen man who, after graduating from university in the city, decides to return to his home village where he learns about traditional rotational farming, food production, and care for the land. The purpose of the publication is to encourage young people to leave cities and return to traditional villages and way of life in order to preserve culture, language, and practices. As stated by the Mae Yod village Headman, Mr. Dilok Trakoolrungamphai in the publication:

Many young people have to leave their community to study or to work in the city. As a result, they become alienated from their traditional way of life, and they tend to forget their roots and the value of their own community. Every ethnic group has its own language, culture and way of life. If the language disappears, this ethnic group will lose its identity. We want our Karen youth to always remember their roots and language. We hope that the message in this comic book will reach our youth. (as quoted in Trakansuphakon, 2021, p. 14)

One interview participant who is an Indigenous leader in Indonesia refers to a "coming home movement" that has been underway in Indonesia for the last ten years. The movement involves

²² Mae Yod village was declared a *Special Cultural Zone* in 2010. The *Special Cultural Zone designation* enables Karen communities to continue living according to their customary practices (Buergin, 2014, p. 2059).

Indigenous peoples living in urban areas moving back to traditional territories in order to reconnect with their culture and live in traditional ways. Back in their communities, they are building Indigenous schools and scaling sustainable economic practices. This participant noted that the coming home movement often started with small activities, for instance, to trace their ancestral past:

They went back to their communities to have dialogue with their elders. They asked the elders to show them the landmarks that show their indigeneity to that land...that's where the discussions started. They started to discuss the knowledge and history and were struck by the fact that they had not learned these things in school – they learned European history, not their own history. That was the turning point for the young people. They wanted these things to be taught in schools so that future generations are not blind to their own histories. And so, they started the Indigenous schools to teach indigenous knowledge. Now they are everywhere. (Participant F, personal communication, February 19, 2021)

The coming home movement has accelerated during the COVID-19 pandemic as people are moving back to villages, cutting off from the external world and supporting one another. While this trend speaks of a hardship faced by many Indigenous people, it is also being viewed as an opportunity: "Recently, during the pandemic, young people have lost their jobs and have had to go back to their communities and reconnect. That has been an opportunity caused by the pandemic" (Participant O, personal communication, June 8, 2021). In particular, the return to communities has meant a return to traditional land-use practices, including subsistence farming. This is not only reviving these practices, but also serving to sustain and strengthen communities who before the pandemic were struggling to survive:

Throughout the pandemic communities have continued to plant and harvest; the surplus is shared around. Before the pandemic one community was near extinction; however, since the pandemic started, for the first time in a long time, they have not needed to buy rice.

They grow their own; they share and replant the surplus. (Participant F, personal communication, February 19, 2021)

In 2020, the AIPP reported that in Bangladesh, Cambodia, India, Indonesia, Malaysia, Myanmar, Nepal, the Philippines, and Thailand Indigenous communities were reviving traditional lockdown protocols, disseminating culturally relevant information, and returning to traditional forms of governance to "maintain communal harmony in the context of COVID-19" (AIPP, 2020, June 19). While many people were forced to return to and stay in their home villages because of job losses and movement restrictions due to the COVID-19 pandemic, the circumstances have also bred innovation and exploration of new ways of engaging with land and culture. In the Philippines, for instance,

COVID has limited movement of people all around. Students in the cities have been forced to go back home. Back home in the provinces in the rural areas, they do go back to farming – that's the livelihood that is available there. In one community in the Mountain Province, they are trying to go organic – back to indigenous natural farming. They are trying to shift back to this instead of the chemical-based farming that is already quite pervasive in the region.

(Participant R, personal communication, October 1, 2021)

In neighbouring Borneo (Sabah and Sarawak), Malaysia, a similar trend is emerging. One expert observed that, while it is already quite common for students to return to their villages after graduating, the pandemic has injected renewed momentum into this movement:

The youth are going back to their villages and they are learning these traditional skills and crafts. In a way, COVID has been a reset button for everybody. Some of the communities that I speak to online tell me, 'if we are hungry, do you think the government is going to provide food for us? We have to stand on our own legs'. Those communities, they've had to

learn from their elders, how to live from the land. So, some of these traditional practices are starting to come back. (Participant D, personal communication, February 1, 2021)

Similar observations are being made throughout the region. At a webinar in March 2021 hosted by the AIPP, Ellen Dictaan-Bang-oa from the Asia Indigenous Women's Network noted that in some communities the COVID lockdown has been an opportunity to transmit knowledge from the elders to the young people. Mr Yon Fernandez-de-Larrinoa, Head of the Food and Agriculture Organisation Indigenous Peoples Unit reported that those who have relied on Indigenous food systems throughout the pandemic are coping better than those reliant on markets. He argues that this is evidence that transmission of traditional knowledge from generation to generation is crucial (Carling et al, 2021).

This trend of returning to homelands is interesting in light of another trend I observed in the fieldwork of Indigenous peoples' rights being defined and "captured" by a small number of individuals who are either based in urban centres or maintain relationships with governments. This trend, which I refer to as "elite capture", has two forms. First, it refers to the circumstance in which one or a handful of individuals are controlling and reaping the benefits of engagement with the state, or in some cases a company, in the name of the community. Elite capture in this sense occurs when an individual is benefiting from being in a representative role without truly representing the community's interest. This can be particularly challenging as it often also serves the interests of the government or company by offering an easy solution to consultation requirements. The second form of elite capture is perhaps more aptly viewed as the rise of an Indigenous middle class. This refers to educated, city-based Indigenous people whose engagement with the international rights movement has impassioned their initiation or involvement in a national rights movement, usually leading it in accordance with a vision for their peoples developed together with a small group of likeminded others.

Interview participants, referring to the Thailand and Cambodia contexts in particular, highlighted this as a trend in Indigenous rights in the region, one that presents opportunities but

that can also create some challenges in maintaining a cohesive movement across all socio-economic strata within the country. As one participant observed, in Thailand, "leadership of the [Indigenous rights] movement in the lowlands is a new middle class, something of an elite, and they don't always represent the interests of the villages, particularly the older population" (Participant G, personal communication, February 15, 2021). One regional expert explained that this divide between movement leaders or intellectuals means significant segments of the broader Indigenous community may not understand or even be in favour of the approach taken by the leadership, which is a significant vulnerability in the movement:

So, there is the public face of the movement, but it's actually a pretty small group of people. They attend every workshop and event, but in some ways, indigeneity only gains ground once the state recognises them...the whole concept of indigeneity is based on state engagement. We see the same in Thailand, the fact that the state has not fully recognised the concept of indigeneity, that's one of the big reasons why people in the villages don't really understand what the concept is. Even though you have leaders who are intellectuals saying very convincing things. But once you go deeper, it's a bit different. I'm supportive of the wider movement, it's just that quite often, maybe there hasn't been enough work done to have some of these ideas more deeply accepted within their groups. (Participant M, personal communication, May 9, 2021)

This divide between affluent and educated Indigenous elites based in urban centres and those living in remote areas surviving on subsistence farming speaks to the broader issue of incredible diversity in the region. It also creates complexities around advocacy and relationships with external partners. In Sabah and Sarawak, Malaysia, for instance, where it is not uncommon for parliamentarians to be Indigenous, these individuals become spokespersons for all Indigenous people in the state, whether or not all communities have designated them as such. These representatives often have divided loyalties and consequently are often not reliable advocates for

Indigenous peoples' rights. One anthropologist explained to me that Indigenous representatives in such positions of influence often become more disconnected from remote communities:

it transforms the person in that office into a bureaucrat rather than [one with] ethnic or religious allegiance, alliance, or affiliation. They don't talk about 'my people', they talk about 'them', 'those people'. They exclude themselves in the language. This is not uncommon.

(Participant C, personal communication, December 13, 2020)

Of greater concern is that Indigenous parliamentarians can also be the source of Indigenous communities' oppression: "They serve as ministers and chief ministers – the people making all the decisions, making all the laws. The people who are doing the exploiting are also Indigenous peoples" (Participant L, personal communication, May 1, 2021). Similarly in the Philippines, while government-level representation is seemingly desirable, a prominent Indigenous leader observed that, "In practice it hasn't been very good because it has also been manipulated by politicians, and those who get elected are not always representative of the people" (Participant R, personal communication, October 1, 2021).

The trends of returning to homelands and elite capture are both efforts to define and assert Indigenous peoples' rights, however, are opposite approaches to achieving that goal (and indeed, the goal itself is defined in myriad ways). Returning to traditional territories and practices is consistent with the resurgence principle of "turning away" from the state; it is a rejection of state and mainstream society's offerings in favour of revitalising Indigenous ways of being. Elite capture, on the other hand, is a posture of remaining engaged with governments and non-Indigenous society in order to achieve objectives. It is perhaps unfair to group together the rise of an affluent Indigenous middle class with the actions of opportunistic individuals manipulating positions of authority for personal gain. However, as discussed, an outcome of both realities is that rural communities have few, if any meaningful opportunities to contribute to or shape how their rights are defined. Additionally, benefits of any rights recognition rarely reach such communities.

Indeed, a vulnerability of this project is that many of the interview participants would be considered such "Indigenous elites" who are highly educated and engaging with both domestic governments and internationally on behalf of Indigenous communities in their countries. The "coming home movement" perhaps represents a merging of this latter form of "elite capture" and rejection resurgence. As set out in the *Let's Go Back Home* publication discussed earlier in this section, young, urban, educated Indigenous people are returning to rural communities, bringing with them the learnings, connections and aspirations from their city lives, however reimagining them in the context of their traditional communities and practices. For example, one participant from Sabah, Malaysia explained to me how some Indigenous young people in remote communities are connecting with online markets to sell traditional crafts made in their villages, in this way finding ways to ensure the continuation of traditional practices and indeed their communities (Participant D, personal communication, February 1, 2021). The rise of educated and connected Indigenous leaders represents an interesting opportunity and challenge for Indigenous peoples across Southeast Asia as they pursue their rights at international, regional, national, and local levels. I bring together the different interpretations of "self-determination" in the next chapter, highlighting how it is viewed as a "pathway out of poverty and political power" – a spectrum very much influenced by the diversity in geography (particularly the urban-rural divide), education levels, and wealth among and between Indigenous peoples in the region. The promise of the *reconnecting* aspect of the resurgence movement in the region is, perhaps, the opportunity to bridge this divide between the different strata within the broader Indigenous community.

Another way Indigenous peoples are pursuing their right to self-determination as a movement is through assertions of their indigeneity. As discussed in the previous chapter, many states within Southeast Asia do not acknowledge that Indigenous peoples reside within their borders. In those countries where Indigenous peoples are formally recognised, who qualifies as "indigenous" and what rights the designation provides for is strictly controlled by governments. In much of the region Indigenous peoples are also viewed negatively by the population as backward or

simply as "other". In the next section I discuss how, despite this, Indigenous people in Southeast Asia are proudly asserting their difference through cultural symbols and practices, along the way reclaiming their identities.

5.3 Reclaiming: Assertions of indigeneity

Indigenous peoples in the region are increasingly asserting their indigenous identities, openly and proudly identifying as "indigenous" or as an ethnic minority. This reclamation of Indigenous identity is both part of the broader Indigenous resurgence taking place across the region, as well as a response to the politicisation of indigeneity at the national level. Assertions of indigeneity are a particularly notable act of resurgence given the discrimination that is commonly faced by minorities in the region.

As with the homecoming movement, these assertions are often made by young people, as an Indigenous leader in Vietnam told me:

previously, ethnic minorities would wear 'common' dress. But now, in many communities they are wearing their traditional clothes again – certainly in ceremonies and weddings. They are very proud of their traditional costumes. In the beginning it started with the older people, but now younger people are getting involved. They are making a meaningful contribution to the preservation of culture – particularly in the north of Vietnam.

(Participant I, personal communication, March 6, 2021)

In Thailand, a growing Indigenous rights movement is seeing a proliferation of groups adopting the "indigenous label", even though the Thai government does not recognise the concept within its borders (Morton & Baird, 2019, p. 7). The Kuy people of Thailand, for example, did not previously identify as Indigenous, but do so now in response to the national Indigenous movement led by the Network of Indigenous Peoples in Thailand. There are now dozens more groups who are identifying

as Indigenous and joining the network. They are asserting their cultures through festivals, parades, and wearing traditional clothing. (Participant E, personal communication, February 6, 2021).

Similarly, in Cambodia, despite the fact that they cannot speak their traditional languages, many young Indigenous Cambodians are still recognising themselves as Indigenous, taking a pride in their heritage and thereby ushering in a kind of awakening amongst their communities (Participant P, personal communication, June 23, 2021). In Sabah and Sarawak, where Indigenous peoples make up a large percentage of the population and enjoy recognition, one interview participant told me it is young people who are leading in public assertions of cultural pride and indigeneity. Notably, however, this trend is most prominent amongst those who are privileged with relative affluence and exposure to global Indigenous activism. For instance, those who have an understanding of the significance of the "indigenous" designation in international politics (Participant K, personal communication, April 20, 2021).

Indeed, assertions of Indigenous identity have both cultural and political implications given that "indigeneity" is a political concept at both the international and national level. With the adoption of the UNDRIP and growing global indigenous rights movement, Indigenous peoples are recognising the value in asserting their indigeneity. The impoverished circumstances of many Indigenous groups in Southeast Asia are not just the result of economic development, globalisation, growing populations, or the absence of legal protections discussed in the previous chapter; they are also the outcome of systemic exclusion and attempts by governments to disappear or placate Indigenous peoples and erase their cultures, often through political rhetoric. While international organisations have a role to play in advocating for Indigenous rights and supporting governments to develop policy recognising those rights, ultimately the responsibility lies with governments who often have little incentive to recognise and protect Indigenous peoples' rights; less so to accommodate customary law and governance structures. Numerous factors affect a state's capacity and willingness to recognise Indigenous peoples. It can simply be difficult for governments and majority societies to accept the notion that some groups existed in the land before the rest. Social

attitudes, such as negative feelings towards Indigenous peoples among the population, can prevent their acceptance. The size of the Indigenous population can also be a factor – larger groups tend to have more influence and are able to advocate for their rights. However, if a group is small and their claims (particularly to land) are relatively inconsequential, then the government may be more benevolent, and grant them the rights for which they are advocating (He, 2011, pp. 15-18). Countries with an historical practice of legal pluralism (stemming from colonialism or otherwise), or which have long recognised diversity within the state, usually fare better. Government responsiveness to international law also plays a role (Inguanzo, 2014, p. 67). Lack of clarity around the "Indigenous" designation means it can easily be ignored or manipulated, causing confusion.

The politicisation of indigeneity in the region is also the result of governments' co-option of the term "Indigenous". In the Philippines, for instance, under the Indigenous Peoples Rights Act (IPRA), the government controls the definition of "indigeneity" in the country. In order to benefit from Indigenous rights protections in legislation, Indigenous peoples must "perform" their indigeneity. Consequently, some Indigenous leaders and communities have focused on the utility of their customary characteristics or practices to get their interests met through the government-defined "indigenous" designation (Paredes, 2019, p. 86). Governments' rhetorical recognition or accommodation of Indigenous peoples' rights can serve them well reputationally in the national and international arenas. Accordingly, such projects frequently become highly politicised. For instance, in Sabah, Malaysia, the *Tagal* fisheries management system has been hailed a successful innovation in Indigenous-state resource co-management, however one interview participant who has looked at the system a little more closely claims that "it's been turned into a circus" (Participant L, personal communication, May 1, 2021). The politicisation of Indigenous peoples and their plight occurs across the region, but is particularly notable in Thailand. As one Indigenous leader told me, "Indigenous peoples are always looked at through the lens of politics" (Participant B, personal communication, November 1, 2020). Speaking about how Indigenous peoples' rights claims are perceived in the country, one regional expert explained how the government has crafted a narrative about

Indigenous peoples that enables it to reject their rights and to prevent them gaining or maintaining control of their traditional lands: "The discourse that these people are foreigners and trespassers is convenient because their land is at stake. It enables them to claim those lands and resources. Both the monarchy and the Thai state have done this" (Participant G, personal communication, February 15, 2021).

Another tactic used by the Thai government is to use Indigenous events to score political points. However, this is not wholly unwelcome among communities who stage the event as, to them, it demonstrates some level of recognition: "For instance, one of the Indigenous festivals was funded by the government at one point. It was something of a propaganda show, used as a political tactic, but the fact that they funded it demonstrates their recognition of its importance" (Participant E, personal communication, February 6, 2021). These examples highlight the way in which indigeneity is defined and used by governments in Southeast Asia. While recognition and visibility matters, the politicisation of indigenous identity is serving to further erode Indigenous self-determination in many countries.

While reclamation of Indigenous identity in many cases is an act of resurgence unconnected to state and non-Indigenous society, for some it is a political statement – a direct challenge to the politicisation of indigeneity and to how Indigenous peoples are viewed and treated in the country. One example is the Cambodia Indigenous Youth Association, an Indigenous-led youth organisation that grew out of the increasing popularity of indigeneity in the country, a movement it is now using to mobilise young Indigenous people for political activism. Speaking of a trend among young people of posting photos of themselves in traditional clothes on social media, one young Phnong leader explained that this practice is not just an expression of pride, but also a political statement:

They are respecting the traditions of their origins and they show that they have the right to show their indigeneity. So this is the force behind us. Because of the suppression put on us by the government, we're not satisfied. And in order to show that we are not satisfied, we

have to show our difference. Meaning that the state has to respect our rights. (Participant Q, personal communication, June 24, 2021)

In this way, the Indigenous resurgence movement in the region has an outward-facing aspect, with Indigenous peoples leaning into the politicisation of indigeneity, however reclaiming how it is defined and applied. In chapter seven, I discuss how Indigenous peoples are also instrumentalising their cultural symbols and practices as a strategic tactic in their interactions with governments.

While this resurgence of indigenous identity may be attributed to the international rights movement, it is increasingly being taken up and led at the community-level (Participant Q, personal communication, June 24, 2021), and is connected to a broader revitalisation of Indigenous culture and way of life being pursued by communities across the region. The final form of an Indigenous movement discussed in this chapter is that of *critical system resurrection*. This refers to the revitalisation of traditional systems, structures, and practices, including through formally passing traditional knowledge down to younger generations and evolving Indigenous governance structures and practices to respond to contemporary needs. Consistent with Indigenous resurgence, critical system resurrection is an objective in and of itself, however, it is also a direct response to a trend of traditional system breakdown caused by the multiple waves of colonisation that continue to threaten the survival of Indigenous nations in the region today.

5.4 Rebuilding: Critical system resurrection

Indigenous communities in the region are initiating projects of resurrecting cultural systems and practices in order to pass these on to future generations and prevent their extinction. This trend is occurring both informally through knowledge transfers in communities, as well as formally through the establishment of cultural schools, projects of documenting and asserting traditional knowledge and practices, and governing by Indigenous governance systems.

For Indigenous peoples in the region, state-provided education is viewed as both an opportunity and a threat. While state education opens doors to further education and employment in mainstream society, it is also threatening the survival of Indigenous knowledge systems as younger generations are educated in non-indigenous systems and ways of life, often away from their communities (Shimray, 2021). One participant from Myanmar specifically highlighted the education system as an eroding force: "The kind of education we are getting now is not based on Indigenous knowledge but instead on the state-led education systems, so it has clearly impacted the way we think, the way we see" (Participant U, November 13, 2021). Similarly, in Cambodia, the impacts of colonialism over time, not to mention the brutal Khmer Rouge period, has resulted in a loss of traditional knowledge in some communities to such an extent that they can no longer identify their traditional territories, making reclaiming a sense of identity and cohesion extremely challenging (Participant S, personal communication, October 11, 2021).

The harms of state education programs have prompted some Indigenous groups to turn away from these systems and develop their own cultural education programs. The Karen in Myanmar, for instance, run a "cultural school" inside the Salween Peace Park, a Karen-governed conservation area in the Salween River basin of Karen province. The school trains young people in traditional skills like weaving, traditional crafts, livelihoods, governance, housebuilding, land and resource management, and agricultural systems. A key purpose of training young people in these practices is to equip them to engage with the state from a position of strength, a motivation strengthened by a history of war and displacement of Indigenous peoples (Participant T, personal communication, November 8, 2021). Similarly, in Indonesia, since 2015 the Indigenous-led national organisation, AMAN, has established thirty-one networks of independent indigenous schools that are teaching indigenous languages, environmental values, crafts, dances, and stories to indigenous children. The schools are run by volunteers with the involvement of local elders, and are self-funded (Shakya, 2022, p. 47). In Vietnam, the Tay community are also running cultural programs for kids

during school breaks where they learn traditional songs and dances (Participant I, personal communication, March 6, 2021).

These practices of land-based and cultural education are reflective of the work of resurgence practitioners and theorists in CANZUS states, in particular the "Land-Based Education" in Denendeh, northern Canada, where resurgence scholars Glen Coulthard and Leanne Betasamosake Simpson teach self-determination theory and practice through engaging in traditional skills. The education program is based on the understanding that "land-based education is always about strengthening the sovereignty and self-determination of Indigenous nations" (National Centre for Collaboration in Indigenous Education, 2020). Simpson (2014b) writes about the importance of breaking away from state education systems to enable a resurgence of Indigenous systems and way of life:

A resurgence of Indigenous political cultures, governances and nation-building requires generations of Indigenous peoples to grow up intimately and strongly connected to our homelands, immersed in our languages and spiritualities, and embodying our traditions of agency, leadership, decision-making and diplomacy. This requires a radical break from state education systems – systems that are primarily designed to produce communities of individuals willing to uphold settler colonialism. (p. 1)

In his recent publication, *Looking Back and Looking Forward: Orang-Asli Self Governance and Democracy*, Indigenous rights scholar and advocate in Peninsular Malaysia Colin Nicholas (2021) writes about "back to roots" Orang Asli communities on Peninsular Malaysia who are returning to traditional lands and practices in the wake of failed state programs to provide for displaced communities. However, while the state education system does "not prioritise Orang Asli identity and self-determination" (p. 31), some communities are recognising its importance in assuring Orang Asli young people can find employment and engage in mainstream society. Recognising that this must not come at the cost of cultural connection and knowledge, however, these communities are implementing their own early childhood education programs with the aim of equipping Orang Asli

children to advocate for their rights (p. 56). These programs represent an interesting "hybrid" approach to future-proofing Indigenous communities and cultures.

Indigenous communities have long struggled against the forces of colonisation to preserve their cultures. Indeed, one of the most frequently mentioned challenges during the fieldwork was the breakdown of traditional governance systems and structures. The catalysts for this trend are broad, including social and cultural or spiritual disruptions to communities, government interference in traditional governance systems, and the fracturing or loss of traditional territories. Nicholas (2021) writes about the progressive colonisation of Orang Asli peoples and the breakdown of their political systems and structures (pp. 8-18). Today, most Orang Asli communities are governed by hierarchical structures imposed on them by the government. However, Nicholas argues, the breakdown of Orang Asli governance systems is also largely attributable to various cultural, economic and social conditions both within and outside of communities, including the influence of individualism, patriarchal values, Islam and Malay culture, the shortage of (genuine) Indigenous intellectuals and leaders, and a general collective loss of traditional knowledge (pp. 26-29). Several interview participants also noted the impact of such "cultural erosion" on Indigenous governance. Speaking in the context of Thailand, one participant gravely captured this breakdown when they told me, "Resurrecting traditional governing processes is unlikely as these typically do not exist anymore. There is no way of recreating what has been lost" (Participant E, personal communication, February 6, 2021).

In addition to reviving critical traditional systems for their own sake, some communities are using such cultural resurrections as a means of fortifying their communities and cultures against further erosion. In Sabah, Malaysia, a community-led organisation is documenting and supporting a trend amongst Indigenous communities of developing and adopting what they are calling "community protocols". Community protocols are based on traditional land management practices and are designed to guide external actors in their engagement with communities and their lands:

The term encompasses a broad range of practices and procedures, both written and unwritten, developed by indigenous peoples and their communities and other local communities (ILCs) in relation to their traditional knowledge (TK), territories, and natural and other resources. Community protocols articulate community-determined values, procedures, and priorities. They set out rights and responsibilities under customary, state, and international law as the basis for engaging with external actors such as governments, companies, academics, and NGOs. (PACOS Trust, n.d.)

The PACOS Trust report details several case studies describing how communities are documenting traditional beliefs and rituals, explaining the purpose for these, and translating or elaborating them in language understandable to external people. The communities are using these protocols to preserve traditional knowledge for future generations as well as to strengthen their positions in negotiations with governments and companies.

These deliberate activities of traditional system resurrection are often led by Indigenous leaders who are also leading their communities according to traditional governance practices, actively evolving these as a means of ensuring their survival into the future. Many Indigenous groups are historically self-governing, maintaining diplomatic relationships with one another, and in some cases with European colonisers and ruling administrations. One advantage for many Southeast Asian Indigenous peoples is the relative strength of their traditional systems and structures today compared to that of their counterparts in settler societies. This is attributable to several factors, not least to the less "effective" or absence of projects of elimination and genocide by colonisers in some Southeast Asian states. Many Indigenous groups continue to govern their communities according to their traditional systems with varying degrees of success (noting the trend of traditional governance breakdown discussed above). The long history of these systems and their survival today is a considerable strength when imagining the future of Indigenous-state political relationships in the region.

A young leader from Myanmar explained to me how Naga tribes have persisted in their customary governance and inter-national relations:

Each village or community had their own system. Some communities have their chieftainship systems where the chief of the tribe or the community plays a key role in decision-making. Some do not have a chief, but a kind of village council where they all come together and decide, so there is no leader in their community. But regardless of what kind of system we have, it is quite diverse...we continue to preserve our Indigenous governance systems. But if you look at it from the outside, it doesn't look like an administrative system; it looks like cultural activities or preserving their relationships. But that actually has continued; in order to govern and to co-exist as communities you need to maintain relationships of mutual respect and trust. That can always be achieved through the traditional relationship system, not by enacting law, policy, or regulations – it won't ever be achieved because [Indigenous governance] is always dynamic/keeps changing. (Participant U, personal communication, November 13, 2021)

Several other interview participants also explained the practices of traditional governance in their countries, and in doing so discussed the continuation of political relationships between Indigenous communities. In Cambodia, for instance, judicial issues bring communities together: "Many have their own system of working together – how to resolve problems between themselves for instance. This is happening a lot" (Participant P, personal communication, June 23, 2021). Another young leader in Cambodia explained that in some parts of the country, where the government does not fully recognise customary territories, Indigenous communities maintain their traditional land management practices:

The government has not fully recognised Indigenous lands and resources, but they recognise parts of it. However, we Indigenous people still know and use the area. Indigenous

communities still have their own land/territory; they still practise on and occupy the land.

(Participant P, personal communication, June 23, 2021)

In many cases these traditional systems behave as informal parallel governance structures to the state. In Peninsular Malaysia, one participant explained to me that remote Orang Asli communities in particular are governed by traditional systems, however, in many cases these have been heavily impacted by the state system, which they refer to as "corruptible practices":

the traditional village organisation still functions – there is still a council of elders; they have their own court and so on. There is a big range of structures. This doesn't mean it's back to the original system because it has usually been imbued by all sorts of corruptible practices. For instance, in the past there were no leaders, no headmen. There were just people whom you respected and would go to for advice or consultation, and you can become one of those.

(Participant L, personal communication, May 1, 2021)

The collective memory and practice of traditional governance is a critical strength when considering the future of Indigenous-state political relationships in the region. Drawing on theorists from various traditions in the region, Bussey (2018) argues that Asian nations must revitalise traditional systems as a guide for the future:

the way forward lay in the embracing of those rich traditions of Asia (Hindu, Islamic, Buddhist, Confucian, Taoist, Shinto, Christian and so on) that promote universal wellbeing, personal and social realization, deep governance, gender and social equity, and individual and social meaning for all. (p. 37)

He posits traditions should guide nationhood rebuilding in a post-colonial era. In order to grow forward, Asia should lean into its traditional roots, however not allow itself to be locked within them, but rather, by bringing them into dialogue with one another, the region can create something new for the future: "An Asian renaissance may well be under way...Asia is reclaiming the right of the

collective to not simply the necessities of existence, but also to a rich and fulfilling life in which the spiritual, intellectual and physical potentialities of each individual are supported" (pp. 42 & 44). This charge is deeply reminiscent of Indigenous resurgence which also calls on nations to resurrect traditional principles and practices to illuminate a healthy political future within the borders of states.

5.5 Conclusion

As demonstrated, Indigenous peoples in Southeast Asia are pursuing a movement of Indigenous resurgence across the region, exercising their right to self-determine their individual and collective identities and way of life as Indigenous peoples. Through the "coming home" movement, Indigenous people are leaving cities and returning to their traditional villages and territories to strengthen their connections to these places and learning, or re-learning cultural practices. The COVID-19 pandemic caused many people to return to their home villages, however the migration to rural areas has also been an opportunity for those individuals to reconnect with their communities and culture. Indigenous peoples across the region are also asserting their indigeneity more openly, emboldened by international and national Indigenous rights movements. Many Indigenous peoples are not recognised by governments; those who are (in the Philippines and Cambodia, for instance) must navigate government policies and rhetoric that dictate the definition of "indigenous" in the country. Along with boldly reclaiming and asserting their indigenous identities, many Indigenous communities are also resurrecting critical traditional systems that have been weakened or destroyed by colonisation.

The diverse political, social, and economic circumstances, as well as the diversity amongst Indigenous communities themselves, have had a significant impact on the tone and objectives of Indigenous resurgence movement across the region. Expansion of the "Indigenous category" can be attributed in part to its increasing political strength at the international level, however it can

certainly be argued that an Indigenous resurgence is occurring in its own right, reflecting some of the sentiments expressed by Indigenous resurgence theorists in Canada and the United States.

In the next chapter I unpack self-determination as an *objective* being pursued by Indigenous peoples in Southeast Asia. As discussed earlier in this chapter, the diverse capacities, resources, and priorities of Indigenous peoples across the region significantly shape how each community understands their rights. As such, I argue that self-determination across the region can be viewed as on a spectrum from a pathway out of poverty to political power, and it includes three domains: socio-economic wellbeing, civil rights, and cultural *thrival*. While each of these is a distinct pursuit, the findings show that the tenets of Indigenous resurgence are reflected in each domain, further demonstrating the resonance of Indigenous resurgence in the region.

Chapter 6 – An objective: A pathway out of poverty and political power

6.1 Introduction

In this chapter I argue that Indigenous peoples in Southeast Asia also see self-determination as an *objective*. The diversity of Indigenous peoples and their circumstances across the region significantly affects how the objective of self-determination is defined. I nevertheless show that it can be broadly understood as having three domains: socio-economic wellbeing, civil rights, and cultural *thrival*. I also demonstrate that these defining domains reflect Indigenous resurgence by showing the resonance of the resurgence principles of *mutuality* and *autonomy* in each of them. While my fieldwork points to a broad "leaning away" from states in response to ongoing oppression, I argue that, even while navigating largely harmful interactions with governments, Indigenous peoples are not wholly rejecting relationships with states. Consistent with Indigenous resurgence, they are seeking to protect, strengthen, and rebuild their nations as a priority so that they can engage with states from positions of renewed strength. These findings set the scene for the next chapter which considers how Indigenous peoples are pursuing self-determination in their interactions with the state, laying the foundation for the Indigenous-state political relationship model that is presented in chapter eight.

6.2 Place-based and political visions of self-determination

The goals of Indigenous peoples' advocacy vary considerably throughout the region along a spectrum from poverty reduction and basic civic rights to political recognition and power. Factors affecting a group's goals include the colonial history of the country, their political/policy context, availability of land, and the size, affluence, and access to opportunities of the Indigenous group relative to the rest of the population. Finding themselves in an array of circumstances, Indigenous

peoples are advocating for their rights with domestic governments in different ways. One Indigenous leader explained this:

For example...if you look at South Asia, they are very strong in their cultural identities, so their movement is more focused on self-determination...In East Asia on the other hand, they are only seeking recognition – they have to show their culture, so they wear their traditional clothes to show their identity in order to achieve recognition. In Myanmar, the Indigenous concept is still new, but they have a lot of diversity and each group is very strong in terms of the political movement; some even have their own state. But not in Vietnam and Laos. In these political contexts, Indigenous peoples are allowed to perform their culture, but that is all they are allowed to do. In Cambodia assimilation is very strong because Khmer is dominant, and they want to assimilate the smaller groups into Khmer. But there is a lot of resistance, particularly those in the new generation. (Participant Q, personal communication, June 24, 2021)

Despite these differences, there are commonalities in Indigenous peoples' understanding and pursuit of self-determination in the region. The influence of the UNDRIP and the global Indigenous rights movement is evident. As discussed in chapter two, Indigenous peoples are generally not seeking secession from states, but rather renewed relationships based on a shared understanding of their rights as political entities within the borders of states. NGOs and international organisations are also playing a key role in how self-determination is understood and pursued in the region; however, their interventions tend to be focused more on poverty reduction than on contributing to broader visions of Indigenous peoples' political relationship with the state. While their proximity to and relationships with communities often position them well for amplifying a community's priorities at the national and international levels (Participant K, personal communication, April 20, 2021), their own interests or limited understanding of Indigenous-state relations and the broader context can also lead NGOs to interfere with or even thwart a community's longer term objectives (Participant Q,

personal communication, June 24, 2021; Participant S, personal communication, October 11, 2021).

This interference typically comes in the form of an NGO supporting or strongly encouraging a community to accept an offer from the government that meets an immediate need or short-term objective at the cost of a longer-term vision for their self-determination – by surrendering their claim to their territory in return for a form of ownership over a small parcel of land, for example. Such interference can also cause divisions within a community. Speaking about Cambodia, one participant explains that,

NGOs come in and try to help villages meet their immediate needs. Anything that outsiders do that fractures relationships between villages and Indigenous advocates is the most harm that can be done. If you (an NGO) come in from the legitimate perspective and meet people where they are, they are not interested in these lofty ideals, so you help them where they are; that can really undermine everything. But again, their aspirations are based on where they are now, what they are exposed to and so on. That happens in Cambodia: people just come in, talk to each village, and have no idea about or don't care about the broader vision. (Participant S, personal communication, October 11, 2021)

Indeed, choosing between meeting short-term needs to address poverty and working toward a longer-term vision of political power is an ongoing and significant challenge for Indigenous nations in the region. Defining self-determination has become both more straightforward and more challenging with the advancement of the global Indigenous rights movement. Increased access to education and activism around the world means more Indigenous people are seeking political, social, and economic rights that go well beyond what state governments have ever envisioned. At the same time, threats to Indigenous lands and cultures are also increasing. Depending on their level of education and/or exposure to ideas, their capacity, and their experience of trauma, among other historical factors, people will differ dramatically regarding which factors they consider most important. As discussed in the previous chapter, in some countries there is a growing disconnect

between a mobile and educated stratum of Indigenous peoples (predominantly young people) and (usually remote) Indigenous communities. One regional expert explains this:

It's not so much young and old; it's more the people who are part of the international peoples' movement – and that is mostly young people. There are some older people who are involved, but they have had less of an opportunity – they haven't been as involved. The young people are engaging a lot more, attending meetings...on the phone, travelling around the world. They're getting a lot more of that, and getting much more of the original unadulterated Indigenous ideology compared to someone else who is trying to understand it through a translator and patch it together with some other ideas and not really so clearly.

(Participant S, personal communication, October 11, 2021)

Most countries in Southeast Asia have a mobile, educated, and interconnected group of Indigenous leaders who carry a vision of self-determination for their communities. While this vision is not necessarily absent at the local level, trauma and immediate needs cause some communities to narrow their scope and focus solely on survival, unwilling or unable to risk a confrontation with the state. In particular, those who survived traumatic experiences are more interested in continuing with their way of life rather than grappling with existential questions or even imagining a different reality. Indeed, most domestic governments in the region have little by way of a vision for Indigenous political authority within their borders; consequently, many educated Indigenous leaders find themselves living in two worlds – the world of internationally-recognised Indigenous rights and practice of self-determination, and the day-to-day realities of their communities at the village level. Emerging from this tension is a multi-dimensional, place-based, and political vision of self-determination that balances both meeting communities' immediate needs with laying the foundation for a radically different future.

Self-determination claims differ from one group to the next, are very place-based in response to circumstances, and are determined by the capacities and resources to which each group

has access. Communities will focus their advocacy on their greatest challenges (whether it be land-grabbing, food security, rights' protections, or political participation) and on the areas where they perceive they are most likely to gain traction. As one regional expert explains, each manoeuvre or advocacy campaign is a project that is deeply imbedded in the context and story of that community. The tactics and objectives pursued cannot therefore be evaluated against a broader or universal definition of self-determination – there is no right or wrong self-determination objective or means of pursuing that objective:

I see it all as a project. You can't really say whether it's the right or wrong project. Today you can argue that you'd be better off selling out and getting the best deal you can and forgetting about everything else. And you won't be wrong saying that...There are a lot of people with different ideas. Some are only concerned with their personal welfare, getting their own land that they can farm, and then there are people much more concerned about the future, maintaining community as is, and then those who for ideological reasons want to protect their community's rights – so there's a whole mix. (Participant S, personal communication, October 11, 2021)

Another interview participant explains how the definition of self-determination also evolves over time. Speaking in the context of Cambodia, they distinguish between the current "social" movement and the "political" movements of the past:

The Indigenous movement in Cambodia is actually evolving – we have a different movement today from previous generations; it's different from the French and Khmer Rouge times. Those were more political movements. Recently, the strength gained in establishing the Cambodian Indigenous Youth Association has pushed forward this kind of social movement; it has moved into the mainstream for generations to come. (Participant Q, personal communication, June 24, 2021)

While there are myriad "projects" of self-determination advocacy across the region, three broad themes emerge from this research: socio-economic wellbeing, civil rights, and what I have termed cultural *thrival*, meaning a state of thriving for a people and their culture, as opposed to merely surviving. Broadly, I suggest that Indigenous peoples' advocacy for self-determination in the region can be seen as an interweaving of these three objectives, with the emphasis determined by the various factors discussed above. Socio-economic wellbeing includes livelihood enhancement and freedom from violence, discrimination or marginalisation due to race, poverty (class), or culture. The term civil rights refers to recognition, as Indigenous peoples in particular, and participation – that is, meaningful participation in the political, social, and economic affairs of the state. Cultural *thrival* is the more "traditional" understanding of self-determination; it includes autonomy and self-governance which has two key dimensions: a) the robust continuation of spiritual connection to land and the natural world, and sustaining of ways of life, knowledge, governance, and social systems and, b) the freedom to actively evolve these to thrive in the modern world. This involves the resurrection of traditional institutions and practices and gaining control over customary lands and resources. The three domains of self-determination are depicted in figure 3 below.



Figure 3: Domains of self-determination.

To be realised, each layer relies on the one preceding it. Starting from the innermost circle, socio-economic wellbeing is critical for civil rights and cultural *thrival* to be possible. An Indigenous group is not genuinely recognised, for example, if it is facing insecurity from development aggression or is otherwise unable to engage in its livelihood. Without civil rights, cultural *thrival* (the resurrection of practices and structures) is possible if pursued in isolation, but the culture will not *thrive* without the opportunity to meaningfully engage with the mainstream social, political, and economic life of the state. Power and autonomy are absent unless the group has the opportunity to participate in mainstream decision-making.

A challenge in pursuing these objectives in tandem is that, while they rely on each other, they can also come into conflict with one another. The pursuit of improved socio-economic wellbeing, for example, including through participating in the mainstream economy, can and does contradict the principles and practices of sharing the wealth and stewardship of land and of the natural world that are central to many Indigenous cultures, the maintenance of which are critical to cultural *thrival*. One interview participant illustrates this by explaining the impact of capitalism on traditional Orang Asli governance systems:

because in the traditional context a leader is someone who is a good hunter, generous. You get a wild pig and you share. And of course you have to share; there is no way you can store it yourself, and because you share you are seen as a generous person. You're seen as a good hunter and not only that you ensure that someone else gets the meat. These days, however, you can shoot the wild boar and then sell it – you don't have to share. That's where individuality comes in, the economic/commercial, so the value system is already lost. This is an example of where they need to go back to the original system. This is what community is all about. (Participant L, personal communication, May 1, 2021)

Socio-economic wellbeing, civil rights, and cultural *thrival* represent the tangible or material gains through which Indigenous peoples are seeking to improve their immediate circumstances and that of future generations. These pursuits serve practical, immediate needs in response to their level of deprivation relative to the majority populations in their countries. In their advocacy for improved socio-economic wellbeing, civil rights, and cultural *thrival*, however, Indigenous peoples are also pursuing visions of a transformed political landscape in their countries, visions of building and maintaining healthy political relationships with state governments. The following sections look closely at the three domains of self-determination and considers the resonance of the resurgence concepts of mutuality and autonomy in Indigenous-state relations in these pursuits.

6.3 Resonance of mutuality and autonomy

As discussed in chapter three, mutuality and autonomy are key resurgence concepts that I argue must characterise a political relationship between Indigenous nations and states for that relationship to be just. Drawing on resurgence literature, I suggest that each concept has three principles: the principles of mutuality are *collective reconciliation with the earth*, *mutual sustenance*, and *relational responsibility*, while the principles of autonomy are *nation-to-nation relations*, *living freely in difference in common worlds*, and *fluidity of friendship*. Here I apply the mutuality and autonomy framework to the interview data to understand whether the resurgence concepts resonate with Indigenous peoples and their pursuits in the region. To measure "resonance" I consider each concept's credibility and relevance. I demonstrate that, regardless of their tangible objectives, whether that is control over lands or participation in decision-making, ultimately Indigenous peoples are in pursuit of just relationships with states based on the resurgence principles of mutuality and autonomy.

Improved socio-economic wellbeing

The self-determination component of socio-economic wellbeing is principally comprised of protection or security, livelihood, and secure access to land and resources. These needs rely both on a relationship with the state and the Indigenous community's ability to provide for itself. Accordingly, how socio-economic wellbeing is understood and pursued is resonant of the resurgence principles of *mutual sustenance*, a principle of mutuality, and *living freely in difference in common worlds* and *nation-to-nation relations*, both principles of autonomy.

Indigenous peoples throughout the region are seeking to strengthen their socio-economic circumstances, appealing to the UNDRIP in support of this effort. As was discussed in chapter four, threats to security predominantly emerge in the form of development aggression. Speaking in the context of Peninsular Malaysia, one participant argues that Indigenous peoples' understanding of a

"right relationship" with the state includes protection and assurance of security. If the government is unwilling or unable to provide this basic right, the only alternative is isolation: "Indigenous communities would like government to uphold their end of the bargain by looking after them, or to leave them alone" (Participant C, personal communication, December 13, 2020). The absence of security in fact causes some groups to pine for the European colonial era when their immediate needs were met:

Some people who remember that think, 'those were the good days' when the government took care of us. After independence, things changed somewhat. It's multi-layered. How the government has administered the Orang Asli is another form of colonisation too. (Participant H, personal communication, March 5, 2021)

In many cases, colonisation has disrupted Indigenous peoples' relationships with their land, causing many to struggle to meet their basic needs. In some parts of the region where this disruption has been severe, colonial conditioning by European rulers left an expectation of state protection, an expectation that many modern governments are failing to meet. Consequently, for many Indigenous peoples, self-determination first and foremost means survival, that is, assurance of livelihood, their food security in particular. While a secure livelihood is important for groups across the region, it is a central focus for those in countries where there is little to no recognition of Indigenous peoples, such as on peninsular Southeast Asia where survival is a daily struggle. This is certainly the case in Laos, as one young Indigenous leader told me:

Groups just want to survive day by day. That is the basic need for them...Ultimately, Laos ethnic groups are more interested in their livelihoods than they are in their rights. That is not saying they're not interested in their rights, but their first priority is to meet their needs. (Participant J, personal communication, March 6, 2021)

Livelihood necessarily includes the right to control their lands – to use it in accordance with their traditional practices; for instance, as one Indigenous leader in Vietnam clearly explained, "It's very simple – they want to have enough food. But they are not able to decide things for themselves" (Participant I, personal communication, March 6, 2021), referring to the inability of Indigenous groups to make any decisions as a community, including how they use their land. Similarly, in Thailand self-sufficiency is a critical component of self-determination: "A legitimate self-determination claim in the Thai context would be to talk about self-sufficiency and self-reliance – it is about resources and land use" (Participant G, personal communication, February 15, 2021). Speaking in the context of Cambodia, one regional expert emphasises the centrality of a secure livelihood to the concept of self-determination in that country:

I've actually asked people in villages what self-determination means to them, and they say 'it's the right to practise our livelihoods'.... Amongst more local people there is a real focus on livelihoods; people talk about Indigenous rights in terms of livelihoods – 'we have the right to practise shifting cultivation, to plant where and when we want to plant, to use our land the way we want to use it'. (Participant S, personal communication, October 11, 2021)

Among many groups, interest in self-sufficiency grew during the COVID-19 pandemic. One young Indigenous leader in Cambodia describes their community's learning about the value of being cut off from markets and instead being dependent on what they could produce as a community:

COVID has taught a good lesson in regard to food security and sovereignty. Some communities are more reliant on the outside for food. In the case of one community, they grow cashew nuts and then sell these to buy rice. Now, with COVID, they are struggling. I've seen a lot of youth – they miss the old days when we were dependent only on ourselves. We have tons of food to eat within our land...we would like to see the community have their own food also, so they don't need to rely on others. In the past they didn't have to rely on others. I've seen in some communities they have strong independence within themselves

and they have done much better since COVID came. But those communities that are more dependent on the global economy, they have been impacted a lot. (Participant P, personal communication, June 23, 2021)

This experience highlights the fact that access to a secure livelihood is not just about individual survival; rather, it is part of a broader pursuit of community cohesion and independence. A similar sentiment expressed by an Indigenous leader in Indonesia goes a step further in suggesting that Indigenous peoples' conception of livelihood and self-sufficiency is counter-cultural, challenging the country's rapid urbanisation. They argue that living according to Indigenous ways apart from mainstream society is synchronous with improved socio-economic wellbeing:

We also need to rethink the urban-rural relationship. Until now we've been made to believe that modernisation is the only way – you need to be in the city. But look at the situation in the cities – they are most vulnerable. Those of us in the rural communities, living with nature, are thriving. We are harvesting more. That's where our aspirations are. As long as the government leaves us alone, we will be fine. (Participant F, personal communication, February 19, 2021)

This desire for greater autonomy does not mean that isolation or full independence from the government's reach is necessarily desirable. For many groups, striking a balance between engaging enough to meet their needs as a community and protecting themselves from the harms often associated with government interactions – such as militarisation, interference with customary governance, and land expropriation – is a significant challenge. As one participant in Peninsular Malaysia explains, "For some Orang Asli, involvement in mainstream society has been tremendously negative, which cultivates the desire for isolation. Ultimately, what the communities want is to have enough to live well" (Participant A, personal communication, November 14, 2020).

Advocacy for improved socio-economic wellbeing speaks of an interest among Indigenous groups in not just having their needs met as citizens of the state, but also in being recognised as

political entities with their own independent relationship with the land and its resources. This resonates with the mutuality principle of *mutual sustenance*, in particular the quality of sharing benefits from the land, as well as the right to live according to their own culture – in this context this means using their land according to customary practice. This demonstrates that the resurgence principle of *living freely in difference in common worlds* is also relevant to Indigenous peoples' self-determination objectives. Also reflected is Indigenous peoples' interest in some degree of independence, expressed here as self-sufficiency. While this does not wholly capture the quality of *nation-to-nation relations*, a necessary component of autonomy, self-sufficiency is a critical aspect that empowers political independence, particularly in the context of relationships with liberal democratic systems in which capitalism is a core value and pursuit.

Broadly, Indigenous peoples' advocacy for improved socio-economic wellbeing is centred on secure livelihoods as both a pathway out of poverty, as well as a broader project of strengthened independence through self-sufficiency in accordance with their customary land and resource cultivation and management practices. However, in Southeast Asian states where there is limited geographical space, Indigenous groups are often small and cultural differences between the mainstream and Indigenous societies are minimal. This is the case even where Indigenous peoples have a strong presence (as in Sabah and Sarawak, Malaysia), and isolationist self-sufficiency is undesirable. Instead, self-determination advocacy emphasises the desire for influence and improved participation in the life of the state.

Civil rights

Civil rights necessarily involve engaging with the state; however, as with improved socio-economic wellbeing, this second domain of self-determination also reflects only one mutuality principle and two autonomy principles of resurgence: *relational responsibility* (mutuality), *living freely in difference in common worlds*, and *nation to nation relationship* (autonomy). This suggests

that even in the pursuit of greater participation and recognition, Indigenous peoples are principally concerned with guarding their autonomy and way of life in their engagement with the state.

Many Southeast Asian Indigenous communities are denied basic civil rights due to poverty, racism, and, in some instances, geographic isolation, excluding them from political participation. Civil rights are central to the realisation of self-determination (UN Expert Mechanism on the Rights of Indigenous Peoples, 2021, p. 18); this means equality with the majority population in terms of freedom from oppression and access to opportunities, recognition as Indigenous peoples and the unique rights this identity entails, along with meaningful participation in decision-making on matters that concern the present and future wellbeing of their communities. International law provides for the recognition of Indigenous peoples as equal citizens to all others, however not at the cost of their unique culture and relationship with land. Indeed, for Indigenous peoples, "equality" does not mean individual citizenship but rather protection of and respect for unique collective identities (Anaya, 2004, p. 15) consistent with the definition of self-determination introduced by the UNDRIP, as discussed in chapter two, that it is a collective right of Indigenous groups who are located within the borders of states.

Indigenous leaders in the region, while desiring autonomy, are consistent in their advocacy for meaningful participation in the political, social, and economic life of the state so long as it does not cost them their culture, lands, or indeed their lives. For most Indigenous peoples in the region, it is simply not practicable or desirable to be independent, as is the case in the Malaysian states of Sabah and Sarawak, for instance, whose respective populations and economies are too small to be independent nations (Tan, 2017, p. 18)²³. Consequently, as one regional expert explains, many Indigenous groups view engagement with the state as critical to their survival:

²³ However, as discussed in chapter five, there is an ongoing secessionist movement in Sabah and Sarawak, calling for the two states' independence from the Malaysian federation. The movement is strengthened by the fact that Sabah and Sarawak produce over half of Malaysia's oil and gas (Chin, 2020).

If you look at the level of poverty that exists in so many places, how many of those people in impoverished situations are talking about disengagement with the state? They want more engagement with the state – they want more services. They're not talking about disengagement; they want fair engagement and more resources because they're not getting what they deserve. (Participant M, personal communication, May 9, 2021)

However, while some Indigenous communities are seeking to participate in state governance and decision-making processes, this does not mean they are also interested in surrendering to state control or otherwise being incorporated into state political structures. This dynamic is exemplified in Cambodia where Indigenous leaders are seeking recognition and respect from government as Indigenous peoples with the right to autonomy in decision-making, while at the same time seeking to improve their opportunities for participation in governance:

We are more concerned about the government respecting us, respecting our culture, respecting our rights; we want to govern ourselves, but we are under one country system. But we need our own decision-making for conservation, development, and politics in the future. That is our intention. (Participant P, personal communication, June 23, 2021)

Across the region, participation is viewed as a means of being recognised as unique political entities with particular governing rights. Speaking in the context of Myanmar, one participant highlights the challenge of seeking to influence government policies while also maintaining their identity as Indigenous peoples and the autonomy that entails:

At the national level we advocate to influence national legislation and policy-making, but it's always a different challenge because the state doesn't want to recognise Indigenous peoples, especially in Myanmar. The term 'indigenous' comes with the right to self-determination and also autonomy and right to land and natural resources, and the state

thinks that they should continue to control peoples and also the land and natural resources.

(Interview participant U, November 13, 2021)

Some Indigenous peoples in Myanmar are in fact advocating for recognition within the state's federal system (although the military coup in February 2021 and escalating conflict has impacted this effort). However, participation in the federation is also largely viewed as a vehicle for achieving formal recognition as autonomous polities that would enable Indigenous groups to govern according to their customary systems:

It's not just about federalism; it's more about recognition of who we are. In fact, people will talk about justice and fairness, but I think it's more about dignity. We want to be recognised and continue to exist in our relationships with different groups and the kind of governance system that we have. Because the current political culture and structure is built within the nation-state system, it's not really compatible with the systems we have. (Participant U, November 13, 2021)

Here Participant U is explaining that, for his community, relationships *are* governance. By engaging in relationships with other Indigenous groups and the government, they are practicing their traditional customary governance systems. The incompatibility of Indigenous and state governance systems also makes the realisation of self-determination more challenging for Indigenous peoples in the region. As in Myanmar, Indigenous groups in (the highlands of) Thailand have also found that the best way to achieve some form of autonomy and political recognition, even if not on their own terms, is to govern within the state structures – in this case, the local government system. However, the incompatibility of customary and state governance practices and values is notable:

Indigenous peoples tend to govern by the local government system. The trick is getting good people into leadership positions – those who have Indigenous values are committed to their

communities. For Thai Indigenous peoples, this would satisfy 'self-governance'. (Participant E, personal communication, February 6, 2021)

Recognition, or more specifically the lack thereof, remains a key barrier for Indigenous peoples in Southeast Asia and is therefore an ongoing advocacy issue. The governments of Laos, Thailand, and Vietnam in particular are resistant to acknowledging Indigenous peoples within their borders, making it particularly challenging for Indigenous groups to safely engage in civil spaces. For Indigenous peoples in Laos, achieving basic equality with the majority population is the first hurdle on the road to self-determination:

In Laos, the government hasn't recognised the concept of indigeneity; they go by a more Marxist/Leninist view in that they're going for equality, but not so much self-determination. Membership of the state, no discrimination, equality between all ethnic groups – that is appealing for a lot of ethnic minorities, this idea of equality. It's a different route to the same goal. Sometimes when you have the recognition of difference, it allows you to push for more rights that will put you more on par with the majority group. But also asking for equality of all groups, then that can be appealing as well. (Participant M, personal communication, May 9, 2021)

Indeed, for some Indigenous groups in the region, recognition as unique peoples with self-governing rights that go beyond that of the general population is far beyond reach, and in some cases even dangerous to advocate for. This is the case in parts of Thailand where Indigenous groups "don't want to be seen as special or extra from what other people get. They see that as politically dangerous and a route to not gaining what they want to get" (Participant M, personal communication, May 9, 2021). The outcomes of this research project demonstrate, however, that even where Indigenous peoples do not enjoy the same civil rights as the majority of the population, most of them are seeking recognition of their unique rights. In Indonesia, the Alliance of Indigenous Peoples of the Archipelago (AMAN) is leading a campaign for the recognition and protection of

Indigenous peoples' rights in domestic law, as laid out in UNDRIP (Participant F, personal communication, February 19, 2021). A similar campaign seeking national legislation addressing Indigenous rights is underway in Thailand (Participant M, personal communication, May 9, 2021; Participant G, personal communication, February 15, 2021,).

It is clear in these advocacy pursuits, and in the persistence of customary governance practices and systems, that Indigenous peoples are seeking varying degrees of autonomy through political independence or, in resurgence terms, a *nation-to-nation relationship* with the state. Key to achieving such a relationship is recognition, if not of sovereign rights over their lands then at least of their distinctive cultures, governance systems, and ways of life. This speaks to the resurgence concept of *living freely in difference in common worlds*, whereby Indigenous nations peacefully co-exist with state governance systems without being co-opted by them. As is the case for some groups in Myanmar and Thailand, participation in state structures is in some respects viewed as a last resort, or as consolation in lieu of formal recognition as autonomous Indigenous nations. However, this does not mean that, given the opportunity, they would choose to have no interaction with the state. Indigenous peoples maintain an interest in partnering with state governments, governing cooperatively:

Of course, people want to be able to control their own lives. They may not always use the language of 'self-determination' and 'self-government', but if you talk with them in real terms, they want to be taken seriously, they want their views listened to, they want to get the government to respond to things that they think need to be done, they want to be empowered as much as they can in whatever context they are in. They may not use that terminology, but they certainly want that – who wouldn't? (Participant M, personal communication, May 9, 2021)

This interest in responsive and empowering engagement with the state aligns with the resurgence concept of *relational responsibility*. While it perhaps falls short of the full maturity of this

concept, whereby the parties prioritise their connection (in this case, the Indigenous group is prioritising the needs of their community and the relationship with government is a means to an end in that pursuit), it is an acknowledgement of the necessity of an interactive and living political relationship in order for self-determination to be realised and to manage the practical matters of governance. Speaking about some Indigenous communities in Thailand, one regional expert explains the frustration that communities feel when this relationship is not functioning:

Yesterday I was in a village here in the Nam province; they're trying to get the government to respond to them and they're having a really hard time. They've put a lot of effort into it and haven't had much success. They're not talking about disengaging; what they're upset about is that people aren't taking them seriously – they're hardly listened to...and they're powerless to do anything about it. (Participant M, personal communication, May 9, 2021)

No Southeast Asian government envisioned accommodating or partnering with minority sovereigns within their borders following the post-WWII decolonisation era. In fact, as was discussed in chapter four, contemporary governments in the region adopted the governing institutions and processes of their former European colonisers whose heavy-handed approaches were maintained by the national elites when they took power at independence, continuing the colonial-style rule in their countries and, in some cases, oppressing minorities more brutally (He, 2011; Huat, 2008; Kim, 2009). This is both the effect of mirroring the behaviour of colonial states, as well as the result of adoption of colonial institutions and governance structures after decolonisation. Subsequent economic and nationhood-building agendas further justified a low tolerance and even suppression of any minority claims, including those of Indigenous peoples.

Indigenous peoples' pursuit of self-determination in Southeast Asia represents the work of "breaking of colonial ties" with the colonial legacies of the states in which they reside (Barnes et al, 1995, p. 37). This again demonstrates a synchronicity in the self-determination pursuits of

Indigenous peoples in Southeast Asia and those in CANZUS states, further demonstrating resurgence principles have resonance across colonial contexts.

The third domain of self-determination that is pursued by Indigenous peoples in the region, *cultural thrival*, is the most resonant of Indigenous resurgence, strongly reflecting four of the six principles of mutuality and autonomy.

Cultural thrival

Cultural *thrival* is the pursuit of power or improved autonomy, control over customary lands and the resources on those lands, and the resurrection of traditional systems. This domain of self-determination relies in many respects on the realisation of the preceding two; however, as was discussed in the previous chapter, a revival of Indigenous identity and culture across the region suggests that some Indigenous groups are taking matters into their own hands, rebuilding their respective nationhoods despite a lack of recognition or even in the face of resistance from state governments. Self-determination in turn is pursued by Indigenous peoples to gain control over their economic, social, and political lives (Barnes et al, 1995, p. 37). These objectives reflect all three autonomy principles of resurgence: *living freely in difference in common worlds*, *nation-to-nation relations*, and *fluidity of friendship*, as well as the mutuality principle of *collective reconciliation with the earth*.

One participant explained to me that in some cases, governments simply do not understand Indigenous peoples' experiences and perspectives and are perplexed by their resistance to state development and assimilation projects:

The Malaysian government feels like they have done everything they can do to help the communities to develop. They don't understand why the communities are resisting. It's difficult because if you don't even recognise the problem, how do you go about solving it? For example, this policy of conversion to Islam and assimilation – to get Orang Asli to become Malays. They think this is a better way – that they are bringing enlightenment to

the people, making them civilised, bringing them out of the forests, giving them proper houses and real jobs, and they think that this is the ideal and everything other than this is off. So, they are going to try to continue to pull people toward this vision that they have. When you consider what a government official would think about all the programs that have been rolled out for Orang Asli over the years, you can understand how they would think 'we've pulled out all the stops. (Participant H, personal communication, March 5, 2021)

This dynamic has contributed to a sustained interest in isolation, at least among some Indigenous groups. In places like Peninsular Malaysia, autonomy in the form of isolation is not necessarily the objective, but the distance from the state and non-Indigenous society provides safety and the opportunity to resurrect and nurture traditional structures and practices. A contingent of Indigenous communities referred to as "back to the roots villages" or "break-away villages" enjoy significantly more autonomy than those who have remained closely connected to governmental systems (Participant L, personal communication, May 1, 2021).

While the UNDRIP sets out some defining features of self-determination, including the right to self-governance, it remains ill-defined and in many cases is beyond the capacities of national governments to envision. Adding to this challenge is the diversity of autonomy claims. In Thailand, for instance, autonomy is very much understood as occurring at the local level. Customary governance continues to be practised in communities and is therefore the basis upon which Indigenous peoples envision and advocate for their self-governance (Participant O, personal communication, June 8, 2021). In the Cordilleras region in the Philippines, on the other hand, autonomy is conceived at the regional level, largely due to the recognition of regional autonomy in the national constitution. However, to date the Indigenous peoples (the Igorot peoples) who make up the majority population of the region have rejected autonomy in two referendums due to the terms drawn up by government not meeting their interests. Demand for genuine autonomy is ongoing (Participant E, personal communication, February 6, 2021).

A clear, consistent message across the region is that autonomy matters. Autonomy here is not just about a particular position in the political landscape, but rather is about identity – not only identity as Indigenous peoples, but identity as *distinct* peoples. Such autonomy is central to Indigenous peoples' right to self-determination (Tan, 2017, p. 5). One Indigenous leader from the Naga community in Myanmar explains that elective isolation is a way of preserving customary governance practices as well as declaring their difference from the majority population:

For us, Naga, we have been isolating ourselves. We don't want to engage with even other ethnic armed groups like KNU, KIO, simply because we're not sticking for federalism because we've never been colonised or under that. Therefore, we want to continue to maintain the status quo of independent people. It's an ideological position – a recognition that we are a different people, therefore we need recognition of being different from the mainstream.

(Participant U, personal communication, November 13, 2021)

In its 2021 report on self-determination, the UN Expert Mechanism on the Rights of Indigenous Peoples found that when governments do seek to provide for or accommodate some form of self-governance, they tend to require Indigenous groups to adopt state governing structures and systems (UN Expert Mechanism Report, 2021, p. 13). While this can go some way toward meeting Indigenous peoples' interests, it falls short of acknowledging the distinct identity aspect of autonomy. As an Indigenous leader in Thailand succinctly puts it: "The concept of self-determination is the exercise of our rights to live well and to live as we wish, according to our culture and customary law without any kind of coercion" (Participant O, personal communication, June 8, 2021). This view is also strongly held in Malaysia: "Self-determination means that Indigenous peoples' governance, democracy, and way of life is determined by them, not by the government" (Participant B, personal communication, November 15, 2020). Like their counterparts in the CANZUS states, Indigenous peoples in Southeast Asia are interested in autonomy on their terms, characterised by their distinct cultures and way of life. These findings demonstrate the extent to which the

resurgence concept of *living freely in difference in common worlds* resonates with self-determination claims in the region. While state governance structures can be useful in gaining some independence from the state, simply mirroring, adopting, or joining state governance hierarchies does not allow for Indigenous peoples and their cultures to thrive.

A key challenge for many governments is the land and resources aspect of Indigenous peoples' rights. As Daytec-Yangot (2010) clearly states, "Self-determination is not equivalent to mere democratic rights or the right to participate in political institutions since it has an indispensable resource dimension which recognises peoples' control over their lands" (p. 6). Indeed, rights over land and resources are central to Indigenous peoples' advocacy, and in much of the region, synonymous with self-determination. Even in Vietnam where Indigenous communities are under constant surveillance and enjoy few freedoms, the concept of self-determination is understood and embraced as inextricably linked to control over land: "Demand for self-determination means rights to land and resources that belong to us – because we have been there for generations; the state came afterward" (Participant Q, personal communication, June 24, 2021). In the Philippines, while specific interests vary considerably between Indigenous peoples, a common goal is control over traditional territories: "Their basic objective is the same – respect for self-determination and to protect their ancestral land, territories, and resources" (Participant R, personal communication, October 1, 2021).

In Indonesia, "[Indigenous peoples'] struggle is very much about land" (Participant E, personal communication, February 1, 2021), and in Malaysia, "land rights [are] the major manifestation of the right to self-determination – if government really wants to recognise Orang Asli as Indigenous peoples, it must recognise their territories" (Participant L, personal communication, May 1, 2021). In Myanmar, a regional expert explained that Indigenous groups there also prioritise their land rights: "Well, the first thing is protecting your land so your land stays in your community. Anything that can basically help with that" (Participant S, personal communication, October 11, 2021). Even with the 2001 Land Law in Cambodia, under which Indigenous groups can acquire

certain land rights, the rate of land loss to agribusiness has made it difficult for Indigenous groups to secure unfragmented territory claims (Milne, 2013, p. 326). Nevertheless, Indigenous leaders are clear in their claims: "What we want is a large amount of land with a boundary around each ethnic group. You can't separate out house, land, farmland, etc; it's not culturally appropriate" (Participant Q, personal communication, June 24, 2021).

Indigenous peoples' interest in land control goes beyond an interest in economic development for their communities. For most Indigenous peoples around the globe, land ownership has both a political and spiritual component; this is equally true of Southeast Asian groups. Politically, land ownership empowers Indigenous nations to authoritatively engage with governments. Without land and resource entitlements, Indigenous peoples cannot "negotiate freely their political status and representation in the State in which they live" (Daes, 2008, p. 23). Land rights mean bargaining power and help ensure Indigenous peoples are not simply subject to the will of the majority (Daytec-Yangot, 2010, pp. 79-80). Daytec-Yangot (2010) in fact argues that to limit self-determination to democratic rights and exclude a land and resources component is worse than providing no rights at all. Without rights to land, "[indigenous peoples'] oppression is legitimated by their participation in the democratic process that produced it. In other words, they become inadvertent co-authors of their own minoritization" (pp. 79-80).

Like in CANZUS countries, Indigenous peoples in Southeast Asia are deeply connected to their lands. As one Indigenous leader of a nationwide Indigenous rights campaign in the Philippines called *Land is life* explains, lands are synonymous with Indigenous peoples' identity:

Our identity is when we talk about land. When the corporations and government take the land away from us, we have nothing. There is no discussion about us. If we discuss land and the environment, we are talking about the social, economic, and political and cultural aspects of our lives that we are developing and reflecting on in our daily lives. It is the distinct identity of our group as Indigenous peoples. When you dialogue about your own

land, you're talking about your identity. (Participant N, personal communication, May 20, 2021)

As such, control over land and resources encapsulates the whole definition of self-determination, by having an economic (self-sufficiency), political, and spiritual or cultural dimension. Communicating the complexity of this relationship in governmental terms is difficult, particularly in light of contemporary challenges, as one scholar from Peninsular Malaysia explains:

It is inaccurate to say Indigenous peoples do not want to conserve their lands, but it would also be inaccurate to say that they do want to conserve their land. How they see their relationship to the land is as a sustained relationship – but they also see it as productive. They see themselves as part of a series of relationships. A lot of the behaviour we see now by communities – poaching, etc. – is because of fracturing within their communities. Traditionally they would still hunt and fish, but it would be sustainable. (Participant C, personal communication, December 13, 2020)

The centrality of land to Indigenous peoples' spiritual, economic, and political wellbeing is consistent with the resurgence concepts of *collective reconciliation with the earth* and *nation to nation relationship* with states. Without control over their traditional territories, Indigenous communities cannot sustain themselves, and their influence in the political arena is limited; it is a reason for governments' resistance to accommodating this right around the world.

Where Indigenous peoples are cut off from their traditional territories, their ability to resurrect and strengthen their traditional institutions, practices, and relationships is also severely affected. This work is central to cultural *thrival* and linked with a move toward improved autonomy. As one Indigenous rights advocate in Thailand explains, the country's Indigenous rights movement "is about reassertion of local histories, cultures, languages, and movement toward decentralising power" (Participant G, personal communication, February 15, 2021). The Expert Mechanism on the Rights of Indigenous Peoples has stressed the important role of Indigenous legal traditions, as they

can support peaceful relations between Indigenous groups and the states and empower Indigenous peoples to contribute to state decision-making (Nosek, 2016, p. 153). In fact, Nosek (2016) argues that Indigenous peoples' right to Free Prior and Informed Consent cannot be implemented unless Indigenous peoples have the opportunity to employ their own decision-making processes and are "empowered to formulate [their] own consent procedures by drawing on [their] Indigenous legal traditions" (Nosek, 2016, p. 153). As one participant highlights, these governance processes are predominantly land-based:

We think it is important to revitalise and restore Indigenous relational systems with nature and land and to again understand Indigenous governance systems which have been systematically deconstructed by the nation-state formation, etc. By doing that, it is also rebuilding intergenerational educational systems in Indigenous communities, which have also been diminished because of military regimes and dictatorships in the past. (Interview participant U, November 13, 2021)

The revival of cultural systems and structures is occurring in various ways across the region. However, this "critical system resurrection" is by no means about retreat or a recreation of historical ways of being. Rather, its purpose is to ensure the survival of Indigenous cultures as well as to strengthen and enrich self-determination advocacy. Like control over traditional territories, critical system resurrection has an economic, political, and spiritual or identity dimension. As a prominent Indigenous leader in Indonesia explains, Indigenous communities are envisioning a future for themselves in which their unique and ancient cultures are thriving in the modern world:

Our vision is sovereignty, prosperity, and dignity. We believe we are only fully ourselves once we have reached those goals. At the same time, we have been talking about how we can get legal certainty as Indigenous – to have rights over our territories, resources, and our lives. Rights to do our rehabilitations. We are not trying to romanticise the past – we don't want to

go backward. Indigenous peoples are contemporary, evolving. In fact, contemporary society is actually indigenous. (Participant F, personal communication, February 19, 2021)

In Myanmar, the Karen people have taken a significant step toward their vision for autonomy and cultural revival through the establishment of the Salween Peace Park (SPP), a six thousand square kilometre territory within the Karen state that is governed by an assembly of elected representatives from Karen communities. The territory is managed through revitalised Indigenous conservation practices (Karen Environmental and Social Action Network, 2017) and at its heart is a cultural school that trains young people in traditional skills, livelihoods, and practices, empowering future generations to continue living according to Karen principles (Participant T, personal communication, November 8, 2021). One participant from Malaysia highlights the importance of reviving cultural principles and practices in the pursuit of self-determination:

You can have a definition of self-determination – control of land and rights – but if that leads to a community where because of their control they use the land in this way, it's just full control of the capitalist system. Instead of someone else controlling your capitalist system, you are now in control, but where are the indigenous values? That's what's more important when we talk about indigenous governance. (Participant L, personal communication, May 1, 2021)

Indigenous peoples' work toward and advocacy for critical traditional system resurrection points to the resurgence concepts of *collective reconciliation with the earth*, as well as *living in difference in common worlds*, and *fluidity of friendship*. As has been discussed, interrelationship with the land and the natural world are central to Indigenous peoples' ontologies and governance. Waves of colonisation have interrupted these relationships and, by extension, have critically undermined Indigenous systems and institutions. In order for the critical systems needed for self-determination to be rebuilt, Indigenous nations will need to reconcile and rebuild their connections to their lands. Traditional system resurrection also highlights Indigenous peoples' distinct interest in the survival of

their cultures and ways of living and governing their communities according to their traditional practices. *Fluidity of friendship* is reflected in communities' interest in evolving their cultures. Rather than returning to the ways of their ancestors, Indigenous groups are seeking to translate the wisdom and practices of their cultures to the contemporary context. Self-determination, therefore, is as much about power and affluence as it is about strengthening and preserving their unique identities.

6.4 Discussion

In the preceding section I demonstrated that Indigenous peoples in Southeast Asia broadly define self-determination in three ways: as socio-economic wellbeing, civil rights, and cultural *thrival*.

Noting the diversity of Indigenous groups within each country and that the interview participants can by no means be taken as representatives of all Indigenous peoples in their countries, Figure 4 below gives a sense of the relationship between the resurgence principles and self-determination objectives across all three domains.

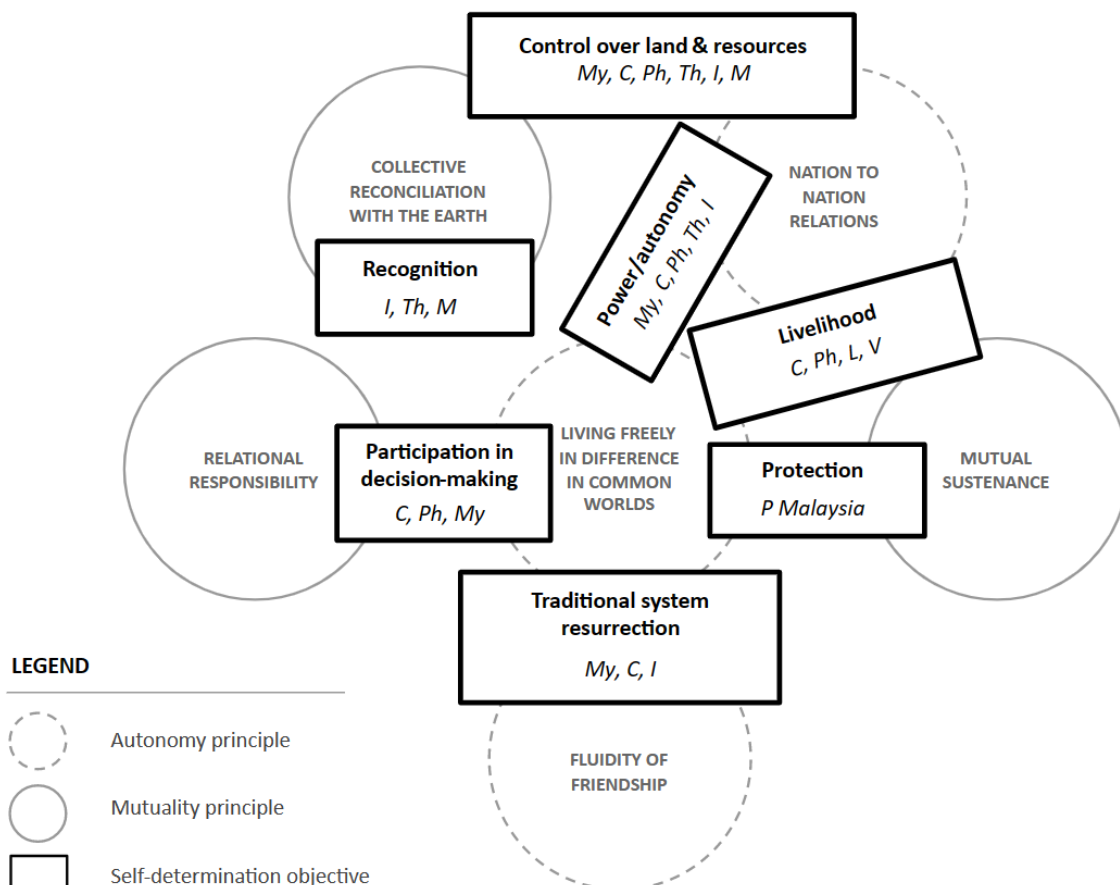


Figure 4: Relationships between the resurgence principles and self-determination objectives.

What is clear from this research is that mutuality and autonomy are indeed central to Indigenous peoples' pursuit of self-determination in Southeast Asia. Across all three domains of self-determination, the principles of mutuality and autonomy are consistent with how self-determination is defined in the region. Several of the objectives reflect principles from both concepts; notably, *living freely in difference in common worlds* occurs most frequently and in combination with nearly all other principles.

Table 3 below shows the frequency and distribution of the self-determination objectives and resurgence principles across the interview participants and countries.

Table 3: Frequency and distribution of self-determination objectives and resurgence principles across interview participants and countries.

SELF-DETERMINATION COMPONENT	SELF-DETERMINATION OBJECTIVE	# OF PARTICIPANTS WHO CITED THIS	ASSOCIATED MUTUALITY OR AUTONOMY PRINCIPLE	FROM WHAT COUNTRY
Socio-economic wellbeing	Livelihood	6	<ul style="list-style-type: none"> • Mutual sustenance • Nation-to-nation relations • Living freely... 	Cambodia Laos Philippines Vietnam
	Protection	4	<ul style="list-style-type: none"> • Living freely... • Mutual sustenance 	P Malaysia Region
Civil rights	Recognition	4	<ul style="list-style-type: none"> • Collective reconciliation... 	Indonesia Malaysia Thailand
	Participation in decision-making	3	<ul style="list-style-type: none"> • Living freely • Relational responsibility 	Cambodia Myanmar Philippines
Cultural <i>thrival</i>	Power/autonomy	12	<ul style="list-style-type: none"> • Nation-to-nation relations • Living freely... 	Cambodia Indonesia Myanmar Philippines Thailand
	Control over land & resources	9	<ul style="list-style-type: none"> • Collective reconciliation... • Nation-to-nation relations 	Cambodia Indonesia Malaysia Myanmar Philippines Thailand
	Traditional system resurrection	4	<ul style="list-style-type: none"> • Fluidity of friendship • Living freely... 	Cambodia Indonesia Myanmar

The principles of autonomy occur most frequently, with over half of all the interview participants mentioning improved autonomy or power as a key self-determination objective. This suggests Indigenous peoples across the region are more concerned with the preservation of their cultures and way of life than with engaging with the state. A close second is the number of participants who highlighted the centrality of control over land and resources, in spite of this component being particularly complex and facing the most significant resistance from state governments.

Protection or reliance on the state featured most prominently in interviews concerning Orang Asli in Peninsular Malaysia, though this was also highlighted by one participant as a self-determination priority for the whole region. This is perhaps a combination of the relative size of the Orang Asli population vis-à-vis the rest of the population and the impacts of colonialism on the Malaysian Peninsula, though similar claims could be made by several other countries, Vietnam, Laos, and Cambodia, in particular. In some respects, this is more reflective of the experience of first nations in settler-colonial countries where colonialism entrenched a dependency relationship between Indigenous peoples and governments. Recognition was only cited as an explicit self-determination objective by four interview participants, however the resurgence principle of *living freely in difference in common worlds*, of which recognition is a significant component, is reflected in almost all the self-determination objectives.

It is notable that mutuality principles are reflected less than those of autonomy. In general, the findings suggest a broad "leaning away" from the state and prioritisation of internal matters, whether socio-economic needs or traditional system resurrection. This could be reflective of both the general hostility of governments toward Indigenous peoples and their rights in the region, and the strength and cohesion of Indigenous nations. However, all the mutuality principles were also reflected in the interviews, indicating that Indigenous peoples are not in pursuit of isolation from the state, but seeking engagement on different terms. Indeed, it could be argued that mutuality can only follow autonomy – that any relationship-building with the state can only occur once the Indigenous

group's autonomy is assured. This speaks to the heart of the power imbalance challenge in Indigenous-state relations.

6.5 Conclusion

In this chapter I have argued that self-determination in Southeast Asia is an objective, which can be broadly understood as having three domains: socio-economic wellbeing, civil rights, and cultural *thrival*. Across the region, the circumstances most Indigenous groups find themselves in require leaders to balance immediate needs with longer term political ambitions. Acting and advocating along this spectrum of interests are complex, however communities are not without a vision for just relationships with states.

I also demonstrated the resonance of the resurgence concepts of mutuality and autonomy in self-determination advocacy in the region. The six principles of mutuality and autonomy – *collective reconciliation with the earth, mutual sustenance, relational responsibility, nation-to-nation relations, living freely in difference in common worlds, and fluidity of friendship* – are evident in how self-determination is defined in the region. These findings are significant as they point to the relevance of Indigenous resurgence in Southeast Asia, informing the dialogue on what the just exercise of self-determination would look like in the region. In the data analysis, I showed a trend of "leaning away" from the state, and a general prioritisation of autonomy over engagement with the state. However, the resonance of mutuality principles in all three domains of self-determination, along with interview data citing the importance of improved relationships with governments, demonstrate that Indigenous peoples are also frequently "leaning toward" the state, seeking to change the relationship dynamic. The "leaning away" posture is, thus, more symptomatic of the hostility that characterises encounters with states in the region, rather than indicative of an outright rejection of relationships with states.

In the next chapter I continue this investigation of how self-determination is understood and pursued in Southeast Asia, arguing that, in addition to being a *movement* and an *objective*, it is a

toolbox of tactics employed by Indigenous nations in their interactions with governments to achieve their objectives.

Chapter 7 – A toolbox: Strategic disengagement and engagement tactics

7.1 Introduction

Many Indigenous peoples in Southeast Asia, like their counterparts in other regions of the world, consider themselves a colonised people. Indeed, while some Southeast Asian nations have impressive recognition and protection legislation that reflects the rights set out in international instruments like the UNDRIP (such as the IPRA in the Philippines), these protections are largely unimplemented. Nevertheless, the global Indigenous rights movement has emboldened Indigenous peoples throughout the region to assert their identity and authority, and to claim their rights. Like their counterparts in the CANZUS states, Indigenous peoples across Southeast Asia are interacting with state governments in a variety of ways in order to meet both their immediate and long-term needs, in some cases taking considerable risks to stand for their rights in hostile circumstances.

In this chapter I argue that self-determination is also understood as a *toolbox of tactics* for interacting with governments in such a way to achieve desired outcomes with minimal harm to communities, culture, and nationhood. The first section provides a detailed description of nine tactics that Indigenous peoples across the region are employing in their interactions with governments. As will be demonstrated, while the circumstances, objectives, and approaches to the tactics differ across contexts, the broader strategy is consistent.

In the second section I apply the disengagement and engagement theoretical framework presented in chapter four to determine whether these tactics reflect Indigenous resurgence principles. Drawing on the tenets of resurgence praxis, with this framework I posit that Indigenous peoples strategically disengage and engage with states through *rejection* and *persistence* – forms of disengagement – and *challenge* and *reinvention* – forms of engagement. *Rejection* refers to the act of "turning away" from the state and its offerings. *Persistence* is the deliberate continuation of

Indigenous ways of life, systems, and practices state pressure to abandon these. *Challenge* occurs when an Indigenous group directly confronts or challenges the state, for instance through the courts, protests, or in the media. *Reinvention*, on the other hand, is the practice of strategically participating in state governance processes with the objective of reforming those to serve Indigenous interests. This analysis shows that the nine tactics employed by Indigenous nations in the region are indeed examples of resurgence disengagement and engagement strategies, affirming again the resonance of Indigenous resurgence in Southeast Asia. As was discussed in the previous chapter, the interview data continues to show a broad "leaning away" from states, evidenced by Indigenous peoples' preference for employing disengagement rather than engagement tactics in their interactions with states. However, Indigenous communities are still engaging with states, or periodically "leaning toward" them, though from *protectionist* postures, underscoring the challenges Indigenous peoples face preserving their communities and cultures in largely hostile environments.

7.2 Trends in self-determination advocacy tactics

Broadly, as was discussed in chapter four, the lack of implementation of legal protections for Indigenous peoples is the norm in Southeast Asia; they face common challenges regardless of the domestic legal or political landscape. Despite this, Indigenous peoples are increasingly understanding and wielding their rights in international law, in particular through the UNDRIP, in alliances with NGOs, and through increased engagement with other Indigenous peoples elsewhere in the region and around the world. Recognising these rights and the strength of the international movement, some groups are pursuing rights protection and accommodation through the courts and via participation in legislative processes, gradually setting new precedents for Indigenous-state relations in their countries (where such avenues exist). For instance, the Indigenous peoples' networks in Thailand, the Philippines, Myanmar and Cambodia have been active in drafting and negotiating legislation concerning Indigenous rights at the domestic level. Indigenous groups in Indonesia, Malaysia, and the Philippines have achieved substantive rights accommodation through

legal action. The process of engaging with the state through these formal processes can have a positive impact on Indigenous peoples' political standing. However, the trend in tactics suggests that, even where meaningful wins have been achieved through formal processes, implementation remains a primary barrier, requiring groups to employ informal tactics to protect their rights. As such, they are educating themselves and simply exercising their rights, using the strategies, resources, and relationships available. As one young Indigenous leader in Cambodia explained:

We have to implement our rights on the ground; we can't wait for the government to give us what we want; we have to act as though we have our rights. (Participant S, personal communication, October 11, 2021)

In the face of development aggression, assimilationist policies, fluctuating political and environmental realities, capricious funding flows, and poor or absent implementation of protections, Indigenous peoples in Southeast Asia are adopting various tactics to survive encounters with governments and external parties, and to meet their own objectives. While the circumstances vary dramatically within and between countries in the region, Indigenous groups are employing similar strategies to achieve their self-determination goals.

The fieldwork data shows nine broad tactics are variously employed by Indigenous groups in their interactions with the states. These are:

- Avoidance/walking away
- Targeted and limited engagement
- NGO alliances
- Outward- and inward-facing leaders
- Parallel processes and systems
- Constellations of co-resistance
- Strategic language use

- Instrumentalising culture
- "Indigenising" government policy

These tactics range from isolationism (avoidance) to comprehensive involvement in state governance ("indigenising" government policy). Alongside this diversity, there is commonality in that they are all employed to meet self-determination objectives. As will be discussed later in the chapter, the tactics reflect the Indigenous resurgence practices of disengagement and engagement and are wielded in response to the particular circumstances in which an Indigenous group finds itself. The following delves into each tactic, exploring how, where, and why they are used by Indigenous peoples in the region.

Avoidance/walking away

Avoidance and/or walking away have long been tactics used by some Indigenous peoples (such as some Orang Asli groups, the Taubuid and Buhid on Mindoro Island in the Philippines, and the Badui of Java, Indonesia) (Participant E, personal communication, February 6, 2021). Kingsbury (2011) writes about the tendency of ethnic groups to respond either offensively or defensively to exclusion or threats of aggression or encroachment by governments or other political, ethnic, or religious groups. The defensive response generally involves "a retreat to strengthening of that identity as a bond of mutual assurance" (Kingsbury, 2011, pp. 768-9). Indeed, Indigenous peoples who are self-sufficient – limiting their engagement with external parties and able to maintain and manage their ancestral lands – are the most resilient in crises (as has been discussed with respect to the COVID-19 pandemic), in particular with respect to food stocks, and in general fare better (Shimray et al, 2020).

In Indonesia, avoidance is viewed as essential for survival by Indigenous communities. While still engaging with the government on advocacy initiatives, some Indigenous communities disengage with government and operate as self-sufficiently as possible. This has been a key strategy in response to the COVID-19 pandemic:

At this time we are trying to work independently – government only creates problems for us...That's one thing we're focusing on. Seventy percent of our resources are committed to food sovereignty and reclaiming local markets because we've seen that the closer you are to companies, the more vulnerable you are. That is all the evidence we need – the promise of the development (trickledown effect) is all lies. Indigenous peoples who have become workers or farmers for companies, during this crisis, they have nothing. Only those who remained on the land and in communities are thriving. That is why we're investing in this strategy. (Participant F, personal communication, February 19, 2021)

Naga communities in Myanmar also found that isolated communities fared better than those dependent on the local market; as such, they saw the COVID-19 pandemic as a catalyst for strengthening their traditional systems and for further isolating (Participant U, personal communication, November 13, 2021).

On Peninsular Malaysia, some Orang Asli communities have opted to retreat further into their ancestral territories to avoid engagement with the government and corporations. These villages are called "back to the roots" or "break away" villages. From the late 1970s onwards, there was an attempt to regroup Orang Asli communities into settlement areas. Initially this was part of a government strategy against communist insurgents, however it now allegedly serves development purposes (such as access to land). In reality, many of the promises made to communities in return for cooperating with the regrouping process were not honoured. As a result, many communities have broken away and gone back to their traditional areas and started over again on their own. This is possible where the traditional systems still exist, and where the government usually has no control (Participant L, personal communication, May 1, 2021). This trend occurs in Sabah and Sarawak as well, where Indigenous communities have moved out of government settlements and back to their ancestral lands, effectively engaging in resistance against a state that does not recognise ancestral land (Participant H, personal communication, March 5, 2021).

In Cambodia, disengagement from the market is increasingly viewed as a tactic for survival in the face of climate change and uncertain economic conditions:

Now some communities are working to protect their traditional crops, and they are stronger in terms of climate change and everything. Also, then they are not dependent on the markets – no-one will come to control the price. You control your own. (Participant P, personal communication, June 23, 2021)

In Myanmar, Naga communities isolate even from other powerful Indigenous governing bodies that are seeking recognition through the government's federal process, which the Naga people deem another form of colonisation (Participant U, personal communication, November 13, 2021).

The act of rejecting government offerings through non-participation in projects or initiatives is also not uncommon among Indigenous communities. Indigenous groups will consider a proposal and decide not to participate (walk away), recognising they will be no better off if they accept it because the revenue will go to the developers, and they will end up with very little. Many communities respond this way when governments propose programs to plant oil palms, for instance. Communities will opt not to participate on the basis that the cost of participation is greater than the benefit (Participant K, personal communication, April 20, 2021).

Similarly, communities will walk away from a government process in response to it not meeting expectations or delivering what the community sought to achieve from participation. In Cambodia, there have been instances where communities have pulled out of the land titling process in response to being required to group their claims together (Participant S, personal communication, October 11, 2021). A notable example of this form of withdrawal was the Cordillerans' rejection of legislation to grant them regional autonomy. One Indigenous leader explained that, at the heart of the failed plebiscites, was a clear, unmet interest in genuine self-determination:

This was because what the state put into the draft *Organic Acts* was not what Indigenous peoples were looking for in self-determination; it was just setting up a bureaucracy over the

region whereas the substance of the autonomy being advocated for by Indigenous communities was about giving the right to the people to govern themselves, to use their Indigenous practices in decision-making and also concepts of ancestral land ownership that should have been recognised. (Participant R, personal communication, October 1, 2021)

Some argue that isolation actually occurs rarely as it is very difficult to achieve:

Hardcore isolation is a bit difficult...In the 1930s, the Orang Asli, in response to attempts to assimilate them, their strategy was to retreat into the interior. So that's isolation. Physically, that is the clearest form of isolation so you can carry on your way of life. But this doesn't happen so much anymore because of the reach of government and development. There are not too many inaccessible places where they can resort to that sort of strategy. (Participant K, personal communication, April 20, 2021)

One interview participant, a regional expert on Indigenous rights, suggested that while avoidance and walking away in response to disillusionment with government offerings may happen in the future, at this point in time, in the midst of extreme marginalisation, many Indigenous peoples are largely focused on engaging at both the national and community levels to improve their circumstances (Participant E, personal communication, February 6, 2021).

As these examples demonstrate, avoidance as a strategic tactic can be wielded to varying degrees – through non-participation in a government project or via full isolation from the external world. How much Indigenous communities can avoid interacting with the state depends on geography, as well as on the urgency of their needs and therefore their reliance on external support. Most groups need to engage somewhat with government representatives, systems, and other entities of the "non-Indigenous world". The next tactic explains how, when some engagement is required, an Indigenous group may take a minimalist approach to their interaction by being very targeted and limited in their engagement.

Targeted and limited engagement

Between the strategic tactics of full participation and complete avoidance is *targeted and limited engagement*, which refers to the act of selectively interacting with the bureaucratic machinery, corporations, and NGOs in order to achieve a predetermined objective. Once the objective is met, communities will again withdraw from their engagement. Referring to Indigenous groups in Sabah and Sarawak, one participant said that they are "genius about figuring out the laws", using them to assert their identities and advance their priorities, in particular to get land and secure rights (Participant A, personal communication, November 14, 2020). In Thailand, Indigenous groups are becoming increasingly adept at crafting narratives that strike a balance between advocating for their belonging to the Thai nation as well as respect for their cultural distinctiveness. Addressing the complexity of the context in Thailand, one regional expert suggests that Indigenous groups are regularly weighing questions like, "how much do you engage and on what terms? How much do you hold out and when do you decide to get involved – in what moment?" (Participant M, personal communication, May 9, 2021).

Indigenous groups throughout the region are adopting governmental language and expertise for their own ends without fully immersing themselves in the bureaucratic system. In Indonesia, Indigenous communities are also learning the law and using it to advocate for their rights. An Indigenous leader in Indonesia explained that communities need to be clever about identifying the legal provisions that exist for Indigenous peoples. One such provision under local government legislation is called the "original rights of the village", which concerns inherent collective rights. While the law is not explicitly targeted at Indigenous peoples, communities are advocating for their original inherent and collective rights under this provision. They elaborate: "we are taking stock of and using what we have at our disposal" (Participant F, personal communication, February 19, 2021). Similarly, Indigenous groups in Malaysia are increasingly challenging government, not just through the courts but also through strategic engagement with the bureaucracy. One legal expert explained

that communities are using memoranda to raise their issues with politicians. The matters in the memoranda, which are submitted to both state and federal levels of government, are increasingly being included in government recommendations because of the growing political power of Indigenous communities (Participant K, personal communication, April 20, 2021).

In Myanmar, the Philippines, and Borneo, Malaysia, Indigenous groups seek out opportunities to participate in conservation initiatives as a means of gaining a seat at the table. As one regional expert explains:

I spoke to an Indigenous leader in Myanmar yesterday who said 'we look for opportunities. Conservation is an opportunity for us to get in the door and make the claim'. I've talked to Indigenous people from the Philippines or Malaysia/Sabah, saying 'we want to have a seat at the table; it's not really the answer for us, but we want a seat at the table'. (Participant S, personal communication, October 11, 2021)

As touched on above, many Indigenous communities in the Philippines are cautious about engaging with government, but are very adept at using government programs to meet their interests. For instance, on one occasion, a leader of a Palaw'an community was asked by the government to identify a site for a tree-planting initiative and was invited to make a speech at the opening event. While the community was not interested in participating in the conservation initiative, the leader recognised that the project could resolve a longstanding dispute over a tract of land that had been causing tensions within the community. The leader recommended the contested plot as the site for reforestation. If the government planted trees in the area, the community members could no longer argue over who had the right to farm the land. At the request of the government, the leader gave a speech welcoming and thanking the government for its partnership in the conservation work, even though the community was not involved or interested in taking part in the project. Recognising the opportunity to deal with a pressing matter, the leader "performed" partnership, appeasing the government and achieving a win for his own community (Therault, 2019, p. 122).

While many Indigenous communities have capacities to interact strategically with state governing systems, others require support from civil society organisations to advance their interests.

NGO alliances

The proliferation of development organisations and donors has improved the situation for many Indigenous peoples, including through strengthening government policies and practices affecting their communities. Indigenous groups make strategic choices to partner with NGOs to help amplify their advocacy or gain crucial resources. Another approach is to delegate responsibility for advocacy to an NGO that then takes up the cause on the community's behalf. Environmental organisations, for example, often play a key role in advocating for Indigenous rights, while Indigenous rights play a key role in advancing environmental protection objectives. Prominent Igorot leader and advocate from the Philippines, Joan Carling, argues that partnerships between Indigenous peoples and civil society, government, and conservation organisations are crucial for achieving a holistic and sustainable approach to climate change (Carling, 2015). Indigenous communities and environmental organisations in Sabah and Sarawak on the island of Borneo, Malaysia have had some success in their efforts to prevent further deforestation as a result of international attention garnered through their collective advocacy. Framing it as an environmental issue, they successfully triggered an international boycott of Borneo timber. The alignment between the objectives of the environmental campaign and the Indigenous rights already protected in legislation amplified their impact, drawing attention to the cause from multiple sectors (Inguanzo & Wright, 2016, pp. 7-8).

In Sabah and Sarawak, the size of the Indigenous population vis-à-vis the general population, along with legislative protections, has enabled Indigenous communities to achieve relative success in their campaigns to protect their rights and preserve their lands (Inguanzo & Wright, 2016, pp. 7-8). Despite this, many Indigenous communities in Malaysia Borneo continue to face rights violations, in particular land encroachment and land-grabbing. One interview participant who specialises in

Indigenous land rights notes something of an "awakening" occurring at the local level in Sabah/Sarawak where Indigenous communities are organising themselves and approaching NGOs to strengthen or develop a case against the government or a corporation, and winning: "There is this little community, which is like a little nation of its own, that is taking on these big corporations and the government, who grants an interest over the land claimed by these native peoples" (Participant K, personal communication, April 20, 2021).

Another expert in Malaysia also observes that communities are strategically partnering with NGOs and civil society organisations to upskill themselves; for instance, some are learning community mapping (to make maps of customary lands) to strengthen court cases. The NGOs are helping to build communities' understanding of the kind of information they need in order to make a case in court. For instance, placing GPS points on a map or demonstrating historical presence and dependence on land. The practice has the added benefit of reconnecting communities with their cultural knowledge: "All this is part of their strategy in preparation for going to court, but it also serves the purpose of affirming knowledge about the land. When there are neighbours, it gets very lively – there has to be a lot of dialogue. The conversations are historical because the boundaries were drawn by their ancestors" (Participant C, personal communication, December 13, 2020).

Linking to NGOs and international resources is crucial (Vaz & Agama, 2013, p. 150). In Malaysia, courts are the most effective means of securing rights as there is no alternative Indigenous-to-government negotiations process. However, because Indigenous rights tend to be unpacked in the legal space, it is quite combative. In response, NGOs are trying to "massage" the space, to make it more nurturing, and to create change in the way Indigenous peoples are perceived by taking small steps. One initiative that is advancing dialogue on Indigenous rights is a project led by The Habitat Foundation to build inventory nurseries in partnership with Orang Asli communities. Those communities are using their skills to harvest wild seeds, nurture the trees, and then sell them to the Foundation. The project design is mutually beneficial and is changing the relationship between communities and organisations. Another initiative is the development of sustainable trails

in the parks that are co-owned and managed by Orang Asli communities. As Participant A explains, these partnerships are changing the dynamic between Indigenous and non-Indigenous communities: "The act of building things side-by-side is actually transformative. People start to see each other as collaborators. Empowerment is happening through these partnership projects" (Participant A, personal communication, November 14, 2020).

In the Philippines, the ICCA Consortium wields significant influence in Indigenous-state relations, particularly for their work in supporting communities to undertake mapping designations of forests, create resource inventories, and document community forestry management practices – data that has frequently enabled Indigenous communities to demonstrate their capacity to sustainably manage their territories. ICCA partnerships have enabled several communities to assert their continued control over forests. In the Philippines, the ICCA consortium is in fact working with the Department of Environment and Natural Resources to implement community mapping (Participant R, personal communication, October 1, 2021). In the Cordilleras, NGOs have played a critical role in supporting Igorot communities in mapping their territories to support ancestral domain claims (Participant R, personal communication, October 1, 2021).

It is necessary to note that while Indigenous communities and environmental organisations have developed successful partnerships, they have not always been straightforward because their interests do not always align (Eder & McKenna, 2004, p. 80). One interview participant working in conservation highlights this challenge:

A difficult thing to contend with is that communities will pursue whatever course is best for them, and this is not necessarily aligned with conservation priorities. Communities will often settle for short term gains – for instance, being paid out for a temporary occupation licence, consenting to extractive companies to operate on their lands for a time. This is very frustrating for conservationists. It can be difficult to contend with the reality that communities are not necessarily conservationists. In some cases, individual community members will do things that disadvantage the rest of the community. In these cases, who

has the prevailing right – conservationists or Indigenous peoples? And what is the role of the conservation community in these instances? (Participant A, personal communication, November 14, 2020)

Nevertheless, where there is overlap in the two parties' activism, both can benefit by amplifying the issue through partnership.

An alliance with an NGO can shield Indigenous communities from some of the more challenging or even harmful impacts of engaging with the state, such as when the NGO absorbs the human and financial costs of the interaction. Some communities have employed a similar strategy for themselves, dividing their resources "in house" by practising outward- and inward-facing leadership.

Outward- and inward-facing leaders.

In acknowledgement that engagement with governments, organisations, and businesses often does not support the community's objectives or may even be unsafe for communities, some Indigenous groups practice *outward- and inward-facing* leadership. The outward-facing leader engages with outsiders on behalf of the community, participating in governmental processes, and negotiating with businesses and state departments. Inward-facing leaders are those who make decisions for and about the community and provide cultural leadership.

In Bali, Indonesia, for instance, some Indigenous groups have both a traditional leader and an administrative leader. The traditional leader is responsible for customary/cultural issues, and the administrator is responsible for local administration (AIPP, 2007). A similar approach has been taken by some Higaunon Lumad communities on Mindanao, in part due to a government program designed to "sustain indigeneity and traditions amongst Indigenous Peoples in the Philippines" (Paredes, 2019, p. 87). While the government's intention is cultural preservation, the requirements that Indigenous peoples must meet in order to make claims against the government-defined "Indigenous" label are such that communities need to adhere to stereotypes. This has caused

conflict within communities in determining and preserving their own cultural identity (Paredes, 2019, pp. 88-89). In response, the Higaunon appointed two kinds of leaders – cultural (*datu ha kultura*) and governmental (*datu ha gubilnu*). The *datu ha gubilnu* manages the bureaucratic hurdles and demands, while the *datu ha kultura* guides the community in cultural matters. Both are respected and have authority in their respective domains (Paredes, 2019, pp. 87-88). While this arrangement can be strategic, it often comes about involuntarily through government selection or appointment of a community representative. In a submission to the UN Expert Mechanism on the Rights of Indigenous Peoples, the AIPP highlighted this issue, arguing that “The interface between indigenous political institutions with the State has brought about numerous problems. One of the key issues is the appointment of traditional leaders by government, such as the case with Sabah, Malaysia” (AIPP, 2007, p. 3).

As discussed in chapter five, in some contexts a form of "elite capture" has occurred in which educated, government-savvy Indigenous leaders who are fluent in government processes become embedded in power structures at the cost of their connection to Indigenous communities. These individuals have significant influence over the future of these communities who do not necessarily regard them as legitimate leaders. In some Orang Asli communities on Peninsular Malaysia, for example, a "headman" is selected to represent the community's interests. However, the individual selected may be granted the role simply because he finished high school, not because he has cultural authority – the spiritual or ritual knowledge needed to lead the community (Participant C, personal communication, December 13, 2020). However, in spite of the presence of a headman, many communities will continue to follow the guidance of the elders of their kin group (Participant H, personal communication, March 5, 2021).

Similarly, in Myanmar, Naga communities have administrative leaders at the community level, although initially this was not by choice but rather due to government interference. Over time, however, the practice of outward- and inward-facing leaders has evolved as a norm:

We gained independence in 1948 but until then we were far from the rulers. But when they started to expand the administration system into the Nagas, they always looked for someone who could speak Burmese or who leans more toward that administrative system, or someone who they can control. On the other hand, the community also has this arrangement where someone who is more comfortable communicating with the state becomes a kind of leader of administration in the community. But this doesn't mean that we have removed the Indigenous system. Like in the Philippines, we always have outward-facing leaders but at the community level it doesn't always play out under an Indigenous governance system. (Participant U, personal communication, November 13, 2021)

In some cases, the same leader functions in both roles, even though the internal and external structures remain separate. For instance, in some Indigenous communities in Thailand the "formal" leader who engages with the state systems is the same as the spiritual leader for the community. However, even where the roles are performed by different individuals, they support one another, and both are respected as their areas of responsibility are clear – the village chief or "headman" deals with administrative governance, and the traditional chief is responsible for community affairs like rituals, ceremonies, and conflict resolution (Participant O, personal communication, June 8, 2021). In the Philippines, young people are often responsible for administrative governance after having completed their education, while spiritual and traditional governance is the responsibility of elders. As in Thailand and elsewhere, both leadership roles are respected by the community (Participant O, personal communication, June 8, 2021).

Having outward- and inward-facing leaders is possible where Indigenous peoples' traditional governing or decision-making practices and structures are relatively intact. For some Indigenous groups, the strength of their traditional systems is such that they can maintain parallel processes and systems to those of the state.

Parallel processes and systems

In response to inadequate or absent support from governments, Indigenous groups are establishing or maintaining their own governing structures and systems that stand parallel to the state government. Across the region, Indigenous communities practise self-governance to varying degrees without formal endorsement or recognition by the state. In some cases, this strategy is coupled with outward- and inward-facing leadership, but not in all cases. Speaking in the context of Peninsular Malaysia, Nicholas (2010) states that "Many of these indigenous communities still maintain exclusive communities, speak their own languages, practice customs according to an adat or customary law, and have their own systems of leadership and governance" (Nicholas, 2010, p. 63). In Thailand, councils of elders exist alongside local administrations functioning as parallel structures of leadership, governing certain areas including land use, conflict, communal rights, and ritual cycles. These structures keep communities connected to spaces that are considered communal or sacred (Participant G, personal communication, February 15, 2021). In Laos, while neither Indigenous peoples nor their customary practices are recognised by the government, some Indigenous groups continue to practise governance according to their traditional systems. One participant explained that in the Hmong community, for instance, an elder system governs on any issues concerning the household or culture (Participant J, personal communication, March 6, 2021).

In some places, traditional structures wield their own authority within the state political system. For instance, in the Cordillera, Philippines, consulting traditional councils is a regular part of decision-making:

What's happening is that Indigenous structures coexist already with the state structures – so at the community level, we have the local barangay, but alongside it the traditional structure of the communities in the Cordillera region continues to exert influence in decision-making, especially around culture or economic activities/livelihood, but the structure of the state, the barangay, is already recognised as the one representing the community. But still, the

local officials consult the traditional elders, so they sort of coexist together in varying degrees. (Participant R, personal communication, October 1, 2021)

State and Indigenous governance systems also exist alongside one another in Thailand where the two structures generally operate in relative harmony (Participant O, personal communication, June 8, 2021). In Cambodia, however, Indigenous governing structures are used strategically to oppose or dominate the state governance system, suggesting that only community strength is a reliable check on governmental action:

We do it the other way – we try to make the Indigenous system strong so that it can blanket over the government administrative system – the government system will go under it. When an Indigenous community is strong, they are in a position to deal with whatever comes, not vulnerable to manipulations. (Participant P, personal communication, June 23, 2021)

Another form of parallel governance is through the establishment of representative networks that strengthen Indigenous peoples' capacity to advocate by bringing diverse groups together in a unified collective. In some cases, the networks also behave as de facto "parliaments" and bureaucracies, such as AMAN in Indonesia, the Centre for Sustainable Development in the Mountain Areas in Vietnam, and the Indigenous Peoples Network in Thailand. These organisations interact with and advocate for communities in similar ways to NGOs, as discussed under the NGO strategic alliances tactic, but they differ in that they are member-led, comprised of Indigenous communities, and established with the specific purpose of representing Indigenous peoples' interests.

The Indigenous Peoples Network of Thailand, for example, was originally conceived as something akin to a parallel government, representing Indigenous peoples at a national scale. Its intended purpose was to serve as an intermediary between Indigenous communities and government, as well as a consulting body around Indigenous issues at a national level. However, the structure has so far not been officially recognised by the state and therefore formally remains an

advocacy body. Despite this, the network acts like a government, even using language borrowed from the Thai bureaucracy – for example, referring to the council as a "sapa". Today, the body is functionally and culturally a hybrid, looking to both the United Nations and the Thai government as models. The structure and some of the meetings have ritual protocols, drawing on Indigenous traditional systems, including being guided by a council of elders who are frequently consulted. The organisation's objective is to ensure representation (Participant G, personal communication, February 15, 2021).

In Vietnam, Indigenous interests are represented by the Vietnam Indigenous Knowledge Network (VIKN) supported by the Centre for Sustainable Development in the Mountainous Areas (CSDM). The VIKN provides education on Indigenous and minority rights, leads advocacy campaigns, and accesses funding for communities. Indigenous leaders gather annually to plan and coordinate advocacy and development strategies. The VIKN and CSDM were established by Indigenous communities and continue to function without government or donor support. There are no other formal governance or representation mechanisms for Indigenous peoples in Vietnam (Participant I, personal communication, March 6, 2021).

A notable example of parallel governance in the region is the Salween Peace Park (SPP), an over 6000 square kilometre Karen-controlled landscape in Karen province in Myanmar. The SPP is governed by an inter-community general assembly consisting of 106 members, fifty-two representatives from village tracts inside the SPP, and the rest from the Karen National Union (the political arm of the Karen National Liberation Army) and Karen civil society organisations. The Assembly is overseen by a governing committee of eleven members and supported by several working groups consisting of the general assembly members plus local elders or individuals who have specific knowledge (Participant T, personal communication, November 8, 2021). While the SPP remains unrecognised by the Myanmar government, it has received several awards, including the Goldman Environmental Prize and the United Nations Development Programme's Equator Prize,

both in 2020, and continues to autonomously govern its territory in accordance with the *Kaw* customary governance system (Karen Environmental and Social Action Network, 2017).

In a webinar hosted by AIPP in August 2020, Secretary General Gam Shimray made the argument that Indigenous peoples and advocates need to shift their focus from arguing that Indigenous peoples are owed the right to self-determination and why it's important, to focusing instead on the framework for how Indigenous self-governance can be realised; not just by adopting state proposals and integrating into state systems, but rather by harnessing Indigenous "genius" and exercising the right to self-governance (Shimray et al, 2020).

As discussed above, Indigenous communities often come together, either forming associations or simply cooperating as a means of strengthening their advocacy. This is the tactic of creating constellations of co-resistance to amplify the collective voices of Indigenous peoples in a country or region.

Constellations of co-resistance

Long before Europeans arrived and rearranged the political and social structures of the societies comprising today's Southeast Asian nations, culturally distinct groups maintained diplomatic relations with one another. While many of these relationships are nearly unrecognisable today, a different kind of diplomatic relationship is emerging based on shared experiences of oppression and a vision for a renewed relationship with government. The term *constellations of co-resistance* refers to Indigenous peoples coming together in support of one another, as well as building strategic alliances with other communities with similar experiences and/or goals, for instance migrants and the rural communities. Simpson (2016) identifies this tactic, asking the question, "How do we use Indigenous place-based internationalism to build *constellations of co-resistance* with non-Indigenous communities who are fighting different aspects of the same system?" (pp. 27-28, emphasis added). One young Indigenous leader from Myanmar told me that while the international Indigenous rights movement has played a key role in Indigenous advocacy at

the national level, ultimately what is needed is solidarity between Indigenous groups within the boundaries of the same state (Participant U, personal communication, November 13, 2021).

Following are a few examples showing how Indigenous nations in Southeast Asia are joining with other communities to strengthen their positions.

In Vietnam, Indigenous communities have come together to form the Vietnam Indigenous Knowledge Network (VIKN), an inter-community collaborative governance structure that provides support to and advocates for Indigenous peoples. Set up in 2007, today the VIKN has over 3400 members representing eleven ethnic groups across fifteen provinces. While the network does not have a formal voice or advocacy avenue at the national level, it is very active at the community and provincial levels. The network broadly enjoys good relationships with local governments which advocate on its behalf with the national government. Leaders from the seventy-one Indigenous groups that make up the network come together annually for a workshop to plan for the coming year, share information, and provide support to one another. The unfunded network is active throughout the year on social media and through local initiatives, including cultural events, trainings, and inter-community visiting:

Another thing we do is we encourage people to go see each other. They meet each other and share experiences; we call this peer learning ...There are some examples of some members of ethnic groups learning other ethnic minority languages to help preserve these languages. The big ethnic groups help the smaller groups with preserving their cultures.

(Participant I, personal communication, March 6, 2021)

The Indigenous peoples' movement in Thailand has seen a lot of solidarity growing with other non-Indigenous groups, for instance the Northern Farmers Network. One of the milestones in the movement occurred in 1999 in Chiang Mai when four thousand people from the movement, many of whom had to go through check points manned by immigration police, joined farmers to fight for land rights (Participant G, personal communication, February 15, 2021). The movement has

evolved from the grassroots level to the political, where leaders are pushing on the government to address longstanding issues faced by Indigenous communities (Participant O, personal communication, June 8, 2021).

The COVID-19 pandemic has exacerbated the challenges already faced by Indigenous peoples in the region. Additionally, there has been little support offered by governments. In response, some Indigenous individuals, communities, and organisations are innovating solutions and supporting both themselves and neighbouring communities. For instance, Indigenous communities are coordinating with one another to implement their own community lockdown and quarantine measures (AIPP, 2020 June 19), converting businesses to deliver food to remote communities, or translating COVID-19 material into Indigenous languages (AIPP, 2020 June 13). In Indonesia, some communities have erected "transit houses" for migrant workers returning to communities, enabling them to quarantine before entering their villages. AIPP has noted that several Indigenous advocacy organisations in the region have established "strong solidarity networks incorporating nuanced cultural dynamics in ways governments have not matched" (AIPP, 2020 June 19).

In Myanmar, armed conflict and diversity of objectives between Indigenous leaders have created significant challenges in the solidarity movement. However, this has not stopped community members from reaching out and working together:

the good news is that despite the inability for alliances to be made at the high level or on the arm[ed] struggle level, for the Indigenous movement, there is actually quite a bit of unity and sharing – things like customary lands and the Peace Park; we've had visitors from Naga land. So, despite the challenges at the political, land, and military level, the Indigenous movement seems to be well networked. (Participant T, personal communication, November 8, 2021)

In Cambodia, communities partner with one another in the face of adversity; when a company threatens their lands, for instance, they will mobilise to "repel" that company. However, Indigenous

peoples in Cambodia have a broader vision for the exercise of their rights. While not formally recognised by the Cambodian government, they are working toward achieving a common voice across their country:

We are strengthening ourselves – we call it community organising. We try to work with each community, from one village to another, then try to consolidate at the provincial as well as the national level. Basically, we want to organise ourselves, make ourselves and Indigenous communities stronger, and develop our own system of self-governance and self-determination, from the village to the national level. (Participant P, personal communication, June 23, 2021)

This ambition has led Indigenous leaders to build relationships with leaders in other countries, in particular the Philippines, to learn from their experience and discuss options for strategically advancing their political objectives (Participant S, personal communication, October 11, 2021).

A significant part of building coalitions across Indigenous communities and organisations is the act of gathering collective strength in order to have greater power over the narrative of their advocacy. In this vein, Indigenous peoples are strategically wielding language, for instance using certain words, phrases, or expressions to achieve their desired outcomes.

Strategic language use

Strategic language use refers to the utilisation of particular terminology by Indigenous peoples in order to enhance the likelihood of achieving an objective. This can mean using words that are more acceptable to the government or majority population or, as discussed earlier in the thesis, adopting the "indigenous" designation and affiliated language to gain access to the support and resources that label affords. This tactic is also used to enhance perceptions of "indigenous-ness", for instance by referring to particular lands as "traditional territories" in order to support a lands rights claim. The Indigenous rights movement in Thailand is grappling with language around their

advocacy that seeks their recognition as both distinct cultural communities and as peoples integral to the Thai national identity (Morton & Baird, 2019, p. 9). Discussing the movement in Thailand, one interview participant highlighted the difference between advocacy by Indigenous groups in CANZUS states and advocacy in Thailand, noting that Thai Indigenous peoples are not seeking "special rights" or anything beyond the normal privileges of the majority population. They note that advocating on a "special rights" platform would be considered politically dangerous (Participant M, personal communication, May 9, 2021).

A significant language challenge in the movement in Thailand concerns the meaning of the term "indigenous". Leaders of the movement have not yet landed on a word that is both acceptable to Indigenous peoples and inoffensive to the majority Thai population. While the term "hill tribes" has traditionally been used to identify Indigenous groups, this is broadly rejected by Indigenous peoples. However, moving toward a label that connects communities to a particular place, for instance "First Peoples" is considered unsuitable for the Thai context, and "minority" is deemed to give a sense of less power. The work of identifying a term that would convey the concept of indigeneity to the average Thai without causing offense is ongoing (Participant M, personal communication, May 9, 2021).

Another participant also compared the Malaysian context with that of Canadian First Nations, explaining that a legal argument referring to Indigenous peoples' self-determination would be strategically counter-productive, that it could "spook" the courts: "The judge might say, 'what are you trying to get at here? Are you saying they are a little nation? I don't see this nation in the provisions of the constitution'. So that's why we've not pursued that sort of declaration" (Participant K, personal communication, April 20, 2021).

While the term "resurgence" itself is gaining in popularity in North America, in Indonesia it is considered a "political" word that could be misunderstood:

Language is crucial – we don't use this term[resurgence] because the government will crack down. We are exercising our right to self-governance and self-determination, but

'resurgence' sounds to the government like 'military insurgence'. In Indonesian and in human rights law, it can be a problematic term. They begin to think about the political movement in West Papua. (Participant F, personal communication, February 19, 2021)

The need to avoid or work around particular terms in response to government or public resistance demonstrates the challenges and, in many cases, the oppressive contexts in which Indigenous peoples are pursuing their rights. The tactic of navigating around these barriers, seeking alternative terms without losing the potency of their self-determination goals, requires creativity and care. Another challenge involves the need to consider multiple languages – for instance, how a word in English, the dominant language of international law and dialogue, will translate into another language.

Wielding language well is critical to effective advocacy. In the case of Indigenous peoples' pursuit of their right to self-determination, another tool at their disposal is their culture, which some communities are instrumentalising to meet their objectives.

Instrumentalising culture

While international law has played a central role in empowering Indigenous peoples to recognise and claim their rights, it provides little guidance on how these rights should be implemented, placing the onus for defining and drafting policy concerning Indigenous peoples on governments (Daytec-Yangot, 2018, p. 55). Capitalising on the momentum of the global Indigenous rights movement, Indigenous groups are asserting their distinct cultures and connections to land by "*instrumentalising*" their cultural practices and symbols. This can be to counter colonial narratives, perform evidence of authenticity and connection to land, or simply to exploit the "Indigenous" designation to achieve other goals. Below are examples of this.

As the Thai government began to prioritise conservation in the country, Hmong people were characterised as having a harmful impact on the environment, as not being connected to place; this characterisation was used to justify their dispossession. Hmong communities recognised that they

needed to assert their identity and connection to their land to counter this narrative. To this end, communities resurrected certain ceremonies, inviting bureaucrats to attend. In some cases the ceremonies were otherwise no longer being practised, however, the Hmong recognised the value in reviving and performing them publicly in order to advance their interest in staying on their land. Similarly, Karen villages, also facing dispossession, revived and performed public ceremonies that had not been experienced for a long time and that would normally be performed only in secret within the community. Bureaucrats and the broader population were invited to participate in or observe the ceremonies which demonstrated communities' traditional knowledge, their connection to land, and their valuing of sustainable engagement with nature. The success of this tactic resulted in other Karen communities around the country reaching out to communities in Thung Yai Naresuan – the initiating communities – to help them revive ceremonies in their own villages that had not been practised in a long time (Miranda, 2019, p. 80).

Performing "evidence" of indigeneity in order to qualify under a policy or program is often required by governments in the region. Schippers (2010) notes this trend:

Structures (including laws, the bureaucratic apparatus that implement these laws, and the frames and discourses underpinning these laws) can be both enabling and constraining. State-acknowledged indigenous peoples' rights may enable indigenous peoples to claim land; however, to achieve this, they are expected to behave 'indigenously'. Thus, a difference between indigenous and non-indigenous that is fluid in reality is formalised by law. (p. 221)

Ndlovu (2019) writes about how indigeneity can be performed on a spectrum from overt (for tourists, for instance) to subtler behaviours which reinforce colonial structures by affirming the colonial view of the world. This is a requirement placed on minority peoples, and broadly on those who are "other" in the colonial gaze (p. 1). This is reflected particularly in countries where the definition of "indigenous" is controlled by the government. In the Philippines for example, where, as

mentioned earlier, Indigenous peoples are required to meet a criteria of indigeneity set out by government in order to access their rights. However, consciously "performing indigeneity" according to the state's definition in order to achieve a particular objective can also be a form of strategic engagement by Indigenous communities aimed at meeting their needs. Indigenous Lumad communities in Mindanao have adapted to the government's requirements in various ways, including using traditional dress to maximise perceptions of authenticity or bestowing an outsider with "honourary" leadership status in order to perhaps benefit from their political and financial influence (Paredes, 2019, pp. 97-103).

Similarly, communities in Cambodia seeking communal land titles, an entitlement only available to Indigenous peoples, must convince government officials that they meet the government's stereotype-informed criteria: "If the stereotype is that Indigenous peoples have traditional dances, and this particular group does not have a traditional dance, they train the people how to dance so they can meet the standards". (Participant M, personal communication, May 9, 2021)

One interview participant observed that Orang Asli communities are also asserting their Indigenous identities for strategic reasons, primarily in response to land grabbing:

Communities have realised that one way to assert their rights to the land is to say that it is traditional land....They might have some traditional practices that they still practise on the land; otherwise you can't just assert that it is traditional land, so they have to go through the land. Some of them are going through this recovery or revival of traditions by bringing those kinds of customs back. I think internally many of them do not know – they are not internalising the real indigenous recovery or rebuilding that's needed, it's just a shift to asserting identity without really understanding what or who they are. (Participant L, personal communication, May 1, 2021)

Here Participant L is speaking to the harm that comes when indigeneity is politicised in situations where there has been a breakdown of cultural systems and practices due to colonisation. In these cases, Indigenous peoples perform cultural practices without any connection to their meaning in order to achieve their outcomes. This is a complex combination of strategic manoeuvring to achieve their objectives and the widespread legacy of colonialism, as Ndluvo discusses in his elaboration on "performing indigeneity".

The final tactic discussed is "*indigenising*" government policy and practices, which involves the most interaction with government bureaucracy of all the tactics.

"Indigenising" government policy and practices

"Indigenising" government policy and practices occurs when an Indigenous group is actively engaged in relationship with government, and in the process is seeking to assert their authority and thereby change the power dynamics in the relationship. Theriault (2019) writes about "legislative manoeuvres" undertaken by Palawan communities when local governments were tasked to identify Palawan leaders to speak for the communities on mining matters (p. 121). Several Palawan people did not want mining companies or government to simply select representatives based on who was easiest for government to work with and who would advance mining interests. The small group went around and consulted with communities, then crafted guidelines for selecting appropriate leaders according to the Palawan way. These guidelines were submitted to government and subsequently approved for use in the process. As a result, the representatives that were selected were connected to Palawan communities and considered to be legitimate representatives, able to speak on their behalf (Theriault, 2019, p. 121).

In Sabah, the practice of *Tagal*, an Indigenous fisheries management system that has been adopted by the Department of Fisheries, is held up as an example of successful Indigenous-government partnership. *Tagal* was revived by local communities in response to depleted fish stocks in the local river system due to land development and overfishing. *Tagal* was reinstated by one

community and then by multiple others due to its success. In response, the government adopted the practice and continues to work together with communities in support of it (Vaz & Agama, 2013, pp. 152-153). While there is much room for improvement in the application of the *Tagal* system in Sabah, it is significant as an example of government adopting Indigenous customary practices and resource management principles and partnering with communities to exercise these.

Indigenous communities seek to transform how governments view and engage with them in myriad ways. One interview participant tells the story of a conversation they had with an Orang Asli leader who told them,

'this land is given to us by God, then by the British - this is your land, look after it.' The leader could not understand why the current government did not honour what was given by God and then the colonial government. The participant explained that by asking this question of government, the leader was appealing to a different basis from which to consider the Orang Asli-state relationship. In this way he is seeking to reinvent the dialogue with the government – to assert authority and inject validity into his claim. He is drawing on authority or power to give validity and credibility to his point of view. (Participant C, personal communication, 13 Dec 2020)

In Cambodia, Indigenous communities are using the government's communal land titling system to strengthen their own governance systems and secure improved control over their traditional territories. The land titling system has historically caused significant challenges for communities due to its patchwork land ownership approach (Milne, 2013, p. 323). By developing strong governing structures and processes, and educating themselves and their communities in the law, community leaders are working to control the way the law is implemented at the community level. (Participant P, personal communication, June 23, 2021)

Many Indigenous peoples in the region continue to assert their authority over their lands while seeking to change the way in which government perceives and interacts with this authority.

Indeed, literature on the application of customary law suggests it has a place in the legal and political landscape of Southeast Asian nations, arguing that even where customary law is not recognised it affects the interpretation of positive law (Tobin, 2014, p. 13). Writing in the context of Sabah, Borneo, Malaysia, Doolittle (2005) writes that "private property law imposed by the colonial state and reinforced by the postcolonial state does not simply override or replace customary law but, rather, intermingles with it in a process of continual negotiation" (p. 159).

Another form of "indigenising" government policy and processes being employed by some communities is changing the rules of engagement between state representatives and communities:

Normally when government officers visit a community, they invite the officers to attend their ceremonies – this is normal. This is the formal reception in the Indigenous society. They use that traditional way to receive the government officers and also to show them that they have their own culture and way of receiving people...when the officers come, they learn, they also observe – they see the things the community values. Slowly the officers come to understand. (Participant O, personal communication, June 8, 2021)

One interview participant who is a regional expert in Indigenous rights clearly states: "If governments adopt indigenous practices, it's a tremendous win-win situation, both for government and Indigenous peoples" (Participant L, personal communication, May 1, 2021). These examples are just a few of many demonstrating the ways in which Indigenous communities in the region are seeking to assert their influence in their relationships with governments.

The tactics observed through this research are largely contextual and opportunistic, however they are no less strategic because of that. Indigenous peoples in the region typically have limited political manoeuvrability and seek gains for their communities when circumstances allow. However, even where the gains are limited, the broad impact of these "micro-manoeuvres" across the region can arguably be understood as having a "chipping-away effect" for Indigenous self-determination, effecting a subtle expansion or strengthening of Indigenous rights and culture on the

ground. For Indigenous peoples seeking recognition and protection of their rights rather than working toward legal or political wins, it is the practice of continuing to live according to Indigenous lifeways, of establishing norms and informal arrangements with government representatives and neighbouring communities that gradually become normalised. While agreements, legislation, or legal decisions can be ignored, practices and norms in rules of engagement established over time are more difficult to change.

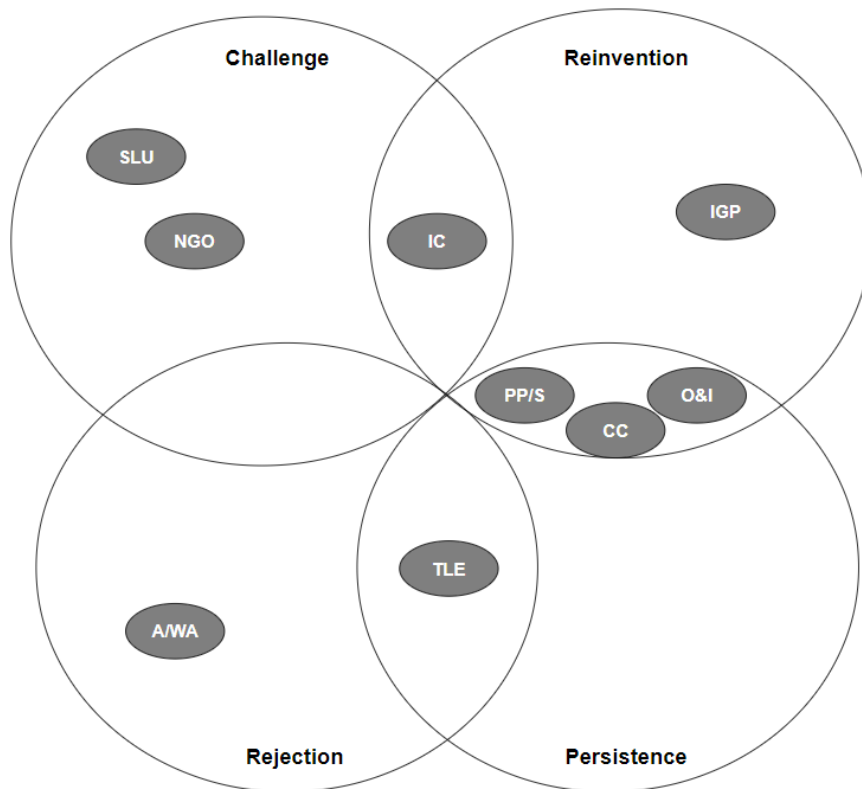
The next section considers the nine tactics through the lens of the disengagement and engagement resurgence framework. I argue that these tactics reflect strategies of *rejection*, *persistence*, *challenge*, and *reinvention*, consistent with Indigenous resurgence theory. As will be demonstrated in the discussion at the end of the chapter, the findings show a prioritisation of disengagement over engagement when interacting with the state, reflecting the broad posture of "leaning-away" highlighted in the preceding two chapters.

7.3 Resonance of Indigenous resurgence

While the tactics discussed above reflect practices employed in a variety of situations across the region, how they are enacted is very much determined by the circumstances, priorities, and resources of the Indigenous group/s. In many cases the objective is simply survival, and the circumstances are such that the community can do little more than protect themselves from violence and ongoing threats, and the tactics they employ reflect this. In other cases, where Indigenous peoples have some influence, greater resources, and more responsive political entities, they will wield the same tactics as their less fortunate counterparts, but how the tactics are used will reflect their comparatively advantageous circumstances. Similarly, Indigenous resurgence, a place-based theory and movement, is interpreted and applied by each Indigenous nation according to its individual circumstances. Strategies to resist further control, elimination, and extraction by the state, along with those strategies intended to assert identity and authority, will draw on the strengths and

respond to the barriers facing that particular nation. As such, the forms of disengagement and engagement are flexible and translatable across socio-economic, political, and cultural contexts.

In considering the nine tactics through the lens of the disengagement and engagement theoretical framework, it is apparent that they are indeed examples of *rejection*, *persistence*, *challenge*, and *reinvention*, reflective of their contexts, as discussed above. Additionally, while most are examples of one form of engagement or disengagement, several are in fact a blend of the two, demonstrating the creativity employed in these endeavours. It must also be highlighted that while these tactics are variously wielded and contextually distinct, they necessarily blend into and relate to one another. For instance, as touched on above, *parallel processes and systems* is closely related to *outward- and inward-facing leaders*. Similarly, *avoidance/walking away* can be employed within *targeted and limited engagement* if the Indigenous nation is selectively engaging with and rejecting the state. Figure 5 below shows the distribution of the nine tactics across the four forms of disengagement and engagement.



Key			
O&I	Outward- and inward-facing leaders	SLU	Strategic language use
NGO	NGO alliances	IGP	Indigenising government policy
A/WA	Avoidance/walking away	CC	Constellations of co-resistance
TLE	Targeted and limited engagement	IC	Instrumentalising culture
PP/S	Parallel processes and systems		

Figure 5: Distribution of tactics across the forms of disengagement and engagement.

Looking first at disengagement tactics, the most extreme form of *rejection* is avoidance. This practice is motivated by different conditions, but the act itself reflects the call of resurgence writers to "turn away" from the state and dominant culture, and instead focus inward on culture and traditional structures (Coulthard, 2014). Avoidance in all its expressions is a form of *rejection*, whether in its extreme form of isolation (as with some Orang Asli communities in Peninsular Malaysia) or in the act of walking away from a state offering that does not meet the Indigenous groups' demands (Igorot communities in Cordillera, Philippines, for example). While resurgence writers encourage disengagement in order to prioritise nation-rebuilding efforts, the evidence from

my research suggests that, for many Indigenous communities in Southeast Asia, avoidance is often a survival tactic aimed at minimising further loss of land, resources, and self-determination.

The second example of disengagement is *targeted and limited engagement* which has qualities of both *rejection* and *persistence*. *Targeted and limited engagement* can be used as a means of challenging the state, as indicated by the practice of using memoranda in Malaysia and making claims against ambiguous legislation in Indonesia, or a form of *persistence* where the Indigenous community adopts a "get in, take what you need, and get out" approach, demonstrated by the example of the Palawan leader. When targeted engagement is a form of *persistence*, the intended purposes or outcomes of the government policy or process are ignored; instead, the Indigenous group pursues its own agenda, manipulating the circumstances to meet its own interests.

Those tactics that are forms of engagement are "Indigenising" government policy, which is an example of reinvention. Instrumentalising culture is both reinvention and challenge; strategic language use is reflective of challenge; and NGO alliances, I suggest, are a form of "delegated" challenge. The first two reinvention tactics are very different, though both indicate an intention to change the position and perspective of Indigenous peoples within government systems. In some cases, "indigenising" government policy is reflective of what Corntassel (2021) terms the work of creating "sites of solidarity" between Indigenous nations and the state that enable peaceful co-existence (p. 6). The Sabah Department of Environment's adoption of the Tagal fisheries management system, for instance, is the outcome of lobbying by communities to bring governmental resources into accord with Indigenous resource management knowledge. The "performance" of culture is practised throughout the region, often as a means to an end – a hurdle to clear so as to benefit from rights and entitlements under domestic law. This is demonstrated in the cases from the Philippines, Cambodia, and Peninsular Malaysia where some communities are required to meet the criteria of indigeneity. These are not examples of reinvention or challenge. The instrumentalisation of culture is also being used to achieve a particular outcome or to counter colonial narratives used to justify acts of dispossession or marginalisation. In some cases, the

objective is even to improve recognition, mutual understanding, and relationships with government representatives, exemplified by the Hmong and Karen communities in Thailand who invited the public and government officials to attend and participate in ceremonies. These would suggest that the tactic, when employed in this way, is a form of challenge against the state and state-backed entities (standing against dominant narratives), however it is also reinvention because the Indigenous group is asserting its authority and unique culture in order to change its relationship with the government.

The other forms of *challenge* are strategic language use and the use of NGO alliances. Strategic language use is mostly employed by Indigenous groups when engaging with the government or non-indigenous populations in the context of seeking to gain favour, recognition, rights, or resources. An argument could be made that it is equally important in *reinvention* – when Indigenous groups are working to change the way in which they are perceived and treated by the government and non-Indigenous society. However, the data demonstrate that the former is more often the case – language is used as a means to avoid further discrimination or overcome obstacles to meeting their desired objectives – such as in the Malaysian example where Indigenous groups avoided the term "self-determination" in court proceedings knowing it would harm their cause. As such, circumstances across the region suggest that *strategic language use*, while it has the potential to exemplify *challenge* and even *reinvention*, is more a means to avoid roadblocks than a way to open up new spaces in advocacy.

NGO alliances is examples of *challenge*, as explained above, however, such alliances are more aptly described as a form of "delegated" *challenge* as Indigenous communities are seeking out NGOs to challenge the state on their behalf rather than leading the charge themselves. This arrangement can be formal, through the engagement of lawyers for a court case for instance, or informal, where the community makes an issue known to a local NGO and asks them to campaign on their behalf. As with the ICCA Consortium in the Philippines, Indigenous communities benefit from an organisation's direct relationship with government.

Those tactics which are a blend of both disengagement and engagement are *outward- and inward-facing leaders, parallel processes and systems, and constellations of co-resistance*. All three are examples of *persistence* and *reinvention*. Communities persist with their traditional governing practices and inter-national relations despite pressure to abandon them, and in the face of government interference in their structures and/or the imposition of state-created alternative governing arrangements. As with the other tactics, the context and motivation for these manoeuvres differ dramatically. In some cases, for instance, Indigenous governance systems operate in parallel with state systems simply because the state has not extended or will not extend its services to the Indigenous community (such as in parts of Peninsular Malaysia). As discussed in the previous section, however, the use of outward- and inward-facing leaders by many communities suggests the practice of traditional governance is as much about the continuity of their cultural systems as it is about meeting practical governance needs.

The establishment of multi-nation networks in which Indigenous groups collaborate in their advocacy and persist with their cultural practices collectively, as with the VIKN in Vietnam, is a significant example of *reinvention* because it re-arranges power dynamics within the context of a governing relationship with the state. AMAN in Indonesia similarly represents a galvanising of advocacy support, creating a strong base from which communities can work with the government to advance their rights. These manoeuvres of *reinvention* are consistent with the call by AIPP's Secretary General, Gam Shimray to harness Indigenous capacities in order to imagine alternatives to state-offered solutions: "Now is the time we think deeper, reassess our strategy and see how we can engage with other peoples, communities and intellectuals to start with if we don't have much political space to talk with governments" (Shimray, 2019, 25:35). Whether via the practice of outward- and inward-facing leadership, the maintenance of parallel governance systems, or the creation of constellations of co-resistance, Indigenous peoples are continuing in their traditional practices, and from these positions of strength are seeking to create a different kind of dialogue with the state.

Discussion. In considering the tactics explored above, several interesting observations can be made. Table 4 below shows the frequency of reference to each tactic in the interviews and its related form of disengagement or engagement.

Table 4: Occurrence of tactics in interview data.

TACTIC	NUMBER OF PARTICIPANTS WHO CITED THIS	DISENGAGEMENT/ ENGAGEMENT FORM
Avoidance/walking away	9	Rejection
Targeted and limited engagement	8	Persistence/rejection
Parallel processes/systems	16	Persistence/reinvention
Constellations of co-resistance	14	Persistence/reinvention
Outward and inward-facing leaders	4	Persistence/reinvention
Strategic language use	5	Challenge?
NGO alliances	7	Challenge
Instrumentalising culture	8	Challenge/reinvention
"Indigenising" government policy	6	Reinvention

It is notable that five of the nine tactics are forms of *reinvention* when employed in a particular way (noting four of those five are also forms of either *challenge* or *persistence*). This suggests that in many of their interaction with states, Indigenous peoples are acting upon their relationship with the state in order to change its dynamic. *Reinvention* mostly occurs in combination with *persistence*, which demonstrates that *reinvention* is more readily pursued via the preservation and assertions of Indigenous identity and practices than through direct engagement with the state. This is consistent with the findings in the previous chapter that autonomy/power is the most sought after self-determination objective.

It is also interesting that *persistence* is always coupled with another tactic – either *reinvention* or *rejection*. Indigenous peoples are in a continuous process of persisting with their traditional structures and processes, either by necessity or in an effort to preserve or restore traditional practices, systems, and structures that have been lost or weakened. To wield it strategically, however, *persistence* needs to be coupled with another strategy. If the community chooses to err on the side of caution, they may couple *persistence* with *rejection* through targeted and limited engagement with the state. If they are seeking engagement on different terms, they are likely to strengthen and maintain a parallel governance structure or process, have outward- and inward-facing leaders, and to collaborate with other Indigenous communities.

Another notable finding from this research is that Indigenous groups across the region are strategically collaborating to assert themselves – a further example of *persistence-reinvention*. In all eight countries, communities are coming together to strengthen their causes and support one another, either in challenges to the state or in efforts to preserve their unique cultures. This trend has also been observed among Indigenous nations in CANZUS countries (von der Porten et al, 2019, p. 71). Similar to their counterparts in CANZUS states, Indigenous peoples in Southeast Asia collaborate not only as a means to an end, but as a resurgence outcome in and of itself. Re-building relationships between Indigenous groups, with no participation or observation by state governments, strengthens the network of Indigenous nations, advancing the argument and evidence for a global re-definition of "self-determination" and recognition of Indigenous nations at the international level (Bruce, 2015; Fukurai, 2018).

As has been discussed, the international Indigenous rights movement continues to play a significant role in the region. In particular, linking with organisations at the international level appears to be critical to successful engagement (*challenge* and *reinvention*) efforts. *Challenge* tactics, for instance, are usually employed with the support of an international organisation (NGO alliances) and involve an appeal to international law or standards. Similarly, *instrumentalising culture* and *"indigenising" government policy* generally involve an appeal to the "Indigenous" designation as

a political identity with internationally recognised rights. *Instrumentalising culture* is an interesting combination of both *challenge* and *reinvention* tactics, as *challenge* is an effort to "fight against" and *reinvention* a "fight for" approach. These can certainly occur in tandem, however are more likely to take place concurrently; for example, where a *challenge* has been successful, an Indigenous group may undertake *reinvention* work to build a new dynamic in their relationship with the state.

Broadly, across the interviews for this thesis, disengagement tactics came through more strongly than engagement tactics. Additionally, those tactics that are (in theory) forms of engagement are most commonly wielded in such a way as to minimise harm and maximise benefit from the encounter. In this way, all the tactics, except for "indigenising" government policy, and instrumentalising cultural are either forms of, or employed as, protectionism, rather than efforts to actively transform relationships with government. In other words, survival and preservation of cultures and practices are prioritised over advocacy with the state. This reflects the findings in chapter six that show a broad "leaning away" from governments. The general hostility of governments toward Indigenous peoples and their rights across the region is likely the primary motivator for Indigenous peoples' protectionist posture in their interactions with government.

As demonstrated, while the tactics do not necessarily fit neatly into the four forms of disengagement and engagement actions I have outlined, there is sufficient evidence to suggest the resonance of Indigenous resurgence in the strategies Indigenous peoples are employing in their interactions with states in the region. The diversity of circumstances across the region means that these tactics are employed for myriad purposes, often as a path of least resistance (such as in *strategic language use*) to achieve their objectives, that is, to preserve their cultures, communities and ways of life in often hostile environments. What is notable, however, is the innovativeness and persistence of Indigenous peoples' continued resistance to governments' control, elimination or extraction efforts across socio-economic and political contexts.

7.4 Conclusion

This chapter examined the *toolbox* of tactics used by Indigenous nations to achieve their self-determination objectives. Indigenous communities are persisting with and fighting for their cultures, lands, and way of life with whatever resources are available to them. In the absence of legal and political protections of their rights, or meaningful implementation of those protections, communities are employing strategic tactics of *rejection*, *persistence*, *challenge*, and *reinvention*, either actively engaging with state entities, or disengaging where interactions with government and companies are unavoidably costly. Either by necessity or choice, the evidence suggests Indigenous groups across the region are broadly "leaning away" from governments, consistent with resurgence writers call to "turn away" from the state. However, the data also shows that Indigenous peoples are not rejecting relationships with governments altogether. In the next chapter I argue that Indigenous peoples are carefully balancing both a *protectionist* and *transformational* posture toward the state, in an effort to protect their communities, as well as transform their relationships with states.

Chapter 8 – The road ahead: A unique political relationship

8.1 Introduction

I have identified a broad trend of Indigenous nations "leaning away" from states across the region in response to threats to their individual and collective survival, including development aggression, the politicisation of indigeneity, and the erosion of traditional governance by government interference. However, despite these threats, Indigenous peoples are still engaging with governments, or frequently "leaning toward" governments, whether through necessity or in pursuit of broader goals of decolonised political relationships.

In this chapter I argue that the "leaning away" is indicative of a *protectionist* posture that Indigenous nations are assuming in their interactions with states in order to reduce the harm that often accompanies these encounters. While extreme protectionism in the form of isolation is rare, Indigenous nations are prioritising preservation of their cultures and communities in their various engagements with different arms of the state. In the preceding chapters I have also demonstrated that Indigenous peoples are "leaning toward" the state, usually in response to opportunities to advance their interests. Here I argue that this is indicative of a *transformational* posture, meaning that Indigenous nations are seeking to transform the relationship between themselves and governments in these encounters. This differs from simply seeking the opportunity to participate in governance processes.

The next section elaborates on the *protectionist* and *transformational* postures being assumed by Indigenous nations in Southeast Asia in their interactions with governments. I argue that these postures represent a spectrum across which Indigenous nations variously employ different "leaning away" and "leaning toward" tactics, according to their circumstances. In the second section I consider what just political relationships between Indigenous peoples and state governments might look like in the region. Into the alive discussion on the form and characteristics of Indigenous-state

political relationships, I offer an original relationship framework based on Indigenous resurgence principles, and drawing on the lessons from the research. The proposed framework includes the qualities and practices that such relationships should espouse, regardless of the country or region, or whether the relationship is occurring at the local or national level. The purpose of this framework is not to prescribe a formula for such arrangements, but instead to offer guidance to Indigenous peoples, governments, and international organisations supporting Indigenous rights advocacy as they navigate this space. The chapter concludes with a look at several governance innovations that point to capacities and a willingness on behalf of governments to partner with Indigenous governance structures that could be built upon.

8.2 A tale of two postures: Balancing protectionist and transformational pursuits

Indigenous peoples in Southeast Asia face ongoing assaults on their identities, on their traditional systems and institutions, and on their ways of life. As a result, Indigenous communities frequently assume a *protectionist* posture in their interactions with the state as a means of preventing further harm. Indigenous nations in the region are not exclusively "leaning away" from states, however; they are also frequently or periodically "leaning toward" governments in their efforts to transform the relationship dynamic with them. In these efforts, Indigenous peoples are assuming a *transformational* posture, employing strategies to achieve more just relationships with governments.

As discussed earlier in the thesis, both the normative and empirical research of this project shows that most Indigenous peoples in the region are not seeking to secede from the state. However, it must be noted that secession, and ultimately statehood, is simply not a realistic option for many Indigenous nations due to their size, limited resources, and/or geographical situation (and indeed, the grave risk of reprisal from governments if any secession attempts were made). Additionally, isolation is not necessarily being pursued, however, this may also be due to geography and socio-economic dependence on the state. As a consequence, Indigenous peoples' "choice" to

remain within states and to interact with them cautiously is perhaps more indicative of the dearth of options available to them for improving their circumstances rather than a desire to partner with them. Daytec-Yangot (2018) argues that the right to self-determination is a direct response to the oppression that causes this paucity of options for Indigenous peoples:

The form and substance of indigenous demands for self-determination are rooted in the state oppression that provided them. Similarly, the shape and substance of international and domestic responses to assertions of indigeneity cannot be estranged from the struggle of the movement that used it as a banner to resist development aggression. (p. 62)

As has been demonstrated in this thesis, Indigenous peoples' interactions with governments are often in response to harms being committed against them by the state or by other external actors. Development aggression is unquestionably shaping self-determination advocacy in the region.

While a primary motivation for setting out a unique right to self-determination for Indigenous peoples at the international level is to protect them from state aggression, Lightfoot (2016) argues that self-determination also fundamentally changes geopolitics by "serving as a transformational norm vector, helping to move global politics from one norm plane to another" (p. 17). Key features of the new norm plane, she argues, are "self-determination and land rights do not necessarily translate into state sovereignty" and the possibility of "multiple political relations...based on mutual respect, sustainability and ongoing negotiations" (p. 17). Indeed, several scholars discuss the transformative effect of Indigenous peoples' right to self-determination at both the international and national levels through requiring such political partnering between states and Indigenous nations (see for instance, Anaya, 2004; Daes, 2008; Macklem, 2015). These features are consistent with the findings of this research regarding how self-determination is defined and pursued in the region.

The normative discussion of self-determination as both a protective and a transformative force is reflected in how Indigenous peoples in Southeast Asia are pursuing their rights – with both

protectionist and transformational postures. As discussed in chapter five, the Indigenous community in the region is very diverse, and in recent decades is experiencing the rise of a mobile, affluent, and educated middle class who are connected to and influenced by the global Indigenous rights movement. This group represents Asian Indigenous peoples in international fora and is playing a key role in defining self-determination for the region, drawing on decolonisation movements originating in settler-colonial contexts. Their advocacy brings together the protectionist and transformational postures by focusing on addressing the key challenges faced by Indigenous peoples in the region, like development aggression and systematic exclusion, through transformative engagement between governments and Indigenous nations. For instance, the AIPP is advocating for Indigenous peoples' right to self-determination as a way to strengthen democracy in Asia, arguing that recognising Indigenous governing institutions is a step toward opening civic spaces which are increasingly being restricted:

For the duration of the indigenous rights movement in the post-colonial period, civic spaces and governance structures at national and international levels have excluded our institutions and practices and ways of knowing and being. In essence, the state structure and civic space has always been closed to Indigeneity, and current regional and country-level developments further risk marginalizing us at a time when states are rapidly shifting towards authoritarianism and autocracy in Asia. Recognizing the right to self-determination entails democratization and strengthening of democracy in Asia. This could provide an opportunity for the state to revisit its institutional architecture for accommodating and protecting our autonomy and right to self-determination that is based on self-governance of Indigenous Peoples. (AIPP, 2022)

In all three forms – as a movement, objective and toolbox of tactics, Indigenous peoples are defining and pursuing their right to self-determination with either, or both, a protectionist and transformational orientation, characterised by work to protect communities and to strengthen

Indigenous identities and positions vis-à-vis the state. As a movement, the protectionist posture is demonstrated by rejection of the "trappings" of non-Indigenous, and often urban, life, in the belief that these erode Indigenous identity. The act of reconnecting with culture and lands is the the rebuffering of individual and collective strength to resist further erosion. Similarly, while reclaiming Indigeneity is a protectionist act, it is also reflective of a transformational posture as it is, in part, the work of changing public perceptions of indigeneity. While the objective of such reclamation is not always to overtly counter externally imposed definitions and narratives of indigeneity²⁴, Indigenous peoples are working to shape how they are understood, viewed, and treated²⁵ in the state. Rebuilding critical traditional systems is protectionist because in many cases, these systems are needed in response to neglect or corrosive state systems²⁶. However, rebuilding work also serves to strengthen Indigenous nations' position relative to the state, enabling them to better engage with government entities and thereby change the dynamic with the state²⁷.

Like self-determination as a movement, in all the three domains of self-determination as an objective – socio-economic wellbeing, civil rights, and cultural *thrival* – Indigenous peoples are working to protect themselves against further rights violations (demonstrating a protectionist posture) and to strengthen their nations to improve their position vis-à-vis the state (a transformational posture). Improved socio-economic wellbeing enables a community to provide for

²⁴ As discussed in chapter five, movements of resurgence are not seeking outcomes or actions from the state or non-Indigenous society; rather, Indigenous resurgence is an outcome in and of itself.

²⁵ See for instance section 5.4 which details how Indigenous young people in Cambodia are asserting their identities in order to demonstrate their difference from the majority (Khmer) population and to demand their rights (Participant Q, personal communication, 24 June 2021). In section 7.2 under the subheading "strategic language use", I also explain how the Indigenous Rights Movement in Thailand is labouring to define Indigeneity for both Indigenous peoples and the majority Thai population (Morton & Baird, 2019, p. 9).

²⁶ The situation of many Orang Asli communities is an example, as described in section 5.5. Also, in section 7.2 under the subheading "parallel processes and systems" is the example of Cambodian communities who are rebuilding their traditional governance structures in direct response to insidious state governing structures that are frequently "laid over" Indigenous governing structures (Participant P, personal communication, 23 June 2021).

²⁷ See, for example, the "community protocols" project in Sabah, Malaysia, detailed in section 5.5, in which Indigenous communities are resurrecting and documenting traditional governance processes to guide the state and other external parties in engaging with them and their lands.

itself where the state is neglecting to do so. This is a critical point of advocacy for many communities who are struggling to survive. In this way, their self-determination objective is protectionist. As discussed in chapter six, this objective is also closely linked to control over or access to lands, a critical source of income as well as authority for Indigenous nations. In section 4.2, I discuss how Indigenous peoples' presence in zones of high biodiversity makes them key stakeholders in conservation and sustainable development. In turn, these areas present opportunities to advance self-determination when Indigenous peoples are respected partners of governments and organisations. Securing control over lands has the potential to transform Indigenous peoples' relationship with the state by strengthening their negotiating power in land management matters. Some examples of how Indigenous communities are achieving such renewed relationships are discussed in section 8.4 of this chapter.

The pursuit of civil rights is an example of a protectionist posture in that it concerns the systemic exclusion of Indigenous peoples, including state neglect to recognise and provide services to Indigenous communities. On the other hand, the *participation in decision-making* aspect of civil rights signifies a transformational posture as it is an effort by Indigenous nations to increase their authority and influence over state governance and policymaking. Cultural *thrival* similarly demonstrates both protectionist and transformational postures. It is protectionist in that it is characterised by a "turning away" from the state to focus inward on critical traditional system resurrection and other nationhood-building priorities. A core objective of cultural *thrival*, however, is to strengthen Indigenous nationhood in order to better advocate for autonomy and political power within the state, as well as to advocate for rights at the international level.

The principles of both mutuality and autonomy are reflected in each of the self-determination objectives. While autonomy can be pursued from a protectionist posture, and, as has been discussed, this is certainly how many Indigenous groups are envisaging and pursuing autonomy, it can also have a transformational posture, for instance through practices of maintaining traditional governance structures and systems, which is widely practiced throughout the region.

Mutuality is largely a transformational pursuit as it concerns the form and nature of the connection between the parties. In accordance with Indigenous resurgence, this connection must centre Indigenous nation's priorities rather than those of the state. The principles of mutuality, while not as strongly resonant as those of autonomy, are present in how Indigenous peoples are defining self-determination across the region, again pointing to the transformational posture Indigenous groups are assuming in their interactions with the state.

Finally, the toolbox of tactics as the exercise of self-determination in interactions with the state discussed in chapter seven are an array of protectionist and transformational manoeuvres divided broadly according to those that are reflective of disengagement, and those that are examples of engagement tactics. However, in the same way that most of the tactics are examples of both disengagement and engagement, the tactics also exemplify both protectionist and transformation postures. The widely used tactic of *constellations of co-resistance* discussed in section 7.2, for example, in which Indigenous nations partner with one another and other marginalised groups to advocate for their rights, is protectionist in that it fortifies each group against the colonial machinations of the state (as well as other external actors, like corporations). The tactic also represents a transformational posture as it better positions Indigenous nations individually and collectively to negotiate with the state. In chapter seven I showed that the resurgence practice of *reinvention* resonates most frequently in the tactics employed by Indigenous peoples in their interactions with states in the region. Reinvention is the work of transforming the relationship; therefore, those tactics that are a form of reinvention (five of the nine) are, to some degree, indicative of a transformational posture in interactions with states.

As demonstrated, while assuming a protectionist posture is necessary and strongly evident in the way Indigenous peoples in Southeast Asia are interacting with the state, the findings of this project show that Indigenous nations are also assuming a transformational posture across their advocacy and nationhood-building pursuits. Whether secession is undesirable or unfeasible, it is, at present, not being pursued by most Indigenous peoples in the region. Indeed, as discussed in

chapter two and above, self-determination can be understood as political relationship between Indigenous nations and states, however, the literature provides little guidance on the form and qualities of such a relationship. Also in chapter two I set out the literature exploring the decolonising potential of Indigenous-state multilevel governance arrangements – that is, the potential of multilevel governance as a mechanism for self-determination. In the next section I bring together the findings of this study with the argument for the exercise of self-determination as a just political relationship between Indigenous nations and states. I look again at multilevel governance and conclude that Indigenous peoples' right to self-determination exists in a space between multilevel governance and diplomatic relations. I then present an original relationship framework, based on the resurgence principles of mutuality and autonomy and how self-determination is being defined and pursued in Southeast Asia, as a model for Indigenous-state political relationships in region.

8.3 A political relationship based on the principles of mutuality and autonomy

A space between multilevel governance and diplomatic relations

As was demonstrated in chapter six, the key principles of just Indigenous-state relationships advanced by resurgence scholars, that is, *mutuality* and *autonomy*, resonate with Indigenous leaders, activists, and scholars in Southeast Asia. What comes through in both the fieldwork and the literature is that a healthy political relationship must be a balance between a meaningful and empowered role in the political landscape and a strengthened, autonomous identity. Additionally, the relationship should be guided by core principles that are manifest through practices rather than structures, giving the model the flexibility to be applied in different cultural contexts, or at different levels of government. Principles and practices also allow for circumstances and capacities to evolve over time. Structures, while secure, tend to lock participants into a system that may not translate well as the contexts or actors change.

As discussed in chapter two, multilevel governance is being explored as a vehicle for advancing decolonised relationships between Indigenous nations and states. However, thus far, scholars remain sceptical of its potential to truly provide for the full exercise of Indigenous peoples' right to self-determination because of its limitations with regard to Indigenous peoples' lands (Corntassel, 2008); the hierarchy imbedded in state institutions and processes (Gjaltema et al, 2020); the "equality wash" that can occur when many actors are involved in the arrangement, or indeed; the tendency of multilevel governance arrangements to further entrench power asymmetries (Breen & Thomas, 2021) (see section 2.2 for further elaboration). In Southeast Asia, some Indigenous peoples participate in forms of multilevel governance. For instance, as touched on in chapter four, legal pluralism is a well-established practice in the region, including the recognition of Indigenous customary legal systems, as is the case in parts of Malaysia, Indonesia and the Philippines (Luithui-Erni, 2019, p. 18). Myanmar and Malaysia have federal systems in which some Indigenous peoples are semi-autonomous within the country's federal structure (Breen, 2018c, p. 71), and in Indonesia and the Philippines, regional autonomy is provided for some Indigenous groups in legislation (however poorly implemented). Another form of multilevel governance through which Indigenous peoples can participate in governance is decentralisation, which has been pursued in Cambodia and Indonesia. However, in Cambodia, in particular, decentralisation has largely had a corrosive effect on Indigenous governance structures and practices (Sibbel, 2005, pp. 23-25).

While these forms of multilevel governance continue and could be improved upon, they were rarely raised by the interview participants in this study as avenues, or potential avenues, for the exercise of self-determination. Instead, these arrangements were usually discussed in the context of describing the breakdown of Indigenous governance systems. However, multilevel governance is also occurring outside of these formalised structures. In the final section of this chapter I provide some examples of innovative political partnerships that are going some way toward providing for the meaningful exercise of self-determination that can be learned from and built upon.

These normative and empirical critiques of multilevel governance as a vehicle for self-determination speak to the very matters that lie behind Southeast Asian Indigenous peoples' *protectionist* posture toward the state – violations of land rights, the breakdown of traditional governance structures due to interference from the state, or absorption of Indigenous governing structures into those of the state. For Indigenous-state political relationships to avoid these pitfalls, the arrangements cannot be limited by domestic law and structures or be modelled on other forms of domestic political relationships such as public-private partnerships or levels of government within a federation. Instead, Indigenous-state political relationships must account for the *inter-national* nature of relationship – acknowledging that both entities involved have rights and status under international law, and, indeed, that Indigenous peoples' right to self-determination challenges the state-centricity of international relations by introducing a unique role for Indigenous nations in geopolitics.

As highlighted by Lightfoot, Anaya and Daes above, Indigenous-state political relationships are provided for and protected under international law, meaning they are, in essence, relationships between internationally-recognised political actors (states and Indigenous nations). As such, multilevel governance, as it has been envisioned and practised thus far – that is, within the institutions and legal frameworks of states – is incapable of providing for the geopolitical nature of Indigenous-state relationships. However, acknowledging that the international political system is built for and around the Westphalian state system (in which states are central), referring to Indigenous-state relationships in terms of "diplomatic relations" may also limit its scope and unique characteristics. Indeed, Indigenous nations are not bound by, nor enjoy the same protections of states provided for in international relations law. Instead, the Indigenous-state relationship occupies the intersection of Indigenous rights, international relations, and domestic governance, making it a wholly unique political relationship. Accordingly, Indigenous-state political relationships must be guided by different principles than those that frame domestic as well as international political relations.

Below I propose that Indigenous-state relationships in Southeast Asia must be based on the resurgence concepts of mutuality and autonomy. As laid out in chapter three, these two concepts concerning a transformed relationship between Indigenous peoples and states arise from resurgence literature, and each has three principles. Mutuality is comprised of *collective reconciliation with the earth, mutual sustenance, and relational responsibility*. Autonomy is characterised by *nation-to-nation relations, living freely in difference in common worlds, and fluidity of friendship*. For each of these principles, I identify relationship qualities and practices that enable the meaningful exercise of the resurgence principles. This original model for Indigenous-state political relationships is a contribution to the normative dialogue on self-determination as a political relationship and builds on the literature on the decolonising potential of multilevel governance.

A relationship model

In chapter six I demonstrated that all six principles of mutuality and autonomy resonate with how self-determination is defined in the region. The evidence of an Indigenous resurgence movement discussed in chapter five, and the resonance of Indigenous resurgence tenets in the tactics Indigenous peoples are employing in their interactions with the state discussed in chapter seven, further affirm the value of framing an Indigenous-state political relationship model in accordance with the core principles of Indigenous resurgence. It must be noted that while the relationship between Indigenous nations and states requires committed participation by both parties, at this point in history the bulk of the work of sharing space, authority, and resources lies with the state. Indigenous nations have given more than their fair share, so the state must be prepared to evolve and yield to Indigenous rights, authority, and participation to a greater extent than they have to date. Indigenous nations on the other hand, consistent with resurgence theory, must revive and strengthen their respective identities, relationships, and systems/structures in order to stand firm in these vis-à-vis the state. The resurgence of Indigenous culture and identity occurring across the region is an important step in this direction.

Drawing on my analysis of the interview data, I argue that the resurgence principle of mutuality is characterised by *consensual interdependence*, and autonomy by the *absence of domination*. *Consensual interdependence* means that an Indigenous nation has a choice over whether it will enter into or continue in a relationship with the state. In other words, isolation should remain an option. It also refers to the choice in what areas the Indigenous nations will partner with the state. For instance, communities wishing to maintain their own education systems must not be forced to partner with the state in this area. The *absence of domination* simply means the state must not interfere with the Indigenous nation's governing structures and processes, or in any other way attempt to control, manipulate, or otherwise compromise Indigenous peoples' right to autonomy. Drawing on the interview data, below I elaborate on each of the six principles of mutuality and autonomy providing a *relationship quality* as well as *relationship practices* that allow for the realisation of the resurgence principles within the context of the political relationship. These are depicted in Figure 6 below.

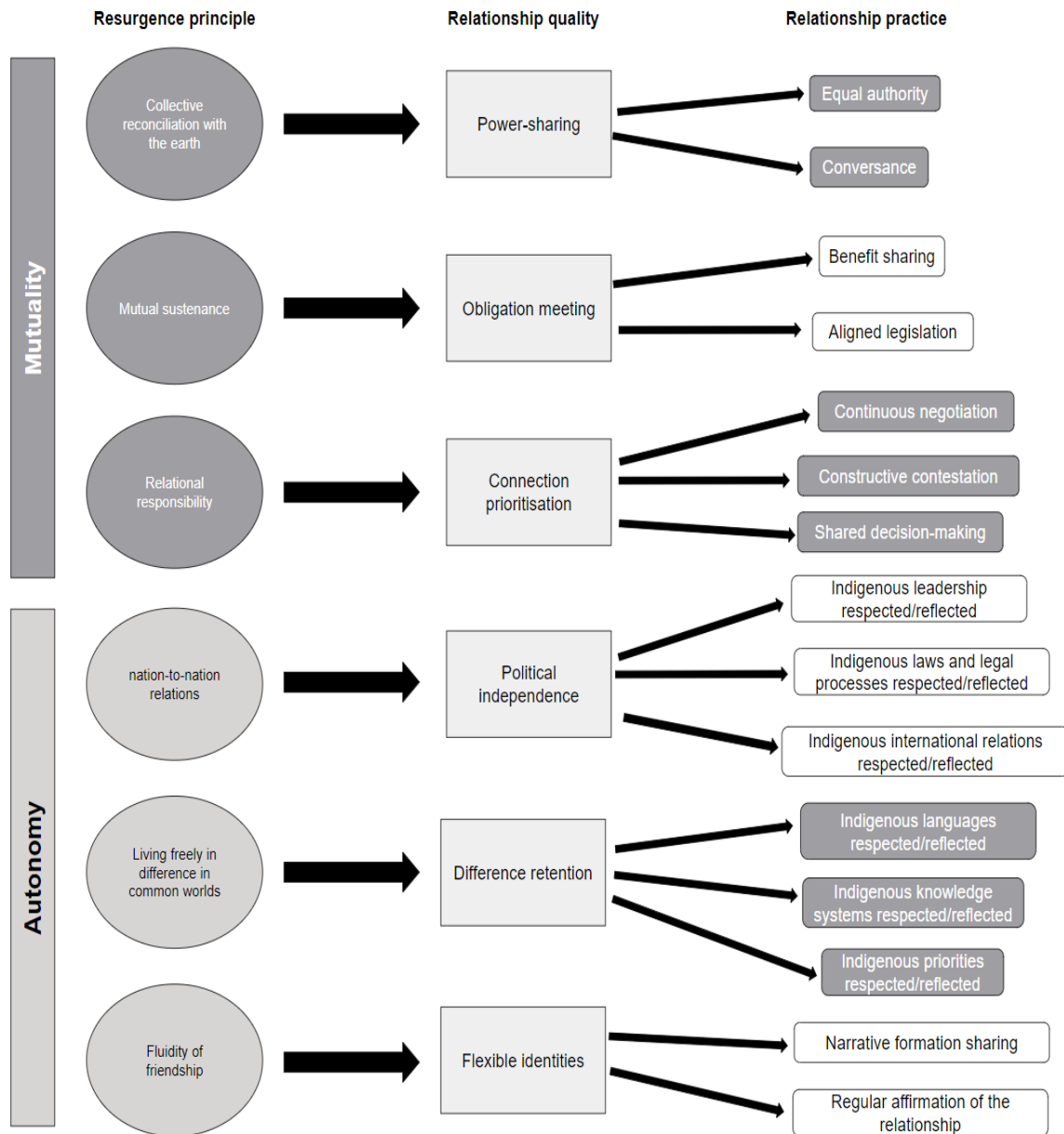


Figure 6: Political relationship framework

Mutuality (consensual interdependence). The first principle of mutuality is collective reconciliation with the earth. As was discussed in chapter four, both Indigenous peoples and states need to establish or re-establish relationships with the earth that are characterised by healthy interdependence and the nurture of reciprocal relationships with the land and natural world, and from that foundation together build a new political order. Improved control over land and resources was raised by participants as a key objective of self-determination in every country within the scope

of this study, except for Laos. Indeed, much of the engagement Indigenous peoples have with governments in the region, for better or worse, centres on the protection and use of land and resources. As discussed in chapter two, being place-based is a key quality in the decolonising potential of Indigenous-state political relationships. In practice, this principle is manifest through the **sharing of power** and authority over lands and resources. The just sharing of power, however, requires both Indigenous peoples and the state to have *equal authority* over shared territories, and to be *conversant* in the values and principles that guide the other's engagement with the land and natural world. As one interview participant stated, "if governments adopt indigenous practices, it's a tremendous win-win situation, both for government and indigenous peoples" (Participant L, personal communication, May 1, 2021). Being conversant in another's values and principles goes beyond acknowledgement or tolerance of alternative governance practices to deep familiarity; when that translates into adoption of those values and principles, as Participant L suggests, both parties benefit. As will be demonstrated in the next section, several of the innovations in Indigenous-state political partnerships taking place in the region also reflect the practices of *equal authority* and *conversance*, arguably contributing to their success.

The second principle is mutual sustenance, which I argue means that the parties are committed to **meeting obligations** that naturally arise from entering into relationship. At the very fundamental level in Southeast Asia, this involves ensuring that *legislation is aligned*, in particular that state legislation recognises and acts upon the government's political obligations towards Indigenous peoples, acknowledging their unique rights as peoples as well as citizens. As has been mentioned several times throughout this thesis, a key challenge raised in both the literature in interviews with participants is the poor or non-existent implementation of Indigenous rights' protections; hence this practice must extend beyond simply codifying rights in legislation to also taking practical measures to implement them. Unless such legislation is implemented, the state is in violation of this relationship principle. Fulfilling obligations also includes *sharing benefits* yielded by the land and sea. This practice includes caring for these resources to ensure they continue to sustain

both parties. In Southeast Asia, this is particularly critical to Indigenous peoples' ability to practise their livelihoods, a key objective of self-determination raised in the interviews. Meeting obligations in this regard means that communities are not prevented from accessing their lands, for instance due to urbanisation or extraction operations, and that the resources they rely on are not compromised through contamination.

The third principle of relational responsibility is expressed through the quality of **connection prioritisation**. This refers to the reciprocal responsibilities that characterise the culture of the relationship. As mentioned in the multilevel governance literature, key strengths of successful Indigenous-state political relationships are the practices of *continuous negotiation* and *shared decision-making*. Lightfoot (2016) also names "ongoing negotiation" as a central feature of the new "norm plane" that Indigenous peoples' right to self-determination ushers international geopolitics toward (p. 17). Shared decision-making is also consistent with the literature on the relational model of self-determination discussed in chapter four. A practice of *constructive contestation* is also part of the *connection prioritisation* suite as it provides for conflict to occur without it threatening the connection between the parties. Indigenous peoples' broad rejection of secession as a means of realising their right to self-determination, as discussed earlier in this chapter, means their relationship with state governments is critical for the realisation of their rights. As such, the relationship must have both the strength and flexibility to withstand conflict. As highlighted in the multilevel governance literature, the practices of continuous negotiation, shared decision-making, and constructive conversance are also understood as characteristics contributing to a decolonised relationship between Indigenous peoples and states because they build relationship capital. Participation in decision-making was also raised as a key objective of self-determination in the fieldwork.

Autonomy (absence of domination). The first principle of autonomy in the framework is nation-to-nation relations, which means each party enjoys **political independence**. As discussed in chapter six, autonomy was raised by over half the interview participants as a key objective of self-

determination, including the right to govern according to customary structures and laws. In contemporary coloniality, political independence for Indigenous peoples, in both settler and non-settler colonial contexts, means the state does not interfere with the Indigenous nation's internal governance. Therefore, in the context of a political relationship, this means that the Indigenous nation's *leadership as well as laws and legal tools are respected* and play an equal role in shaping and guiding the relationship. Political independence also refers to the right of Indigenous nations to maintain their own *inter-national relations* with one another without interference of the state. As was demonstrated in chapter seven, inter-Indigenous collaboration is a key tactic used by Indigenous peoples to strength their advocacy. Solidarity and inter-community cooperation are essential for Indigenous peoples in the region, given their disadvantage relative to the majority populations. The prominence of AIPP in the region attests to the high value Indigenous nations place on collaboration within and between countries.

The second principle of autonomy is living freely in difference in common worlds, which is the relationship quality of **difference retention**. This means Indigenous nations have the right to practise their distinct way of life without pressure to mirror state or mainstream structures or ways of being. In the context of the relationship, this means Indigenous peoples' *knowledge systems, languages, and priorities are respected* and play an equal role in the exercise and outcomes of the relationship. As demonstrated in chapter six, this principle is reflected in all but two of the self-determination objectives highlighted in the fieldwork. Additionally, the evidence of a resurgence of Indigenous culture and identity in the region suggests that, rather than moving toward assimilation or deeper association with mainstream society, Indigenous peoples are finding value and strength in highlighting and reconnecting with their unique cultural identities. In their self-determination advocacy, they are amplifying their strength by joining together in collective action. A just political relationship between states and Indigenous peoples therefore would need to ensure it does not inadvertently become a vehicle for assimilation.

The third principle of autonomy is fluidity of friendship, which means both parties enjoy **flexible identities** in the context of the relationship. In particular, this means Indigenous peoples are free to manage their own political, social/cultural, and economic evolution without interference from the state or mainstream society. A key challenge faced by Indigenous peoples in Southeast Asia is the need, and in many cases, the desire, to evolve with modernity, including through the embrace of education, of economic opportunities, and through the adoption of technologies and different ways of interacting with one another and the outside world. This work is both urgent and delicate, requiring care and understanding for culture, language, and traditional knowledge and systems. As was discussed earlier in the thesis, Indigenous peoples are often painted as opposed to development, or as having a destructive environmental impact by governments seeking to craft justifications for their actions against them. Therefore, in order for a political relationship between Indigenous peoples and states to be just, they must have an equal role in *narrative formation* about the relationship. In other words, no one party may exclusively "hold the pen" on how the relationship, its components, and manifestations are communicated to the outside world. Additionally, because of the inevitability of change within and between the state and Indigenous group, as well as the social, political, environmental, and economic contexts of the relationship, the parties should maintain a practice of *regularly affirming their commitment*, whether through an annual ceremony or another arrangement allowing for any changes to be reflected in the partnership. This practice is a flexible alternative to the containment of Indigenous governance systems within state structures. Instituting the practice of revisiting and recommitting to the objectives and qualities of the relationship builds a robustness into the partnership while holding space for natural and deliberate evolutions.

Looking both to their counterparts in the CANZUS states and to their own dynamic colonial histories, Indigenous nations are not limited by the state-centricity that burdens government-led efforts to provide for the exercise of self-determination within their borders. As Mills (2018) argues, Indigenous peoples are not restricted by the binary choice between assimilation and disconnection.

Rather, the right to self-determination is more usefully envisioned as on a spectrum of "leaning away" to "leaning toward", where the connection between the state and Indigenous nations is responsive to Indigenous peoples' changing needs, interests, and capacities. The balance also provides the flexibility to disengage or engage according to need. For instance, smaller Indigenous nations with limited resources may opt to rely on the state for services rather than develop these capacities within themselves (some Orang Asli communities in Peninsular Malaysia and small Indigenous communities in Cambodia and Vietnam, for example). On the other hand, larger or more isolated nations might choose to be wholly self-sufficient (as is already the case among some Indigenous groups in Myanmar and Indonesia). Over time, groups that are dependent on the state may grow and build their capacity and eventually decide to be more self-sufficient. This change, and how quickly it can occur, was demonstrated in chapter five with the discussion of communities' responses to the COVID-19 pandemic. In a short period of time, some communities transformed from being market-dependent to being self-sufficient. This approach, in which the relationship between Indigenous nations and states reflects the interests and capacities of the Indigenous nation, is well-established in Indigenous-state agreement negotiations in Canada and the United States. While these processes are by no means flawless, the diversity of arrangements between Indigenous nations and states demonstrates the criticality of a flexible relationship model that allows for a high degree of diversity and changeability over time. Envisioning the exercise of self-determination in this way can also allay secessionist fears by putting "leaning away" manoeuvres into the context of a flexible relationship, rather than as a threat to it.

It is one thing to theorise the possibilities for the future of Indigenous-state political relations, and another altogether to do the work of bringing such possibilities to bear. The next section details some of the innovations in political partnerships occurring across the region. While these examples are limited to the local level, imperfectly implemented, and by no means fully reflect the relationship principles, qualities, and practices proposed in the model above, they do go some

way to demonstrating both a capacity for and an interest in Indigenous-state political partnerships that allow for the exercise of self-determination.

8.4 Innovations in political partnerships

While in most cases Indigenous peoples' relationships with governments are fraught, across the region there are also examples of innovation in political partnerships or co-management arrangements that, to varying degrees, demonstrate the principles and practices of the proposed relationship model discussed earlier in this chapter. Reflecting the general diversity of the region, these practices vary considerably in the degree to which they empower self-determination; however, their mere existence demonstrates some willingness by governments to explore forms of political partnership with Indigenous peoples.

Prior to the 2021 coup, progress toward federalism in Myanmar was presenting some notable opportunities for minorities, including those who identify as Indigenous, to take on or further develop their self-governance capacities (Breen, 2019; Morton, 2017b). While the process and model had significant shortcomings, the model's intention to facilitate a degree of autonomous rule for national minorities has certainly advanced dialogue on the application of multilevel governance, self-determination, and minority self-governance, including through the introduction of self-administered areas for some larger ethnic minorities and "special representative rights" for others (Breen, 2019, p. 342). Across the border in Thailand, a fairly new concept called *special cultural zones*, which enable Indigenous groups to continue living according to their customary practices, including engaging in rotational farming and traditional land management within the boundaries of conservation areas, has been recognised as an innovative partnership between Karen and other Indigenous groups and government departments (Buergin, 2014, p. 2059). Communities work closely with government agencies to document the history of the community, undertake mapping and develop a "master plan" that ensures they can continue with their traditional livelihood practices while partnering with government in natural resource management. Special

cultural zones have been implemented in twelve to thirteen communities, and the concept is still being developed as a practice (Participant O, personal communication, June 8, 2021).

This is a notable innovation in partnership because it has been recognised at the highest level of government (codified in a cabinet submission in 2010), and its purpose is to enable Indigenous communities to continue their way of life on their lands while also partnering with government to care for the lands (Buergin, 2014, p. 2056). In considering this innovation against the relationship model proposed earlier in the chapter, the arrangement, at least on paper, suggests it embodies several of the resurgence principles. First, the principle of *living freely in difference in common worlds* is reflected because of its "difference retention". Specifically *Indigenous knowledge systems, priorities, and way of life are respected*. Second, the relationship also reflects *mutual reconciliation with the earth*, as the purpose of the partnership is to jointly care for the land, however, the parties are not necessarily bound to do so according to the other's methodology. Each is enacting practices of care according to their priorities and knowledge systems. However, as above, while this may be the case in theory, how it is enacted in practice may well be very different. Finally, the relationship speaks to a *relational responsibility* between the parties, in that it espouses *shared decision-making* and require the parties to be in *continuous negotiation* with one another. While it is unlikely these qualities are wholly reflected in the partnership, the intention of the arrangement is a step toward a just relationship between Indigenous communities and the government.

The Malaysian state of Sabah leads the region in Indigenous-state co-management arrangements, arguably due to its large Indigenous population, the inclusion of special rights for Indigenous peoples in the constitution, Indigenous peoples' influence in government, and the federal structure. As was discussed earlier in this chapter, the *Tagal* fisheries system in Sabah, while facing challenges, does represent an innovative model in natural resource co-management (Participant A, personal communication, November 14, 2020). One participant told me that the strength of the *Tagal* system is that it has fostered a sense of unity among the communities and government: "*Tagal* is a good example of partnership around fish conservation – it works because

there is mutual respect and a sense of 'we are one people" (Participant C, personal communication, December 13, 2020). From this perspective, the *Tagal* arrangement has a unifying effect as the different communities and government officials work together for a shared purpose. This speaks to the principle of *mutual reconciliation with the Earth*, notably the practice of *conversance*, with government officials learning Indigenous fisheries management methodology, as well as *mutual sustenance*, particularly the practice of *benefit-sharing* as the communities and government departments both have their interests met in the arrangement. As discussed above, however, while these qualities may be present in theory, evidence suggests they are inconsistently reflected in the practice of the relationship.

Like the cultural zones in Thailand, *community use zones* in the Crocker Range National Park in Sabah provide a formal platform for cooperation between Indigenous communities and government agencies in which Indigenous peoples' knowledge of and authority (to some extent) within the territory are respected (Participant A, personal communication, November 14, 2020; Participant C, personal communication, December 13, 2020). As one participant told me, "There are problems with it; however, it's a huge step forward. The communities have a say - it's an actual formal partnership with the government. It's a bit one-sided, but it is a step forward" (Participant K, personal communication, April 20, 2021). Even in Laos where Indigenous peoples remain unrecognised, the government has made some attempts at recognising and partnering with customary governance structures, for instance through the development of a hybrid "mediation unit", a judicial structure that brings together the Indigenous elders system and state judiciary. The body consists of a council of seven to nine members who mediate local issues which are escalated to the district court if they cannot be resolved (Participant J, personal communication, March 6, 2021).

Indigenous leaders and advocates in the region place high value on achieving and maintaining positive relationships with different levels of government, where possible. As one Indigenous leader from Vietnam told me, "We very much have to pay attention to our connection with local government – maintaining a relationship with local government is very important"

(Participant I, personal communication, March 6, 2021). Indeed, there are seemingly countless informal arrangements, particularly between communities and local governments. In the Cordillera, Philippines, for instance, local government or *Barangay* officials maintain an informal consultative relationship with Indigenous leadership on decisions concerning the region and, where the relationship is positive, are critical allies for Indigenous peoples' causes:

It's always more positive if the *Barangay* officials support the community in their position...In terms of power dynamics, the *barangay* is still dominant – they have the resources and the recognition. In most areas they're still quite respectful of the traditional elders who they know and trust in and who think of the welfare of the community. (Participant R, personal communication, October 1, 2021)

Local officials are often familiar with Indigenous governance practices, and in many cases respect Indigenous leaders, sharing a mutual interest in the health and wellbeing of the land. This lays a good foundation for relationships that reflect the principles of *collective reconciliation with the earth* and the practices of *conversance* and *power-sharing*, as well as the principle of *living freely in difference in common worlds* where one party does not dominate the other. In the highlands in Thailand, some local governments make a concerted effort to collaborate with traditional leaders around conservation and environmental protection, even in cases where there is no formal recognition of Indigenous ownership of the land and therefore such partnership is not necessarily required (Participant G, personal communication, 15 February, 2021). Writing about the Cordillera region in the Philippines, Cariño (1996) writes that in many cases Indigenous leaders sit on local councils, and over time the government becomes "indigenised", meaning it operates in accordance with customary laws and norms, creating a hybrid structure (pp. 85-86). This came through as a trend across the region in the fieldwork. In parts of Indonesia, for example, the closeness between local governments and Indigenous groups means their priorities align:

We also now have more acceptance by local governments because they have no other option! We also have local leaders – village leaders (which are part of the government structure) – but they realised they are in Indigenous territories and themselves have Indigenous heritage, so they make sure state projects/programs are contributing to community resilience and aligned with Indigenous priorities. (Participant F, personal communication, February 19, 2021)

Partnerships can be more straightforward when Indigenous leaders have decision-making roles within local government structures, but this is certainly not always the case, as it can also result in "elite capture", as discussed in chapter five. Indeed, with growing levels of education amongst Indigenous young people and, in particular, exposure to governance processes and the core tenets of the Indigenous rights movement, Indigenous leaders are increasingly savvy at navigating interactions with governments and advocating for their communities. An Indigenous leader from Vietnam explained the advantage of having leaders with government experience within the Indigenous peoples' network: "Some of our members are ex-officers at the local government level. Then after they leave government, they join the network and help others to advocate with the local government...they're like spies when they know government language" (Participant I, personal communication, March 6, 2021).

In Thailand improved access to education has been essential to the growth and maintenance of the Indigenous rights movement which is predominantly led by those who have been educated in the Thai system:

The first generation of minority children to have gone through the Thai national education system...they are more or less fluent in Thai language and society/politics. They worked in NGOs etcetera in the 70s and 80s – they know how to play according to the government's rules. And they haven't lost touch with people of the highlands, they have ways of maintaining ties. (Participant G, personal communication, 15 February 2021)

This work of balancing expertise in mainstream society and governance with connection to Indigenous ways of being is often referred to by Australian Aboriginal peoples as "walking in two worlds". This concept also has resonance in Southeast Asia, reflecting the practice of *conversance*, the act of understanding the other's priorities and worldview. Indigenous peoples globally have been required to do this with dominant populations. The relationship only becomes balanced when the dominant systems practise conversance in Indigenous governance and knowledge systems in return.

These are some examples of these kinds of Indigenous-state political partnerships in the region. As expected, they exist predominantly in the context of land and resource management, though not exclusively so. Indigenous-state political or governing relationships are most successful in that they represent a more even balance of power and benefit Indigenous communities when they occur at the local level. Strong interpersonal relationships between the government and Indigenous representatives are key; they are more likely to result in governing structures that are reflective of both government and Indigenous community priorities. Notably, those state representatives working together with Indigenous governance systems often, in turn, become advocates for Indigenous communities within state government systems. Education is also an enabling factor in the establishment of such partnerships. Where Indigenous leaders are able to navigate the state system and government officials are familiar with Indigenous governance practices, they are both more able to achieve a degree of conversance and establish mutually beneficial arrangements. As conservation, sustainable resource management, and renewable energy become more prominent priorities in the region, it will be interesting to observe the impact this has on Indigenous-state governing partnerships, specifically whether they will open up new avenues for just political relationships or lead to more control, elimination, and extraction. As discussed in chapter four, the trend to date unfortunately suggests the latter.

These largely nascent and often asymmetrical practices are a long way from genuinely empowering self-determination. They do, however, in some way reflect the principles, qualities, and practices of the proposed relationship model. Additionally, the partnerships point to capacities and

interests in constructive Indigenous-state relationships that could potentially be scaled up or built upon to achieve a more fulsome renewal of the relationships between Indigenous peoples and governments in the region.

8.5 Conclusion

In this chapter I drew together the research findings on how self-determination is defined and pursued in the region and presented a framework for Indigenous-state political relationships as a contribution to the normative and empirical exploration of Indigenous-state political relationships. I argued that Indigenous peoples in Southeast Asia are assuming both protectionist and transformational postures in an effort to guard against further harm to their cultures and communities, as well as to change their relationships with the state. I returned to the discussion on the decolonising potential of multilevel governance, concluding that Indigenous-state political relationships sit at the intersection between Indigenous rights, international relations, and domestic governance, existing in a wholly unique space between multilevel governance and international relations. I then argued that, given the resonance of Indigenous resurgence in how self-determination is defined and pursued in the region, just political relationships between Indigenous nations and states should be guided by the resurgence concepts of mutuality and autonomy – mutuality meaning *consensual interdependence*, and autonomy referring simply to the *absence of dominance*. The original framework outlined here makes clear that just relationships must be characterised by the qualities of *power-sharing (conversance and equal authority)*, *obligation-meeting (benefit-sharing and aligned legislation)*, *connection prioritisation (continuous negotiation, constructive contestation and shared decision-making)*, *political independence (respect for and reflection in the relationship of Indigenous leadership, laws and legal tools and inter-national relations)*, *difference retention (respect for and reflect Indigenous languages, knowledge systems and priorities)*, and *flexible identities (narrative formation-sharing and regular affirmations of the relationship)*. The innovations in political partnerships in the region discussed in the previous

section, while small and beset by challenges, signify important capacities in Indigenous-state relations. These may hold some of the ingredients needed for the realisation of just political relationships between Indigenous peoples and governments in the region.

The next and final chapter provides a summary of the key arguments and findings of the thesis and offers recommendations for future research to advance this important work.

Chapter 9 – Conclusion

With this thesis I sought to contribute to the understanding of Indigenous peoples' right to self-determination and to examine how it is exercised in Southeast Asia. I was guided by Indigenous resurgence literature and the question of whether its call to strengthen Indigenous nationhood in the face of colonial assault would resonate with Indigenous peoples in non-settler colonial contexts. To undertake this analysis, I developed two theoretical frameworks, drawing on Indigenous resurgence writings. The first framework considers political relationships between Indigenous nations and states, arguing that they must be based on the resurgence concepts of *mutuality* and *autonomy*. I argue that each of these concepts has three principles against which I assessed the research data on how self-determination is defined in the region. The second framework posits that Indigenous peoples are strategically interacting with governments using tactics of *disengagement* and *engagement*, that is, tactics of *rejection* and *persistence* (disengagement), and *challenge* and *reinvention* (engagement). I used this framework to analyse the data on how Indigenous peoples in Southeast Asia are interacting with governments to achieve their self-determination objectives. Through this analysis I found that Indigenous resurgence does indeed have resonance in the region. While their levers for advocacy are arguably fewer than those available to CANZUS First Nations, Indigenous peoples in Southeast Asia are no less determined to achieve relationships with states that empower their positions in the political landscape and guarantee their continuation as autonomous nations.

I began the thesis by explaining that Indigenous peoples and governments in settler-colonial countries lead the global discourse on Indigenous peoples' right to self-determination. The CANZUS governments have myriad schemes of recognition and protection of Indigenous peoples' rights within the borders of states, including land claim programs, treaty-making, parliamentary representation, co-management arrangements, regional autonomy, and other projects, with varying degrees of uptake by Indigenous nations. Indigenous peoples in these countries have long criticised

governments' "politics of recognition", arguing these not only fall short of reflecting their rights, but in fact are further efforts to advance the colonial project. Indigenous resurgence, which grew out of the Red Power Movement in Canada and the United States, has played a leading role in these critiques. As a movement and theory by and for Indigenous peoples, however, it goes beyond critiquing the actions of the state to proposing a radically different reality. Indigenous resurgence is a collective rallying cry for Indigenous peoples to return to traditional places, practices, and relationships in an effort to restore and preserve their communities, cultures, and lifeways. Resurgence theorists argue that Indigenous people should "turn away" from the state and non-Indigenous society, and focus their energy instead on decolonising themselves, their communities, and their nations. This process is the active revival of the values, practices, and relationships that underpin ancient cultures. Only then, from positions of renewed strength, should they seek to re-engage with governments in an effort to co-create political relationships that reflect mutual reciprocity.

In line with this call, Indigenous resurgence is growing, both as a practice as well as in scholarship about and from settler colonial countries. However, as discussed in chapter four, a resurgence of Indigenous identity is also occurring elsewhere around the globe. The adoption of the UNDRIP catalysed an expansion and strengthening of the global Indigenous rights movement, including a "revival" of indigeneity and uptake of the Indigenous identity in Southeast Asia. The decolonial language within the UNDRIP has also been adopted and is shaping Indigenous rights advocacy at the international and regional levels in Southeast Asia. Several organisations, including the AIPP, have taken the lead in framing and advocating for Indigenous peoples' right to self-determination in the region. Along with other local Indigenous-led organisations, the AIPP is tirelessly advocating for Indigenous rights, using terms like decolonisation, sovereignty, self-determination, treaty-making, and self-governance, drawing parallels with the experiences and advocacy of Indigenous peoples in CANZUS. Unlike in the CANZUS states, however, Southeast Asian Indigenous nations do not have a clear position in relation to non-Indigenous communities and

society. As the region has sustained "waves" of colonisation, peoples and powers have cycled through its territories leaving little confidence in "place and time"-based identities. Consequently, those claiming indigeneity to a place have struggled to achieve recognition or respect, despite some Southeast Asian governments maintaining comprehensive legal protections for Indigenous peoples. Broadly, implementation of these is poor and by and large, Indigenous communities remain amongst the most marginalised in the world.

Indigenous peoples in Southeast Asia are extremely diverse, and across the region they are fighting an array of battles with governments, corporations, and the various arms of "international development" for the recognition and protection of their rights. At the same time, scholarship about Indigenous peoples in the region is predominantly anthropological or focussed on their experiences with poverty and marginalisation. Very few writings explore their nationhood and political aspirations, including their right to self-determination, and this thesis is a contribution to addressing this lacuna. As the world wrestles with the climate crisis, Indigenous peoples who are on the frontlines of defending some of the world's most biodiverse environments are being looked to for solutions to reviving and preserving the globe's wild spaces. To date, governments' tactics to violently remove communities from these territories for either development or conservation purposes, is becoming increasingly unpalatable to the global community whose concern for the health of these natural environments continues to grow. As Indigenous rights advocacy strengthens in the region, governments will need to contend with Indigenous peoples' demands, which continue to be shaped by the decolonial language of the global rights movement.

9.1 Indigenous resurgence and self-determination in Southeast Asia: Findings

The most significant contribution this thesis makes is to demonstrate how self-determination in the region functions as a *movement*, an *objective*, and as a *toolbox* of tactics for interacting with governments. In chapter five, I offered evidence of an Indigenous resurgence movement, revealing itself in the revival of indigenous identity and culture, reminiscent of that being

led by Indigenous resurgence proponents in CANZUS states. I identified how Indigenous peoples in the region are *reconnecting* with their lands and cultures, *reclaiming* their Indigenous identities, and *rebuilding* their traditional systems and structures. In Indonesia the national Indigenous rights organisation, AMAN, has named the phenomenon occurring amongst its communities the "coming home movement". As the name suggests, Indigenous peoples are returning to their traditional territories, reconnecting with their heritage, and taking up traditional practices and ways of life. This is not unique to Indonesia, however, as all the interview participants in this study referred to a growing interest among their communities in identifying as indigenous and picking up traditional practices.

The global COVID-19 pandemic has played a role in encouraging people to return to their home villages and traditional subsistence activities, whether because of job losses, lock-down measures, or the need to care for family members. Back home in their villages, traditional practices sustained many communities during the worst of the pandemic, and in some cases were the reason for their survival. For instance, Indigenous groups in Indonesia erected "transit houses" for migrant workers returning to communities. Indigenous-led organisations worked together to develop culturally relevant responses to the pandemic for the communities they represented. While the catalyst for returning home was often negative, the movement merged with existing momentum around indigeneity in the region being led in many countries by the younger population. Several interview participants told me that in parts of the region, such as in Cambodia, Malaysia, Thailand and Vietnam, young people are wearing traditional clothes, learning the languages of their ancestors, and reviving ceremonies and practices that are at risk of becoming extinct. One Indigenous leader and academic in Sabah, Malaysia told me that young people in some communities are bringing technologies back to their home villages in order to connect the activities of the old people to the wider world. In this way, the cultural revival already underway in the region is being amplified by the challenges brought by the pandemic; a faint silver-lining for communities who have, and continue to, bear the brunt of the global crisis.

In chapter six I outlined how self-determination is understood as an *objective*. The diversity of Indigenous peoples across the region is clearly reflected in the data, as are the challenges they face and the resources and avenues for advocacy available to them. A significant finding from the study is that self-determination in the region is about both short-term needs and long-term visions. I argued that, broadly, self-determination is understood as a pathway out of poverty and political power, consisting of three domains – socio-economic wellbeing, civil rights, and cultural *thrival*. While immediate socio-economic wellbeing is a fundamental pursuit for many communities, in most cases, this is not the sole pursuit. As in CANZUS countries, indigeneity in Southeast Asia is deeply enmeshed with poverty, which frequently manifests along ethnic lines. The ongoing threats from land-grabbing affect Indigenous peoples' livelihoods and survival. Civil rights are necessary for Indigenous communities to enjoy the same freedoms and opportunities as other citizens in the country. And finally, cultural *thrival* refers to the conditions needed for Indigenous peoples to thrive, both as individual citizens of a state and as autonomous collective entities with unique cultures, priorities, and aspirations.

In considering these findings through the lens of the *mutuality* and *autonomy* theoretical framework, I demonstrated that while both these resurgence concepts resonate with Indigenous peoples' self-determination objectives, *autonomy* comes through more strongly. This is, I suggest, reflective of both the general hostility of governments toward Indigenous peoples and their rights across the region, as well as of the strength of Indigenous nations – where a just political relationship is not considered possible, *autonomy*, to the extent of isolation, is favoured. However, the reflection of both *mutuality* and *autonomy* in how self-determination is defined is notable, suggesting that Indigenous resurgence writings have global implications for the future of indigenous-state relations.

In chapter seven I explored how self-determination is treated as a *toolbox* of tactics for interacting with states to achieve particular objectives. I presented evidence from across the region of a trend of nine tactics identified through my research – tactics ranging from isolationism to

comprehensive engagement with the state – that are wielded variously in an array of circumstances. It is notable that the difference between how communities interact with governments is reflected less in *what* tactics are employed than in *how* the tactics are employed. In other words, Indigenous groups with exceedingly different goals and resources, in different political contexts, and with very different available avenues for advocacy are using the same or similar tactics, albeit in very different ways. This is a significant finding as it affirms that these nine tactics are proving effective for Indigenous communities and are translatable from one context to the another.

I then applied the *disengagement* and *engagement* theoretical framework to this data, finding further evidence of the resonance of Indigenous resurgence. The nine tactics represent either one or a combination of *rejection*, *persistence*, *challenge*, and *reinvention*. As with the findings in chapter six, the data showed a preference for disengagement tactics, pointing again to a broad "leaning away" from governments. Where engagement tactics are being used, they are wielded from a protectionist position. While the resurgence work of *reinvention* came through most frequently in the analysis, it is most often employed in combination with the disengagement tactic of *persistence*, highlighting Indigenous peoples' continuous work of preserving and strengthening their communities and cultures that are under constant threat.

In chapter eight I considered the findings from the preceding three chapters, arguing that Indigenous peoples broadly, are balancing both *protectionist* and *transformational* postures – predominantly "leaning away" from the state while also frequently "leaning toward" it. In this work, Indigenous nations are balancing the need to protect their communities from the harm that typically accompanies encounters with the state, their intent being to change the dynamics of their relationship with it. I argued that the *transformational* posture is demonstrated in the Indigenous resurgence movement in which Indigenous peoples are taking action to strengthen their position vis-à-vis the state. The *transformational* posture also comes through in the resonance of *mutuality* in Indigenous peoples' self-determination objectives in the region and in their frequent use of *reinvention* tactics in interactions with the state.

Throughout the thesis I have argued that Indigenous peoples in the region are generally not seeking to secede from states but are instead seeking political relationships with governments that will enable the full exercise of their right to self-determination, their right to autonomy in particular. This is consistent with the "relational" interpretations of the UNDRIP. The UNDRIP, however, provides little guidance on the exercise of self-determination in this regard, a normative and empirical chasm being filled by writings analysing Indigenous-state multilevel governance arrangements, practiced particularly in Canada and the US. Multilevel governance is being explored for its decolonising potential, that is, its potential for allowing for the meaningful exercise of Indigenous peoples' right to self-determination in the context of political relationships with governments and government entities. However, I agree with most theorists who argue that multilevel governance falls short of empowering Indigenous peoples' right to self-determination due to its containment within structures and rules dictated by state. I brought together the literature on multilevel governance with the normative argument that Indigenous peoples' right to self-determination has a transformational impact on geopolitics by providing an alternative definition of "self-determination", a definition not limited to statehood or geographical autonomy, but one that recognises that "self-determination" can be realised through political relationship. Indigenous peoples' right to self-determination is an international concept through which Indigenous peoples are recognised as international actors.

Into this live discussion on the nature of Indigenous peoples' right to self-determination, I argue that the relationship between Indigenous peoples and states occupies a space between multilevel governance and diplomatic relations, sitting at the intersection of Indigenous rights, international relations, and domestic governance. Drawing on Indigenous resurgence theory and the findings of this project, in chapter eight I presented a relationship model to guide Indigenous-state political relationships in Southeast Asia. I argued that a relationship must be framed around the six principles of *mutuality* and *autonomy* which are exercised and sustained through a suite of practices that enable both the *protectionist* and *transformational* objectives of Indigenous nations to be

pursued. The relationship model is both aspirational and practical, providing principles and tools that can be applied in diverse cultural and political contexts and which enable nations to "lean away" and/or "lean toward" the state in accordance with their needs and interests.

In the final section of chapter eight I considered innovations in Indigenous-state political relationships in the region. Innovative political relationships exist in various parts of the region and while they predominantly concern land and resource management this is not always the case. They have in common the fact that they are all local arrangements, existing where Indigenous governing structures and practices are strong. Additionally, strong interpersonal relationships between state and Indigenous representatives – specifically, where the participants are *conversant* in the other party's culture and governance processes – are enabling factors.

9.2 Implications of this study

This study goes beyond existing scholarship on Indigenous peoples' pursuit of their right to self-determination in Southeast Asia in its consideration of the political aspirations of Indigenous nations in the region and the tactics they are employing to achieve their objectives. In advocacy, Indigenous peoples are readily employing the language of nationhood and decolonisation, long used by their CANZUS counterparts, however scholarship lags behind in considering Indigenous peoples in Southeast Asia as political entities. The implications of the findings of this study are threefold.

First, in this thesis I have demonstrated the resonance of Indigenous resurgence in non-settler colonial contexts. Decolonisation literature concerning the experiences of Indigenous peoples is firmly entrenched in the settler-colonial experience, at the expense of exploring these themes in other colonial settings like internal colonisation in post-extractive colonisation states. Colonial tactics of control, elimination, and extraction are evident in the way Southeast Asian governments are interacting with Indigenous peoples within their borders. By developing theoretical frameworks based on resurgence writings, I provide a lens through which the activities of Indigenous peoples in these contexts can be considered against the same decolonisation themes that are increasingly

shaping the discourse on the future of Indigenous–state relations in CANZUS countries. I demonstrate that Indigenous peoples in Southeast Asia are not only seeking greater participation in governance or rights equal to those of non-Indigenous citizens. Instead, across the region they are taking measures to strengthen their cultural identities, relationships with one another and their traditional lands, and to resurrect their unique ways of life. In this way, Indigenous peoples are conceiving their collective right to self-determination through the lens of nationhood, reminiscent of the way Indigenous nations in the CANZUS states are defining their rights. This has significant implications for how Southeast Asian governments might consider the way Indigenous peoples' right to self-determination can be exercised within their borders, and how the international community might support Indigenous communities and governments in that work. As an example, the work of empowering self-determination in the region cannot (only) be projects of poverty reduction or improved civil rights (noting these are important components of the right to self-determination). Rather, self-determination will necessarily require consideration of ownership and control over land and natural resources, and may even contend with definitions of sovereignty within the state. While some of this work can be shaped by the experiences in the CANZUS states, Southeast Asian governments and Indigenous nations will need to work together to forge a path forward that responds to the unique strengths and challenges of their region.

The resonance of Indigenous resurgence in Southeast Asia also has implications for Indigenous resurgence theory and the movements in CANZUS states. The findings of this project show that the theory has global reach, arguably strengthening the resurgence movements in these countries. The project also elevates the tenets of Indigenous resurgence to international relations, demonstrating the importance of considering these in how self-determination, as a right under international law, is being debated and advocated for in international fora. The findings regarding how the resurgence concepts of *disengagement* and *engagement* are enacted in the region builds on literature about how these are pursued in CANZUS countries. This enriches how these tactics are understood, and perhaps offers ideas for how Indigenous nations in these countries can both

protect their nations and transform their relationships with states. A regular and robust inter-regional exchange in which Indigenous leaders share and collaborate on projects of resurgence in their countries would be a worthwhile pursuit.

Second, I have offered a comprehensive explanation of how self-determination is understood in Southeast Asia, which spans meeting immediate needs to achieving political autonomy. As self-determination is largely a place-based pursuit, a universal definition is not appropriate; indeed, the findings of this project underscore the diversity across the region. At the local level, the pursuit is led by individual communities defining and seeking to fulfil their self-determination objectives in interactions with different arms of the state. At the regional level, this advocacy is led by a growing, educated middle class of Indigenous individuals, connected internationally, who are drawing inspiration from both their own communities and from decolonisation movements in settler-colonial countries. These findings demonstrate that Indigenous peoples in Southeast Asia are not merely victims of oppressive regimes, but are political actors in their own right, engaging strategically with governments to achieve their desired outcomes. This provides further data for Southeast Asian governments and the international community to consider when conceiving the future of Indigenous rights in the region, including when considering options for the preservation of biodiverse environments over which Indigenous peoples have territorial claims.

It is notable that Indigenous peoples' interest in autonomy and political power, and in their right to live on their lands in accordance with their traditional way of life, demonstrate that improving Indigenous peoples' access to participation in state governance is an insufficient offering of "political power". As indicated above, the findings of this project show that the meaningful exercise of self-determination in the region will in many cases require a significant rearrangement of the political landscape within states, a rearrangement that goes beyond decentralisation and other forms of multilevel governance. International organisations will also need to reconsider the public administration support they are providing to countries, where this pertains to Indigenous peoples.

Third, with this thesis I am offering a contribution to the ongoing discussion of self-determination as a political relationship between Indigenous nations and states. As discussed, the interview data in this project points to Indigenous nations in Southeast Asia assuming both a *protectionist* and *transformational* posture in their interactions with governments, highlighting the complexity of navigating relationships with states. The relationship framework presented in chapter eight provides practical guidance for such relationships by applying the resurgence concepts of *mutuality* and *autonomy*. These balancing principles offer a flexible spectrum along which Indigenous nations can variously "lean away" and "lean toward", according to their needs and interests.

The flexibility of the model also allows it to be tailored to different contexts. In other words, how the principles and qualities are defined, and which practices are employed, can be jointly determined by the parties. The model is also robust enough to serve as an evaluative framework for Indigenous-state political relationships in the region. In particular, the inclusion of both relationship *qualities* and *practices* means political relationships can be assessed against the model to understand whether and in what ways the relationship is empowering Indigenous peoples' right to self-determination. In countries or regions where collaborating with governments is particularly challenging, Indigenous nations could independently contextualise the elements of the model and use it as an advocacy tool. While there is certainly scope for elaborating on the model or refining it further at the national or local levels, it offers an important first step in envisioning political relationships between Indigenous peoples and governments in the region.

The findings of this thesis provide some comprehensive answers to questions about how self-determination is understood and pursued in Southeast Asia, but they also raise new questions for closer interrogation. The next section provides my recommendations for future research to advance this critical work.

9.3 Recommendations for future research

Consistent with a qualitative Indigenous inquiry approach, this project analysed the views and actions of Indigenous peoples in Southeast Asia to develop a holistic understanding of what self-determination should look like if it could be fully exercised. By focusing on the region, I was able to discern trends in language, ideas, and practice; however, the geographical breadth of the study, coupled with limitations of online research necessitated by the COVID-19 pandemic, made further analysis of these findings through in-depth case studies impossible. A valuable contribution to further understanding Indigenous peoples' right of self-determination in the region would be an analysis of the impact of context on how self-determination is understood and pursued. For instance, what impact does political regime, rights legislation, quality of democracy and colonial history have on how self-determination is defined and pursued in that country? The research could include the development of a rating for how "hospitable" the country is to Indigenous peoples and their rights through consideration of several of these factors. This "hospitality score" could then be considered against the findings regarding the definition of self-determination and its pursuit in that country. This project would require further fieldwork to draw robust conclusions, and would best be conducted on a country-by-country basis to allow for deep analysis. This would be a natural and meaningful follow-up to this study, contributing to a greater understanding of self-determination in the region.

A second valuable contribution to this field would be an examination of existing political relationships or multilevel governance arrangements between Indigenous nations and governments in the region. In particular, the study could investigate the conditions for successful governing partnerships between Indigenous peoples and state representatives. This should include consideration of the characteristics of governance arrangements, including who is involved, how they function, what structures they maintain, what issues they address and so on. These arrangements could be evaluated against the political relationship model presented in chapter eight

to test its consistency with how Indigenous peoples define self-determination as it is exercised in the context of a political relationship with state.

Finally, while I touch on the impacts of the COVID-19 pandemic on Indigenous peoples' self-determination pursuits in the region in chapter five, further investigation into how the global pandemic has affected Indigenous peoples in Southeast Asia's defining and pursuing of their rights would be valuable. A particularly worthwhile inquiry would consider how Indigenous peoples' collective identity or sense of nationhood has evolved in response to the pandemic. As discussed, several communities throughout the region resurrected or employed traditional protocols or systems to keep their communities safe and informed during the crisis. In several cases, these interventions included inter-community collaboration. Has this work strengthened Indigenous peoples' sense of nationhood, and if so, how? What, if any, practices of such collective protection have continued or evolved out of these responses to the pandemic? In addition to advancing understandings of self-determination, such an inquiry could strengthen planning and preparation for future pandemics.

9.4 Final remarks

Understanding and meaningfully empowering Indigenous peoples' right to self-determination is a critical moral and political imperative. As discussed above, Indigenous peoples are among the most marginalised peoples in the world, yet inhabit and have claims over some of the most ecologically important territories in the world. In Southeast Asia, as in other regions, Indigenous peoples are often the last line of defence against destruction of these critical natural environments. As has been discussed, even though Indigenous knowledge systems are increasingly being looked to as containing the answers to the global environmental crisis, Indigenous peoples are still struggling to have their voices heard at national and international levels.

Indigenous peoples in the region have defied expectations in their responses to projects of assimilation and to other efforts to remove them from their lands. Despite constant threats,

Indigenous communities persist in their traditional ways of life, languages, and practices, and, as this study has shown, are growing in their determination to guard against their further erosion. Like their counterparts in the CANZUS states, Indigenous peoples in Southeast Asia refuse to be eliminated by the state, or otherwise subsumed by non-Indigenous societies in their countries. The adoption of the UNDRIP in 2007 was a significant step toward the recognition of Indigenous peoples' right to, not just to survive, but to *thrive* within the borders of states. The question of sovereignty and legitimacy of states that is increasingly characterising Indigenous-state relations in the CANZUS countries is emboldening Indigenous peoples in Southeast Asia, enabling them to frame their struggle as one of decolonisation rather than as one just of human rights. The Indigenous rights movement in the region nevertheless faces an uphill battle in both these domains – decolonisation is a particularly complex concept in the region given its varied colonial history, while internationally affirmed human rights are systematically ignored or dismissed as a Western construct. Rapid economic growth in the region, while enabling the growth of an affluent, educated middle class of Indigenous people who are connected and empowered to advocate for their rights and the rights of their communities, is also leaving many communities behind, further widening the gap between the rich and poor. Significant diversity within the broader Indigenous community in the region, however, makes achieving a cohesive and robust Indigenous rights movement very challenging.

Despite these myriad hurdles, Indigenous peoples in Southeast Asia are growing in strength through their resurgence activities. In addition to increasing in number as more communities identify as Indigenous, the regional Indigenous rights movement is finding its feet in international fora. It is seeing a generation of young people taking the lead, standing on the shoulders of a small but strong network of activists who have been fighting for the rights of Indigenous peoples in their countries for decades. The next generation of Indigenous activists is advocating with increased sophistication and determination, supported by global connectivity and the growth of other movements such as the global climate movement and various anti-authoritarian movements in the region.

Indigenous peoples around the world continue to demonstrate the strength and persistence of their cultures and identities as nations. Scholarship focused on their experience of colonisation and, indeed, on the necessary work of decolonisation, like that of Indigenous resurgence, is not only an academic pursuit. Rather, Indigenous resurgence is a roadmap for just coexistence of Indigenous and non-Indigenous societies. While it may still be considered by some to be a fringe cause of a small group of radical activists, this thesis has shown that this is not the case. Instead, Indigenous resurgence theory deeply resonates with Indigenous peoples in Southeast Asia, underscoring the universality of its tenets and thus the criticality of heeding its guidance at the global level. Indigenous resurgence theorists, along with the leaders and activists who are leading resurgence movements, are answering the challenging questions regarding what Indigenous peoples' right to self-determination means and looks like. Governments and the broader international community need only listen to and observe this work to understand what is needed for the meaningful realisation of Indigenous peoples' right to self-determination. Indeed, the future of the planet may well depend upon it.

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Appendix A

Email from Dr. Michael Breen, the primary author of our co-authored book chapter confirming my original contribution to the chapter.



Anya Thomas <atthoma@student.unimelb.edu.au>

Reuse of materials from our book chapter

1 message

Michael Breen <michael.breen@unimelb.edu.au>
To: Anya Thomas <atthoma@student.unimelb.edu.au>

Mon, May 1, 2023 at 5:19 PM

Dear Anya

This email is to confirm that, in relation to:

Breen, M. G., & Thomas, A. (2021). National minorities and Indigenous Peoples in multilevel governance. In A. Benz, J. Broschek & M. Lederer. (Eds), *A Research Agenda for Multilevel Governance* (pp. 191-207). Edward Elgar Publishing. <https://www.doi.org/10.4337/9781789908374>

I give permission for the reuse in your thesis of material and ideas forming a proportion of our chapter; and,

That the reuse concerns the disengagement and engagements tactics that are entirely your idea, which you developed independently as part of your PhD research.

Please let me know if there is any queries or further information.

Best regards

Michael

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Appendix B

Paper presented at the International Political Science Association World Congress, 12-16 July 2021.

The pursuit of a renewed relationship with the state: Indigenous resurgence tactics in Southeast Asia

Anya Thomas

PhD Candidate

School of Social and Political Sciences

Submission to the International Political Science Association World Congress

12-16 July 2021

Executive summary

As in other parts of the world, many Indigenous peoples in Southeast Asia consider themselves a colonised people. Indeed, while some Southeast Asian nations have impressive recognition and protection legislation which reflect rights set out in international instruments like the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), these are largely unimplemented. Nevertheless, the global indigenous rights movement has emboldened Indigenous peoples throughout the region to assert their identity, authority and claim to their rights. However, because of the historical and cultural context in Southeast Asia is vastly different to settler-colonial countries (Canada, Australia, New Zealand and the United States or, 'CANZUS'), the birthplace of much of the language that informs international law and dialogue on Indigenous rights, some ideas are lost in translation when seeking to understand and support engagement with concepts like 'indigeneity' and 'self determination' in the region. While literature on the application of these concepts in non-settler colonial contexts is growing, understanding about the objectives and tactics employed by Indigenous groups to improve their circumstances remains limited. Building on existing literature, this paper presents preliminary findings from my Phd research suggesting that Indigenous peoples in Southeast Asia are employing strategic tactics to achieve renewed relationships with the governments. There is also some evidence of a broader trend of a revival of Indigenous identity reminiscent of the Indigenous resurgence movement gaining momentum in CANZUS. Providing examples from the region, I argue that Indigenous groups are strategically disengaging from the state through actions of *rejection* and *persistence* and engaging through acts of *challenge* and *reinvention*. The broad objective of these tactics is to achieve renewed relationships in which Indigenous communities are able to live in accordance with their cultural principles, their governance structures are recognised and respected, and their socio-economic wellbeing and civil rights are guaranteed.

Introduction

The persistent poverty and disadvantage of Indigenous peoples around the world is increasingly being framed as the result of ongoing internal colonisation by governments (Kingsbury, 2011; Kymlicka, 2005; Baird, 2008; Phuntsok, 2012; Miller, 2011; Khondker, 2018). In recent decades, this has accelerated with the proliferation of corporate influence (Baird, 2008, 203). Development aggression, assimilationist policies, absent implementation of rights protections and structural racism demonstrate that, in spite of legislative protections, court rulings affirming Indigenous rights and a strong international Indigenous rights movement, governments are persisting with tactics of control, erasure and extraction in an effort to remove the inconvenience of Indigenous peoples and cultures from within their borders. This work is ongoing and changes shape over time and spaces, yet its continuance is a unifying experience for Indigenous peoples around the world.

Unlike their counterparts in settler-colonial countries (Canada, Australia, New Zealand and the US, or 'CANZUS'), for Indigenous peoples in Southeast Asia there is not pre- or post-colonisation. Rather, they have experienced waves of colonialism, which continues today at the hands of oppressive governments and unregulated multinational corporations (Daytec-Yangot, 2018). Independence gained after WWII liberated states from European rule, but it opened the door to 'internal' colonialism whereby minorities are ruled by elites who largely adopted the tactics of their European colonisers (Kim, 2009; Santamaria, 2004, 23). An increasingly globalised economy has fuelled an urgency for economic development and ushered in corporations that operate with impunity (Kymlicka, 2005, 30; Luithui-Erni, 2019; Doolittle, 2005, 152). However, other global trends like conservation and sustainable energy initiatives also threaten Indigenous peoples' rights. Indigenous lands are appropriated for both conservation and extraction purposes, and the tactics used by the state for both are the same (Seton, 1999, 16; AIPP & AIPC, 2019, 1; Kingsbury, 1998, 440; He, 2011, 12-13).

In response to this continued threat, Indigenous nations are employing tactics of strategic engagement and disengagement with governments to ensure their survival as individuals and unique cultural communities with historical and spiritual connections to the land. However, failing a handful of cases, broadly Indigenous groups are not seeking secession from states, but rather self-determination and the exercise their right to self-governance and autonomy within the borders of the nation-state (Cornell, 2015, 3; Daytec-Yangot, 2018, 62). In addition to affirming Indigenous peoples' right to self-determination and self-government (Articles 3&4), the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) establishes that Indigenous nations are international legal actors whose authority manifests through the exercise of a continuous relationship with the state within whose borders they reside.

Building on existing literature, this paper presents preliminary findings from my PhD research suggesting that Indigenous peoples in Southeast Asia are employing strategic tactics to achieve renewed relationships with governments. While Indigenous peoples across the region are extremely diverse and cannot be homogenised, the findings also show a broad trend of revival of Indigenous identity in the region, reminiscent of the Indigenous resurgence movement gaining momentum in CANZUS. I argue that Indigenous groups are strategically disengaging from the state through actions of *rejection* and *persistence* and engaging through acts of *challenge* and *reinvention*. The broad objective of these tactics is to achieve renewed relationships in which Indigenous communities are able to live in accordance with their cultural principles, their governance structures are recognised and respected, and their socio-economic wellbeing and civil rights guaranteed.

A note regarding the intention vs the reality of this project: The original objective of my thesis was to undertake a comparative case study of two cooperative governance arrangements in Southeast Asia. However, as has been the case with research projects around the globe, the pandemic required a reorientation of both the focus and methodology of this study. The outcome

thus far has been the discovery of the unique form of 'politicking' employed by Indigenous groups in the region that is discussed in this paper, which, in some cases, has been amplified by the pandemic. Research to date suggests cooperative governance arrangements are being practiced and, in theory, are desirable for Indigenous peoples in the region. Further research is needed to understand whether the strategic tactics outlined here are having an impact on the successful achievement of cooperative governance arrangements between the state and Indigenous communities.

This paper is divided into three parts. The next section offers a theoretic framework through which the tactics and objectives of Indigenous groups in their interactions with governments can be understood. Drawing on Indigenous resurgence theory, I argue that communities strategically disengage through acts of *rejection* and *persistence* and engage through *challenge* and tactics of *reinvention* in their dealings with government. The second section I provide a summary of preliminary findings on practices of strategic disengagement and engagement being employed by Indigenous peoples in Southeast Asia. The last section offers reflections on the objectives of these tactics, proposing that strategic engagement is broadly purposed to achieved a renewed relationship with the state which includes three sub-objectives: improved socio-economic wellbeing, civil rights and cultural 'thrival'.

Indigenous resurgence is a theory, a movement and a toolbox

As a theory

Indigenous Resurgence is a theory born out of the Red Power Movement in North America in the 1960s and 1970s. The theory is centred on the premise that colonisation is not an historic event, but rather an ongoing reality (Alfred & Corntassel, 2005; Wolfe, 2006; Simpson, 2011; Coulthard, 2014; Champagne, 1996; Simpson, 2010) that manifests through "politics of recognition" (Coulthard, 2014) and "shape-shifting" tactics of the state to destabilise Indigenous identity (Alfred & Corntassel, 2005, 608-609). In response to this reality, Resurgence theorists call on Indigenous nations to *disengage* with the state and non-Indigenous society as a primary and direct objective, and then subsequently, strategically *engage* on new terms as a secondary and indirect objective (Elliot, 2018).

Writers on Indigenous Resurgence continue to unpack what it means for Indigenous nations to disengage and strategically engage with the state. Disengagement or 'turning away' is the act of shifting focus and energy away from the state and dominant culture onto the rejuvenation of Indigenous culture and systems (Coulthard, 2014):

"Rather than channelling energies into attempts to further modify the settler-colonial order from within, efforts should be directed towards independently rejuvenating Indigenous nationhood and culture: reconnecting communities with traditional language, lifeways, and forms of governance; re-establishing sustainable economies and pursuing ties of solidarity and collaboration with others working toward a radical transformation of the contemporary social world both at home and internationally" (Elliot, 2018, 64).

Rather than engaging in state recognition and accommodation schemes, Indigenous nations have the option of refusing to engage. Refusal, as a political strategy, asks of the power in the position of recognizing the other: "What is their authority to do so? Where does it come from? Who are they to do so?" (Simpson, 2014, 11). Mohawk scholar Audra Simpson argues that recognition strategies are temporal, while Indigenous sovereignty is permanent, making the settler context a situation of ongoing multiple sovereignties which will inevitably collide (The Wheeler Centre, 2016).

Engagement with the state and dominant culture is a secondary objective of Resurgence, and arguably more akin to a necessary evil for which Resurgence writers offer guidance, rather than an active pursuit. However, since the beginning of the Indigenous rights movement, and even

earlier, Resurgence advocates have offered alternatives to the colonial settler-Indigenous relationship. Resurgence engagement is the work of developing "...a renewed form of dialogue on matters of justice and decolonization, structured by principles of genuine mutual recognition and reciprocity" (Elliot, 2018). From a place of renewed strength, Indigenous nations can develop alternatives to the status-quo colonial relationship with the state (Simpson, 2011; Coulthard, 2014; Deloria, 1996; Alfred & Corntassel, 2005). Ultimately, resurgence seeks to regenerate Indigenous ways of being and to remove obstacles to a renewed relationship and reciprocal dialogue with the state and non-Indigenous society (Simpson, 2016; Elliot, 2018).

As a movement

Indigenous Resurgence writers call on Indigenous nations to disengage with the state in response to its projects of oppression. Instead of expending energy on engaging with governments on their terms, Indigenous peoples are encouraged to focus inward on activities and practices which enhance their nationhood building objectives. From this position of renewed strength, nations can re-engage with the state, however on new, more equitable terms (Elliot, 2018). As a first step in this movement toward renewed nationhood, Resurgence theorists call on Indigenous nations to engage in 'daily acts of resurgence' through the exercise of 'grounded normativity', that is "...the modalities of Indigenous land-connected practices and longstanding experiential knowledge that inform and structure our ethical engagements with the world and our relationships with human and nonhuman others over time" (Coulthard, 2014, 12). First peoples have maintained and evolved their own processes and protocols for knowledge generation, management and teaching for thousands of years. Coulthard (2014) explains that this happens through engagement with the land, in a reciprocal relationship (12). Simpson (2017) refers to the 'kinetic' nature of Indigenous intelligence; Indigenous theory is generated, managed and taught through doing (18-19). 'Daily acts of resurgence', which includes speaking language, ceremonial activities, respecting ancestors – activities that "reclaim and restore cultural practices that have been neglected and/or disrupted". Through everyday acts of resurgence first nations counter-disrupt the colonial system's social, political and economic hold (Corntassel, 2012, 88-89). These actions ultimately are the "embodiment of self determination" (Corntassel, 2021, 3).

The first step is to undertake resurgence from the inside-out. Resurgence is first a personal process for each Indigenous person, of decolonising one's own thinking and behaviour (Coulthard, 2014; Simpson, 2011). This means living according to the ethics of your nation in your personal life, evaluating attitudes, actions and choices according to that intelligence. From that place of personal transformation, build a movement to develop an alternative way of relating to the settler system (Simpson, 2016). Corntassel & Alfred (2005) offer a pathway to decolonisation and resurgence for Indigenous peoples: reconnect with land, learn and use Indigenous language, investigate and challenge complacency, "decolonize your diet" and build capacity for self sufficiency and reinstitute the mentor-learner relationship teaching methodology.

Following individual decolonisation, is the work of 'resurgence mobilisation'; the process of looking inward to Indigenous traditions and breathing life into those again. For Nishnaabeg scholar Leanne Betasamosake Simpson (2011), this starts with Nishnaabeg creation stories, which are the ontology of Nishnaabeg intellectual tradition or Nishnaabeg 'grounded theory'. Priority actions of Indigenous nationhood resurgence are connecting with land, practicing culture, renewing relationships with community, engaging in Indigenous diplomacy, connecting with other resistance communities, re-establishing governance and governance systems (Elliot, 2018). Indigenous knowledge is accessed, shared and preserved through ceremony, dance, song, relationships with each other and the land, and storytelling (Simpson, 2011).

The final step is to re-engage with non-Indigenous society with the intention of creating 'sites of solidarity' that enable peaceful co-existence with the state. Indigenous nationhood is innately relational: "...Indigenous nationhood does not flourish on its own – it is grounded in multiple relationships that nurture and promote community health and wellbeing" (Corntassel, 2020, 6). Some argue what is needed is a return to the original nation-to-nation relationships of early treaties, which set out rights and responsibilities of the parties (Alfred, 2013; Simpson, 2011). However, form matters less than intention. Ultimately, Resurgence invites the state to co-create 'sites of solidarity' with Indigenous peoples (Corntassel, 2021).

In order to build such solidarity obstacles to reciprocal and mutual relationships need to be removed. Elliot (2018) suggests there are five key areas of disagreement between Indigenous and settler thought that serve as obstacles to a renewed relationship: understandings of sovereignty; ethics and practice of political economy; permanence and inevitability of the settler political system; treatment of land and ecosystems, and; language. Understanding Indigenous intelligence is the first step in overcoming these obstacles. Central, is to see Indigenous nations as "...networks of complex, layered, multidimensional, intimate relationships with human and non-human beings" (Simpson, 2016, 23). Indigenous political, economic and education systems are interconnected, and in responsive relationships between all its living parts – human and non (Simpson, 2016; Coulthard, 2014). To support non-Indigenous-understanding of Indigenous knowledge systems, resurgence writers propose Indigenous nations engage in insurgent education and seek opportunities to co-create alternatives to the colonial relationship. The objective is to create balanced, equitable political, economic and social relationships between Indigenous nations and the state that are both reciprocal and mutually beneficial (Coulthard, 2014; Elliot, 2018).

Assertions of indigeneity and a 'coming home' movement in Southeast Asia

While the term 'indigenous resurgence' is not being used in Southeast Asia, there is evidence across the region of a trend amongst Indigenous communities of returning to traditional territories, communities and practices. One interview participant who is an Indigenous leader in Indonesia refers to a "coming home movement" that has been underway in Indonesia for the last ten years. The movement involves Indigenous peoples living in urban areas moving back to traditional territories in order to reconnect with their culture and live in traditional ways. Back in their communities, they are building Indigenous schools and scaling sustainable economic practices. The participant noted that it started with small activities, for instance, to trace their ancestral past:

"They went back to their communities to have dialogue with their elders. They asked the elders to show them the landmarks that show their indigeneity to that land...that's where the discussions started. They started to discuss the knowledge and history and were struck by the fact that they had not learned these things in school – they learned European history, not their own history. That was the turning point for the young people. They wanted these things to be taught in schools so that future generations are not blind to their own histories. And so, they started the Indigenous schools to teach indigenous knowledge. Now they are everywhere" (Participant F, personal communication, 19 Feb 2021).

The coming home movement has accelerated during the COVID pandemic as people are moving back to villages, cutting off from the external world and supporting one another: "Throughout the pandemic communities have continued to plant and harvest; the surplus is shared around. Before the pandemic one community was near extinction. However, since the pandemic started, for the first time in a long time they have not needed to buy rice. They grow their own, they share and replant the surplus" (Participant F, personal communication, 19 Feb 2021).

In neighbouring Borneo, Malaysia, a similar trend is emerging. One expert observed that, while it is already quite common for students to return to their villages after graduating, the pandemic has injected renewed momentum into this movement:

"The youth are going back to their villages and they are learning these traditional skills and crafts. In a way, COVID has been a reset button for everybody. Some of the communities that I speak to online tell me, 'if we are hungry, do you think the government is going to provide food for us? We have to stand on our own legs'. Those communities, they've had to learn from their elders, how to live from the land. So, some of these traditional practices are starting to come back" (Participant D, personal communication, February 1, 2021).

Similar observations are being made throughout the region. At a webinar in March 2021 hosted by the Asia Indigenous Peoples Pact (AIPP), the pre-eminent Indigenous rights advocacy body in the region, Ellen Dictaan-Bang OA from the Asia Indigenous Women's Network noted that in some communities the COVID lock down has been an opportunity to transmit knowledge from the elders to the young people. Mr Yon Fernandes, an Agricultural Economist with the FAO reported that those who have relied on Indigenous food systems throughout the pandemic are coping better than those reliant on markets. He argues that this is evidence that transmission of traditional knowledge from generation to generation is crucial (Carling et al, 2021).

In addition to returning to homelands and taking up traditional practices, Indigenous peoples are increasingly asserting their indigenous identities, openly and proudly identifying as 'indigenous' or as an ethnic minority. This is particularly notable given the discrimination that is commonly faced by minorities in the region. As with the homecoming movement, these resurgence acts are being exercised by the youth. An Indigenous leader in Vietnam notes that,

"...previously, ethnic minorities would wear 'common' dress. But now, in many communities they are wearing their traditional clothes again – certainly in ceremonies and weddings. They are very proud of their traditional costumes. In the beginning it started with the older people, but now younger people are getting involved. They are making a meaningful contribution to the preservation of culture – particularly in the north of Vietnam" (Participant I, personal communication, March 6, 2021).

Indigenous identity assertions have both cultural and political implications as 'indigeneity' as a political concept is further defined in international and domestic law. Writing about Indigenous rights in Asia in the 1990s, Kingsbury (1998) observed that, "the concept of 'indigenous peoples' or its local cognates, has become an important unifying connection in transnational activist networks, linking groups that were hitherto marginal and politically unorganized to transnational sources of ideas, information, support, legitimacy and money" (417). Several Indigenous rights movements have had noteworthy successes, including the non-violent resistance against the Chico River dams in the Cordilleras, Philippines (a World Bank project) in early 1980s, which garnered significant international attention for being instrumental in the fall of the Marcos regime. Some argue that the Cordillerans' decision to identify as indigenous gave their campaign stronger 'narrative fidelity' due to the recognition of Indigenous rights in broader society (Inguanzo, 2014, 6). In Malaysia, Indigenous people of Sarawak and Sabah have also led resistance campaigns in response to dispossession caused deforestation. They received significant support from conservation organisations like the World Wildlife Fund for these actions. The movement's consistency with the indigenous rights also strengthened it (Inguanzo, 2014, 4-5, 7).

However, even where there is seemingly little direct political benefit to identifying as indigenous, minority groups are rallying around the designation. In Thailand, a growing indigenous rights movement is seeing a proliferation of groups adopting the 'indigenous' label, even though the

Thai government does not recognise the concept within its borders (Morton & Baird, 2019, 7). For example, the Kuy people (most of whom live in Cambodia) did not previously identify as Indigenous, but now do in response to the national Indigenous movement in Thailand led by the Network of Indigenous Peoples in Thailand. There are now dozens more groups who are identifying as Indigenous and joining the network. They are asserting their cultures through festivals, parades and wearing traditional clothing. While the Thai government is holding strong in its resistance to claims of indigeneity, it is demonstrating a recognition of the movement's importance, even at one point funding an event as a political tactic (Participant E, personal communication, February 6, 2021).

In some cases, assertions of cultural pride and indigeneity are a privilege of those with relative affluence and exposure to Indigenous activism. For instance in Borneo Malaysia, where Indigenous peoples make up the majority population and enjoy recognition, young people with an understanding of the significance the 'indigenous' designation are asserting their indigeneity, taking pride in their heritage (Participant K, personal communication, April 20, 2021).

As has been demonstrated, while evidence suggests a trend of cultural resurgence amongst Indigenous peoples in the region is occurring, the diverse political, social and economic circumstances, as well as diversity amongst Indigenous communities themselves, has a significant impact on the tone and objectives of their respective resurgence movements. Expansion of the 'Indigenous category' can in part be attributed to its increasing political strength at the international level, however I suggest an Indigenous resurgence is occurring in its own right in the region, reflective of some of the sentiments expressed by Indigenous Resurgence theorists in Canada and the United States. Further research is certainly needed.

As a toolbox

Indigenous Resurgence writers call on Indigenous nations to disengage with the state in response to its projects of oppression. Instead of expending energy on engaging with governments on their terms, Indigenous peoples are encouraged to focus inward on activities and practices which enhance their nationhood building objectives. From this position of renewed strength, nations can re-engage with the state, however on new, more equitable terms. The following framework unpacks 'disengagement' and 'engagement', drawing on examples from the literature and considering the application of these tenets in different cultural and political contexts.

Disengagement (persistence & rejection)

Strategic disengagement is employed through *rejection*, that is the act of 'turning away' from state processes, projects or initiatives as a symbolic and/or practical act, or the deliberate *persistence* of traditional governance and ways of life in the face of rights encroachment and threats of violence by power structures. Disengagement is based on the idea that engagement with the state, no matter its form, whether political acknowledgement or participation, or economic opportunities and security, is only ever offered in exchange for Indigenous autonomy, land, culture and identity (Elliot, 2018). As an example, several years ago the Thai government was offering Community Land Title (CLT) to indigenous communities. The CLT would entitle the community to an allotment of resources and decision-making authority over their lands. However, in return for these much-needed benefits, the community was required to agree that the land formally belonged to the government. As such, Indigenous groups had to determine whether to accept the government's offer and meet their immediate needs of secure access to land, or to reject it in favour of continuing advocacy toward their broader objective of recognition and ownership of their lands (Participant M, personal communication, May 9, 2021). State offerings to Indigenous nations are frequently accompanied with such provisos or otherwise cost the community significant time, energy and resources for which they gain little in return, or even suffer harm.

Persistence is a conscious continuation of traditional systems, structures, organisation, governance and livelihoods in traditional territories or elsewhere in spite of pressure to abandon these by state and state-supported entities. Examples of persistence disengagement around the globe are vast. For instance, following a 2015 court decision affirming Maya land and cultural rights in Belize, three Maya representative bodies - The Malay Leaders Alliance, the Toledo Alcaldes Association and the Julian Cho Society - are cooperating in their assertion of authority over their traditional territory, governing in accordance with the traditional Alcalde system in spite of the Belize government's refusal to acknowledge these rights (Gahman, 2020, 243). The Maya are disengaging through persistence of traditional governance practices over their traditional territories despite consequent growing tensions with the state. In Sabah, Malaysia, Tempulong and Govuton peoples continue to practice customary property relations, despite being legally subject to state property law, in order to maintain access to their land and natural resources (Doolittle, 2005, 159). The Wampis nation in Peru established an autonomous region over their traditional territory, which they govern according to their laws in response to lack of recognition from the government and inaction on their calls for free prior and informed consent on development projects on their lands (Special Rapporteur on the Rights of Indigenous Peoples, 2019).

In these and other cases, Indigenous nations are not necessarily seeking to draw attention to, or support for their plight. They are asserting their rights by persisting with traditional systems and practices despite great pressure to abandon these. While disengagement resurgence is the act of rejecting state accommodation schemes or persisting in the face of rights violation and encroachment, engagement is taking action in response to these.

Radical engagement (challenge & reinvention)

Engagement resurgence also has two forms – *challenge* and *reinvention*. Challenge engagement is the use of direct acts of resistance against actions or positions of the state. This includes activities like protests, blockades, sit-ins and petition and letter writing by Indigenous peoples and their allies (Von der Porten et al, 2019a). This form of engagement is most evident in the media and brings Indigenous interests and advocacy into public discourse.

Like persistence disengagement, examples of challenge engagement are easy to identify. Recent examples from North America include Wet'suwet'en nation's resistance to the Coastal Gaslink pipeline in British Columbia (Bellrichard & Barrera, 2020) and Standing Rock Sioux Tribe's opposition to the Dakota Access pipeline in North Dakota (Lakhani, 2020). Around the world, Indigenous nations are actively challenging development projects in their territories. The Igorot peoples of the Cordillera, Philippines have led an anti-mining campaign against the state and state-backed extraction companies since the 1980s. A notable victory for Cordillerans was their successful prevention of the construction of the Chico dams in 1984. Indigenous elders across the region have since signed an anti-mining agreement, vowing ongoing collaboration in their resistance to extractive industry in the region (Tartlet, 2010, p. 1). In Brazil, the Munduruku people and their allies have resisted hydroelectric dam projects on the Tapajós River basin for decades, including presenting their case at the United Nations (Rosa, 2016). Kanaka Maoli, native Hawaiians on the Island of Hawai'i continue to resist the construction of a Thirty Meter Telescope atop the sacred mountain of Maunakea through a sophisticated culturally-centred blockade at the base of the mountain (Corntassel, 2019).

Reinvention engagement, on the other hand, is less easy to identify; it is the work to re-politicise the relationship between an Indigenous community and state entity in order to transform the engagement space from an administrative one to a political dialogue between polities (Curran, 2019; Simpson, 2016; Elliot, 2018). This is the act of working on the relationship; asserting greater authority over its dynamics, structures and norms. Reinvention engagement is more difficult to

identify as it differs significantly from one context to the next and its strategies are often subtle or embedded within the dynamics of a cooperative governance arrangement. For example, Indigenous groups may engage in inter-Indigenous collaboration, incorporate ceremony into negotiations, practice 'Indigenous internationalism' (Corntassel, 2020,8) or draft policies that draw on Indigenous legal traditions (Von der Porten et al, 2019a, 66). These assertions of authority and tactics to 're-politicise dialogue' (Curran, 2019) are efforts to establish a 'nation-to-nation' dynamic thereby reorienting the relationship to one of reciprocity (Coulthard, 2014; Elliot, 2018).

The difference between challenge and reinvention is the difference between what Indigenous peoples are fighting *against* and what they are fighting *for* in their interactions with the state (Von der Porten et al, 2019a, 69), which likely varies significantly from one context to the next. Challenge and reinvention have different goals and strategies that can spatially and temporally co-exist, or challenge can precede reinvention. In some cases, they may be activated alternately, resembling a process of building and unbuilding as the parties make concessions and create new relationship norms.

Drawing on preliminary findings from ongoing research, the next section delves into some practices of rejection, persistence, challenge and reinvention being employed by Indigenous peoples in Southeast Asia.

Practices of strategic engagement tactics in Southeast Asia

As discussed above, a resurgence of Indigenous identity and practices is taking place across the region, reflecting a similar trend in North and South America. In the face of development aggression, assimilation tactics, fluxing political and environmental realities, capricious funding flows and policy trends, Indigenous groups are adopting various tactics to survive encounters with governments and external parties and meet their objectives.

The following is a summary of analysis of literature and preliminary findings from interviews conducted via Zoom between November 2020 and June 2021 with advocates and experts in Indigenous rights in Southeast Asia. The interview participants were asked about evidence of a resurgence of Indigenous identity and practices in the region, the strategic engagement tactics and objectives of Indigenous groups navigating their political relationship with the state and the impact of these on their self determination.

While this research is ongoing, early evidence suggests Indigenous groups in the region are wielding the 'indigenous' designation and employing strategic tactics in order to meet their self determination interests. As mentioned earlier, the COVID pandemic has in some cases amplified resurgence activities. Findings thus far are limited to countries and regions where I have access to relevant literature as well as the availability of advocates, leaders and experts in each country.

Outward and inward-facing leaders (reinvention & persistence)

In acknowledgement that engagement with governments, organisations and businesses often does not support the community's objectives or is even unsafe for communities, some Indigenous groups practice 'outward- and inward-facing' leadership. The outward-facing leader engages with outsiders on behalf of the community, participating in governmental processes, negotiating with businesses and state departments. The inward-facing leaders are those that make decisions about and for the community and provide cultural leadership.

For instance, In Bali, Indonesia, some Indigenous groups have both a tribal leader and an administrative leader. The tribal leader is responsible for customary/cultural issues, and the

administrator is responsible for local administration (AIPP, 2007). A similar approach has been taken by some Higaunon Lumad communities on Mindanao, in part due to a governmental program designed to "...sustain indigeneity and traditions amongst Indigenous Peoples in the Philippines" (Paredes, 2019, 87). While the government's intention is cultural preservation, the requirements Indigenous peoples have to meet in order to make claims against the government-defined 'Indigenous' label are such that communities need to adhere to stereotypes. This caused conflict within communities in determining and preserving their own cultural identity (Paredes, 2019, 88-89). In response, the Higaunon appointed two kinds of leaders – cultural (*datu ha kultura*) and governmental (*datu ha gubilnu*). The *datu ha gubilnu* manages the bureaucratic hurdles and demands, while the *datu ha kultura* guides the community in cultural matters. Both are respected and have authority in their respective domains (Paredes, 2019, 87-88).

While this arrangement can be strategic, it often comes about involuntarily through government-selection or appointment of a community representative. In a submission to the UN Expert Mechanism on the Rights of Indigenous Peoples, the Asia Indigenous Peoples Pact (AIPP) highlighted this issue: "the interface between indigenous political institutions with the State has brought about numerous problems. One of the key issues is the appointment of traditional leaders by government, such as the case with Sabah, Malaysia" (AIPP, 2007, 3). In some contexts an 'elite capture' has occurred, whereby educated, government-savvy Indigenous leaders who are fluent in government processes become embedded in the establishment at the cost of their connection to their communities. These individuals hold significant power to shape the future of the Indigenous communities who in turn do not necessarily regard them as legitimate leaders. For instance, in some Orang Asli communities on Peninsular Malaysia a 'headman' is selected to represent the community's interests. However, the individual selected may be granted the role simply because he finished high school, not because he has cultural authority - the spiritual or ritual knowledge needed to lead the community (Participant C, personal communication, December 13, 2020). However, in spite of the presence of a headman, many communities will continue to follow the guidance of the elders of their kin group (Participant H, personal communication, March 5, 2021).

The practice of appointing inward and outward leaders is a tactic of both persistence and reinvention. Communities persist with their traditional governing practices, in spite of pressure to abandon these, government interference in their structures and/or the imposition of state-created alternative governing arrangements. This tactic is also an example of reinvention because it is an effort to re-arrange power dynamics within the context of a governing relationship with the state. While the state may not be privy to or approving of the re-arrangement, the Indigenous community nonetheless asserts their authority through the exercise of their traditional governing practices.

NGO partnerships (a form of delegated challenge)

The proliferation of development organisations and donors has improved the situation for many Indigenous peoples, including strengthening governments' policies and practices with respect to communities. Environmental organisations, for instance play a key role in advocating for Indigenous rights and indeed, Indigenous rights play a key role in advancing environmental protection objectives. Prominent Indigenous rights advocate in Asia, Joan Carling, argues that partnerships between Indigenous peoples and civil society, government and conservation organisations are crucial for achieving a holistic and sustainable approach to climate change (Centre for International Forestry Research, 2015). Indigenous communities and environmental organisations in Sabah and Sarawak on the island of Borneo, Malaysia have had some success in their movement to prevent further deforestation due to international attention garnered through their collective advocacy. Framed as an environmental issue, they successfully triggered an international boycott of Borneo timber. The movement's consistency with the Indigenous rights

already protected in legislation amplified its impact, drawing attention to the cause from multiple sectors (Inguanzo & Wright, 2016, 7-8).

The size of the Indigenous population vis-à-vis the general population in Sabah and Sarawak, as well as a history of recognition, including of customary law in some sectors and the existing legislative protections, has enabled Indigenous communities to achieve relative success in their campaigns to protect their rights and preserve their lands (Inguanzo & Wright, 2016, 7-8). However, in spite of this, many Indigenous communities in Borneo continues to face rights violations, in particular land encroachment and grabbing. One interview participant who specialises in Indigenous land rights notes something of an 'awakening' occurring at the local level in Borneo, whereby Indigenous communities are organising themselves and approaching NGOs to strengthen or develop a case against the government or a corporation, and winning: "There is this little community, which is like a little nation of its own, that is taking on these big corporations and the government, who grants an interest over the land claimed by these native peoples" (Participant K, personal communication, April 20, 2021).

Another expert in Malaysia also observes that communities are strategically partnering with NGOs and civil society organisations in order to upskill themselves – for instance, some are learning land mapping (to make maps of customary lands), in order to strengthen court cases. The NGOs are helping to build communities' understanding of the kind of information they need in order to make a strong case in court. For instance, placing GPS points on a map or demonstrating historical presence and dependence on land. The practice has the added benefit of reconnecting communities with their cultural knowledge: "All this is part of their strategy in preparation for going to court, but it also serves the purpose of affirming knowledge about the land. When there are neighbours it gets very lively – there has to be a lot of dialogue. The conversations are historical because the boundaries were drawn by their ancestors" (Participant C, personal communication, 13 Dec 2020).

Linking to NGOs and international resources is crucial (Vaz & Agama, 2013, 150). In Malaysia, courts are the most effective means of securing rights as there is otherwise no Indigenous-to-government negotiations process. However, because Indigenous rights tend to be unpacked in the legal space, it is quite combative. As an alternative, NGOs are trying to "massage" the space, to make it more nurturing, and to create change in the way Indigenous peoples are perceived by taking small steps. One initiative that is advancing dialogue on Indigenous rights is a project led by The Habitat Foundation to build inventory nurseries in partnership with Orang Asli communities. Orang Asli communities are using their skills to harvest wild seeds, nurture the trees and then selling them to the Foundation. The design is mutually beneficial and changing the relationship between communities and organisations. Another is the development of sustainable trails in the parks that are co-owned by Orang Asli communities (Participant A, personal communication, 14 Nov 2020).

It is necessary to note that while Indigenous communities and environmental organisations have developed successful partnerships, these are not always straight forward as their interests do not always align (Eder & McKenna, 2004, 80). One interview participant working in conservation highlights this challenge:

"A difficult thing to contend with is that communities will pursue whatever course is best for them, and this is not necessarily aligned with conservation priorities. Communities will often settle for short term gains, for instance, being paid out for a temporary occupation licence, consenting to extractive companies to operate on their lands for a time. This is very frustrating for conservationists. It can be difficult to contend with the reality that communities are not necessarily conservationists. In some cases, individual community members will do things that disadvantage of the rest of the community. In these cases, who has the prevailing right – conservationists or Indigenous peoples? And what is the role of the

conservation community in these instances?" (Participant A, personal communication, November 14, 2020).

Nevertheless, where there is overlap in the two parties' activism, both can benefit by the issue's amplification through the partnership. This is an example of *challenge* engagement, however unique in that, in some instances, the Indigenous community is not leading the challenge themselves, but rather has delegated the responsibility to the NGO who undertakes the cause on the community's behalf. This form of 'delegated' challenge can be formal, for instance through the engagement of lawyers for a court case, or informal, where the community makes an issue known to a local NGO and asks them to campaign on their behalf.

Avoidance (rejection)

On the opposite end of the engagement spectrum to the above is rejection, which includes avoidance and can often amount to isolationism. This practice is motivated by different things, but the act itself reflects the call of Resurgence writers to 'turn away' from the state and dominant culture, and instead focus inward on culture and traditional structures (Coulthard, 2014). Kingsbury (2011) writes about the tendency of ethnic groups to respond either offensively or defensively to exclusion or threats of aggression or encroachment by governments or other political, ethnic or religious groups. The defensive response generally involves "a retreat to strengthening of that identity as a bond of mutual assurance" (Kingsbury, 2011, 768-9). Indeed, Indigenous peoples who are self-sufficient, limiting their engagement with the external parties and able to maintain and manage their ancestral lands are the most resilient in crises, in particular with respect to food stock, and in general fair better (Shimray et al, 2020).

In Indonesia, avoidance is viewed as essential to survival for Indigenous communities. In Indonesia, the Indigenous Peoples Alliance of the Archipelago (AMAN), while still engaging with the government on advocacy initiatives, supports indigenous communities to disengage with government and operate with self-sufficiency as much as possible:

"At this time we are trying to work independently – government only creates problems for us. We have over 100 communities working on food sovereignty and reclaiming our markets. That's one thing we're focusing on. Seventy percent of our resources are committed to food sovereignty and reclaiming local markets because we've seen that the closer you are to companies, the more vulnerable you are. That is all the evidence we need – the promise of the development (trickledown effect) is all lies. Indigenous peoples who have become workers or farmers for companies, during this crisis, they have nothing. Only those who remained on the land and in communities, are thriving. That is why we're investing in this strategy (Participant F, personal communication, 19 Feb 2021).

On Peninsular Malaysia, some Orang Asli communities have opted to retreat further into their ancestral territories in order to avoid engagement with government and companies. These villages are called "back to the roots" or "break away villages". In the past, from the late 70s onwards, there was an attempt to regroup Orang Asli communities into settlement areas. Initially this was for security reasons, because of communism, however now it serves development purposes (eg. access to land). However, many of the promises made to communities in return for cooperating with the regrouping process were not delivered. As a result, many communities have broken away and gone back to their traditional areas and started over again on their own. This is where the traditional systems exist, and where the government usually has no control (Participant L, personal communication, May 1, 2021). This trend occurs in Sabah and Sarawak as well. Indigenous communities have moved out of government settlements and back to their ancestral lands, so they

are engaged in resistance against the state government that doesn't recognise ancestral land (Participant H, personal communication, March 5, 2021).

The act of rejecting government offerings through non-participation in projects or initiatives is not uncommon amongst Indigenous communities. Indigenous groups will consider the proposal and decide not to participate, recognising they will be no better off if they accept it because the revenue will go to the developers and they will end up with very little. For instance, many communities respond this way to government programs to plant palm oil. Communities will opt not to participate on the basis that the cost of participation is greater than the benefit (Participant K, personal communication, April 20, 2021).

However, some argue that strategic disengagement to the extent of isolation, occurs very little, and is certainly not a preferred tactic by most Indigenous groups:

"Hardcore isolation is a bit difficult....In the 1930s, the Orang Asli, in response to attempts to assimilate them, their strategy was to retreat into the interior. So that's isolation. Physically, that is clearest form of isolation so you can carry on your way of life. But this doesn't happen so much anymore because of the reach of government and development. There are not too many inaccessible places where they can resort to that sort of strategy" (Participant K, personal communication, April 20, 2021).

One interview participant who is a regional expert on Indigenous rights suggests that while disengagement in response to disillusionment with government offerings may happen in the future, at this point in time, in the midst of extreme marginalisation, Indigenous peoples are largely focused on engagement at the national and community level to improve their circumstances (Participant E, personal communication, February 6, 2021).

As the examples demonstrate, avoidance as a strategic tactic can be wielded to varying degrees – through non-participation in a government project or full isolation from the external world. How much Indigenous communities can avoid interacting with the state depends on geography, as well as the acuteness of their needs and therefore reliance on external support. Avoidance in all its expressions is a form of rejection resurgence – the act of 'turning away' from government and state-backed entities. However, while Resurgence writers encourage disengagement in order to prioritise nation-rebuilding efforts, the evidence suggests that for many Indigenous communities in Southeast Asia, avoidance is simply a survival tactic aimed at minimising further loss of land, resources and self determination.

Targeted and limited engagement (rejection – of full participation - & challenge)

Between full participation and avoidance as strategic tactics, is 'targeted and limited engagement' which refers to the act of selectively interacting with the bureaucratic machinery in order to achieve a set objective. Then, once the objective is met, withdrawing engagement. Referring to Indigenous groups in Sabah and Sarawak, one participant asserts that they are "genius about figuring out the laws" and use them to assert their identities and advance their priorities, in particular to get land and secure rights (Participant A, personal communication, November 14, 2020). In Thailand, Indigenous groups are becoming increasingly adept at crafting narratives that strike a balance between advocating for their belonging to the Thai national identity as well as respect for their cultural distinctiveness. Addressing the complexity of the context in Thailand, one regional expert offers that Indigenous groups are regularly weighing questions like, "how much do you engage and on what terms? How much do you hold out and when do you decide to get involved – in what moment?" (Participant M, personal communication, May 9, 2021).

Indigenous groups throughout the region are developing and wielding government language and expertise for own ends without fully immersing in the bureaucratic system. In Indonesia, Indigenous communities are also learning the law and using it to advocate for their rights. An indigenous leader in Indonesia explains that communities need to be clever about finding out what provisions exist for Indigenous peoples. One such provision under local government legislation is called "original rights of the village", which concerns inherent collective rights. While the law is not explicitly targeted at Indigenous peoples, communities are advocating for their original inherent and collective rights under it. They elaborate: "we are taking stock of and using what we have at our disposal" (Participant F, personal communication, 19 Feb 2021). Similarly, Indigenous groups in Malaysia are increasingly challenging government not just through the courts, but also through strategic engagement with the bureaucracy. One legal expert explains that communities are using memorandums to raise their issues with politicians. The memorandums are submitted to both state and federal levels of government are increasingly being included in government recommendations because of the growing political power of Indigenous communities (Participant K, personal communication, April 20, 2021).

As touched on above, many Indigenous communities in the Philippines are cautious about engaging with government, however some are very adept at using government programs to meet their interests. For instance, on one occasion a chieftain of an Indigenous Palawan community on Mindanao was asked by the government to identify a site for tree-planting initiative and invited to make a speech at the opening event. While the community was not interested in participating in the conservation initiative, the chieftain recognised that the project could resolve a longstanding dispute over a tract of land that had been causing tensions within the community. The chieftain recommended the contested plot as the site for reforestation. If the government planted trees in the area, the community members could no longer argue over who had the right to farm the land. At the request of the government, the chieftain gave a speech welcoming and thanking government for its partnership in the conservation work, even though the community was not involved or interested in taking part in the project. However, recognising the opportunity to deal with a pressing matter, the chieftain 'performed' partnership, appeasing the government and achieving a win for his own community (Theriault, 2019, 122).

Targeted and limited engagement can be used as a means to challenge the state, as indicated by the practice of using memorandums in Malaysia and making claims against ambiguous legislation in Indonesia, or a form of persistence, whereby the Indigenous community adopts a 'get in, take what you need, and get out' approach, demonstrated by the example of the Palawan chieftain. When targeted engagement is a form of persistence, the intended purposes or outcomes of the government policy or process is ignored and instead, the Indigenous group exercises its own agenda, manipulating the circumstances to meet its own interests.

Parallel processes and systems (persistence & reinvention)

In response to inadequate or absent support from governments, Indigenous groups are establishing or persisting with their own governing structures and systems that stand parallel to the state government. Across the region, Indigenous communities practice self governance to varying degrees outside of the formal endorsement or recognition by the state. Speaking the context of Peninsular Malaysia, Nicholas (2010) states: "Many of these indigenous communities still maintain exclusive communities, speak their own languages, practice customs according to an adat or customary law, and have their own systems of leadership and governance" (Nicholas, 2010, 63).

In Thailand, councils of elders exist alongside local administrations functioning as parallel structures of leadership, ruling over certain areas including land use, conflict, communal rights and

ritual cycles. These structures keep communities connected to spaces that are considered communal or sacred (Participant G, personal communication, 15 Feb 2021). In Laos, while neither Indigenous peoples nor their customary practices are recognised, some Indigenous groups continue to practice governance according to their traditional systems. For instance, one participant explained that in their Hmong community, an elder system governs on any issues concerning the household or culture (Participant J, personal communication, March 6, 2021).

Another form of parallel governance is through the establishment of representative networks that strengthen Indigenous peoples' capacity to advocate by bringing diverse groups together as a unified collective. In some cases, the networks also behave as de facto 'parliaments' and bureaucracies, for instance AMAN in Indonesia, the Centre for Sustainable Development in the Mountain Areas in Vietnam and the Indigenous Peoples Network in Thailand.

The Indigenous Peoples Network of Thailand, was originally conceived as something akin to a parallel government, representing Indigenous peoples at a national scale. Its intended purpose was to serve as an intermediary between Indigenous communities and government, as well as a consulting body around Indigenous issues on a national level. However, the structure was never officially recognised by the state and as such, formally remains an advocacy body. In spite of this, the network behaviours like a government, even using language borrowed from the Thai bureaucracy – for example, referring to the council as a "sapa". Today, the body is functionally and culturally a hybrid, looking to both the United Nations and the Thai government as models. The structure and some of the meetings have ritual protocols, drawing on Indigenous traditional systems, including being guided by a council of elders who are frequently referred to and consulted. The organisation's objective is to ensure representation (Participant G, personal communication, 15 Feb 2021).

In Vietnam, indigenous interests are represented by the Vietnam Indigenous Knowledge Network (VIKN), supported by the Centre for Sustainable Development in the Mountainous Areas (CSDM). The VIKN provides education on Indigenous and minority rights, leads advocacy campaigns and accesses funding for communities. Indigenous leaders gather annually to plan and coordinate advocacy and development strategies. The VIKN and CSDM were established by Indigenous communities and continue to function without government or donor support. There is otherwise no other formal governance or representation mechanisms for Indigenous peoples in Vietnam (Participant I, personal communication, March 6, 2021).

In a webinar hosted by AIPP in August 2020, Secretary General Gam Shimray made the argument that Indigenous peoples and advocates need to shift their focus from arguing that Indigenous peoples are owed the right to self determination and why it's important, and instead focus on the framework for how Indigenous self governance can be realised; not just by adopting state proposals and integrating into state systems, but rather by harnessing Indigenous "genius" and exercising the right to self governance (Shimray et al, 2020). The above examples demonstrate how Indigenous communities are exercising their right to self governance in an act of persistence resurgence, however Mr. Shimray's call to harness Indigenous capacities in order to imagine alternatives to state-offered solutions suggests this tactic could also be a form of reinvention resurgence.

Strategic language use (challenge)

Strategic language use refers to the utilization of particular terminology by Indigenous peoples in order to enhance the likelihood of achieving an objective. This can mean using words that are more palpable for the government or majority population or, as discussed earlier in the paper, adopting the "indigenous" designation and affiliated language to gain access to the support and

resources that label affords. This tactic is also used to enhance perceptions of "indigenous-ness", for instance by referring to particular lands as "traditional territories" in order to support a lands rights claim. The Indigenous rights movement in Thailand is in the throes of contending with language around their advocacy to be recognised both as distinct cultural communities as well as integral members of the Thai national identity (Morton & Baird, 2019, 9). Discussing the movement in Thailand, one interview participant highlighted the difference between advocacy by Indigenous groups in CANZUS versus in Thailand, noting that Thai Indigenous peoples are not seeking "special rights" or anything beyond what is enjoyed by the majority population. They note that advocating on such a platform would be considered politically dangerous (Participant M, personal communication, May 9, 2021).

A significant language challenge in the movement in Thailand is around the term and meaning of "indigenous". Leaders of the movement have not yet landed on a word that is acceptable to both Indigenous peoples and non-offensive to the majority Thai population. While "hill tribes" has traditionally been used to identify Indigenous groups, this is broadly rejected by Indigenous peoples. However, moving toward a label that connects communities to a particular place, for instance 'first peoples' is considered unfit for the Thai context, and 'minority' is deemed to give a sense of less power. The work of identifying a term that would convey the idea to the average Thai that does not cause offense is ongoing (Participant M, personal communication, May 9, 2021).

Another participant also compared the Malaysian context with that of Canadian first nations, explaining that a legal argument referring to Indigenous peoples' self determination would be strategically counter-productive; that it may 'spook' the courts: "The judge might say, 'what are you trying to get at here? Are you saying they are a little nation? I don't see this nation in the provisions of the constitution'. So that's why we've not pursued that sort of declaration" (Participant K, personal communication, April 20, 2021).

While the term 'resurgence' itself is gaining in popularity in North America, in Indonesia it is a political word that could be misunderstood:

"Language is crucial - we don't use this term[resurgence] because the government will crack down. We are exercising our right to self governance and self determination. But 'resurgence' sounds to the government like 'military insurgence'. In Indonesian and in human rights law, it can be a problematic term. They begin to think about the political movement in West Papua" (Participant F, personal communication, 19 Feb 2021).

Language is key for Indigenous activism in general, however it is particularly challenging in countries where multiple languages need to be considered – for instance, how an English word, the dominant language of international law and dialogue, will translate into another language. The above examples of strategic language use suggest that the tactic is most used when engaging with the government or non-indigenous populations in the context of challenge. However, argument could be made that it is equally important in reinvention – when Indigenous groups are working to recreate government policy and practices.

Reinventing government policy and practices (reinvention)

Reinvention of government policy and practices occurs when an Indigenous group is actively engaged in relationship with government, however in the process, is seeking to assert their authority and therefore change the power dynamics in the relationship. This is explained by Corntassel (2021) as the work of Indigenous peoples to create 'sites of solidarity' between themselves and the state that enable peaceful co-existence (6).

Theriault (2019) writes about "legislative manoeuvres" undertaken by Palawan communities when local governments were tasked to identify Palawan leaders to speak for the communities on mining matters. Several Palawan people did not want mining companies or government to simply select representatives based on who are easiest for government to work with and would advance mining interests. The small group went around and consulted with communities, then crafted guidelines for selecting appropriate leaders according to the Palawan way. These guidelines were submitted to government and subsequently approved for use in the process. As a result, the representatives that were selected were connected to Palawan communities and considered legitimate representatives to speak on their behalf (Theriault, 2019, 121).

In Sabah, the practice of *Tagal*, an Indigenous fisheries management system that has been adopted by the Department of Fisheries is held up as an example of successful Indigenous-government partnership. *Tagal* was revived by local communities in response to a depleted fish stock in the local river system due to land development and overfishing. *Tagal* was reinstated by one community then multiple others due to its success. In response, the government adopted the practice and continues to work together with communities in support of it (Vaz & Agama, 2013, 152-153). While there is much room for improvement in the application of the *Tagal* system in Sabah, it is significant as an example of government adopting Indigenous customary practices and resource management principles and partnering with communities to exercise these.

Indigenous communities seek to transform how governments view and engage with them in myriad ways. One interview participant tells the story of a conversation they had with an Orang Asli leader who told them, "...this land is given to us by God, then by the British - this is your land, look after it." The leader could not understand why the current government did not honour what was given by God and then the colonial government. The participant explained that by asking this question of government, the leader was appealing to a different basis from which to consider the Orang Asli-state relationship: "In this way he is seeking to reinvent the dialogue with the government – to assert authority and inject validity into his claim. He is drawing on authority or power to give validity and credibility to his point of view" (Participant C, personal communication, 13 Dec 2020).

Many indigenous peoples in the region continue to assert their authority over their lands and are seeking to change the way in which government perceives and interacts with this authority. Indeed, literature on the application of customary law suggests it has a place in the legal and political landscape of Southeast Asian nations, arguing that even where customary law is not recognised, it affects the interpretation of positive law (Tobin, 2014, 13). Writing in the context of Borneo, Malaysia, Doolittle (2005) writes "private property law imposed by the colonial state and reinforced by the postcolonial state does not simply override or replace customary law but, rather, intermingles with it in a process of continual negotiation" (159).

One interview participant who is a regional expert in Indigenous rights clearly states: "If governments adopt indigenous practices, it's a tremendous win-win situation, both for government and indigenous peoples" (Participant L, personal communication, May 1, 2021). These examples are just a few of many demonstrating the way in which Indigenous communities in the region are seeking to reinvent the dynamics between themselves and the state. They achieve varying degrees of success, however by coming together these efforts are amplified.

Constellations of co-resistance (persistence & reinvention)

Long before Europeans arrived in the region and rearranged the political and social structures within and between Southeast Asian countries, culturally distinct people groups practiced

diplomatic relations with one another. While many of these relationships are nearly unrecognisable today, a different kind of diplomatic relations is emerging based on shared experiences of oppression and vision for a renewed relationship with governments. 'Constellations of coresistance' refers to the act of Indigenous peoples coming together in support of one another, as well as building strategic alliances with other communities with similar experiences and/or goals, for instance migrants and the rural communities. Simpson (2016) framed this tactic, writing about "Indigenous place-based internationalism to build constellations of coresistance with non-Indigenous communities who are fighting different of aspect of the same system" (27-28). Following are a few examples showing how Indigenous nations in Southeast Asia are coming together and joining with other communities to strengthen their positions.

In Vietnam, Indigenous communities have come together to form the Vietnam Indigenous Knowledge Network (VIKN), an inter-community collaborative governance structure that provides support to and advocates for, Indigenous peoples. Set up in 2007, today the VIKN has over 3400 members, representing eleven ethnic groups across fifteen provinces. While the network does not have a formal dialogue or advocacy at the national level, it is very active at the community and provincial levels. The network broadly enjoys good relationship with local governments who advocate on its behalf with the national government. The leaders from the 71 Indigenous groups that make up the network come together annually for a 'planning workshop' to plan for the coming year, share information and provide support to one another. The unfunded network is active throughout the year on social media and through local initiatives, including cultural events, trainings and inter-community visiting:

"Another thing we do is we encourage people to go see each other. They meet each other and share experiences; we call this peer learning ...There are some examples of some members of ethnic groups learning other ethnic minority languages to help preserve these languages. The big ethnic groups help the smaller groups with preserving their cultures" (Participant I, personal communication, 6 March, 2021).

The Indigenous peoples' movement in Thailand has seen a lot of solidarity growing with other non-Indigenous groups, for instance the Assembly of the Poor and the Northern Thai Farmers. One of the milestones in the movement was in 1999 when in Chiang Mai, five thousand people from the movement, many of whom had to go through check points of immigration police, joined farmers to fight for land rights (Participant G, personal communication, 15 Feb 2021).

The COVID 19 pandemic has exacerbated challenges already faced by Indigenous peoples in the region. Additionally, there is little support being offered by governments. In response, some Indigenous individuals, communities and organisations are innovating solutions and support themselves and neighbouring communities. For instance, Indigenous communities are coordinating with one another to implement their own community lockdown and quarantine measures (AIPP, 2020 June 19), transitioning businesses to deliver food to remote communities or translating COVID-19 material into Indigenous languages (AIPP, 2020 June 13). In Indonesia, some communities have erected "transit houses" for migrant workers returning to communities, enabling them to quarantine before entering their villages. AIPP has noted that several Indigenous advocacy organisations in the region for instance, "AMAN, KATRIBU and Tebtebba have established "strong solidarity networks incorporating nuanced cultural dynamics in ways governments have not matched" (AIPP, 2020 June 19).

Secretary General of the AIPP, Gam Shimray, issues a clear call to build constellations of coresistance with one another and other communities:

"Now is the time we think deeper, reassess our strategy and see how we can engage with other peoples, communities and intellectuals to start with if we don't have much political space to talk with governments" (Dev's Hammer Show, 2019, 25:35).

In the sense that constellations of coresistance enable Indigenous communities to preserve their culture and continue to survive as peoples, as in the case of the VIKN, this tactic is a form of persistence resurgence. The example from the movement in Thailand demonstrates how creating constellations of coresistance is also a galvanisation of support in protest, and therefore an example of challenge resurgence. However, the sentiment in the call to engage with other sectors by Mr Gam Shimray eloquently demonstrates how this tactic can also be a form of reinvention resurgence; a means of harnessing existing strength to create a different kind of dialogue with the state.

Instrumentalizing culture (reinvention)

The final tactic explored in this paper is the instrumentalization of culture. While international law has played a central role in empowering Indigenous peoples to recognise and claim their rights, it provides little guidance on these rights implementation, placing the onus for defining and drafting policy concerning indigenous peoples on governments (Daytec-Yangot, 2018, 55). Capitalising on the momentum of the global Indigenous rights movement, Indigenous groups are asserting their distinct cultures and connections to land by 'instrumentalising' their cultural practices and symbols. This can be to counter colonial narratives, perform evidence of authenticity and connection to land or simply to exploit the 'indigenous' designation to achieve other goals. Following are examples of this.

As the Thai government began to prioritise conservation in the country, Hmong people were characterised as having a harmful impact on the environment and not being connected to place, justifying their removal/dispossession. Hmong communities recognised they needed to assert their identity and connection to their land to counter this narrative. To this end, communities resurrected certain ceremonies and invited bureaucrats to attend. In some cases the ceremonies were otherwise no longer being practiced, however, the Hmong recognised the value in reviving and performing them publicly in order to advance their interest in staying on their land. Similarly, Karen villages, also facing dispossession, revived and made public ceremonies that had not been observed for a long time and that would normally be performed in secret within the community. Bureaucrats and the broader population were invited to participate/observe the ceremonies which demonstrates their traditional knowledge, connection to land and value for conservation/sustainable engagement with nature. The success of this tactic resulted in other Karen communities around the country reaching out to Thung Yai Naresuan – the initiating community – to help them revive the ceremony in their own villages as they too had not practiced them for a long time (Miranda, 2019, 80).

Performing 'evidence' of indigeneity in order to qualify under a policy or program is often required by governments in the region. Schippers (2010) notes this trend: "Structures (including laws, the bureaucratic apparatus that implement these laws, and the frames and discourses underpinning these laws) can be both enabling and constraining. State-acknowledged indigenous peoples' rights may enable indigenous peoples to claim land; however, to achieve this, they are expected to behave 'indigenously'. Thus, a difference between indigenous and non-indigenous that is fluid in reality is formalised by law" (221). This is particularly the case in the Philippines where, as mentioned earlier, Indigenous peoples are required to meet a criteria of indigeneity set out by government in order to access their rights. Indigenous Lumad communities have adapted to this requirement in various ways, including using traditional dress to maximise perceptions of authenticity or bestowing an outsider with 'honourary' leadership status in order to perhaps benefit from their political and financial influence. Paredes (2019) plainly states: "...only those Indigenous

Peoples who performed and conformed to stereotypes were able to benefit in any way from government attention" (Paredes, 2019, 97-103).

Similarly, communities in Cambodia, seeking communal land ownership, a right only available to Indigenous peoples, must convince government officials that they meet the government's stereotype-informed criteria: "...if the stereotype is that Indigenous peoples have traditional dances, and this particular group does not have a traditional dance, they train the people how to dance so they can meet the standards" (Participant M, personal communication, May 9, 2021).

One interview participant observes that Orang Asli communities are also asserting their Indigenous identities for strategic reasons, primarily in response to land grabbing:

"Communities have realised that one way to assert their rights to the land is to say that it is traditional land.... They might have some traditional practices that they still practice on the land, otherwise you can't just assert that it is traditional land, so they have to go through the land. Some of them are going through this recovery or revival of traditions by bringing those kinds of customs back. I think internally, many of them do not know - they are not internalising the real indigenous recovery or rebuilding that's needed, it's just a shift to asserting identity without really understanding what or who they are" (Participant L, personal communication, May 1, 2021).

As demonstrated, the 'performance' of culture is practiced throughout the region, most often as a means to an end – a hurdle to clear to benefit from rights and entitlements under domestic law. However, the instrumentalization of culture is also being used to achieve a particular outcome or to counter colonial narratives used to justify acts of dispossession or marginalisation. These would suggest the tactic is form of challenge against the state and state-backed entities, however also reinvention whereby the Indigenous group is asserting their authority and unique culture in order to change its relationship with the government.

Strategic engagement objectives: Self determination via a renewed relationship with the state

The examples above only touch on the variety of approaches Indigenous peoples are taking when interacting with governments in order to meet their interests. However, while these activities and perhaps their immediate objectives are relatively easy to identify, it is less obvious what Indigenous peoples' long term or broader objectives are. For instance, whether they are seeking to be self governing entities or to address their socioeconomic challenges, or both. As discussed above, Indigenous groups in Southeast Asia are generally not interested secession, but rather in 'internal self determination' via a renewed relationship with the state. This is based on the idea that most states are 'multinational', a notion captured in the principle of *Uti possidetis*, which has been broadly accepted by Southeast Asian countries since decolonisation. *Uti possidetis* refers to the idea that internal borders (ethnic and religious) between peoples within a state should remain and be respected by the governing system of the day. However, to date international law, including the UNDRIP, has remained vague on how such internal self determination can be realised (Tan, 2017, 3).

Daytec-Yangot (2011) argues that international dialogue of self determination has emerged from human rights abuses endured by Indigenous peoples. In fact, the very concept of Indigeneity and Indigenous rights exist in response to development aggression rather than existing or inherited rights. As such, she suggests that Indigenous self determination must include two elements – democratic participation in political processes and control over land and resources (3-4). And, while this generally is not understood to mean secession, it does mean that where human rights abuses persist either at the hands of the state or without protection or intervention from the state, secession should be an option – territorial integrity should not be prioritised over Indigenous rights (26).

Indeed, the oppression, and relative disadvantage to the majority population in most Southeast Asia countries is central Indigenous peoples' activism in the region. In considering the strategic tactics described in the previous section, Indigenous communities seemingly have three different, but frequently intertwined objectives: socio-economic wellbeing, civil rights and cultural 'thrival'. Socio-economic wellbeing includes livelihood enhancement and poverty reduction. Civil rights refers to freedom from discrimination/marginalisation due to race and poverty (class). Cultural 'thrival' means, a) the robust continuation of spiritual connection to land and the natural world, way of life, knowledge, governance and social systems and, b) the freedom to actively evolve these to thrive in the modern world. All three objectives are pursued, however are frequently and easily conflated. Additionally, while all three of these objectives are important and can be encapsulated under 'Indigenous rights' and perhaps 'self determination', they can also come into conflict with one another. For instance, the pursuit of improved socio-economic wellbeing, including by participating in the mainstream economy, can and does contradict with principles and practices of sharing wealth, stewardship and protection of land and the natural world, communal living and collective wellbeing and responsibility that are central to many Indigenous cultures. One interview participant explains this impact of capitalism on traditional Orang Asli governance systems:

"Because in the traditional context, a leader is someone who is a good hunter, generous. You get a wild pig and you share. And of course you have to share, there is no way you can store it yourself, and because you share you are seen as a generous person. You're seen as a good hunter and not only that, you ensure that someone else gets the meat. These days, however, you can shoot the wild boar and then sell it – you don't have to share. That's where individuality comes in, the economic/commercial, so the value system is already lost. This is an example of where they need to go back to the original system. This is what community is all about." (Participant L, personal communication, May 1, 2021).

Whether in response to oppression or inherent rights, Indigenous peoples' self determination claims are about recognition of rights within the context of an existing nation-state (Daytec-Yangot, 2018, 26 & 61). Indeed, Indigenous peoples are in a continuous process of seeking to improve their relationships with states. In most cases, the objective is to achieve a clear political status for the nation and cooperative arrangements within the parameters of the state in which the respective parties' interests can be met (Nietschmann, 1994; Ryser, 2012). Whether or not a political status and cooperative arrangements are desirable to some Indigenous peoples in Southeast Asia is yet to be seen, however evidence of assertions of authority and practices of self governance suggests Indigenous peoples are seeking a renewed relationship with the state in which their right to self determination can fully be exercised.

Concluding thoughts

This paper has presented preliminary findings on strategic engagement tactics employed by Indigenous peoples in Southeast Asia in their interactions with the state. Drawing on Indigenous Resurgence literature from North America, I offered a framework for understanding these tactics, suggesting that Indigenous peoples strategically disengage through practices of *rejection* and *persistence*, and engage through *challenge* and *reinvention*. The objectives of these activities are seemingly threefold: to address socio-economic challenges, improve access to civil rights and ensure cultural 'thrival', which together amount to a broader objective of a renewed relationship with the state. This research is ongoing, and ultimately focused on understanding whether these strategic practices point to a broader interest in cooperative governance arrangements with the state.

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