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Climate change-induced displacement of indigenous communities and conflict: an analysis of indigenous rights in Brazil and Indonesia

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Citation

Geertsema, D. (2021). *Climate change-induced displacement of indigenous communities and conflict: an analysis of indigenous rights in Brazil and Indonesia*.

Version: Not Applicable (or Unknown)

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**Climate change-induced displacement of indigenous communities and conflict: an
analysis of indigenous rights in Brazil and Indonesia**



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Bachelor Project: The Environmental Causes of Conflict

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Date of submission: 20 May 2021

Word count: 7944

Abstract

The various consequences of climate change and deforestation are expected to increase the displacement of indigenous communities in tropical rainforest areas. As climate change is a relatively recent phenomenon, research on its harmful consequences, in particular with regards to indigenous communities and their identity, is limited. Building upon grievance theory, appeals to mobilisation, and indigenous identity, this study investigates the relationship between the displacement of indigenous communities and the potential of an increased likelihood of conflict based upon the implementation and protection of indigenous rights in Brazil and Indonesia. Analysing Brazil and Indonesia's Constitutions, governmental institutions, and participation in international agreements such as the United Nations Declaration on the Rights of Indigenous Peoples and the International Labour Organisation Indigenous and Tribal Peoples Convention, this paper aims to fill the gap in the literature comprising mostly single case studies with little to no option to generalise the findings. The results of this analysis show that even though indigenous rights are implemented and protected to a greater extent in Brazil, similar events of social unrest are observed in both Brazil and Indonesia. Further research on the protection of indigenous rights is significant in order to prevent future events of conflict in tropical rainforest areas globally.

Keywords:

Climate change, conflict, displacement, indigenous communities, indigenous rights

Acknowledgements

First of all, I would like to thank my supervisor Dr. Babak RezaeeDaryakenari for accepting me in his Bachelor Project class. His passionate teaching, helpful feedback, and encouraging conversations during our online meetings have not once made me regret taking his class. I would like to thank him for his time and support, and helping me write this thesis in the best way possible.

I would also like to express my gratitude to my fellow students for their feedback, and in particular my best friend Sanne van Dijk for her endless support and advice, whether it be academic or non-academic. Last but not least, I am beyond grateful for the continuous support of my family not only during this thesis, but throughout my bachelor's entirely.

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Introduction

With a changing climate, larger migration rates are observed. Some of this migration is voluntary, but to a large extent, climate change-induced migration or, displacement, is forced either by governments in an attempt to adapt to a changing climate or by climate change-induced depreciation of living standards (Aiken & Leigh, 2016; Böhmelt et al., 2014; Ho et al., 2020; Verner & Kronik, 2010). As indigenous communities are predominantly sensing a deprivation from their lands, alongside a greater sense of collective identity compared to other social groups, it can be argued that patterns of violence are more likely to be observed initiated by indigenous communities towards governments or companies.

Literature on the issue of climate change-induced displacement of indigenous communities is important to understand the likelihood of conflict. Specifically in tropical rainforest areas, the consequences of climate change are becoming more evident, as more droughts are observed, causing crops to fail, rivers to run dry and the risks of forest fires to increase. Earlier literature focuses on these issues, however, these works are mostly case specific and qualitative. Also, there is little to no consideration of the potential relationship to political conflict or social unrest. The main focus lies on specific regions and issues related to indigenous communities and their risk of displacement. A shortcoming of the literature is an overall overview of climate change effects on indigenous communities in rainforest areas, as indigenous communities are present in almost all rainforest areas globally. This study, therefore aims to answer the following research question: “*What are the effects of climate change-induced displacement of indigenous communities on levels of low-intensity conflict in tropical rainforest areas?*”

In order to answer this research question, this paper will build upon Gurr's mobilisation theory and the appeals to mobilisation (Moore & Jagers, 1990). Next to this, Collier and Hoeffler's theory on grievances will be applied as this theory illustrates how the arising of grievances can increase the likelihood of conflict (2004). One defined appeal to mobilisation as identified by Moore and Jagers entails the sense of a common identity, which is significant for indigenous communities (1990). The argument will therefore be supported by earlier work on indigenous identity by Weaver (2001). Governments hosting indigenous communities are mainly responsible for preventing grievances and protecting indigenous identity, as the communities are often vulnerable social groups within the state (Ho et al., 2020). Based on these theories, the following hypothesis is formulated which will be tested in this paper: "*Climate change-induced displacement of indigenous communities in tropical rainforest areas results in less low-intensity conflict when indigenous rights are protected by governments.*"

In order to test this hypothesis, a qualitative analysis with a most similar systems design (MSSD) is performed for two states that have large tropical rainforest areas: Indonesia and Brazil. These states have similar regime types, gross domestic product (GDP), human development index (HDI), equal percentages of rainforests covering the lands, and are facing similar rates of deforestation. Both states host many contacted and uncontacted tribes in their rainforests. Their difference, however, lies in the protection of these indigenous communities' rights. For example, Brazil recognised the indigenous people's right to pursue their traditional practices and to exclusive possession of their lands in the 1988 Constitution (Rodrigues, 2002). For Indonesia, this similar right was confirmed by the Constitutional Court in 2013 (Van der Muur, 2018).

This paper will first introduce an overview of current literature on the topic, it will then define the aforementioned theories which will be utilised to answer the proposed research question. This will be followed by the research design and case selection. Subsequently, the results are described together with an analysis thereof to confirm or reject the presented hypothesis. Finally, a concluding section is provided, mentioning the limitations of this research and recommendations for future research.

Literature Review

Böhmelt et al. state that anthropogenic climate change will impact water availability in the longer term, but in the short term people will be supplied with water through dams and reservoirs (2014). According to the authors, these dams and reservoirs will regulate water but may also create ecological problems and societal challenges (2014, p. 339). However, they do not go in further detail of, for example, what the impact would be of dam-building on societies, especially in developing countries where indigenous communities are still present.

This question can be related to a case in the Malaysian state of Sarawak in Borneo, where the building of the Bakun dam has had major environmental and social impacts. The construction of this dam required the destruction and flooding of approximately 700 km² of virgin tropical rainforest, resulting in an irreversible loss of rare and endangered animal and plant species (Ho et al., 2020). Next to this, the construction of the Bakun dam resulted in the forced displacement of approximately 10,000 people, mostly from indigenous communities such as the Iban and the Orang Ulu. According to Ho et al., the indigenous communities are considered socially vulnerable and economically disadvantaged groups (2020). However, the government of Sarawak does not recognise the native rights claims to indigenous lands,

making it possible to take or sell their lands and rivers without their permission (Ho et al., 2020).

The forced displacement of indigenous groups, such as observed in the Bakun project, results in a drastic change in their ways of living, causing them to resort to protests. Since the 1990s, various tribes from different regions have been protesting by means of demonstrations and blockades in an attempt to prevent further deforestation or flooding of their lands. The participants of these demonstrations have often been intimidated, threatened, or arrested (Osman, 2000). The Bakun dam was fully commissioned in 2014, the indigenous communities did not receive full compensation from the government for their displacement, but more importantly, the communities suffer from a significant erosion of their cultural identity, resulting in social unrest up to this day. The latter is left undiscussed by Osman (2000) and Ho et al. (2020).

Shirley and Word (2015) find that the conflict arising from capitalist approaches to energy development is parallel with local conflict over resource extraction and deforestation. An important finding of their paper entails that the state's claims over indigenous lands are always at the root of conflict, whether it be dam-building, deforestation, mining, or another type of resource claim (2015, p. 197). The authors provide a recommendation for policy makers of the small islands in Southeast Asia to encourage culturally appropriate energy planning which does not overrule the international indigenous rights law. Shirley and Word (2015) do not make further statements about the generalisability of the issue. Aiken and Leigh (2016), however, study the displacement through a critical assessment of the literature on four large dams. They conclude that the experiences of Malaysia's dam-affected indigenous communities mirror those of the ones in the greater Southeast Asian region (2016,

p. 70), but they make no further statements on the generalisability of the issue to regions outside of Southeast Asia.

The aforementioned papers identify the interaction of economic development resulting in the displacement of indigenous communities but what remains understudied are the effects of climate change on displacement and potential conflict among indigenous groups. The livelihoods of indigenous peoples are threatened all around the world: from Borneo to the Amazon, to the Andes, to the Caribbean, to the Republic of the Congo. Next to the extreme vulnerability of these communities to the governments that own their lands, the various consequences of climate change may have devastating effects on their livelihoods. Returning to the argument of Böhmelt et al., governments are building dams and reservoirs to manage severe droughts induced by climate change (2014). Then the question arises what actions governments should take to protect the lives of indigenous peoples, while simultaneously preventing (further) displacement from their lands.

For example, changes in seasons are perceived in the Colombian Amazon, causing crops to fail repeatedly and resulting in a decrease in river fish and turtle populations. Next to this, droughts are intensifying the effects of deforestation, simultaneously increasing the risks of forest fires, resulting in the threat of complete collapse of the rainforest (Verner & Kronik, 2010). Verner and Kronik argue that climate change is not the only threat to the livelihoods of the indigenous communities of the Colombian Amazon (2010). Also political unrest, illegal cultivation, excessive resource extractions and trade are posing major threats. This is similar to the observed problems in the previously discussed case of the Bakun Dam. However, there is no further literature available on the similarities of the various cases of climate

change-induced displacement globally nor on the effects of government policies addressing or preventing threats towards indigenous communities.

Protests and demonstrations as a result of the threatened livelihoods of indigenous communities as observed during the Bakun project are also being observed in Latin America. In the Peruvian Amazon, oil extraction is threatening both biodiversity and the livelihoods of indigenous communities, resulting in protests in the forms of roadblocks or occupations of oil installations (Orta-Martínez & Finer, 2010). Orta-Martínez and Finer conclude that the phenomenon of oil-related conflict is also applicable to cases in Colombia, Venezuela, Bolivia, Ecuador and other regions globally (2010). Next to this, they argue that these conflicts can be perceived as manifestations of identity politics. Indigenous communities' identities are expressed as a result of unequal property rights and inequalities of income, and most importantly, power (2010, p. 216). Orta-Martínez and Finer (2010) do not elaborate on this manifestation of identity, while it can be perceived as a crucial explanatory factor for indigenous' communities incentive to initiate conflict.

Based on this, some gaps in the literature can be identified. Essentially, most research on indigenous communities and the connection to social unrest or conflict is case-specific. Qualitative single-case studies give the opportunity to go into detail to a great extent, but the downside of this type of research is the issue of generalisability. Most of the findings of these studies cannot be applied to cases in, for example, other continents. Next to this, the effects of climate change and what role governments should play in protecting indigenous communities from harmful climate change consequences such as displacement, remain largely understudied. Finally, it is of importance to include indigenous identity in further research, as indigenous identity could play a significant role in determining indigenous communities'

potential relationship to conflict or social unrest and little research has been done on this possibly contributing factor.

Theoretical Framework

Due to climate change, increased temperatures and droughts are experienced, causing grievances such as water scarcity, failed crops, increased food prices, or overall decline of economic growth. A sense of grievance arises when an individual or group senses a violation of their right to a certain thing. These grievances could eventually manifest in conflict, which has been illustrated in various earlier literature on climate change and conflict (Böhmelt, 2014; Hendrix & Haggard, 2015; Koubi, et al., 2012). It is argued that climate change will affect indigenous communities to a larger extent than other social groups (Ho et al., 2020). Next to this, developing countries are expected to be impacted more by climate change due to their geographical position while they are the least able to afford means of adaptation and mitigation due to their economic position (Mertz et al., 2009). As indigenous communities are mostly present in developing countries, and also regarded as economically disadvantaged groups, they will be affected more by climate change than other social groups (Abate & Kronk, 2013).

Applying grievances and Gurr's theory of mobilisation to cases of displacement of indigenous communities could identify the root causes of mobilisation resulting in conflict. Moore and Jagers (1990) contribute to Gurr's theory of mobilisation and illustrate five appeals to group mobilisation: appeals to corporate identity, relative deprivation, identification of the existing regime as the source of discontent, normative justification for taking violent action, and promotion of the value of rebellion (1990, p. 22). Cleary (2000) investigates this mobilisation theory among the indigenous communities of Latin America

and finds that mobilisation of the community is indeed a requirement for rebellion but he makes no further statements about the generalisability of the issue to other regions.

From resource deprivation or political deprivation, grievances can arise, which can eventually result in conflict (Regan & Norton, 2005). The appeal of deprivation is a useful framework for the understanding of how individual discontent transforms into a group organisation (Moore & Jagers, 1990, p. 24). This can be connected to Collier and Hoeffler's theory on greed and grievances, this is primarily a theory put forward to explain the causes of civil war, but it can also be applied to the cases of indigenous peoples and low-level conflict as they often experience similar grievances as the ones observed in civil war (2004). Collier and Hoeffler mention grievances such as high inequality, a lack of political rights or ethnic divisions within society as causes of rebellion (2004). Due to a frequently occurring lack of government policies addressing these grievances for indigenous communities, it can be argued that they experience grievances to a large extent. Therefore, the grievance theory alongside Gurr's theory of mobilisation, can be applied to the displacement of indigenous communities and the effects on conflict.

Another appeal facilitating mobilisation of groups identified by Moore and Jagers that is applicable to the case of indigenous communities is the one to corporate identity. In most developed countries, a sense of individual identity is observed nowadays, but this is not the case for indigenous communities. Indigenous identity can be divided into three main aspects: self-identification, community identification, and external identification.

Self-identification comprises one's personal belief about their heritage and changes as one develops individually. The second facet, community identification, is significant in

understanding the behaviour of indigenous communities. Indigenous identity is connected through a sense of shared sacred traditions, traditional homelands, and a shared history as a community (Weaver, 2001, p. 245). Lastly, external identification emphasises the importance of the government and other third parties. Some indigenous groups are not acknowledged (enough) by the governments, which has large consequences as to how they are perceived by other people (Weaver, 2001, p. 246). The latter is extremely important for the understanding of why some governments treat indigenous people differently than other social groups, and therefore why conflict might be more present in one region compared to the other. Some states respect the rights of indigenous communities more than other states, it would therefore be more likely to observe higher levels of conflict in the latter.

Lastly, environment-induced displacement is a recent phenomenon and data on how climate change affects migration is scarce. Based on earlier works, it is confirmed however that climate change has the potential to lead to increased migration and an increased risk of conflict (Freeman, 2017). In this paper, the relevant scenarios of climate change-induced migration are based upon forced migration, or, displacement, of indigenous communities based on external factors, such as climate change or land-grabbing. This excludes voluntary migration from the analysis.

Considering previously discussed papers, it can be argued that most of the observed conflicts between indigenous communities and governments or non-state actors are of low intensity (Alcorn et al., 2001; Colchester, 2007; Yörük et al., 2019). The observed patterns of conflict mostly entail social unrest through protests, ambushes and blockades, as illustrated in the case of the Bakun project and in the case of the Peruvian Amazon. These patterns of social unrest can eventually result in political unrest and violence. High intensity conflict comprises

a minimum threshold of casualties and the utilisation of armed forces, which is not observed for the cases of indigenous communities' displacement.

Hypothesis

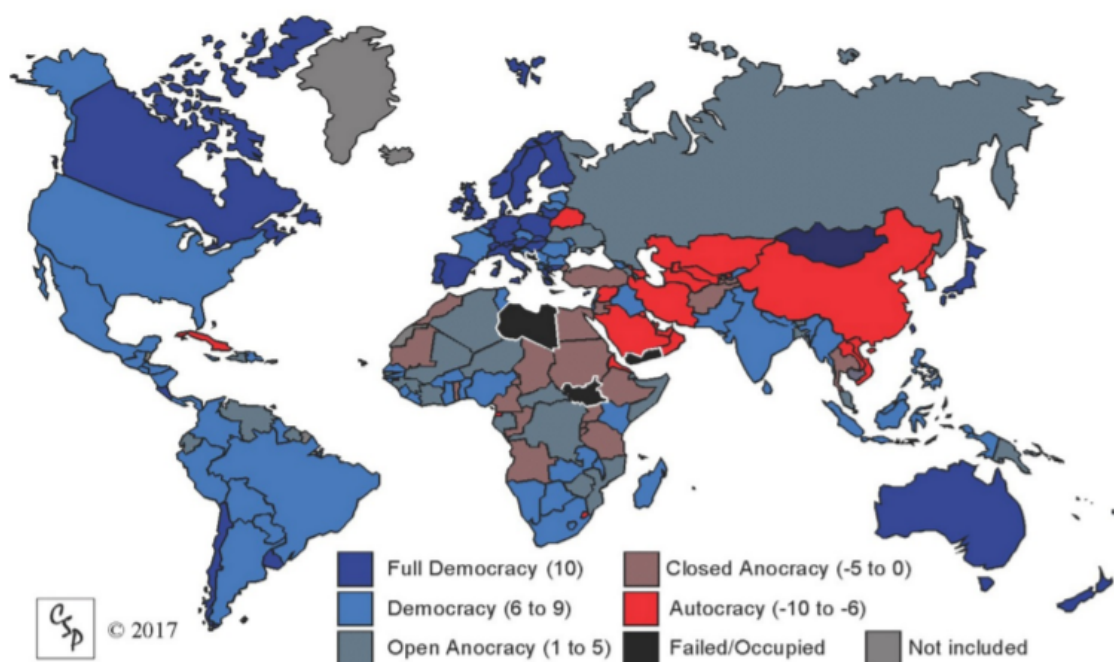
In the aforementioned theoretical framework, there are various mechanisms at work which can be connected to one another. First of all, it can be argued that climate change consequences such as droughts, increased risks of forest fires, and floodings result in displacement and grievances which then increase the likelihood of indigenous communities to initiate conflict. Then, there is the second mechanism which can be illustrated by governments adapting to climate change consequences. For example, by building dams and reservoirs to prevent water shortages. This also results in displacement and grievances, subsequently increasing the likelihood of conflict. Finally, indigenous identity is a significant contributor to the manners in which indigenous communities act. This is illustrated by both Gurr's mobilisation theory, as corporate identity is one of the defined appeals to mobilisation, and Weaver's theory on indigenous identity. These three mechanisms are related to each other and a domino effect can be observed which starts with preventing grievances. To illustrate, if indigenous identity and thus, indigenous rights, are implemented and protected by governments, there is a chance that less grievances are experienced, causing less appeals to mobilisation and thus a lower likelihood of conflict could be perceived in tropical rainforest areas.

Building upon this mechanism, the following hypothesis can be formulated: “*Climate change-induced displacement of indigenous communities in tropical rainforest areas results in less low-intensity conflict when indigenous rights are protected by governments.*”

Research Design

The proposed hypothesis will be tested by the use of Mill's Most Similar Systems Design (MSSD), analysing research systems as similar as possible, except with regard to the independent variable from which its effects are to be assessed (Anckar, 2008). In this study, the cases of Brazil and Indonesia will be analysed. These two states are similar regarding regime type, as Brazil is a federal presidential constitutional republic and Indonesia a presidential representative democratic republic. This is also illustrated by the Center for Systemic Peace's Polity project (2017), the polity scores are categorised into three regime categories ranging from minus 10 to plus 10. Autocracies are categorised in the range of minus 10 to minus 6, anocracies from minus 5 to plus 5, and democracies from plus 6 to plus 10. Indonesia and Brazil are both democracies, but not full democracies, and are therefore both in the range from 6 to 9 (see figure 1).

Figure 1: *Distribution of Governance Regimes in the Global System* (Marshall & Elzinga-Marshall, 2017)



Additionally, Brazil's GDP was approximately 1.4 million USD in 2020, for Indonesia this was 1.1 million USD, Brazil's HDI was 0.765 in 2019, 0.718 for Indonesia (Country Economy, 2021). Indonesia is more densely populated than Brazil compared to the states' sizes: Brazil had a population of 210 million people in 2019 on a surface of 8.5 million km², Indonesia's population was 270 million people in 2020 on a surface of 1.9 million km² (Country Economy, 2021). However, they have equal percentages of rainforests covering the lands, which is about 60%, and they are facing similar rates of deforestation as the percentual loss of primary forest and tree cover from 2001 to 2018 were approximately 8% for each (Mongabay, 2021). Next to this, both states host many contacted and uncontacted tribes in their rainforests.

The differing variable for these two cases is how they protect the rights of their indigenous communities. For example, Brazil recognised the rights of indigenous people to pursue their traditional practices and to exclusive possession of their lands in their 1988 Constitution, and Indonesia later in 2013. Analysing these differing policies with regards to indigenous communities in Brazil and Indonesia, the possible relationship of conflict to climate change-induced displacement can be established. Next to this, predictions can be made about future displacement caused by climate change and the effect on future conflicts.

Building upon the aforementioned theories, the observed patterns of low intensity conflict in rainforest areas will be compared to the states' recognition and/or implementation of indigenous rights. Low intensity conflict comprises conflict deriving from or targeted against indigenous communities, and is used interchangeably with social unrest. In this way, the developed hypothesis will be tested and the effects of climate change induced displacement

of indigenous communities on the likelihood of low-intensity conflict in tropical rainforest areas will be illustrated using the two states' position towards indigenous rights.

Case Selection

Tropical rainforest areas are found on every continent around the equator. The states with the largest areas of tropical rainforests are Brazil, the Democratic Republic of the Congo, Indonesia, Peru, and Colombia (Weisse & Dow Goldman, 2020). As this study aims for more generalisability in this field of research, it is preferred to focus on the areas in which rainforests are most present, and where indigenous rainforest tribes are most present. Then, Brazil would be the best case to focus on, as Brazil is home to almost a third of the world's total amount of rainforests. However, it is preferred to focus on multiple cases, as one of the gaps in the literature lies in case-specificness, often meaning that the findings are not generalisable. As an MSSD is applied, the Democratic Republic of the Congo is not a preferred region to focus on as its GDP and HDI are much lower than in Brazil. Also, most research focusing on the environmental causes of conflict is based in Africa. Then, Indonesia is most suitable as the second case to be investigated: it is similar to Brazil regarding regime type, GDP and HDI, and contains a similar percentage of rainforests compared to land mass. Their difference lies mainly in the differing policies on the protection of indigenous rights.

Data Collection

In order to test the hypothesis, a qualitative content analysis of governmental recognition of rights of indigenous peoples for Indonesia and Brazil is performed. This comprises their Constitutions, signatory to the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), signatory to the ILO Indigenous and Tribal Peoples Convention (or, ILO No. 169) of 1989, and institutions, over a time period from the 1980s until 2020. These reports

are categorised as positive, partially negative, or negative in order to establish the governments' position towards indigenous rights.

A positive position includes words such as, 'approve', 'affirm', 'appreciate', 'implement', 'recognise', 'respect', 'support', 'sign', or 'ratify'. For example, the Brazilian Constitution *recognises* the indigenous right to self-determination, territories, consultation, and consent under Article 231 (see Appendix B, table 2). A partially negative position includes quantifying words such as 'some', and 'for as long'. The reason it is categorised as partially negative, and not partially positive, is that these examples often recognise an indigenous right only under certain conditions, and these conditions are not in favour of the affected indigenous communities. An example of this can be found in the Third amendment to the Indonesian Constitution (2001), which recognises traditional rights for *as long* as these are in agreement with Indonesia's societal development (see Appendix A, table 2). A negative position mostly consists of opposing words from the positive position, such as 'not apply', 'not implement', 'not recognise', 'not respect', or words such as 'reject' and 'refuse'. These positions are compared to the observed patterns of violence in tropical rainforest areas in order to test the hypothesis and answer the research question.

Indonesia

For Indonesia, data is gathered from the third amendment to the Indonesian Constitution which recognises some indigenous rights in Article 18b-2, Act No. 5 on Basic Agrarian Regulation (1960), Act No. 39 on Human Rights (1999), Indonesia's Legislative Decree on Agrarian Reform (2001), and Act No. 26 on Management of Coastal and Small Islands (2007). Next to this, while Indonesia is a signatory of UNDRIP, its government does not ratify the Declaration, as it does not make a distinction for specific needs of groups that

identify themselves as indigenous. Further analysis of Indonesia's absence in UNDRIP is therefore necessary. Also, the amendment to the Constitutional Court of May 2013 is included. This amendment affirms the constitutional rights of indigenous peoples to their territories, and it uses the UNDRIP and ILO No. 169 as references. Finally, the cooperation between the government, National Human Rights Institutions (NHRIs) and indigenous communities is analysed by means of the consideration and/or implementation of recommendations by the National Human Rights Commission of the Republic of Indonesia (Komnas HAM).

Brazil

Thorough analysis of the 1988 Brazilian Constitution is performed, the Constitution guarantees indigenous communities land rights and recognises indigenous communities as the first and natural owners of the lands under Article 231. Next to this, Brazil's ratification of ILO No. 169 in 2002, and UNDRIP in 2007 is included. More specifically, UNDRIP's Articles 8, 10, 26, 27, 28, 29, 32, and 33 are most relevant for this study. Finally, the cooperation between the government and the National Indian Foundation (FUNAI), a federal indigenist organisation, is analysed, considering the achievement of planned targets and government investment.

Violence

Cases of violence from governments targeted against indigenous communities are often included in the Universal Periodic Reviews (UPRs) of Brazil and Indonesia of the United Nations Human Rights Council (UNHRC). Mobilisation and attacks against indigenous communities, imprisonment of leaders and other members, and killings, are examples of these cases of violence. Conflict arising from indigenous communities targeted against

governments or companies is more difficult to find, as most data on low-level conflict such as protests and demonstrations, is found in newspapers which are not always independent of the governments. A replacement of these news articles is the yearly reports of the Human Rights Watch which include specific sections on Environment and Indigenous People's Rights for both Indonesia and Brazil.

Content Analysis

Defining indigenous peoples

When analysing the recognition and/or implementation of indigenous rights in Brazil and Indonesia, the most important difference which must be emphasised is the distinct definitions of 'indigenous' for each of the states. The UN's most cited description by Jose R. Martinez Cobo holds that: *"Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions, and legal system."* (Martinez Cobo, 1982). This definition is also utilised in UNDRIP, one of the most extensive statements on the rights of indigenous communities. Adoption of UNDRIP is perceived as the clearest indication that the international community is committing itself to the protection of the individual and collective rights of indigenous peoples.

Since 1999, Indonesia's government has been using the working definition of indigenous peoples (*masyarakat adat*) by its national organisation of indigenous peoples, Alliance of

Indigenous Peoples of the Archipelago (AMAN). This definition is an important source today for identifying indigenous peoples in Indonesia: *adat* communities are communities which live on the basis of their ancestral origin on a defined *adat* territory, exercise sovereignty over the land and natural resources, have a socio-cultural life which is regulated by *adat* law and *adat* institutions (Tamma & Duile, 2020). As this is the only definition accepted by the Indonesian government, they do not agree with the working definition provided by the United Nations (UN). While Indonesia is a signatory to UNDRIP, it largely abstains from it. The Indonesian government claims that the UN's concept of indigenous peoples is not applicable as all Indonesians, with the exception of the ethnic Chinese, are indigenous and thus entitled to the same rights (UNHRC, 2016). Next to this, the government rejects calls for specific needs by groups that identify themselves as indigenous (UNHRC, 2016).

In Brazil's Constitution (1988), indigenous communities are referred to as 'Indians', they are recognised as the traditional owners of the land and must therefore be protected and respected by the state according to Article 231. Lands traditionally occupied by indigenous communities are defined as those on which they live on a permanent basis and use for productive activities according to their customs and traditions. Additionally, under this Article, the removal of indigenous communities from their lands is forbidden except for the cases where their population is at risk, or in the interest of Brazil's sovereignty, guaranteed that return to their lands shall be immediate when risk ceases (Constitution of Brazil, 1988). Next to this, Brazil participates both in UNDRIP and the ILO No. 169, and does not share Indonesia's statement on the inapplicability of the provided definitions of these Conventions.

These differing definitions could be an explanation for the two states' differing policies with regards to indigenous communities. Based on the signature and ratification of international

declarations and conventions, it could be argued that Brazil has more inclusive policies than Indonesia, which would mean that indigenous communities' identity is respected to a greater extent in Brazil compared to Indonesia. This is a mere assumption however, therefore Brazil's participation in UNDRIP and ILO No. 169, and Indonesia's absence, will be further analysed in the following section.

UNDRIP and ILO No. 169 in Brazil

Although it was recommended to consider ratifying the ILO No. 169 by the UNHRC, Indonesia, given its demographic composition, did not participate in the Convention as it applies the concept of indigenous peoples as defined in UNDRIP (UNHRC, 2016). As Indonesia does not participate in UNDRIP nor ILO No. 169, its position towards the indigenous rights in these Conventions is negative (see Appendix A, table 2). As Brazil participates in both UNDRIP and ILO No. 169, this section will only focus on Brazil's participation.

ILO No. 169, the only international treaty concerning the rights of indigenous peoples, dates from 1989 but was ratified by Brazil in 2002 and was made legally enforceable under domestic legislation in 2006 (Chase, 2019). The Convention regards self-identification of indigenous communities as a fundamental principle to determine the groups to which the provisions of the Convention apply, one of the main criteria the Indonesian government disagrees upon. Among 44 Articles, Article 14 and 16 are significant to Brazil's position to (environmental) displacement of indigenous communities. Article 14 considers land ownership of indigenous communities, recognising the traditionally occupied lands as indigenous' emphasising in Article 16 that relocation, or displacement, of indigenous communities is considered as an exceptional measure (ILO, 1989). Relocation shall take

place only with free and informed consent of the communities, and, whenever possible, the communities have the right to return to the traditional lands as soon as the reason for relocation ceases to exist (ILO, 1989). Most importantly, when return to the traditional lands is not possible, the communities shall be provided with lands equal to the land previously occupied, and be compensated for their losses or injuries (ILO, 1989). Brazil's participation in ILO No. 169 is classified as positive towards indigenous rights (see Appendix B, table 2).

UNDRIP, adopted by the UN in 2007, protects collective rights not addressed in other human rights constitutions while also emphasising the individual rights of indigenous communities. It shares similar Articles with ILO No. 169. For example, Article 10 states that indigenous communities shall not be removed from their traditional lands and that no relocation shall take place without free and informed consent, next to a fair compensation in case of no option of return. UNDRIP adds on development within the traditional lands, according to Article 26 and 32, indigenous communities have the right to own, but also to develop the lands and its resources (UN General Assembly, 2007). States shall give legal recognition and protection of these lands and territories with appreciation of the customs and traditions of the concerned communities. Next to this, in Article 29 it is stated that indigenous communities have the right to conservation and protection of the environment of their lands and therefore states shall establish and implement assistance programmes for such conservation and protection without discrimination (UN General Assembly, 2007). Finally, relating to identity, Article 33 emphasises that indigenous communities have the right to determine their own identity in accordance with their customs and traditions (UN General Assembly, 2007). Brazil's participation in UNDRIP is classified as positive towards indigenous rights (see Appendix B, table 2).

Foundations and Institutions: Indonesia

In 2016, the National Human Rights Commission of the Republic of Indonesia (Komnas HAM) published a ‘National Inquiry on the Rights of Indigenous Peoples Rights to Their Territories in Forest Zones’ in which 40 cases from seven regions across Indonesia were investigated.

In each of these cases, the individual and collective rights of indigenous peoples were violated. Also, all of these cases contained conflicts initiated by companies and the government in an attempt to take advantage of divisions within the communities. Although the report recommended immediate actions and policies to the Indonesian President, House of Representatives, Ministry of Environment and Forestry, security forces, and other concerned agencies, no action has been taken for implementation of any of these recommendations (UNHRC, 2016). One of these recommendations for the Indonesian President suggested the creation of an independent institution to recognise, respect, protect, and promote indigenous rights, and thus, a positive position (see Appendix A, table 2). This would be a first step towards reconciliation between indigenous communities and the State. However, the Government slows down this process due to bureaucratic complexity and budgetary constraints (UNHRC, 2016). As a result of this, there are no (independent) national bodies in Indonesia with the purpose of preventing indigenous rights violations. Additionally, indigenous communities have no further support in the Indonesian Government which causes Indonesia to have a negative position towards indigenous rights (see Appendix A, table 2).

Foundations and Institutions: Brazil

In Brazil, the Fundação Nacional do Índio or, National Indian Foundation (FUNAI), was founded in 1967. FUNAI is Brazil’s governmental institution which establishes and carries

out policies relating to indigenous communities. In the third monitoring cycle of Brazil in the UPR mechanism of the UNHRC of 2017, violations of indigenous rights were observed which were as a result of the weakening of FUNAI, next to the failure of meeting planned targets for policies regarding indigenous communities.

According to the UPR, over the period of 2012 to 2016, FUNAI experienced a reduction of their staff and resources. During submission of the third monitoring cycle in 2017, FUNAI was operating with only 36% of its capacity due to decreased political power (UPR, 2017). Next to this, several of FUNAI's units were attacked by anti-indigenous movements, this included destruction of buildings and vehicles and intimidation of staff members. The Brazilian government recognises indigenous rights as right to self-identification, right of ownership and possession over traditional lands and resources, and right to conservation and protection of the environment through its Constitution (1988) and international commitments such as UNDRIP and ILO No. 169. Without national bodies promoting these rights, or political incentives to define an agenda for implementation of these rights, these commitments seem insufficient to indigenous communities, resulting in a negative position for Brazil's institutions concerning indigenous rights (see Appendix B, table 2). The UN Human Rights Council recommends a restoration of FUNAI, alongside other federal prosecutors, defendants, and attorneys, through adequate resources and training, as these institutions are key to the promotion and protection of indigenous rights for Brazil (UPR, 2017).

Violence in Brazil and Indonesia

The Human Rights Watch overview of events concerning environment and indigenous people's rights in 2020 in Brazil state that from 2015 to 2019, more than 200 people were

killed in the context of conflicts over land use in the Amazon rainforest. This is mostly caused by criminal networks carrying out illegal deforestation. Among the victims were indigenous people, local residents, and public officials defending the forests (HRW, 2020). Since president Bolsonaro took office in January 2019, the enforcement of environmental laws has diminished and the deforestation rate of the Amazon increased by 85% in 2019, next to an increase in the amount of forest fires. Bolsonaro blames indigenous people and small farmers for these forest fires. According to the Indigenist Missionary Council, the amount of invasions of indigenous territories for resource access increased by 135% in 2019 (HRW, 2020).

The Human Rights Watch overview of Indonesia in 2020 gives various examples of violence targeted against indigenous communities in the state. For example, the tribal chief of the Dayak community in Central Kalimantan was arrested after five of his fellow community members had been arrested for seizing chainsaws of a palm oil company in an attempt to stop them from destroying the forests. Two other Dayak members were sentenced to 10 and 8 months in jail for stealing oil palm fruits from the lands which the National Land Agency had declared indigenous in 2011 (HRW, 2020). In August, the Pubabu indigenous community on Timor Island was raided by police and paramilitary forces, resulting in a displacement of 600 people and the destruction of 47 homes (HRW, 2020).

All cases in Brazil and Indonesia mentioned by the Human Rights Watch were imprisonments of indigenous community members or targeted attacks against communities. There is little notion of violence targeted against governments or companies arising from indigenous communities. The Universal Periodic Reviews of Brazil and Indonesia mention some cases of this type of violence but there are still little examples available, especially with regards to

displacement. What is observed mostly are protests and demonstrations that eventually result in criminal activities such as described in the example of the Dayak community in Central Kalimantan. Almost all of these cases are a response to initial violations of indigenous rights, causing indigenous communities to respond with more violent actions.

Victoria Tauli-Corpuz, United Nations Special Rapporteur on the Rights of Indigenous Peoples, asserted that indigenous peoples from throughout Brazil have repeatedly emphasised that the absent protection of their lands by the State is pressuring them to reclaim their lands. Many state that they will not leave their lands when evicted, and are willing to die there if necessary (CFFB et al., 2016). According to Tauli-Corpuz, the Brazilian government appears to be establishing the conditions conducive to conflict, which will have not only an impact on indigenous communities, also a society as a whole (United Nations Special Rapporteur on the Rights of Indigenous Peoples, 2016).

Results

Before relating the results of this analysis to the hypothesis, it is important to emphasise the relationship to the earlier discussed theoretical mechanisms. The participation of governments in international agreements, and the inclusion of indigenous rights in the state's Constitution can be seen as ways to protect indigenous communities from experiencing grievances. For example, the Indonesian Constitutional Court decision No. 35/PUU-X/2012 (2013) affirms the constitutional rights of indigenous communities to their lands and territories, alongside their collective rights over their traditional forests. The grant of this right to their traditional land prevents the arising of the individual or group's sense of violation of this right, and thus prevents a grievance for the indigenous communities.

Similarly, Article 231 in the Brazilian Constitution (1988) formally recognises the right of indigenous communities to self-determination, territories, consultation and consent.

As mentioned before, Collier and Hoeffler describe grievances such as high inequality, lack of political rights, and ethnic divisions within society as causes of rebellion (2004). Even though both Brazil and Indonesia experience a lack of institutions, and both experience conflict, Brazil allocates the rights to traditional lands, self-determination, consultation and consent. Next to this, Brazil affirms the right of indigenous peoples to live free of genocide and other forms of assimilation, discrimination, intolerance and violence, it can therefore be argued that Brazil attempts to prevent grievances among indigenous communities through law to a greater extent than Indonesia.

As discussed before, indigenous identity is a critical factor determining the behaviour of indigenous communities (Weaver, 2001). Legal protection of indigenous identity is therefore significant in the prevention of possible arising of conflict. As the Indonesian Government rejects calls for specific needs by groups identifying themselves as indigenous, and only recognises some rights of 'customary law societies', it can be argued that indigenous identity is largely ignored by the Indonesian Government. This is not the case for Brazil however, as they include the right to self-determination in Article 231 of the Constitution, and as they ratified ILO No. 169 which states that self-identification as indigenous shall be regarded as a fundamental criterion of the Convention. Next to this, Brazil signed and adopted UNDRIP, where indigenous communities have the right to determine their own identity in accordance with their traditions under Article 33 (2007). Protection of indigenous identity is therefore more present in Brazil which would therefore mean that the observed levels in Brazil are

lower compared to states, such as Indonesia, that do not protect indigenous identity to a similar extent.

Relating this to climate change, governments should take responsibility in protecting indigenous communities from grievances caused by climate change consequences. As climate change is a recent phenomenon, there is little to no mention of it in the analysed documents of Brazil and Indonesia. However, both states affirm the indigenous right to protection of their lands and territories in some way. Brazil extends this right in Article 29 of UNDRIP, stating that the state shall establish assistance programmes for indigenous peoples for such conservation and protection (2007). Protecting traditional lands can be done through adaptation and mitigation to climate change without harming the livelihoods of indigenous communities. Mitigating climate change has more effect participating in multilateral agreements as, for example, cutting down on CO₂ emissions has more effect when executed globally. Adapting to climate change can be done within the nation through adjustments in ecological and economic systems or technological innovations.

States adapting to climate change sometimes impose harm on the traditional lands of indigenous communities, often resulting in displacement and therefore harming their livelihoods. This was touched upon earlier in the cases of Borneo, Colombia, and Peru, but similar events are observed in Brazil and Indonesia. Recognition and implementation of the indigenous' right to the traditional lands, or the right to return and to compensation in case of displacement, could prevent this from occurring. As described by Shirley and Word, in order to prevent conflict, policy makers should encourage culturally appropriate energy planning which does not overrule the international indigenous rights law (2015). This statement could

be extended, an encouragement of culturally appropriate climate change adaptation and mitigation is necessary, without violation of international, or domestic, indigenous rights law.

Relationship to violence

From this, it is argued that Brazil protects its indigenous communities from experiencing grievances to a greater extent than Indonesia. Brazil included indigenous rights almost twenty years earlier in its Constitution (1988) than Indonesia, and participates both in UNDRIP (2007) and in ILO No. 169 (2002). Ratifying these two conventions, Brazil affirms and recognises many indigenous rights under international law. Preventing grievances, protecting indigenous identity, preventing displacement, compensating in unavoidable cases of displacement, under law, would indicate that Brazil experiences less low-intensity conflict than Indonesia.

However, looking at the analyses of the Human Rights Watch (2020), and the Universal Periodic Reviews of Brazil and Indonesia (2016), there is no evidence that Brazil is experiencing a significantly lower amount of violence than Indonesia. Even though Brazil's position towards indigenous rights based on the analyses would seem significantly more positive than for Indonesia, the two states are both experiencing many cases of violence targeting indigenous communities. There are little examples of violent conflict originating from indigenous communities targeted at governments and companies. In most cases, indigenous communities respond to right violations initiated by governments and companies, which then consecutively escalates in social unrest or conflict in both Brazil and Indonesia.

Possible causes of this outcome could be a lack of accountability, even though Brazil participates in UNDRIP and ILO No. 169, it is not being held accountable for actual

implementation. As accountability is primarily ensured at the national level, and political bodies as FUNAI have limited power within the government, it is difficult to oversee and control violations of indigenous rights. International accountability mechanisms are necessary to prevent this from occurring. The UPRs of the UNHRC should be more consistent in order to monitor the treaties and report processes in order to develop new targets. Recognising indigenous rights is only the first step towards protecting indigenous communities from displacement, without implementation and legal accountability, those rights appear to be empty promises.

Conclusion

This paper aims to investigate the displacement of indigenous communities and the potential of an increased likelihood of conflict based upon the implementation and protection of indigenous rights in Brazil and Indonesia. Building on a qualitative analysis of Brazil and Indonesia's Constitutions, governmental institutions, and their participation in international agreements such as UNDRIP and ILO No. 169, it can be concluded that the recognition and protection of indigenous rights is not enough to prevent low-level conflict from occurring in these regions. Even though Brazil ratified and implemented UNDRIP and ILO No. 169, two large international agreements concerning indigenous rights, similar patterns of conflict are observed in Brazil compared to Indonesia, which did not participate in either of the agreements.

Returning to the research question and hypothesis, the protection of indigenous rights does not affect the relationship between climate change-induced displacement of indigenous communities and the likelihood of low-level violence in tropical rainforest areas. As discussed in the analysis, a cause for this outcome could be the lack of international

accountability. As accountability for all states participating in UNDRIP and ILO No. 169 is primarily ensured at the national level, it is difficult to control violations of indigenous rights if the national political bodies such as FUNAI for Brazil, have limited powers within the government. If international accountability mechanisms are introduced, protecting indigenous communities from rights violations by their governments, the outcome of this analysis could be significantly different.

However, these assumptions are only based upon the analyses of Indonesia and Brazil, which relates to one of the limitations of this research. A primary limitation of most qualitative research is the small amount of cases that is focused on, making it more difficult to generalise findings. Investigating more cases than discussed in this analysis, might result in different outcomes. Nevertheless, this research is a first step in filling the gap in the literature by comparing states from different continents and thus, aiming for generalisability of the findings to other cases. As data on indigenous communities, especially on uncontacted tribes, is scarce, it is challenging to perform quantitative analyses in this field of research. A similar limitation is that the variable of conflict initiated by indigenous communities targeted at governments is largely confined to reports of the Human Rights Watch, which is also mainly caused by the lack of data on the behaviour of indigenous communities. As quantitative analyses would solve these described issues, it is highly recommended to establish advanced approaches mapping out the presence and actions of indigenous communities in datasets in order to perform statistical analyses on the topic.

Just as in most research, theoretical mechanisms play an important role in this paper, which simultaneously limits the scope of the analysis. This paper focuses on grievance theory, appeals to mobilisation, and indigenous identity. This does not mean however, that these are

the only theories that could be applied to the topic. Due to the scope of the theories used in this research, it might have been possible that other contributing factors have been excluded from the analysis. The applied theories could still be further investigated in future research for other cases than Brazil and Indonesia.

Overall, it is important to not only hold governments accountable for indigenous rights violations, also more resilient mechanisms are necessary to hold governments accountable to address climate change risks. In this paper, it is illustrated that the consequences of climate change and governments' actions are causing displacement of indigenous communities, resulting in increasing patterns of low-level violence or social unrest. As climate change is and will be an ongoing issue, further research on the protection of indigenous rights and displacement of indigenous communities is significant in order to prevent future events of conflict in tropical rainforest areas globally.

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Appendix A: Indonesia

Table 1: Categorisation

| | |
|--------------------|---|
| Positive | <i>approve, (re)affirm, appreciate, implement, note, provide, recognise, respect, support, sign, ratify</i> |
| Partially negative | <i>some, for as long</i> |
| Negative | <i><u>not</u> apply, fail, <u>not</u> implement, reject, <u>not</u> recognise, <u>not</u> respect</i> |

Table 2: Results of indigenous rights analysis of Indonesia

| | |
|--|--|
| UN Declaration on the Rights of Indigenous Peoples (UNDRIP) | Negative <ul style="list-style-type: none"> - Signature but no ratification |
| Third amendment to the Indonesian Constitution (2001) | Partially negative <ul style="list-style-type: none"> - Recognition for as long as the traditional rights are in agreement with Indonesia's societal development |
| Act No. 5 on Basic Agrarian Regulation (1960), Act No. 39 on Human Rights (1999), and Indonesia's Legislative MPR Decree on Agrarian Reform (2001). Act No. 27 on Management of Coastal and Small Islands (2007) | Partially negative <ul style="list-style-type: none"> - Recognition of customary law societies |
| Constitutional Court decision No. 35/PUU-X/2012 (2013) | Positive <ul style="list-style-type: none"> - Affirms right to territories |
| ILO Indigenous and Tribal Peoples Convention No. 169 (1989) | Negative <ul style="list-style-type: none"> - No recognition for UNDRIP's application of the indigenous people concept |
| National Human Rights Institutions (NHRI) | Positive <ul style="list-style-type: none"> - Indonesia supported a number of recommendations in relation to strengthening its NHRIs and enhancing cooperation between the government Negative <ul style="list-style-type: none"> - NHRIs and civil society, the recommendations have not been implemented fully, if at all |

Appendix B: Brazil

Table 1: Categorisation

| | |
|--------------------|--|
| Positive | <i>approve, (re)affirm, appreciate, implement, note, provide, recognise, respect, have the right to, support, sign, ratify</i> |
| Partially negative | <i>some, for as long</i> |
| Negative | <i><u>not</u> apply, fail, <u>not</u> implement, reject, <u>not</u> recognise, <u>not</u> respect</i> |

Table 2: Results of indigenous rights analysis of Brazil

| | |
|---|---|
| Brazilian Constitution, Article 231 (1988) | Positive <ul style="list-style-type: none"> - Recognises right to self-determination, territories, consultation, and consent - Reaffirms right to live free of genocide and other forms of discrimination and violence |
| ILO Indigenous and Tribal Peoples Convention No. 169 (ratified in 2002) | Positive <ul style="list-style-type: none"> - Recognises control over institutions, development, identities (preamble) - Recognises self-identification (Art. 1) - Respects relationship with territories (Art. 13) - Recognises rights of ownership and possession over traditionally occupied lands (Art. 14) - Recognises right to return to traditional lands in case of relocation and right to compensation in case of no possible return (Art. 16) |
| UN Declaration on the Rights of Indigenous Peoples (UNDRIP) (adopted in 2007) | Positive <ul style="list-style-type: none"> - Provision of effective mechanisms preventing assimilation/destruction of indigenous culture (Art. 8) - Recognises right not to be relocated without consent and right to compensation in case of no possible return (Art. 10) - Legal recognition and protection of traditional lands, with respect to the customs, traditions, and systems of indigenous peoples concerned (Art. 26) |

| | |
|--|---|
| | <ul style="list-style-type: none"> - Implementation of a fair process to recognise the indigenous rights concerning their lands and territories, right of indigenous peoples to participate in this process (Art. 27) - Implementation of assistance programmes for indigenous peoples to conservation and protection of the lands and resources (Art. 29) - The right to determine and develop strategies for development of traditional lands and resources (Art. 32) - The right to determine identity in accordance with traditions (Art. 33) |
| Cooperation National Indian Foundation (FUNAI) | <p>Negative</p> <ul style="list-style-type: none"> - Failure meeting planned targets for indigenist policies |