

Indigenous Peoples in Regional Institutions: A Comparative Perspective between ASEAN and the Arctic Council

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Submitted: 28 March 2021 Accepted: 22 July 2021

Abstract

Studies on indigenous peoples are a vast subject and continuously growing. Indigenous peoples often lack in formal recognition over their lands, rights, and at worst, their identities. Hence, they are often marginalized by the government and international law. Such treatment is made possible since the recognition of indigenous peoples is varied and depends on each national or regional perspective. Within Southeast Asia's regional organization, the Association of Southeast Asian Nations (ASEAN) has no reference to the indigenous peoples on its founding document. This paper focuses on the issue of indigenous peoples by comparing the position of indigenous peoples within the regional institutional frameworks. By qualitatively analyzing relevant references on ASEAN and the Arctic Council, this article aims to understand the stark differences of how ASEAN and the Arctic Council recognize indigenous peoples. This article discusses the similar framework of ASEAN and the Arctic Council alongside its difference in terms of recognizing indigenous peoples within their respective regions. This will further lead to deeper discussion on the issue of indigenous peoples from the international relations and regional perspective.

Keywords: ASEAN; Arctic Council; Indigenous Peoples; Human Rights

Introduction

The study of indigenous people is a vast subject and continuously growing. Approximately, there are 476 million indigenous peoples worldwide which make up 6 percent of the global population; however, indigenous peoples account for about 15 percent of the extreme poor (World Bank, 2020). The situations that surround the indigenous peoples are due to a myriad of factors including geographical, historical, and socio-political exclusion.

Indigenous peoples often lack formal recognition over their lands, rights, and at worst, their identities. Hence, they are often undermined by the current system. Indigenous peoples were only recognized by the United Nations in 1993 and more than a decades later when their rights have been granted through the United Nations Declaration on the Rights of Indigenous People (UNDRIP) since 2007. The declaration is considered a milestone as it lays the foundation of redefined relations, cooperation, and interaction between indigenous peoples and member states of the United Nations, alongside other actors and stakeholders. Even though the

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declaration serves both as a source of relevant rules and mechanism for the recognition of indigenous peoples, its implementation is limited because the recognition of indigenous peoples is varied and depends on national or regional perspectives.

Such national and regional perspectives can be seen through the legal status of indigenous peoples within both national constitutions and the international organization frameworks. The Southeast Asia region, for instance, is characterized by great ethnic, cultural, and religious diversity. Such diversity can be seen from the standpoint of minorities in which there are three types of minorities exist within the region: ethnic and linguistic minorities; religious minorities; and indigenous peoples (Clarke, 2001). These minority groups oftentimes lack in recognition within their own countries. As an example, only a few of the member states of the Association of Southeast Asia Nations (ASEAN) recognize the existence of indigenous peoples. In regards to this, ASEAN as an international organization has a significant role in promoting inclusive human rights through its member states. At most, international organizations should include indigenous peoples in the global policy-making process to prevent bizarre and unfair outcomes that tend to override them.

The issues of indigenous peoples in another region, such as the Arctic Council in the Arctic region, have shown greater concern towards the indigenous peoples in the region. The differences upon the recognition of indigenous peoples worldwide are now more important than ever due to various reasons. To name a few, the impacts of the climate crisis and the rapid expansion of the economy and urban development cost indigenous peoples, including their traditional or ancestral land along with their livelihood.

Therefore, the main objective of this study is to analyze the recognition and status of indigenous peoples within the institutional framework of regional organization in Southeast Asia (ASEAN) by comparing it with the indigenous peoples' state in the Arctic Region (Arctic Council). The Arctic Council was chosen as a comparison model to ASEAN not only because it has been successfully involved the indigenous peoples in regional policy-making but also because ASEAN and the Arctic Council have a similar mechanism on how both institutions operate. Furthermore, the comparison is necessary to achieve the second objective of the study which seeks to understand the big picture on how indigenous peoples are currently recognized and participate within the regional organizations. This article tries to discuss the similar framework of ASEAN and the Arctic Council alongside its difference in terms of recognizing the indigenous peoples within their respective regions. This will further lead to deeper discussion on the issue of indigenous peoples from the international relations and regional perspective.

Literature Review

Numerous articles have discussed the issue of indigenous peoples using a regional perspective. These articles, however, mainly discuss the indigeneity and the legal recognition of indigenous peoples among countries of the specific region. It often examines the situation of indigenous peoples by analyzing each country within the region to draw the conclusion of the regional situation (Clarke, 2001; Inguanzo, 2014; Morton, 2017).

The discussion of indigenous peoples in international relations perspective is often drawn alongside the post-colonial perspective. In contrast, very few of them discuss the representation and political position of indigenous peoples within the regional organization (Blåhed, 2018; Tennberg, 2010). The Arctic Council becomes the most discussed organization in regards of protecting and serving indigenous peoples' rights. The Arctic Model is also considered to be the potential model to serve indigenous peoples in achieving their participatory rights as a political actor within the regional framework (Koivurova, 2010; Koivurova & Heinämäki, 2006; Poto, 2016). It is because the Arctic Council recognizes indigenous peoples as a political actor by giving some of them legal representations within the council as Permanent Participants. By contrast, the position of indigenous peoples within ASEAN is caught in the middle of rhetoric in which there was a "lack of effective participation and representation" within the association (de Vries & Meijknecht, 2010, p. 105). It is regardless of the similarities of ASEAN and the Arctic Council in terms of how it operates.

This article discusses both the recognition of indigenous peoples by comparing their position within the institutional frameworks of ASEAN and the Arctic Council as a regional organization. ASEAN and the Arctic Council are chosen because both regional organizations have similar mechanisms and frameworks yet put indigenous peoples in a different position. By comparing the situation within the organization, this article aims to understand how indigenous peoples are being recognized within the international institutions and in the study of international relations as a whole.

Methods

This study is based on a qualitative analysis of how both ASEAN and the Arctic Council frame and recognize indigenous peoples. To analyze those organizations, this study applies a comparative analysis method. This article focusses on understanding the position of indigenous peoples within both ASEAN and the Arctic Council. This can be achieved by understanding the institutional frameworks alongside the system and mechanism uses by both organizations.

The study is conducted in three main phases: (1) preparation and research planning; (2) data collection through a literature study in which all of data collected in this research is categorized as secondary data. The data derives mostly from digital data, particularly online journals, articles, and selected news resources; (3) data analysis by reading the collected resources to find any patterns or characteristics that can be interpreted based on the historical alongside any other context.

Findings and Discussion

Scholarly, the place for indigenous peoples alongside their rights has been widely discussed (Clarke G. , 2001; Wardana, 2012; Inguanzo, 2014; Morton, 2017). In the Southeast Asia region, the rights of indigenous peoples within the ASEAN framework are not sufficiently guaranteed. As observed by de Vries & Meijknecht (2010, p. 107), "ASEAN seems to avoid explicit reference

on minorities and indigenous peoples in its official documents". De Vries & Meijknecht (2010) further explain that this is due to the fact that ASEAN in the very idea was meant to focus on economic, social, and cultural cooperation, while the focus on human rights is very young. Regardless, they conclude that the recent development of the protection of human rights within the region "was not very promising" (de Vries & Meijknecht, 2010, p. 106). The recent development upon the status of indigenous peoples – and human rights in general – within the ASEAN framework was marked by the adoption of the ASEAN Charter in November 2007.

The charter explicitly mentions that a human rights body shall be established under ASEAN (Article 14) which is later established under the name of ASEAN Intergovernmental Commissions on Human Rights (AICHR). However, despite its renewed commitment, ASEAN is "clearly a laggard in terms of human rights commitment" (Jetschke, 2015, p. 109). The lack of representation and recognition within the legal framework forces organizations or foundations such as the Asia Indigenous Peoples Pact (AIPP) to have a bigger role to help and facilitate indigenous groups. They take a key role in promoting solidarity, networking, and capacity building among indigenous peoples in the region as well as linking local communities with international donors (Morton, 2017). Compared to other regional organizations, such as the Arctic Council, indigenous peoples in the Arctic region are more represented both in national and international governing systems. This is due to the unprecedented status which is given to them in terms of the recognition as they are recognized as permanent participants (Koivurova & Heinämäki, 2006). Hence, this section will look at both regional frameworks more closely.

Defining Indigenous Peoples

There are no generally accepted definition of indigenous people as the term often used locally with various names and meanings. Groups who are generally understood as "indigenous peoples" are estimated to comprise up to 476 million people or roughly 6% of the world's population (World Bank, 2020). They inhabit areas rich in biodiversity whose survival as distinct peoples and cultures has been endangered by the effects of what has been called modernity and globalization. Their situation was also worsened by their economic condition which is considered to be among the poorest. The roots of the legal concepts of "indigenous peoples" were considered started through the colonial policies by the nineteenth century. Moreover, many theorists also suggested that they are also a product of such policies.

The current approach with regards to the recognition of indigenous peoples in international law is generally based on two treaties. They are: the International Labor Organization (ILO) Convention on Indigenous and Tribal Populations 107 (1957) and the ILO Convention on Indigenous and Tribal Peoples 169 (1989). In addition, there is one important declaration, namely the 2007 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). However, international treaties, including the 1989 ILO No.169 Convention, are rather focused on describing who is covered by the convention instead of defining indigenous peoples. The decision does not to formally adopt any formal definition due to the consideration that it is crucial to recognize the rights of self-identify as part of the right of self-determination. Self-identify means that the person must identify himself or herself as a member of indigenous people (the subjective definition) and on the other hand, the group

must also acknowledge and accept that person as the member of the people (the objective definition) (Sarivaara, Maatta, & Uusiautti, 2013). Moreover, during the discussion and the drafting process of the Declaration of the Right of Indigenous Peoples, many states' delegations believed that a formal definition of indigenous peoples is neither necessary nor useful as no single definition can fully capture the distinctive characteristics of widely diverse indigenous populations. However, it would be more constructive to consider those characteristics in identifying them as such.

Furthermore, James Anaya in *Indigenous Peoples in International Law* defines the term "indigenous" to describe "the living descendants of pre-invasion inhabitants of lands now dominated by others" (Anaya, 2000, p. 3). Indigenous peoples are the peoples whose existence is strongly linked to their communities, tribes, or nations of their ancestral past. They are indigenous because their ancestral roots are embedded in the lands in which they live or would like to live, much more deeply than the roots of more powerful sectors of society living on the same lands or in close proximity (Anaya, 2000). This definition is no less similar than the working definition provided by Jose Martinez-Cobo that author uses in this article. He states 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 systems."(UN DESA, 2019, p. 5)

In this sense, Cobo sees that indigenous peoples are not in a ruling position in modern society and they want to maintain, develop, and transmit the inherited lands and ethnic identity to future generations. Their ethnic identity forms the existence of the people as one, the unitary population in harmony with their own cultural practices, social institutions, and legal systems (Cobo, 1987). Cobo's perspective on indigenous peoples has also been included in the ILO No. 169 Convention. It includes Cobo's definition which covers the group- and individual-level definitions of indigeneity. According to the group-level definition, those communities and peoples, who still have a continuous historical connection to the societies preceding colonization, who developed on areas populated by these peoples and who consider themselves as clearly separate from other societal structures currently prevailing in the area, are indigenous (Sarivaara, Maatta, & Uusiautti, 2013).

The Recognition of Indigenous Peoples in the Southeast Asia Region

Due to the various distribution and diversity of indigenous peoples among countries across the globe, the recognition of the rights of indigenous peoples varies from one region to another. Moreover, environmental changes as an impact of the climate crisis have and will continue to

affect indigenous peoples globally. Thus, the recognition of indigenous peoples' rights within the most affected regions has become even more important.

Moreover, environmental changes, including the climate crisis, have and will continue to affect indigenous peoples globally. Thus, the recognition of indigenous peoples' rights within the most affected regions has become more important than ever. Furthermore, we can assume that the position of indigenous peoples and the recognition of their rights is not homogenous within each state's constitutions, despite being in the same region. Even though almost all states in Asia voted for the adoption of the UNDRIP on September 13, 2007, many refuse to respect and implement it. In Southeast Asia for instance, neither Cambodia, Thailand, nor Myanmar recognize indigenous peoples within their constitution albeit the number of indigenous peoples within this region reaching around 20 million combined. The Asian Forum for Human Rights and Development (Forum Asia) even argue that the policy of none of the ASEAN member states "reflects an ethos that celebrates and promotes diversity, or empowers and protects the rights of its national, ethnic, religious and linguistic minorities/nationalities" (Asian Forum for Human Rights and Development, 2007, para. 5).

The non-recognition of indigenous peoples is due to the assumption that all citizens in the country are "equally indigenous", especially in third world countries (Tessier, 2015, p. 45). This assumption, however, is wrong because it ignores the distinction of indigenous peoples from the "mainstream society". It also betrays an underlying assimilationist attitude of the respective state, which is itself an expression of the still prevailing discrimination of indigenous peoples within mainstream society in most nation-states of Southeast Asia (Tessier, 2015). For instance, Isabel Inguanzo, analyzed the situation of indigenous peoples' rights within the legal framework among different countries of Southeast Asia. She concludes that "the analysis shows that it is undeniable that in Southeast Asia the rights of the IPs are poorly recognized" (Inguanzo, 2014, p. 64). Furthermore, Table 1 provides a brief overview of the position of indigenous peoples among countries in Southeast Asia.

Table 1. *Indigenous Peoples in Southeast Asian*

Country	Est. Population of Indigenous Peoples	Constitutional Recognition of Indigenous Peoples	Legal Recognition of Indigenous Peoples
Cambodia	197.000	No. The 1997 Constitution guarantees all "Khmer citizens" the same rights.	Yes. 2001 National Land Law; 2002 Forestry Law; 2009 Policy on Registration and Right to Use of Land of Indigenous Communities; and the 2009 Policy on the Development of Indigenous Peoples.

Indonesia	50-70 million	Yes. 2000 Constitutional recognition of “ <i>Masyarakat hukum adat</i> ” or “Customary law based communities”; and not as indigenous peoples per se.	yes. Implicit, though conditional recognition of some rights of “ <i>Masyarakat hukum adat</i> ” in laws on agrarian reform (Decree 9/2001), agrarian regulations (Act 5/1960), and human rights (Act 39/1999). More explicit recognition in Regulation No. 52 of 2014 on Guidelines for Recognition and Protection of Indigenous Peoples.
Malaysia	3,4 million	Yes. 1957 Federal Constitution recognizes and calls for special protection of the “natives” of Sarawak and Sabah (Article 161A) and the “aborigines” of peninsular Malaysia.	Yes. In Sarawak, the 1958 Sarawak Land Code. However, that code, which recognizes “native customary rights to land”, is improperly implemented and “even outright ignored by the government” (AIPP 2015 <i>b</i> , Lasimbang 2016, 273). Common law in Peninsular Malaysia recognizes Orang Asli customary land tenure. The 1954 Aboriginal Peoples Act continues to be the principal act governing Orang Asli administration
Myanmar	14,4-19,2 million	No. 2008 Constitutional recognition not as Indigenous Peoples but rather as “Ethnic Nationalities” alongside of the dominant ethnic Burmans (see Morton 2017).	Partially. In the 2015 Ethnic Rights Protection Law where Indigenous Peoples are specifically recognized in Article 5, Chapter 4 as “Local Ethnic Nationalities” — the Burmese language term that Indigenous advocates adopted as their official translation of “Indigenous Peoples”; in all other sections of the law, however, they are recognized as “Ethnic Nationalities” alongside of the dominant ethnic Burmans rather

			than as a distinct group (i.e. Indigenous Peoples).
Philippines	12-15 million	Yes. 1987 constitution guarantees the rights of "indigenous cultural communities/indigenous peoples".	Yes. 1997 Indigenous Peoples' Rights Act.
Thailand	1,1-4,3 million	No. Near recognition in an early draft of the 2016 constitution; eventual recognition as "ethnic groups" in an all-inclusive manner that does not recognize Indigenous Peoples as a distinct group.	No. Although the state argues that they are afforded the same legal protections as other citizens of Thailand. Several ministerial decrees from 2010, however, which recognize collective rights to land and culture for "local communities" and certain "ethnic groups," in some cases, have yet to be adequately implemented by the state due to bureaucratic obstacles, political instability, and government turnover

(Source: the data obtained from (Tessier, 2015) and adapted from (Morton, 2017))

International regimes or broader functions of the international organization actually have an important role in promoting the rights of indigenous peoples as well as their recognition. It is because such a regime has the ability to call governments – or at least give them pressure – to recognize indigenous peoples' rights. Unfortunately, in the Southeast Asia region, indigenous peoples remain invisible in ASEAN through its Human Rights Declaration (AHRD) or in the work of the ASEAN Intergovernmental Commission of Human Rights (AICHR). This is contradictory to position of AICHR as the core human rights mechanism of ASEAN.

Established in 1967, ASEAN is basically a political and economic entity. The Bangkok Declaration, the founding documents of ASEAN, highlights the commitments of fellow ASEAN members to unite and work together in order to achieve regional stability that can support national developments in all fields. The declaration itself was signed at the time of upheavals, particularly between Indonesia and Malaysia, as well as other actors from outside the region. However, the declaration has no reference to the indigenous peoples or even minorities in general. Later on, when the ASEAN Charter was adopted in 2007, the only indirect reference to indigenous peoples lied in a principle saying that "respect for the different cultures, languages, and religions of the peoples of ASEAN, while emphasizing their common values in the spirit of unity in diversity" (ASEAN, 2007). Nevertheless, since there is no explicit reference to indigenous

peoples, the connection between ASEAN and indigenous peoples – if there is any – remains obscure.

In general, within the ASEAN framework, the AICHR is considered to be the core human rights mechanism with its primary function on interpreting provisions and ensuring the implementation of the AHRD. Such consideration is due to the fact that AICHR has a better position in promoting human rights compared to other mechanisms such as the ASEAN Commission on the Protection of Women and Children (ACWC) or the ASEAN Committee of Migrant Workers (ACMW) because they have a wider and more general mandate. Moreover, the AICHR also falls within the ASEAN's pillar of Political-Security Community – one of ASEAN's three pillars – while the ACWC and the ACMW are within the Socio-Cultural Community.

However, ever since its adoption, the AICHR has been criticized for its terrible implementation in protecting human rights and addressing violations. Rodolfo Severino, the former ASEAN Secretary-General, once stated that, at this stage, it was expected that the AICHR acted merely as an "information center" for human rights protection, and nothing else (Chachavalpongpun, 2018). Nevertheless, despite the constant criticism on its implementation, the AICHR remains to be the only available regional institution working on human rights, particularly on the issues related to indigenous peoples within the Southeast Asia region. There have been gradual changes in making the AICHR – and ASEAN in a broader sense – more inclusive.

Given the lack of both recognition and representation in the intergovernmental body, indigenous people in the Southeast Asia region tend to be in need of organizations such as the Asia Indigenous Peoples Pact (AIPP). Within the region, the AIPP focuses on networking Indigenous Peoples at the grassroots level while also helps in terms of advocacy at the regional and international levels. They have been engaging with ASEAN alongside other civil society organizations. Notably, the AIPP first began to engage with ASEAN following the establishment of the AICHR in 2009. Furthermore, the AIPP initiates Indigenous Peoples Task Force (IPTF) is a place where the Indigenous Peoples organizations within the region gather and prepare for further engagement in ASEAN and other relevant bodies (Wilson, 2020). It is now part of the global indigenous movement with 47 members in 14 countries. It is now in partnership with more than 80 organizations and institutions from local to global levels (Tessier, 2015).

A Comparative Analysis Between ASEAN and the Arctic Council

The Arctic Council was founded in 1996 on the basis of the Ottawa Declaration as its founding documents and function as a unique venue for dialogue between its eight member states along with other participants and observers. The council mainly focuses on the issues of sustainable development and environmental protection while limiting its focus on military issues. As a result, both organizations work on a certain norm instead of referring to legal documents – in ASEAN known as the ASEAN Way. This also leads to similar natures on how both organizations operate.

However, the nature and objectives of ASEAN and the Arctic Council are different resulting in problems on how a consensus mechanism works at a certain level. This cannot be separated from its historical context. ASEAN was formed to promote political and

economic cooperation alongside regional stability. The Arctic Council, however, was preceded by the Arctic Environmental Protection Strategy (AEPS) which was established in 1991 and in essence only focused on the cooperation of environmental protection and sustainable development. As ASEAN's concern involving politics and regional stability, it is more problematic to use consensus compared to the Arctic Council because security issues tend to be seen as zero-sum. In terms of issues regarding indigenous peoples, the mechanism of consensus is an example of a soft-law instrument which arguably "offer[s] indigenous peoples more opportunities to influence the development of international norms than do the international law-making" (Koivurova & Heinämäki, 2006, p. 104)

Within the framework of ASEAN, as the regional organization of Southeast Asia, there is no explicit reference made to the indigenous people despite its keen interest in promoting the cultural and ethnic diversity in the Southeast Asia region. This kind of recognition of indigenous peoples within the ASEAN framework is in contrast with how indigenous peoples are framed in the framework of the Arctic Council. The founding document of the Arctic Council was created with the inclusion of indigenous peoples in mind. The declaration consists of three key paragraphs stating the concerns towards indigenous peoples (Arctic Council, 1996). Those paragraphs are;

"(...) provide means for promoting cooperation, coordination and interaction among the Arctic States, with the involvement of the Arctic indigenous communities and other Arctic inhabitants on common Arctic Issues (...)"

"The category of Permanent Participant is created to provide for active participation and full consultation with the Arctic Indigenous representatives within the Arctic Council"

"(...) desiring further to provide a means for promoting cooperatives activities to address Arctic issues requiring circumpolar cooperation, and to ensure full consultation with and the full involvement of indigenous peoples and their communities (...)"

These paragraphs illustrate that indigenous peoples are allowed to participate as "Permanent Participants" within the Arctic Council. Instead of being represented by their national states at the council, they have the right to represent themselves. This recognition gives indigenous peoples "full consultation right on all proposals set forward by the member states even though final decisions are made by the Arctic State" (Blåhed, 2018, p. 5). It means that, legally, indigenous peoples in the Arctic can negotiate on the same table with the Arctic states and may table proposals for decisions. The position of indigenous peoples within the Arctic Council is argued to be a good example of how to include indigenous communities into the international policy-making arena. Thus, it is believed that if other regions followed by adopting the council's approach, there would be an improvement in the representational status of indigenous peoples (Koivurova & Heinämäki, 2006).

The recognition of indigenous peoples as a "permanent participant" is actually a follow-up of the objectives of the AEPS. Essentially, the AEPS was built on the idea of protecting vulnerable Arctic ecosystems from human-induced pollution, both from within the region and,

perhaps more importantly, from outside of it (Koivurova, 2010). The AEPS has five objectives in which the second objective states that the purpose of AEPS is “[t]o provide protection, enhancement, and restoration of environmental quality and the sustainable utilization of natural resources, including their use by local populations and indigenous peoples in the Arctic” (Young, 1991, p. 1). In the first phase of the cooperation, indigenous peoples were entitled to the observer position as provided in the AEPS: “[i]n order to facilitate the participation of Arctic indigenous peoples the following organization will be invited as observers...” (Young, 1991, p. 2). The establishment of the Arctic Council, therefore, clarifies and enhances the status of the Arctic indigenous peoples as a political actor within the region.

The decision to recognize and give the indigenous peoples of the Arctic a right to be a political actor is due to the consideration that indigenous peoples are the experts of their own condition. The focus of the Arctic Council on sustainable development is given to the indigenous people due to their traditional knowledge of the Arctic Region. It is stated in the Ottawa Declaration to affirm “the traditional knowledge of the indigenous people of the Arctic and their communities” and to take note “of its importance and that of Arctic science and research to the collective understanding of the circumpolar Arctic.” This, therefore, gives a significant influence on the matters concerning environmental issues. Furthermore, permanent participants of the council worked together in 2015 to create the Ottawa Traditional Knowledge Principles to provide guidance for the use of indigenous peoples’ knowledge.

The position of indigenous peoples within the Arctic Council is by any means have their own shortcomings. Indeed, the Permanent Participants are invited to negotiate on the same table alongside Council’s member states, they are also invited into the Working Groups, Task Forces, and Expert Groups. Nevertheless, Permanent Participants are often deliberately excluded when it comes to legal and jurisdiction matters. Some even argue that despite having the status of Permanent Participants, the inclusion of indigenous peoples in the policy-making is limited on the ‘soft’ areas of policy but not the ‘hard’ areas of policy such as land ownership (Koivurova & Heinämäki, 2006). In other words, although Permanent Participants are included in the policy-making, they do not set rules and procedures by which the council operates. It could not be made possible, would they want to engage in matters of hard policy (Blåhed, 2018).

The drawbacks of the Arctic Model are caused by state-centrism in international relations. The state-centric frameworks adopted by the Arctic Council, as also used by other regional organizations, are visible as member states hold the decision-making powers. The member states are also entitled to take turns in leading the council through the rotating two-year chairmanship and have the veto rights at the Ministerial Meeting, unlike the Permanent Participants. These roles and rights gave the member states certain opportunities and influence that the Permanent Participants do not have. It also explains why the indigenous peoples’ participation through the Permanent Participants is often limited in the ‘soft’ areas or low politics as the member states have bigger power and influence within the council. Furthermore, Permanent Participants are not having equal resources as the member states. For instance, lack of funding and human resources are affecting the attendance rate of Permanent Participants which further considered to be the drivers of low representation of the Permanent Participants.

As the drawbacks in the Arctic Model are mainly caused by the state-centric institutional frameworks of the regional organization, the most feasible modification is introducing an alternative to the funding of the IPs representation within the organization (Permanent Participants in the council). Nevertheless, by having a legal position within the Arctic Council framework, the proactive measure taken by the council of each indigenous community could influence national behavior in international forums. Indigenous peoples' activism within the region has been an important background factor in establishing the procedures of the Arctic Council. If we compare such activism of indigenous communities within ASEAN in which they do not have the same level of recognition, the results would be starkly different. Arctic indigenous peoples have provided important experiences and models for other indigenous peoples around the world. Through the council, Arctic indigenous peoples have been able to participate at a transnational level to express their interest and rights. This is an important step towards alternative sovereignty and self-determination. The Arctic model, in terms of recognizing the indigenous peoples, could be used in other regions of the world. It could possibly solve the current anomaly that indigenous peoples participate as and through NGOs in the whole global policy-making.

Conclusion

ASEAN and the Arctic Council have a similar mechanism on how both institutions operate. However, indigenous peoples in the Arctic region are now in a better position within the framework of the council compared to their Southeast Asian counterparts. Indigenous peoples in Southeast Asia are barely referred to in any of the ASEAN documents. Despite having its own mechanism within the body of ASEAN, indigenous peoples are still heavily relying on civil society organizations alongside other non-government organizations to accommodate both their rights and needs. The aforementioned mechanism, such as the AICHR, seems to be incapable of promoting – let alone guaranteeing – the rights of indigenous peoples.

In contrast, the Arctic Council has been successful in at least recognizing the indigenous peoples while also has contributed to a new way of perceiving how indigenous peoples should be involved in global policy-making processes. Arctic's indigenous people have equal rights with the member states to negotiate at the same table. To be recognized as an equal actor within the political system, indigenous peoples activism in the Arctic is more likely to meet a better outcome. Therefore, it is believed that if other regions followed by adopting the council's approach, there would be an improvement in the representational status of indigenous peoples. The model implemented by the Arctic Council could be used particularly ASEAN due to the similarity of how both institutions operate. Such model would help the indigenous peoples in Southeast Asia to participate as a political actor within ASEAN while also participate through civil society organizations or non-governmental organizations in the whole global policy-making.

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