Indigenous Media,
Freedom of Expression
and Right to Information:
ASEAN Scenario

AIPP

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I. Introduction

The Association of Southeast Asian Nations (ASEAN) was formed by Indonesia, Malaysia, the Philippines, Singapore and Thailand on August 8, 1967 with the purpose of accelerating economic, social and cultural development through joint endeavors in the spirit of equality and partnership. ASEAN also endeavors to promote peace and stability in the region through abiding respect for justice and the rule of law among its members and adherence to the principles of the United Nations Charter. Today ASEAN membership has grown to ten with its expansion to Brunei (1984), Vietnam (1995), Laos and Myanmar (1997) and Cambodia (1999).

The ASEAN member states are politically, socially, economically and religiously distinct from one another. The political landscape extends from democratic and transitioning societies—the Philippines, Indonesia and increasingly Myanmar—to repressive single-party regimes—Laos, Cambodia and Vietnam. Their economies range from the prosperous—Singapore and Brunei—to middle-income—Malaysia, Thailand, Indonesia, the Philippines and Vietnam—to the poorest nations on the regional spectrum—Laos, Cambodia and Myanmar.

Regardless of their political and economic status, however, indigenous peoples in ASEAN countries continue to suffer social injustices, discrimination, and marginalization and exclusion in development and decision making processes that affect their lives. As a result, they remain among the poorest of the poor[1] and are the most vulnerable groups to gross human rights violations.

The common challenges faced by indigenous peoples in ASEAN include: non-recognition as indigenous peoples; violation of their rights to land, territories and resources due to concessions for mining, logging and plantations, extractive industries, infrastructure development, declaration of national parks and conservation areas; non-recognition of traditional livelihood practices; forced resettlement and forced assimilation; and violation of indigenous women's rights, among others.[2]
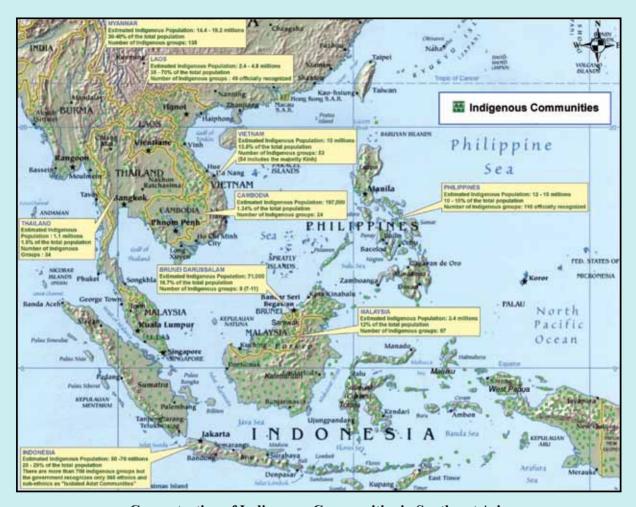
Indigenous Peoples in ASEAN Countries

The largest concentration of indigenous communities is found in Asia, which has approximately two-thirds of the world's 370 million indigenous population. The ASEAN is estimated to have around 150 million indigenous peoples. However, these figures have to be taken with caution, having been retrieved from various sources that often diverged considerably. The national census in most ASEAN countries does not take the identity of indigenous communities into account. The data provided here are based on best informed estimates in each ASEAN country.

The status of the human, political and civil rights of indigenous peoples in ASEAN relates directly to their rights to media, information and freedom of expression. Media plays an important role in promoting and protecting indigenous peoples' rights as well as their inclusive participation in decision making and social equity. A lack of information and communication channels for them to express their perspectives and influence public opinion increases their vulnerabilities to human rights violations, marginalization and exclusion from decision making.

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[1] 2013 Human Development Report of United Nations Development Programme ranks ASEAN countries among the lowest, which is a sign of serious inequality and disparities of the minorities and marginalized sectors in these countries.

[2] ASEAN's Indigenous Peoples. AIPP. Available from: http://www.aippnet.org/docs/hr/ASEAN%20BRIEFING%20PAPER_print_Foma;.pdf [23,10,2014]

Concentration of Indigenous Communities in Southeast Asia

This briefing paper provides an assessment of the overall situation of indigenous peoples in relation to their right to media, access to information and freedom of expression as emphasized in article 16 of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). It aims to draw the attention of and to provide recommendations to policy makers, donors and activists/journalists on the lack of these rights for indigenous peoples, which deprive them of channels to voice out their concerns and to participate in shaping the social and political agenda in ASEAN countries. As expressed in UNDRIP, indigenous peoples' right to media is not limited to the right to information and freedom of expression. States have the obligation to create an enabling environment and to provide adequate support and resources needed for establishing indigenous community media, including measures to ensure sustainability.

Article 16 UNDRIP

1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.

2. States shall take effective measures to ensure that State-owned media duly reflect in-digenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity.

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What is indigenous media?

This briefing paper highlights the need for indigenous media that are owned, controlled and managed by indigenous peoples in order for them to develop and produce culturally appropriate information in the languages understood by the community by utilizing indigenous materials and resources, reflecting community needs and interests, visions and aspirations, and independent from vested interest groups. It is highly participatory, involving the community members in planning, management and production.

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II. Freedom of Expression, Right to Information, Media Landscape and Communication Barriers for Indigenous Peoples in ASEAN

a. Freedom of Expression and Right to Information in ASEAN

Freedom of expression (FOE) is a fundamental right essential for democracy to flourish in any country, but this right has been restricted by many ASEAN governments despite asserting that their countries are moving toward democracy. All except for Brunei guarantee the freedoms of speech and of expression in their constitutions and laws, but the public's ability to freely express and exchange ideas, information and opinions is curtailed by other laws and policies such as national security laws and penal codes.[3] Only three countries–Thailand, Indonesia and two states in Malaysia–have enacted specific laws on right to information (RTI), which is fundamental to freedom of expression; several other countries have drafted or are drafting similar RTI laws.

Laws relating to Media, FOE and RTI in ASEAN

ASEAN Countries	FoE	RTI	Laws/policies used to curtail independent media
Philippines	Constitution adequately guarantees freedom of speech and of the press Article III (8) of Bill of Rights in the Constitution guarantees press freedom.	No RTI Act but Article III, Section 4 of the Constitution guarantees the right to information on matters of public concern. Indigenous Peoples Rights Act (Section 45) guarantees the right to access official information and government records. Freedom of Information Bill (pending).	• A section on libel specifies that criminal libel, already detailed in article 355 of the Philippines' Revised Penal Code, will now apply to acts committed through a computer system or any other similar means which may be devised in the future. • Republic Act 8792 or the e-Commerce Act recognizes the role of ICT in nation-building and giving voice to citizens. • A proposed Department of ICT Bill that seeks to promote fairness and private sector participation is pending in Congress. • Republic Act No. 10175, also known as Cybercrime Prevention Act of 2012

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[3] Freedom of Expression in the Constitutions of Southeast Asian Countries. SEAPA.http://www.seapa.org/wp-content/uploads/Freedom-of-Expression-in-the-Constitutions-of-Southeast-Asian-Countries.pdf   [accessed on 10.10.2014]

ASEAN Countries	FoE	RTI	Laws/policies used to curtail independent media
Indonesia	Constitution guarantees freedom of expression in Article 28e3 and Article 28f	• Transparency of Public Information laws (2008)	• State Intelligence Law (2011); eg. Article 44 and 45 • Electronic Information and Transactions (ITE) Law (2008) • Laws on the Handling of Social Conflict (PKS) (2013) • The Penal Code; eg. Article 207 "Crime against public authority" • Election laws that give the government powers to imprison journalists.
Thailand	Constitution guarantees freedom of expression	Freedom of information legislation (1997)	• The criminal code. Eg. Article 112Lese-majeste laws • Computer Crime Act (CCA) 2007
Malaysia	Article 10 (1)(a) of the Constitution guarantees freedom of speech and assembly	Two states: Selangor and Penang have RTI legislation (2011); and Kelantan has drafted RTI legislation	• Article 10 (2)(a) of Constitution permits Parliament to restrict the right as it deems "necessary or expedient" for reasons of public order and national security. • Sedition Act (1948) • Security Offence Act (2012) • Official Secrets Act (1972) • Communications and Multimedia Act (1998). • The 1984 Printing Press and Publications Act, amended in 2012.
Cambodia	Article 41 of the Constitution guarantees freedom of expression, but the second sentence of the article "No one shall exercise this right to infringe upon the rights of others, to affect the good tradition of society, to violate public laws and order or national security" allows the government to have tight control over freedom of expression and press		• Ministerial orders (prakas) and regulatory measures • Press Law's. eg. Article 11, 12, 13, 14 and 15) • The Penal Code. Eg. Articles 305, 311, 502 and 523 • Draft Cybercrime Law
Myanmar	Constitution guarantees freedom of expression but only if these are "not contrary to the laws enacted for Union security, prevalence of law and order, community peace and tranquility or public order and morality"		• State Protection Act (1975) • Emergency Provision Act (1950) • Electronic Transactions Law (2004)s.
ASEAN Countries	FoE	RTI	Laws/policies used to curtail independent media

ASEAN Countries	FoE	RTI	Laws/policies used to curtail independent media
Singapore	Article 14 of Singapore Constitution guarantees freedom of expression.		• Article 14 (2)(a) allows government to restrict the freedom of expression in the interest of the security of Singapore • Newspaper and Printing Press Act. eg. Section 22 an d 23.7. • Broadcasting Act (1994,2002). eg. Article 20(1).
Brunei	The Constitution of Brunei does not contain any section or provision on bill of rights of citizens.		• The Internal Security Act permits detention without trial for renewable two-year periods • The Sedition Act makes it an offence to challenge the authority of the royal family or the Malay Muslim Monarchy ideology. • The Broadcasting Act requires internet service providers and internet café operators to register with the Director of Broadcasting. • A censorship board determines the suitability of concerts, movies, cultural shows, and other public performances. • Censorship Board reserves the right to shut down websites or forums carrying 'undesirable' content. • Religious authorities review publications to ensure compliance with social norms.
Vietnam	Article 69 of the Constitution guarantees freedom of expression and of the press.		• The Penal Code.eEg. article 258 is widely used to arrest bloggers. • Decree 72 was passed in 2013 to further regulate social media by banning the sharing of news on social media sites.
Laos	The Constitution in article 44 guarantees Lao citizens the right and freedoms of speech, press and expression; and the right to set up associations and to stage demonstrations which are not contrary to the laws.		• The Criminal Code, eg. "Individuals may be jailed for up to one year for reporting news that `weakens the state' or importing a publication that is `contrary to national culture.'" • Defamation and misinformation are criminal offenses punishable with lengthy imprisonment and even with the possibility of execution.

Source: compiled from multiple sources

The effort to expand freedom of expression, right to information and right to indigenous media across ASEAN has been an uphill struggle. Increasing cases of violence against journalists and human rights defenders indicate a shrinking space for freedom of expression in the region. The Asia Indigenous Peoples Pact (AIPP) reported that at least 4,344 indigenous human rights defenders faced a threat to their lives in nine Southeast and South Asian countries in 2013,[4] mostly for their work for land rights and against illegal logging, hydropower dams and mining. In August 2014 alone, seven rights activists were assassinated in the Philippines.[5]

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[4] AIPP 2013 Annual Report. AIPP. http://www.aippnet.org/ [30.08.2014]
[5] 7 activists killed in August. Ruthless Legacy. http://iva.aippnet.org/philippines-ruthless-legacy-7-activists-killed-in-august/ [30.8.2014]

The Freedom House's Freedom of the Press ranking on independent media shows that none of the ASEAN countries can be considered 'free'. Only two countries–Indonesia and the Philippines–are categorized as 'partly free', with Thailand slipping from a 'partly free' to 'not free' status in 2013.[6]

The Freedom House's Freedom of the Press Ranking

ASEAN Countries	World ranking of media independence of 197 countries & territories	FREE / PARTLY FREE / NOT FREE
Philippines	87	PARTLY FREE
Indonesia	98	PARTLY FREE
Thailand	141	NOT FREE
Malaysia	141	NOT FREE
Cambodia	147	NOT FREE
Singapore	152	NOT FREE
Burma	159	NOT FREE
Brunei	164	NOT FREE
Vietnam	183	NOT FREE
Laos	183	NOT FREE

The Philippines is regarded to have one of the most robust media in the region, but at the same time it is listed each year by the Committee to Protect Journalists (CPJ) as one of the countries with the highest rates of unsolved journalist murders in the world.[7] Indonesia and Cambodia also have very high rates of attacks and killings of journalists and human rights defenders, and similar violence is increasing in the Lower Mekong subregion, i.e. Laos [8] and Vietnam, with the latter hosting the second highest number of 'netizen' prisoners in the world.[9] Malaysia, which has one of the most advanced Information and Communication Technology (ICT) sectors in ASEAN, fell to its ever lowest press freedom ranking because people's access to information is becoming more and more limited.[10] In Brunei where the Sultan is seen as the defender of the Malay Muslim faith, citizens practice self-censorship and journalists operate under tight government press control.[11] Though Myanmar has made some improvement in paving the way for independent media, attacks on government critics, human rights organizations and journalists are still reported. The killing of freelance journalist Par Gyi by army personnel in October 2014 is the most recent example of immediate threats poised on journalists in Myanmar.

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[6] *'Freedom in the World 2013,'* Freedom House report. http://www.freedomhouse.org/report/freedom-world/freedom-world-2013#.VAvG95wdpsw [29.08.2014]

[7] 'Impunity in Journalist Killings Muzzles Press'. CPJ. http://cpj.org/2013/05/impunity-in-journalist-killings-muzzles-press.php [04.09.2014].

[8] *Freedom in the World 2013,'* Freedom House report. http://www.freedomhouse.org/report/freedom-world/freedom-world-2013#.VAvG95wdpsw [29.08.2014].

[9] "Programmed death of freedom of information" – how the party cracks down. http://en.rsf.org/vietnam-programmed-death-of-freedom-of-23-09-2013,45222.html [07.09.2014]

[10] Reporters Sans Frontieres' (RSF) annual Press Freedom Index 2013. RSF. http://en.rsf.org/press-freedom-index-2013,1054.html [07.09.2014]..

[11] Brunei Profile, BBC, 13 July, 2013. http://www.bbc.com/news/world-asia-pacific-12990064 [07.09.2014].

While ICT development has the potential to improve freedom of expression and right to information in the region, increasing online surveillance and the enactment and ongoing drafting of cybercrime laws is a major concern for people. For example, in 2011 Thailand launched a Cyber Security Operations Center to monitor online activity, while in Vietnam government-sponsored bloggers are actively engaged to counter criticisms of the ruling party and to shape public opinion in blogs and social media.[12]

b. Media Landscape in ASEAN

The ASEAN media landscape is generally characterized by an urban-centric media system in flow, content, consumption and ownership that limits indigenous peoples' access to media and information and news coverage of their own issues and conditions. All over the region, all forms of mass media are concentrated in urban areas, with little reach at the grassroots level. The flow of information starts from metropolitan areas, tending to be one-way as no effective mechanisms are in place for media organisations to gather news from rural indigenous areas. Distant locations of many indigenous territories and poor infrastructures are also big obstacles to indigenous peoples' access to information from mass media.

Independent information and media access is further impeded in some ASEAN countries by media monopolies controlled by government and/or political families or dynasties and by strict, restrictive regulations. Other countries use subversive tactics to block the flow of information. In addition, news coverage and selection in much of mainstream media indicate not only many complex biases but more remarkably a serious lack of interest in the lives of indigenous communities.[13] Given indigenous peoples' poor economic situation and isolated geographical location, most media consumers are non-indigenous, mid-to-high income urban dwellers. Thus in most cases, stories in privately owned mainstream media cater more to interests of these consumers rather than the needs of rural, particularly indigenous, communities. The latter's concerns and issues get very little media attention due to various reasons (see section on communication barriers), and where coverage is made of environmental and development aggression, their points of view are largely missing despite their being primary stakeholders in most such cases. Few journalists seriously tackle indigenous issues, and those who do often face the same consequences as indigenous activists, including physical and legal attacks, enforced disappearances and murder.

In the face of these constraints, the growth of independent media and the right to access by rural indigenous populations to all kinds of media remain a daunting challenge in all ASEAN countries. The boom of online alternative media however is helping to open up other spaces for the discussion of indigenous peoples' issues.

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[12] 'Vietnam admits deploying bloggers to support government,' Nga Pham. BBC News. http://www.bbc.co.uk/news/world-asia-20982985 [13.09.214].

[13] A media monitoring on the coverage of indigenous peoples conducted by AIPP in collaboration with its partners from Indonesia, Philippines, Cambodia and Thailand showed that indigenous peoples' stories are reported at the rate of less than one per week in traditional mainstream print and TV, about four stories per week in all forms of media in Philippines (with about 2-3 per week in traditional print and TV), and about six stories per week in all forms of media (2-3 per week in traditional print and TV) in Indonesia.

To minimize the widening gap of access to independent information between urban and rural communities, indigenous peoples and civil society organisations (CSOs) are making efforts to popularize and establish community media. However, a major obstacle is obtaining a license and permit to operate because community media is not recognized explicitly in the law—except for community radio in Thailand and Indonesia—and because of strict government regulations. Even in the countries where community radio is legal, a generally unsupportive environment makes it very difficult to establish community-owned radio stations. In Indonesia for instance it takes at least five years to get a license to operate a community radio. Moreover, ownership often lies with the elite. In countries where local audio towers, newspapers and even low power radio stations exist, most of them are exclusively controlled or owned by political bureaucrats and elite sectors, serving as a one-way channel of government information, commercial interests and religious propaganda. Such local media hardly fit the definition of community media.

Since specific data on community media are not available in ASEAN countries, it is not possible to accurately assess the status and trends of this media form in the region. It is even more difficult to conduct an assessment of how many are actually owned by communities, i.e. both indigenous and non-indigenous. This is yet another indication that the social, economic, legal and political environments do not favor the establishment of genuine community media, especially for indigenous communities in most of ASEAN. While several known indigenous community media owned or controlled by the local people operate in ASEAN countries, their use is often not maximized for effective political advocacy by indigenous communities.[17]

The new digital media or ICT—internet, mobile phone and smart phone, computer and digital radio, among others—is a recent phenomenon that has the potential to emerge as a game-changer for the general public and indigenous communities in the region. All ASEAN countries, including Laos, Cambodia and Myanmar, have a relatively advanced ICT infrastructure. In a short span of time, Cambodia leapfrogged the era of traditional landlines to have one of the most robust telecommunications sectors in the region. Mobile phone penetration among Cambodians is 113% (as of June 2013), making them the biggest mobile phone users across ASEAN.[18] Even for countries like Laos where mobile phone use and internet penetration is lowest in ASEAN, ICT infrastructure is relatively developed, providing the opportunity for extending communication outreach in remote rural areas. Online platforms, particularly social media, are relatively popular among indigenous youth as a source of independent news and information where at least 2G services are available in rural areas. However, given the language barriers and lack of basic ICT skills among many rural indigenous communities, indigenous peoples in ASEAN still have a long way to go to fully utilize available ICT for greater access to independent information.

What is Community Media?

Community media is any form of media that is created and controlled by a community, either a geographic community or a community of identity or interest. It is separate from commercial media, state-run media, or public broadcasting. Community media is one that is operated in the community, for the community, about the community and by the community.

[14] Defending the rights of indigenous women in Asia Pacific: Toward an Inclusive and Violence-Free Future 2008 (page 6-65). APWLD.
[15] Practical guides for media practitioners on indigenous peoples' issues in Asia. AIPP. http://iva.aippnet.org/practical-guide-for-media-practitioners-on-indigenous-peoples-issues-in-asia-new-publication/ [Access: 23.10.2014]
[16] International Women's Media Foundation. Global Report on the Status of Women in the News Media. http://www.iwmf.org/wp-content/uploads/2013/09/IWMF-Global-Report-Summary.pdf [Access 5.11.2014]
[17] Practical guides for media practitioners on indigenous peoples' issues in Asia. AIPP. http://iva.aippnet.org/practical-guide-for-media-practitioners-on-indigenous-peoples-issues-in-asia-new-publication/ [Access: 23.10.2014]
[18] 'Cambodia – Telecoms, Mobile, Internet and Forecasts'. http://www.budde.com.au/Research/Cambodia-Telecoms-Mobile-Internet-and-Forecasts.html#sthash.6oCn4BCu.dpuf [05.09.2014]

Nongovernment organisations (NGOs) and indigenous peoples organizations also fill in the information gap in rural areas, supplying critical information through the conduct of extensive meetings and workshops, trainings and forums, community media, distribution of information materials including videos produced or subtitled in local languages. But some controls are imposed on even such activities, particularly in Laos, Cambodia and Vietnam.

Indigenous peoples in Thailand participating in Community Video Screening event organized by Indigenous Peoples Foundation for Education and Environment (IPF) in partnership with AIPP

Indigenous Women in Media

Indigenous peoples still heavily rely on mainstream media to report their concerns, despite the coverage of their issues being far from ideal. In any case of violation against indigenous peoples' collective rights, indigenous women are overrepresented among those who seriously suffer its adverse impacts because of their responsibilities to take care of the family and their double mar-ginalization as women and as indigenous women.[14] In the face of this, the voices of indigenous women are almost non-existent in mainstream media.

It is also well acknowledged that indigenous peoples' values and practices play a very important role in achieving sustainable development, and indigenous women are central to maintaining and developing these collective values, including in sustainable resource management, transfer of indigenous knowledge and maintaining cultural identity and family food security. Despite this, their contributions to the wellbeing of society are seldom covered in mainstream media.

Instead, indigenous peoples' cultures and ways of life are sometimes romanticized and trivialized in media by their depiction as exotic groups,[15] often with indigenous women as the main subjects, for tourist attraction and commercial purposes. Further, mainstream media reinforces the common wrong perception of indigenous women as helpless victims rather than rights holders who are in the forefront in the fight against rights violators as active actors rather than passive victims.

The International Women's Media Foundation in its Global Report on the Status of Women in the News Media reported that males outnumbered women in every job level in media outlets: 73% of top management jobs, 64% of reporter rank and 59% of senior professionals.[16] The number of indigenous women media professionals is close to non-existent. In order for news content to be more inclusive and gender-balanced, women participation is essential in every step of content creation - from shaping the news agenda to reporting. Thus, women, particularly indigenous women, should be provided with the needed skills and knowledge to become good media professionals and to create a working environment where they can thrive just like their male counterparts.

C. Communication Barriers and Indigenous Communities

While restrictions on freedom of expression and right to information have same impacts on the wellbeing of all citizens in the region, indigenous communities face an additional layer of challenges in accessing media and information. The obstacles are complex, requiring great political will by governments and commitment by CSOs for these rights to be realized.

In ASEAN countries, the challenges and barriers to freedom of expression, right to information and right to indigenous media[19] are:

1. **Lack of enabling political and legal environment.** As discussed earlier, FOE and RTI are under threat in ASEAN with even countries considered as having robust media slipping down in the Freedom House's Freedom of Press Ranking. The rise in extrajudicial killing, intimidation and attacks on journalists is becoming a deterrent for reporting on contentious issues, such as development and environmental aggression that directly impact indigenous peoples. Furthermore, editorial control and media ownership remain major hindrances to an appropriate and regular reflection of indigenous peoples' issues in media. Most media companies in ASEAN countries are owned by or affiliated with the ruling elite and businessmen who are also engaged in extractive industries that violate indigenous peoples' collective rights. For fear of losing their jobs and licenses, some journalists and editors in those media agencies often work in favor of the owners' interests, restraining from reporting what may be inimical to those interests.[20]

2. **No attention and importance given to language diversity by government and large commercial media outfits.** All ASEAN countries uphold ethnic and cultural diversity, yet this right and principle enshrined in their Constitutions belie the reality on the ground. Linguistically, ASEAN is one of the most diverse regions in the world. However virtually no mainstream media provides information in local languages that support cultural diversity and community pride in ASEAN. The exceptions are few. For example, the government radio in Ratanakiri (Cambodia) uses indigenous peoples' languages but only on a small time slot and the content does not cater to the needs and interests of the communities. Another is the Lao National Radio, which has ethnic language programs but these are merely translations of mainstream programming. In this context, if ethnicity and cultural diversity are to be taken seriously, it is essential that respective governments take measures and strive towards diversifying the medium of language in the media and targeting the rural population with content relevant to them.

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[19] With particular reference to indigenouscommunities.

[20] Freedom of Expression and Right to Information in ASEAN Countries. https://internews.org/sites/default/files/resources/InternewsEU_ASEAN_FoE_and_RTI_Study_2014.pdf [access on 23.10.2014]

[21] International Cooperation Cambodia 2003.

3. **Low literacy and high poverty.** Indigenous communities are often ranked at the bottom of the social ladder in their respective countries due to centuries of marginalization and discrimination. They are often the most deprived in terms of infrastructural development and education. For example, a study in Mondulkiri Province, Cambodia found that 97 percent of Bunong women and 86 percent of Bunong men were unable to read or write in Khmer.[21] This indicates very low literacy, capacity and income levels, which directly affect their access to all forms of media that in turn deprive them of the opportunity to express their concerns, needs and interests. Taking this into account, ASEAN governments should take special measures for indigenous peoples in striving for an equitable society and equal access to information.

4. **Little understanding of situation and rights of indigenous communities by mainstream media and society in general.** Mainstream media have very little appreciation for indigenous identity, issues and concerns. It may be for this reason that few or no indigenous journalists are in their employ, and those who are often do not tackle indigenous issues. For instance, not a single indigenous journalist was part of Cambodia's mainstream media in 2010.[22] Further, they have little or no knowledge of indigenous peoples' cultures and their national and international legal rights. Their content is poor, frequentlly misrepresents contentious issues and sometimes reproduces age-old stereotypes of indigenous communities as 'primitive' as opposed to 'civilized'. A recent example is the headline "This Polahi Tribe in Gorontalo, Half Human Half Animal" on 6 May 2013 in the Indonesian online publication *Kompas.com* (owned by Indonesia media giant company, Kompas Gramedia Group).[23] Another instance is the well-known show "Primitive Runaway" on Tran TV (Indonesian television);[24] although the title was changed to "Ethnic Runaway"[25] following protests from indigenous communities, its content remained unchanged. No mainstream media organization has an indigenous peoples' policy in place.

5. **Lack of media plurality and low capacity and resources to produce and manage community media independently among indigenous communities.** Language barriers and poor infrastructures leave many indigenous communities, particularly in rural areas, to rely heavily on the limited information provided by local authorities, NGOs, indigenous organizations or the primarily partisan media. Often as a result of a diversity lack in media and opinion, indigenous peoples generally accept media content with little or no critical analysis. Existing unfavorable government regulations and their limited capacity and resources also present big challenges for indigenous communities to set up their own community media in ASEAN countries.

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[22] Indigenous Voices in Asia-Pacific: Identifying the Information and Communication Needs of Indigenous Peoples. UNDP. http://www.snap-undp.org/elibrary/Publications/DG-2012-IndigenousVoices.pdf [Accessed: 01.09.2014].

[23] In Asia Pacific, media reinforce marginalization, discrimination vs indigenous peoples. http://iva.aippnet.org/in-asia-pacific-media-reinforce-marginalization-discrimination-vs-indigenous-peoples/ [01.09.2014].

[24] "Primitive Runaway" programmes.: www.youtube.com/watch?v=SCucbB5Ek0s.

[25] See: www1.transtv.co.id/frontend/home/view/152/ethnic_runaway or www1.transtv.co.id/frontend/home/view/152/primitive_runaway. The program still uses the words "primitive runaway."

III. Initiatives for Media Outreach by Indigenous Organisations

Some indigenous organisations in the ASEAN region have started initiatives to promote freedom of expression and increase indigenous peoples' access to information. The Asia Indigenous Peoples Pact initiated the project called "Indigenous Voices in Asia (IVA)" with the slogan "Our Voices Our Right." The project interventions include:

1. Empowering indigenous media professionals and rights activists through capacity building for effective reporting and broadcasting on indigenous issues through various media channels and use of multimedia forms and innovative communication tools;
2. Engaging with national governments and regional mechanisms for greater access for indigenous media professionals and rights activists to information and rights to communicate/media;
3. Networking and building solidarity with mainstream media for increased understanding and sensitivity to indigenous issues;
4. Producing multimedia and educational materials about rights for indigenous communities to raise their awareness; and
5. Assisting indigenous communities to set up their own indigenous media networks and community media.

In two years (2013-2014), the project succeeded in training more than 400 indigenous peoples from five countries (four from ASEAN) in basic ICT, advanced journalism and video documentation. Further, it established and strengthened national and regional media networks for indigenous peoples[26] to enable their continuing engagement with governments and mainstream media for better news reflection of their issues and concerns and greater freedom of expression in the region. Four community audio/visual resource centers and community media were established in Cambodia and Indonesia for indigenous communities to have easier access to information. The project's conduct of three inter-country exchanges on best practices in community media skills has resulted in a better understanding of media outreach for rural indigenous communities by both indigenous and non-indigenous media practitioners and rights activists. The annual national and regional media awards for excellent reporting on indigenous issues have also generated broader interest in indigenous issues among mainstream media practitioners. The most encouraging sign is the emergence of indigenous communities as the agencies themselves in creating media opportunities.

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[26] Those networks are Indigenous Voices in Asia Networks (IVA), Federation of Nepalese Indigenous Nationalities Journalists (FONIJ) from Nepal, Promoting Indigenous Voices (PIV) from Cambodia, Indigenous Media Network (IMN) from Thailand, Indigenous Peoples Communicator Forum (IPC- Forum) from Philippines and Jurnalis Warga Aliansi Masyarakat Adat (AMAN Citizen Journalists group) from Indonesia

Good Examples of Indigenous Media and Networks in ASEAN

Gelora FM in Secangging, Indonesia
The communities of Secanggang – Melayu, Bataknese and Javanese – have been fighting against a state-owned palm oil company since 1953, and in 2012 the Glora FM was born out of the need of these communities to unite for their fight.

Northern Dispatch Weekly, Philippines
Northern Dispatch Weekly (NORDIS) is a weekly newspaper covering the three regions of Northern Luzon: Ilocos, Cordillera and Cagayan Valley, with the Cordillera predominantly populated by indigenous communities. The NORDIS focuses on grassroots journalism with the aim of ensuring that indigenous peoples and rural communities have optimum access to media. The NORDIS emerged as an alternative press that gives priority to public service over profit. It strives to widen the democratic ownership of media facilities and to bridge the gap between media practitioners and their readers.

Ruai Television, Indonesia
Ruai TV was established because indigenous people did not have a channel to voice out their issues and mainstream media did not broadcast their issues. It is a television station owned by indigenous communities in Pontianak, West Kalimantan. A part of the movement of broadcasting agencies in Indonesia, Ruai TV has become quite influential in the region, drawing the attention of policy makers, administrators, police, CSOs and the society at large.

IV. Conclusions and Recommendations

Freedom of expression and right to information are not yet well accepted as basic principles of public life in ASEAN. These rights are limited by government laws and policies, serious physical threats to media practitioners and elite media ownership that results in news partiality for their interests. Not only do the political and legal environments severely curb these rights, mainstream media's economic dependence on big businesses creates a special focus on potential consumers, of which the rich and powerful count more than the poor. A further complication is that most media outfits in ASEAN are owned by governments and corporations involved in extractive industries,[27] leaving little room for independent media to operate.

The obvious biases of mainstream media and governments' lack of attention to the human condition of rural communities—indigenous communities in particular—set back media organisations from directly tackling the problems of disparity and inequality common in ASEAN. Instead they reinforce the trend of neglect for the issues of the poor in favor of economic and political elite interests. With the majority of the population in all ASEAN countries living in rural areas, the practice of democracy through public debate of governance would be hard to achieve without vigorously pursuing the recognition of community media with the same stature and importance as mainstream media and its widespread support and establishment in all countries in the region.

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[27] In Asia Pacific, media reinforce marginalization, discrimination vs indigenous peoples. http://iva.aippnet.org/in-asia-pacific-media-reinforce-marginalization-discrimination-vs-indigenous-peoples/ [15.09.2014].

<u>Recommendations:</u>

Other recommendations to ensure the rights to media, information and free expression by indigenous peoples are:

- ■ **TO ASEAN as a regional body and to member-states**

    a. Establish mechanisms for sustained dialogues and consultations with multi-stakeholders including indigenous peoples and media organizations to promote and uphold freedom of expression and right to information as enshrined in UNDRIP, Universal Declaration of Human Rights (UDHR) and International Covenant on Civil and Political Rights (ICCPR), and to abolish and amend restrictive laws and regulations on FOE and RTI.

    b. Create an enabling legal and political environment and enact laws and policies appropriate for the establishment and protection of community media and ensure the proper enforcement of such laws and policies.

    c. End impunity and undertake concrete measures to stop extrajudicial killing of human rights defenders and journalists, prosecute human rights violators and ensure justice.

    d. Adopt policies to ensure that state-owned media duly reflect indigenous cultural diversity in appropriate manner, present in additional indigenous languages matters related to indigenous peoples and adopt policy/code of ethics for appropriate representation of indigenous peoples to ensure objective and culturally sensitive presentation and coverage of indigenous issues, concerns and aspirations.

- ■ **To mainstream media**

    a. Adopt a more inclusive newsroom policy that includes training, recruiting more indigenous journalists and ensuring regular reporting on issues, concerns and aspirations of indigenous peoples. Special attention must be given to the concerns and aspirations of indigenous women in reporting about indigenous peoples.

    b. Work closely with indigenous peoples' media networks, indigenous peoples' organizations and indigenous citizen journalists to bridge the gap in information flows between indigenous community members living in remote areas and mainstream media outlets.

    c. Adopt policy/code of ethics for appropriate representation of indigenous peoples to ensure objective and culturally sensitive presentation and coverage of indigenous issues, concerns and aspirations. If necessary, collaborate with indigenous peoples' organizations to educate and sensitize journalists on indigenous peoples' rights and issues.

■ **To indigenous peoples communities and organizations**

Regional:

a. Develop programmes and strategies to support and complement local and national level initiatives. At the same time, develop strategic programmes for regional and international level intervention—with a clear policy on women and youths' effective involvement—based on identified barriers and challenges that hinder the right to indigenous media, FOE and RTI.

b. Strengthen regional forums and networks working on FOE and RTI with the participation of indigenous media practitioners and activists and generate broader support to indigenous community media and indigenous media practitioners. Devise appropriate strategies for national, regional and international level policy advocacy for creating an enabling legal, political and socioeconomic environment for establishing indigenous media and for promoting FOE and RTI. This shall include a specific campaign and advocacy strategy targeting ASEAN, particularly the Intergovernmental Commission on Human Rights (AICHR).

c. Develop appropriate capacity building, advocacy, and networking exchanges of indigenous journalists, activists and mainstream media in countries with similar challenging political conditions such as Vietnam, Laos, Cambodia and Myanmar.

d. Organize regional level dialogues and forums with key actors such as international media, UN agencies, donors among others to foster greater collaboration in the promotion of FOE and RTI with the inclusion of the concerns, issues and initiatives of indigenous peoples..

e. Support and assist indigenous media networks based on their capacity building needs, protection, resource mobilization, to sustain and strengthen their networks, plans and programmes.

National:

a. Conduct awareness programmes and mobilize communities on their right to Freedom of Expression and Right to Information and to establish their own independent media where needed and appropriate.

b. Map out key players and organizations (those working on FOE and RTI), including sympathetic media organizations, alternative media and government officials for multi-layered net working and alliance building at the national level and conduct strategy workshops for collaboration and joint actions at all relevant levels.

c. Conduct country level assessment on status and trends of indigenous communities' access to media, including enabling and restrictive/repressive laws and policies regarding FOE and RTI for integration into campaign and advocacy strategy, and capacity-building activities of indigenous peoples organisations and communities, in collaboration with indigenous and non-indigenous media practitioners, advocates, activists, civil society organisations and other relevant institutions.

d. Build capacities of indigenous communities and organisations especially indigenous women and youth, and network with other indigenous organizations, indigenous media practitioners, relevant institutions and donors to support the establishment of independent indigenous community media. Indigenous media production and management should have equal participation with clear roles and responsibilities of women and youth in order to encourage and promote their views, perspectives, issues and concerns as well as their effective participation.

e. Conduct lobby and advocacy with governments at the local and national level to respect, protect and support indigenous media initiatives.

f. Develop appropriate security measures, strategies and generate all forms of support for the protection of indigenous journalists and activists in countries where freedom of expression and democratic participation is very low

g. Establish collaborative networks with mainstream media for varied purposes: coverage/mainstreaming of indigenous peoples' issues; diversification of languages; adoption of inclusive newsroom and editorial policies; adoption of policy/code of ethics on representation of indigenous identity; providing opportunities for indigenous journalists to be on their staff and internships especially for youth and women on video production and reporting, journalism and effective use of social media among others.

h. Establish a system for free flow of information among indigenous communities using the concept of citizens journalism and its linkage to the regional level.

Indigenous Voices in Asia Network (IVAN)

Our Voices Our Rights

Asia Indigenous Peoples Pact (AIPP) established the Indigenous Voices in Asia Network (IVAN) in July 2013. The IVAN is a platform to promote solidarity and cooperation among indigenous journalists, non-indigenous journalists and indigenous rights activists in advancing and defending media freedom, freedom of information, indigenous peoples' rights and democracy in Asia.

Our Objectives

1. To raise the visibility of and generate greater public attention to indigenous peoples issues and concerns using all forms of media;
2. To promote and defend the democratic rights of citizens to freedom of media and to have access to all forms of media;
3. To mobilize media through dissemination of relevant information on indigenous peoples in Asia using different forms of media towards generating better understanding and attention to indigenous peoples rights and issues;
4. To strengthen the capacities of indigenous peoples to effectively engage with media and to establish their own media;
5. To provide support to media practitioners in relation to security and other concerns.

6. What We Do
1. Sharing and mainstreaming information about indigenous peoples' issues in respective members' countries
2. Empowering indigenous media practitioners and indigenous rights activists through capacity building activities
3. Engaging with national governments and regional mechanisms for indigenous media professionals and rights activists to have greater access to information and rights to communicate/media
4. Networking and building solidarity with mainstream media for increased understating and sensitivity to indigenous issues
5. Raising awareness about indigenous peoples' issues and rights through producing multimedia and educational materials
6. Assisting indigenous communities to set up and manage their own media enterprises.

AIPP at a glance

The Asia Indigenous Peoples Pact (AIPP) is a regional organization founded in 1988 by indigenous peoples' movements as a platform for solidarity and cooperation. AIPP is actively promoting and defending indigenous peoples' rights and human rights; sustainable development and management of resources and environment protection. Through the years, AIPP has developed its expertise on grassroots capacity building, advocacy and networking from local to global levels and strengthening partnerships with indigenous organizations, support NGOs, UN agencies and other institutions. At present, AIPP has 47 members from 14 countries in Asia with 7 indigenous peoples' national alliances/networks and 35 local and sub-national organizations including 16 are ethnic-based organizations, five (5) indigenous women and four (4) are indigenous youth organizations.

Through our Indigenous Women (IW) programme, AIPP aims to empower indigenous women through networking, education and capacity building activities with the overall goal for indigenous women to assert, promote and protect their rights as women and as indigenous peoples.

Our Vision
Indigenous peoples in Asia are living with dignity and fully exercising their rights, distinct cultures and identity, and enhancing their sustainable management systems on lands, territories and resources for their own future and development in an environment of peace, justice and equality.

Our Mission
AIPP strengthen the solidarity, cooperation and capacities of indigenous peoples in Asia to promote and protect their rights, cultures and identities, and their sustainable resource management system for their development and self-determination.

Our Programmes
Our main areas of work among the different programmes are information dissemination, awareness raising, capacity building, advocacy and networking from local to global. Our programmes are:

- Human Rights Campaign and Policy Advocacy
- Regional Capacity Building
- Environment
- Indigenous Women
- Communication and Development
- Organizational Strengthening

AIPP is accredited as an NGO in special consultative status with the UN Economic and Social Council (ECOSOC) and as observer organization with the United Nations Framework Convention on Climate Change (UNFCCC), Convention on Biological Diversity (CBD), Green Climate Fund (GCF), Global Environment Facility (GEF) and the World Intellectual Property Organization (WIPO). AIPP is a member of the International Land Coalition (ILC).