

## Shifting Cultivation: Misconception of the Asian Governments

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### Abstract

Shifting cultivation is an ancestral farming practice of indigenous peoples that is culturally inherited form of land use system in Asia. It is considered as a major land use issue by many governments and researchers due to their stigmatized misconceptions. Thus, this traditional form of farming system is in endangered state nowadays in the region. The fact continues currently, and for years, that most of the governments have been trying to ban it while indigenous peoples struggle to continue, sometimes by practicing it illegally. For most of them, their livelihood relies on it; despite it has been long contested, prohibited and sometimes criminalized by the governments in South and Southeast Asia. This paper highlights these misconceptions of the governments in the region towards shifting cultivation. This article is based on a review of the published papers on shifting cultivation and the papers presented in the regional multi-stakeholder's consultation on shifting cultivation in Chiang Mai, Thailand, as the field based evidences, particularly the findings of the researchers. The paper has been divided into two sections: first section presents the misconceptions – political, cultural, environmental, agricultural and land rights, customary laws and other rights related – whereas second section deals with the ground realities on shifting cultivation in the selected countries in South and South East Asia, which validates the issues, concerns and misconceptions of shifting cultivation in the regional consultation in presence of 51 participants representing governments, United Nations, civil society organizations, donors, academicians, and researchers. All the representatives discussed and debated on shifting cultivation based on the ground realities to generate the common understanding and minimize the misconceptions of the governments. This paper also highlights the major conclusions of the regional consultation and common positions on shifting cultivation in line with the 'Shillong Declaration' adopted by ICIMOD and IFAD in 2004.

**Key words:** *Indigenous Peoples, Shifting cultivation, Food security, Asia, Traditions*

### 1. SHIFTING CULTIVATION: INDIGENOUS PEOPLES' TRADITIONAL AGRICULTURAL SYSTEM

It is estimated that 260 millions of indigenous peoples (IPs) live in Asia. Indigenous peoples' livelihoods are deeply relying on sustainable use and management of the lands, territories, and resources by a traditional agricultural system, i.e., 'shifting cultivation'. This system is also known as 'rotational farming' or 'swidden agriculture'. Sometimes, it is even named as 'slash and burn'; which is seen as a destructive practice and also summarized in the negative phrase by the governments and some development workers and researchers, despite the reason a large number of indigenous peoples and poor farmers in Asia are still continuing and depending on this practice for their livelihoods for centuries. This form of farming is the way of their life rather than merely a form of a farming technique in Asia (AIPP and IWGIA, 2010).

Shifting cultivation consists of clearing out a delimited land, with fire, in order to transform it into arable land. Such land is cultivated for a limited period, mostly during 2 or 3 years. After the last harvest, the shifting plots of agricultural lands are kept

fallow for 3-7 years depending on the communities and countries in order to regenerate, meanwhile the agricultural production moves or shift to the new pieces of lands. In Cambodia, the shifting plots used to be fallow for 10-15-years in the past, but nowadays it has shrunken to 1-3 years due to the pressure of population and decrease of land for shifting cultivation, which is not enough for regeneration (Ironsides, 2015). It involves the process of clearing the patches of lands/forests, and then followed by the short span of crop cultivation and a long span of a fallow period in the cyclical shifting of cultivation sites (Hossain, 2011). These lands are kept fallow, not abandoned. Indeed, non-use is a part of soil regeneration strategy as it allows the soil to recover the nutrients by avoiding the intensive use and recover the productivity as well. This fallow period lasts between 10-12 years in Nagaland, for instance, but it's reduced to 2-3 years in Bangladesh (FAO, IWGIA & AIPP, 2015). The Shillong Declaration adopted in 2004 has direct and positive relationship in the maintenance of 10-12 years of fallow period in Nagaland, Northeast part of India.

Reciprocally, forest regeneration is an integral part of the shifting cultivation, which underlines another important characteristic of the auto-regenerating agricultural system (Agriculteurs itinérants sur abattis-brûlis, 2012). Crops cultivated through shifting cultivation are adapted to the environment and climate conditions and thus are highly productive, durable and adapted to indigenous peoples' needs and habits. Likewise, Kerkhoff and Sharma (2006) referred it as one of the most prominent farming systems for the large mass of ethnic minorities and poor and marginalized people. They further emphasized that it is an adaptive management of forest and agriculture that contribute to biodiversity conservation and maintenance of agriculture and forest productivity. Szott et al., (1999) and Mertz et al., (2009) further emphasized that shifting cultivation is a diversified livelihood system which is effective in conservation of biodiversity and sustainable management of soil and water resources.

It is estimated that indigenous peoples constitute approximately 5% of the world population and 15% of the World's poor (ILO, 2013). Among the indigenous peoples of Asia, most of the households practice shifting cultivation as they depend on it fully or partly for their livelihood and food security. An actual number of these people are still unknown, but the majority of the people are indigenous and ethnic minority groups in South and Southeast Asia (Carling & Erni, 2014). However, it has been estimated that 14-34 millions of indigenous peoples practice this traditional agricultural activity only in Southeast Asia. In Chittagong Hill Tracts of Southeast of Bangladesh, 40,000 households of 11 indigenous communities practice shifting cultivation. Likewise, in Oudomxay province of Laos, 85.79% of Kmhmu people, practice shifting cultivation. In the Nagaland State of India, 60% of indigenous peoples practice shifting cultivation, of whom 40% permanently and 20% as a second practice (Carling & Erni, 2014).

All the processes around the agricultural cycle are important festivities and rituals for indigenous peoples and shifting cultivation is at the heart of daily activities and occupation of the entire village and festivities. Shifting cultivation practices and knowledge is old and passed on verbally from generation to generation. For these communities, the importance of shifting cultivation goes beyond mere economic concerns. It is the pivot around which annual work and ritual cycles revolve and thus an intricate part of the way of their life and closely tied to their cultural identity (Carling & Erni, 2014). Indigenous communities give importance to the local socio-cultural values and ecosystems even more than the economy. For instance, Karen people in Thailand consider food as part of happiness which cannot be measured in terms of money (FAO, 2013). Kerkhoff and Sharma (2006) also reported that the local institutions and systems developed by shifting cultivators are relatively strong to enhance the social security and cultural integrity.

But indigenous peoples' lands and its typical use are jeopardized, causing their food insecurity and vulnerability. The reasons for this insecurity and vulnerability cannot be simply attributed to war or natural catastrophes primarily due to social injustice, to political and economic exclusion and to discrimination faced by them (Golay & Ozden, 2005). Discrimination and prohibition of shifting cultivation and land grabbing are the main hindering factors to the food security of indigenous peoples in South and Southeast Asia. In fact, indigenous peoples are one of most efficient people to cultivate in steep and fragile slopes for the production of varied and balanced diet in the least destructive ways (Kerkhoff and Sharma, 2006).

Despite the importance of shifting cultivation in the livelihood and food security for indigenous peoples, there are ongoing stigmatized misconceptions of the governments in the South and Southeast Asia. It has been long contested, prohibited and sometimes criminalized by the governments in the region. In fact, governments should protect the rights of indigenous and tribal peoples within the nation states based on respect for the cultures and their ways of life, as per specifically mentioned in the Indigenous & Tribal Peoples Convention, 1989 also known as International Labour Organization Convention 169 (ILO 169) and United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Governments should recognize and respect the rights of indigenous peoples to their lands and natural resources and define their own priorities for development.

This paper digs out and highlights such misconceptions of the governments in the region based on the review of the papers on shifting cultivation. This paper also analyzes the findings of the research conducted in 7 Asian countries namely Bangladesh, Cambodia, India (North East India), Indonesia, Laos, Thailand, Nepal with the support of Food and Agriculture Organization of the United Nations (FAO), Asia Indigenous Peoples Pact (AIPP) and International Work Group for Indigenous Affairs (IWGIA) in 2014.

## 2. FOOD SECURITY IN THE LIGHT OF SHIFTING CULTIVATION

Indigenous peoples' food insecurity in Asia, due to prohibition and coercive measures, is chronic and structural, contextual and limited to a discriminated population. Food insecurity causes fall under-discriminatory state policies against indigenous peoples, prohibiting shifting cultivation and taking lands from them, thus, reducing arable lands available for cultivation. As it was admitted during the World Food Summit in 1996 that food security exists when all people have physical and economic access to sufficient safe and nutritious food all the times that meets their dietary needs and food preferences for an active and healthy life (FAO, 2008). Thus, the FAO considers four complementary criteria defining food security. First, food security exists when there is a physical availability of food, then physical and economic access to the food, and adequacy of the food and finally the stable in the time.

FAO is concerned about the lack of progress on reducing the number of hungry people in the world, which is estimated to be 923 million in 2007, an increase of more than 80 million since the 1990-92 base period (FAO, 2008). In 2010, the number of undernourished people remains unacceptably high close one billion despite an expected decline in the year for the first time since 1995 (FAO, 2010). It is reported that 108 million people have faced the worse level food insecurity or food crisis (Integrated Food Security Phase Classification (IPC) phase 3 or above) in 2016, which is increased by 35% as compared to 2015 (almost 80 million in 2015) (FSIN, 2017). FAO (2016) has projected the necessity of at least 60% increase in food production above the level of 2006 to meet the global food demand in 2050. The report has also emphasized on forest conservation initiatives and efficient use of water and lands for food production.

Despite the diversity of cultures and lifestyles, most of the indigenous peoples in Asia are deeply attached to their lands and produce food for self-sufficiency through shifting cultivation, and consequently allow food security. Shifting cultivation is strongly culturally and socially integrated with the village life. It is important for the people to maintain their food security customarily, culturally and traditionally, though the shifting cultivation lands and households are decreasing over the years (Higashi, 2015). Indigenous peoples' relationships to the lands and nature are more than just a productive relationship. There is an important respect of the soil and nature, which is often referred to as "*our mother-earth*". Beyond this cultural and symbolic aspect, agricultural production of traditional food through shifting cultivation has a double goal. On one hand, indigenous foods benefit peoples' physical health, through both the consumption of good food and the physical activity of harvesting and preparing the food. On the other hand, these foods play a key role in maintaining diverse cultures, languages, heritages, and identities, in the mental, emotional, spiritual and physical well-being of indigenous peoples (FAO, 2013).

Shifting cultivation plots always provides table food all the time to the indigenous peoples. As it's adapted to climate and soil, shifting cultivation is productive enough for self-consumption of food for indigenous communities, which is easily available and accessible to them. In addition, it protects the soil, restores the nutrients from the fallow and the rest period (Kerkhoff and Sharma, 2006). Indigenous peoples depend on their own agricultural production, which allows stability, unlike market consumption where food availability and prices fluctuate. Moreover, food produced by indigenous peoples through shifting cultivation is secure and healthy; it comprises an adequate amount of nutrients and micronutrients, which are important for food security. The food grown in shifting cultivation including frequently gathered animals from shifting plots such as rats, grass-hoppers, bamboo weevils, squirrels and bamboo rats constitutes substantial amount of nutrients for indigenous peoples in Laos (Broegaard et al., 2016). Shifting cultivation also conserves, crops diversity and enhances the adaptability through the production of wide range of food all year round, and *a fortiori* a healthy diet, rich in micronutrients and allows to reach all food security criteria at the same time.

However, promoting food security is not only providing adequate food for consumption and adequate nutrition, but it is also maintaining this situation at a low-level risk at all time. By accounting for vulnerability, food security policies and programs broaden their efforts from addressing current constraints to food consumption, to include actions that also address future threats to food security (FAO, 2008). Supporting indigenous people's food security means also supporting their traditional agricultural practice, which is sustainable, adapted and productive, and thus which gather all criteria of a stable food security.

## 3. MISCONCEPTIONS OF SHIFTING CULTIVATION

### 3.1. POLITICAL MISCONCEPTION

*"Not only land ownership, but also land usage, divide indigenous peoples from the governments that claim authority over them. Different views about the relationship to the land make for different interpretations about the uses of the land's resources"* (Zinsser, 1994, p18). Even after 20 years, the assessment made by Judith Zinsser for the United Nations Educational, Scientific and Cultural Organization (UNESCO) is still valid. The conflict carries on between governments and indigenous peoples in Asia regarding the use of natural resources through their ancestral farming practices. Except for the State of Nagaland, India, where a

government project aims to improve shifting cultivation, most of the governments in the region have taken measures in order to ban and eradicate this traditional farming system on behalf of ecosystem conservation and development. The government policies and programmes commonly perceived shifting cultivation as primitive, unproductive and destructive to the environment, thus often try to eradicate or rehabilitate shifting cultivators (IWGIA, AIPP & IKAP, 2009; Jamir, 2015)

The governments often stigmatize shifting cultivation and many times indigenous communities and shifting cultivators are accused of the intruders into the forests and environmental destruction. For instance, Higashi (2015) highlighted that the government of Lao PDR emphasized on eradication or reduction of shifting cultivation on its village relocation goals (Box 1). The common terms used for shifting cultivation such as slashing, burning, shifting and fire all give negative images, misconception, and misperception (Kerkhoff & Sharma, 2006). Nevertheless, in focusing on destructive forms of slash-and-burn cultivation, national governments and resource managers have ignored the nature of more common and more sustainable forms of swidden cultivation (Fox et al., 2000). The reasons claimed by the governments against shifting cultivation are based on outdated studies, which are deprived of empiricism. These reasons, based on a restrictive interpretation, do not take into account the future of concerned communities and the impacts of such prohibition on their food security and their way of life.

**Box 1: Shifting cultivation eradication policy in Lao PDR (Source: Higashi, 2015)**

The government of Lao PDR strongly emphasized on eradication of shifting cultivation as one of the major advantages of village relocation policy. The government made a clear link between shifting cultivation and the critical issue of deforestation. Deforestation is unquestionable a burning issue as the forest coverage in Lao PDR reduced to 40.3% from 70% in between 1940 to 2010. However, there were many causes of deforestation such as the Second Indochina War (1959-1973), US aerial bombing, forest clearing movement of socialist administration for self-sufficiency of rice etc. The main causes of deforestation recently are logging and forest conversion for cash cropping and industrial plantations, infrastructure development such as hydro-electric dams, mining project etc. However, Lao government considers shifting cultivation as the main cause of deforestation and banning shifting cultivation in watershed forests by the council of ministers' instruction No.47 on forest protection in 1979. Likewise, the Second Socio-Economic Development Plan (1986-1990) emphasized on stabilizing shifting cultivation, which claimed that 300,000 hectares of forests were destroyed by shifting cultivation causing serious environmental degradation. The fifth Socio-Economic Development plan (2001-2006) has set the target to completely stabilize the shifting cultivation by 2010.

Various policy strategies are used by the Asian governments to prevent shifting cultivation, a fortiori to limit what it is called the waste of resources. For instance, the Forest Department of Bangladesh increased reserved forest, protected zones, to fallow plots, not recognizing indigenous peoples' communal land rights over forest plots and consequently decreasing the available land for agriculture (Khisa & Mohiuddin, 2015). Moreover, because swidden agricultural systems are so little understood, many governments have implemented (mostly unsuccessful) large-scale resettlement programs that are intended to convert swidden cultivators into farmers of permanent agricultural fields (Fox et al., 2000). These forced displacements of population without their consent are fundamentally against the human rights. In fact, many of indigenous communities coveted to settle in their traditional and ancestral territories by sustainably managing the available local and natural resources and wealth.

### 3.2. CULTURAL AND ENVIRONMENTAL MISCONCEPTION

A majority of people who practice shifting cultivation in the region are ethnic minority groups, tribal people, hill tribes and aboriginal people commonly known as indigenous peoples these days. IWGIA, AIPP, and IKAP (2009) stressed that the prejudices against shifting cultivation in these countries are combined with the negative attributes ascribed to indigenous peoples in the region such as indigenous peoples are primitive, backward, disloyal to the national sovereignty and security, the hindrance to national progress etc. The government and some of the researchers considered shifting cultivation as the backward, destructive and nomadic form of agriculture, ecological harmful practice because of burning and also considered it as economically non-viable based on their limited knowledge and understanding. Some environmentalists and development workers have misconceptions on shifting cultivation. In fact, shifting cultivation is a land use form sustainably practiced by these people for generations in fulfilling their dietary requirements, maintaining the biodiversity as part of their cultures and way of life. It is closely interlinked to their cultures, lives, and livelihoods.

One of the immediate consequences of the prohibition of shifting cultivation in some regions is the decrease of the food production & quantity, and so the reduction of available food causing food insecurity or vulnerability. Moreover, preventing shifting cultivation causes loss of cultural identity. Indeed, it is essential in the social and spiritual life of the community; thus it has sometimes been qualified of ethnocide threat. Finally, policies aimed at eradicating this practice on behalf of environmental

conservation and fight against poverty have failed to achieve their objective but also resulted in the contrary. For instance, two indigenous shifting cultivators in Thailand are charged for more than 2 years of imprisonment and payment of 59,500 to 96,409 USD as the compensation for the damage done in the forest, especially causing less precipitation, loss of soils and soil nutrients and cause of increase of temperature (NIPT, NDF, AIPP, IKAP & IMPECT, n.d.). In fact, both of them were just practicing their traditional, cultural shifting & livelihood practices in their ancestral lands.

The current climate change discourse also has the debate on shifting cultivation as the burning is part of its shifting cycle. Many of environmentalists raised the issue of carbon emissions while burning grasses and causing forest fires during shifting cultivation, thus, contribute to climate change (AIPP, IWGIA & NDF, 2011). Many studies have already proven that shifting cultivation has not contributed in the carbon emission. IWGIA, AIPP & IKAP emphasized deforestation, agricultural intensification, small scale and large scale conversion of forest into industrial plantations are the causes of carbon emissions, not shifting cultivation. The paper further emphasized that more amount of carbon is being sequestered in areas under shifting cultivation than under any other forms of land use practices such as permanent agriculture and plantations. The study, done by AIPP, IWGIA & NDF (2011) in Northern Thailand, revealed that the rehabilitating forests in shifting cultivation plots have a high capacity to sequester carbon since such forests require high amounts of carbon to reproduce stems and new leaves. The study, further, proved that shifting cultivation farms stored 17,643 tons of carbon while burning only produced 476 tons of carbon. Furthermore, the fallow period also sequester additional carbon.

Moreover, shifting cultivation is such production pattern that has been integrated and adapted to a particular ecology and culture (AIPP, IWGIA & NDF, 2011). The crops in this agricultural system are adapted to the local environment and its climate conditions and are strongly productive and perennial. Furthermore, shifting cultivation is self-regenerating. Indeed, it allows maintenance and contributes to the natural healing of the forest. The fallow periods improve the forest regeneration, which is an integral part of shifting cultivation. Thus, shifting cultivation is a sustainable management system of natural resources and biodiversity, adapted to the climate, soil and communities' needs. However, Kerckhoff and Sharma (2006) consider the bad reputation of shifting cultivation due to the fallow period which is seen as the unproductive by most of the government and researchers rather than the regenerative period in the shifting cultivation cycle. Because of the fallow period, the shifting cultivation plots are rich in soil nutrients and biodiversity.

### 3.3. MISCONCEPTION ON AGRICULTURAL PRACTICES

The perception of shifting cultivation by the majority of agronomists and ecologists is uniformly negative: archaic, destructive of the forest, unproductive, dangerous even for the future of Earth, it has to be eradicated by modern States. Thus, this practice is forbidden in several tropical countries, especially in Asia (Bahuchet & Betsch, 2012). The main controversial reason for banning shifting cultivation is described as the deforestation because of cutting down of trees and burning which is considered as the key negative consequence of shifting cultivation according to the governments. For its detractors, 70% of deforestation in Africa, 50% in Asia, 35% in Latin America, are attributed to shifting cultivation (Agriculteurs itinérantssur abattis-brûlis, 2012). The entire forest ecosystem is described as damaged by wildfire, whereas this fire is controlled and contained in the compound of the delimited plot.

In those accusations, the natural regeneration potential of the forests is not taken into account which is very important. However, there is a major difference between cutting down, without uprooting, some trees to cultivate the land, and cutting down the entire forest. Neglecting the importance of the fallow is a mistake in cutting down trees with deforestation (Bahuchet & Betsch, 2012). Furthermore, shifting cultivation prohibition is based on the theory, which considers that it is an unproductive agricultural system, requiring immoderate space, impoverishing and eroding soils. The fallow time is not taken into account, whereas it allows soil regeneration more than any chemical product.

Shifting cultivation is then assimilated to a sort of 'proto-agriculture (Agriculteurs itinérantssur abattis-brûlis, 2012), which has to evolve to a more productive model. But, most of the indigenous communities do not want to change their traditional practices for a more productive system, they do not need such productive system as they settle for self-sufficiency. In fact, shifting cultivation plots conserve rich and unique biodiversity to fulfill dietary requirements of the indigenous peoples. More than 50 species of varieties of grains, tubers, vegetables, legumes, fruits and medicinal herbs are conserved and sustainably used by indigenous peoples from shifting cultivation plots. Eighteen types of native rice varieties are grown in shifting cultivation areas in Khumu of Lao (FAO, IWGIA & AIPP, 2015).

Shifting cultivation is prohibited in major parts of Asia, hide in real economic interests for States. To clear a forest, use the swidden field for a year or two, and then move on to another patch of the forest does indeed seem wasteful if the forest is perceived in terms of timber values alone. At the heart of the matter is not the cutting of the forests, which foresters do all the time, but the burning of the trees. The concern is not the maintenance (non-disturbance) of the forests so much as who should benefit from its

demise. Governments perceive the burning as a misappropriation of resources from the national to the local (small farmers) level (Warner, 1995).

### 3.4. LAND RIGHTS, CUSTOMARY LAWS, AND ECONOMIC CONCESSION RELATED MISCONCEPTIONS

Indeed, ethnic minorities and indigenous peoples in these states are discriminated, and the government's pretended assistance to indigenous peoples' development is just an excuse in order to ban shifting cultivation and to take advantage of wealth and resources of low-exploited territories. Because again, there is indifference, at the best, concerning what low-status groups are doing, unless it is judged as infringing on the national resources (Warner, 1995). Dangers of such mass prohibition of shifting cultivation are in terms of jeopardization of indigenous peoples' food security as well as in terms of violations of human rights.

Other measures, even more repressive, are the criminalization of the shifting cultivators by some governments. Swidden cultivators are prosecuted, and mainly in an iniquitous way. The case of two Karen cultivators from Thailand in 2008 is an example. They have been charged, while preparing their lands, with contributing to the degradation of national forest land, damaging water sources without permission and causing a rise in global temperature (Bulan, 2011). Therefore, they have been sentenced to pay damages, equivalent to 91,000 USD for one and 56,000 USD for the other, as in the proportion of the estimated destroyed surface, and sentenced to jail respectively for two and a half years and two years respectively; sentences being reduced by the confession of the so-called crime. This case, mostly like others, which may exist, reveals the repressive dimension of this prohibition and how strong State's pressure is. It reveals how threatened this agricultural practice is and a fortiori how indigenous peoples' food security is threatened, as well as their culture and their existence as people.

Where shifting cultivation is prohibited and controlled, consequences are disturbing and distracting for the indigenous peoples. Change in areas formerly dominated by swidden cultivation is now occurring at a rapid pace and, in much of Southeast Asia (and elsewhere), the system is being replaced by or transformed into other land uses (Mertz et al., 2009). Either indigenous peoples continue practicing shifting cultivation but illegally; with all the consequences in terms of repression, violence, and prosecutions; or they are forced to change their agricultural practice and so their livelihoods. When land surface, capital, and proximity to market allow it, cash crop cultivation is implemented and allows incomes. However, such incomes are not stable due to prices fluctuation and do not bring this stability factor, characteristic of food security. Additionally, several indigenous cultivators are obliged to get a job outside of their community, sometimes far, with all ethnic discriminations and inequalities that it includes.

There is an important misconception of shifting cultivation by the governments. This misconception is manipulated and also results from a discord about land management and communal property. Non-recognition of shifting cultivation and property traditions have an effect on each other and are indivisible, two tangled issues depending exclusively on governmental policies. Customary laws of indigenous peoples are often not recognized in positive laws of the country. However, understanding shifting cultivation as vital and beneficial land management for indigenous peoples is indivisible from land rights recognition and protection, including fallows and forest which are equally part of their territory.

Shifting cultivation has the particularity of being a communal activity and practiced on communal land properties. But official recognition of communal land properties is lacking in most of the cases. The few property titles granted to indigenous peoples by government authorities are individual and not communal. This causes problems for resources management and sharing, originally made by the village authorities, and consequently leads to internal conflicts by dividing lands in an individual way rather than a communal one. Even if indigenous peoples' communal rights are recognized in some countries, their implementation is below what is officially agreed. For instance, the 2001 Cambodian land law planned to grant communal property titles to indigenous peoples. However, at this time only eight villages have been granted with communal land titles (Ironsides, 2015).

Even though there is strong recognition of customary laws and autonomy is given to traditional authorities, the tendency for State structures (based on the principles of positive law) to undermine and supersede traditional governance structures (based on the principles of customary law) remains a serious problem (Bulan, 2011). This opposition between the two legal systems is the root of the property problem, which revolves around shifting cultivation issue. Indigenous peoples demand recognition of shifting cultivation and their traditional rights, which are communal and one of the conditions of the traditional agricultural practice. This claim to government authorities is common to several indigenous peoples groups.

Recognition of communal rights can be effective only after recognition of an anterior right over these lands, used ancestrally, continually and uninterruptedly for decades. But this same recognition of communal land property is a major issue in the case of shifting cultivation. Indeed, considering the long fallow period, sometimes for more than ten years, governments consider land as not used continually and that its use has been interrupted. In short, these lands have been abandoned and hence indigenous peoples cannot claim rights over these lands.

An old concept appeared in 1492 for the discovery of the « New World », is the concept of terra nullius. In theory, uninhabited before its conquest, the Conqueror State has sovereignty over the conquered territory. In this respect, the ancestral

territories of indigenous peoples, who, as the term indigenous means, have always been here, are grabbed. Even though the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted by most of the Asian governments, proclaims illegal such concept, land grabbing still actual. Some governments declare themselves to have the superior right over these lands, while at the same time there is the denial of lands and resources traditionally held by indigenous peoples.

Asian governments, among which several refuse to recognize the concept of indigenous peoples and their particular rights, contest land access and its use by shifting cultivation. This is contrary to the article 20 of the UNDRIP which states that “Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities”. At the national and local level, indigenous peoples are either not recognized or they are restricted to practice their customary rights. For instance, the Chittagong Hill Tracts (CHT) Regulation-1900 restricts and unrecognized the customary rights of the indigenous peoples in CHT with regard to the legal status of Jum (shifting cultivators) in Bangladesh, which directly impact the lives and livelihoods of shifting cultivation (Box 2) (Khisra & Mohiuddin, 2015).

**Box 2: Restrictions of Jum (Shifting cultivation) in CHT, Bangladesh. (Source Khisa and Mohiuddi, 2015)**

Based on the location and availability of the plots for shifting cultivation, the cultivation cycle varies from 2-3 years of the fallow period, which used to be at least 7-10 years of the fallow period. The decrease of the fallow period in the shifting cultivation cycle is mainly due to loss of shifting cultivation lands because of unfavorable government policies such as the construction of Kaptai dam for hydroelectricity project. Likewise, it is also affected due to the expansion of reserve forest areas since colonial period and leasing of the lands for rubber, tea and industrial plantations and infrastructure development.

Indigenous peoples demand a positive recognition of their agricultural practices. But this is conceivable only if it is proven that they practice it in their own lands. However, there is the root of the biggest issue: prohibition of shifting cultivation and prosecution of indigenous peoples based on the government’s declaration that this cultivation is illegal because done on public plots held by the States. Consequently, in addition to an urgent and deep need of changing governments authorities’ perceptions and policies, recognition of shifting cultivation has to go through the recognition of indigenous peoples’ anterior right over lands where they live and cultivate. This is not a territorial claim. Far from being secessionist, they demand recognition of their property as anterior compared to State creation, and thus the right of its use and the need of free, prior and informed consent (FPIC) related to its use by government or other authorities.

Erica-Irene DAES, indigenous rights specialist at the United Nations, points out the concept of permanent sovereignty over natural resources. The meaning of the term in relation to the principle of permanent sovereignty over natural resources can be generally stated as legal, governmental control and management authority over natural resources, particularly as an aspect of the exercise of the right of self-determination (Daes, 2004). The term ‘sovereignty’ referring here does not represent State sovereignty, not even try to compete with it, but has to be understanding as protection of land tenure.

It is about the right to use or conserve the resources, the right to manage and to control access to the resources, the right to freely dispose of or sell the resources, and related interests (Daes, 2004). Although this right to permanent sovereignty over natural resources is not written in international legal documents, neither in the UNDRIP, it is still valid in international law according to the special rapporteur. It is part of human rights, reinforced for indigenous peoples, like the right of every man to be free from discrimination and to have the right to self-determination.

Beyond repressive and prohibitive policies, other factors as prohibitive legislation, land reform, logging, large-scale land development, exclusionary conservation zoning, and resettlement are driving change towards new land use systems with consequences that are still poorly understood (Mertz et al., 2009). In other words, another pressure on natural resources and traditional farming is also economic. However, in accordance with human rights, indigenous peoples have the permanent right to own and control their resources as long as they wish, free from economic, legal, and political oppression or unfairness of any kind, including the often unequal and unjust conditions of the private marketplace (Daes, 2004).

But the reality is considerably different. The Special Representative of the Secretary-General for human rights in Cambodia reports that the Mady Group concession in Kompong Thom province has displaced 30 Kuey indigenous families. The company offered compensation of 70,000 to 80,000 riel (\$20) per hectare: some villagers were forced to accept this offer or were obliged to accept because their land had already been cleared (Special Representative of the Secretary-General for Human Rights in Cambodia, 2007). In theory, the primacy of human rights of any economic or commercial agreement has been affirmed by resolution adopted by United Nations agencies (Golay & Ozden, 2005). In practice, international commitments of these governments are not followed.

Moreover, indigenous lands are grabbed by the industrial companies or States to be sold to lucrative projects. Despite the

importance of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) of 2007, and its article 18 and 19, Free, Prior and Informed Consent (FPIC) of indigenous peoples is not respected. Such violation has been expressed many times during the regional multi-stakeholder's consultation in Chiang Mai, and then recalled one month later, in September 2014, at the World Conference on Indigenous Peoples (WCIP). The Filipino NGO Cordillera People's Alliance (CPA) stated: so called development projects, coupled with militarization and human rights violations, often violate our right to Free Prior and Informed Consent. These violations are institutionalized through State laws and policies (Bolinget, 2014). The first direct consequence of lands grabbing is the conflicts and rights violation. In Indonesia, thus, from 2010 to 2013, there were 363 cases of indigenous peoples' rights violations reported to Komnas HAM, and a significant portion thereof involves land conflict (Bayang, 2014).

***Box 3: Rapid changing and challenging circumstances to Dayak Jalai, Indonesia (Source: Instiut Dayakologi-Indonesia, 2015)***

The traditional farming and natural resources management have faced serious challenges to maintain the food security. The ancestral lands are decreased due to large-scale economic activities like oil-palm and rubber plantations. The government is not providing sufficient support to continue and maintain their ancestral and communal lands. The government introduced the oil palm plantations in the ancestral lands without free, prior and informed consent (FPIC) of the peoples. Later the oil palm plantations are proved to be the biggest threat to the existence of the ancestral domains and lands. During the period in between 2008 to 2014, Institute Dayakologi-Indonesia and AMA-JK recorded at least 97 cases of land alienation and displacement by oil palm plantation companies.

#### **4. AFFIRMATIONS OF THE REGIONAL MULTISTAKEHOLDERS CONSULTATION**

The issues, concerns misconceptions discussed above based on the review of the published papers were also brought, conferred and debated in the multi-stakeholder's consultation on food security and livelihood of indigenous peoples in 2014 in presence of 51 representatives of government, UN agencies and donors, civil society groups, researchers and academicians, and indigenous peoples. The consultation was jointly organized by FAO, AIPP, and IWGIA in Chiang Mai, Thailand. The consultative forum was based on the research/case studies conducted in 7 countries in South and Southeast Asia – Bangladesh, Cambodia, Indonesia, India, Laos, Nepal, Thailand – particularly focusing on shifting cultivation, followed by the discussions and debates on shifting cultivation with the ground evidences in the region.

The consultation created the common forum for the multi-stakeholders to discuss and agree on the issues, challenges, and opportunities relating to shifting cultivation. The research/case studies presented in the consultation confirmed that shifting cultivation is important for indigenous peoples' livelihoods and food security although areas and people practicing it is decreasing over the years due to many external and internal factors such as population, land grabbing, human rights violations, stigmatized government laws and policies among others. One of the major issues of discussion is the reduction of the number of years of the fallow period in shifting cultivation. In the past, the fallow period used to be 7-10 years or more, which now reduced to 1-3 years because of many reasons such as increased population pressure, shrinkage of shifting cultivation plots among others. Furthermore, the discussion was also concentrated on roles and contributions of women and youth in shifting cultivation practices. It is demonstrated that 70% of the work in shifting cultivation is done by women for sustainable resources management.

Most importantly, the findings of the research/case studies show that the governments in the region do not recognize the indigenous lands and territories in line with the misconceptions in the review. Furthermore, shifting cultivation is not even recognized as the land use practices in the selected countries in the region that hinder indigenous peoples from maintaining and sustaining their livelihood and food security. The discussion among the multi-stakeholders was focused on the misconceptions of the governments and some policy makers without detail research and documentation, which misled the policy and laws formulation in most of the countries in the region. The consultation has affirmed and validated the misconceptions found in the review in the region. The case studies presented in the consultation and further discussions among the participants enriched the knowledge and understanding on shifting cultivation and the important steps forwards in the form of agreements and outcomes of the consultation. However, it is more important to implement these affirmations or agreements or outcomes in reality by all the stakeholders for the welfare of the indigenous peoples in the region. Thus, it is crucial to review and amend the policies, laws, and programmes on shifting cultivation to secure the rights, food security, and livelihoods of indigenous peoples. The long-term partnerships and collaborations, consolidated effort and advocacy among indigenous peoples' organizations, UN agencies, civil society groups and researchers/academicians are required for dispel the myths and misconceptions of the governments in the region.

The summary of major agreements or outcomes of the regional consultation is (FAO, IWGIA & AIPP, 2015):

- Strengthening the policy and advocacy on land tenure, food security, and livelihood, particularly in relation to shifting



- cultivation at the national, regional and global levels
- Review and amendment of laws, policies, and programmes to guarantee the indigenous peoples customary rights, forest rights in line with international human rights instruments
- Collaboration with indigenous and like-minded and supportive organizations at all levels.
- Joint monitoring and collaborative research and documentation of shifting cultivation and related studies between indigenous farmers, researchers and government agencies on shifting cultivation and related issues
- Establishment of learning platforms and development of curricula to address the misconceptions on shifting cultivations
- Support services for indigenous peoples to enhance their livelihoods and food security by the governments, and other support organizations

## 5. GAPS IN POLICIES AND PRACTICES RELATING TO SHIFTING CULTIVATION

Shifting cultivation is an old agricultural system that has been practiced for generations by the indigenous and ethnic minority groups in South and South East Asia, despite the obstacles and challenges faced by them either from the development or conservation related policies and projects. Although it is difficult to estimate the exact population depending on shifting cultivation for their livelihood and food security in the region, different studies have estimated the population and area under shifting cultivation differently. Kerkhoff and Sharma (2006) reported 10 millions of hectares of land under shifting cultivation in South Asia. Likewise, FAO, IWGIA, and AIPP (2015) estimated a billion of the population globally, who belong to more than 3,000 different ethnic groups, are depending on shifting cultivation for their livelihood and food security. It has been generally and widely considered bad from both environmental and socioeconomic perspectives. It has always received wrong label and wrong focus because of the negative terms such as slash and burn, shifting, burning and also the image of fire (Khisa and Mohiuddi, 2015). It is crucial to change the negative connotation of slash and burn to rotational agriculture or form of agro-forestry practices. In fact, it is an important form of agriculture to efficiently utilize the sloppy and steep lands in hills and mountains (Kerkhoff & Sharma, 2006).

The main issue at present regarding shifting cultivation is shrinkage of the rotation cycle. In the past the shifting cycle used to be at least 7-10 years as plenty of shifting plots were available, but in recent years, the shifting cycle has reduced to 2-3 years in most of the countries. This has serious implications for the negative consequences of soil regeneration, biodiversity loss, carbon emissions and others. There are many reasons reported behind this shrinkage of the shifting cycle. One of the major reasons is the reduction of shifting plots either due to human exploitation or capture of shifting areas by the government for conservation or development projects or plantations. For instance, Khisa and Mohiuddi (2015) emphasized on the shifting plots/lands of indigenous peoples occupied by outsiders as a result of population pressure due to the government-sponsored settlement of Bengalis from the plains. Likewise, the rapid population increase due to migration from lowland in search of cheap lands has increased the land pressure to shifting cultivation in Cambodia (Ironsides, 2015).

Additionally, the governments have given emphasis on plantations, mining and other extractive industries in the lands and territories of the indigenous peoples including the Reducing Emission from Deforestation and forest Degradation (REDD+) as the lucrative businesses to support the national and local economies. UNPFii (n.d.) has stressed that many of the governments and private sectors are interested on indigenous peoples' unexploited lands and resources as the source of opportunities for economic growths and exclusive profits. The strong relationships of indigenous peoples to their lands and territories including their traditional occupations such as shifting cultivation might be odd for these vested interests of the governments and private sectors. There are number of case studies done on economic land concessions, plantations especially in South East Asia reported by AIPP (2012) which affected the millions of indigenous peoples and their traditional livelihoods.

In many countries of South and South East Asia, the government policies on shifting cultivation have been mainly restrictive, prohibitive and punitive (Khisa and Mohiuddi, 2015). Thus, it is necessary to change the perspective towards shifting cultivation and look for new alternatives. If it is practiced properly maintaining the shifting cycle, it is actually a good practice and productive system especially in sloppy hills and mountainous lands, while ensuring conservation of forest, soil, and water resources. Shillong declaration was adopted in 2004 in the response of Hon'ble Union Minister of the Government of India on Tribal Affairs and Development of the North East Region, Mr. P. R. Kyandiah, to support the dialogue and action for a new approach to shifting cultivation (ICIMOD and IFAD, 2004). This declaration is the key policy intervention in the recognition and re-appraisal of policies related to shifting cultivation at the regional, national and local levels. But in reality, many governments supported agriculture and other related department schemes and programmes further aggravated the pressure on shifting cultivation in the region including the North East part of India (Jamir, 2015). However, he reports that the average fallow cycle has increased to 10-12 years in the Mokokchung district of North east India which is mainly due to the reduction of the area of rice cultivation and reduction of a number of farmers practicing shifting cultivation.

## 6. CONCLUSION

The current policies and practices of the governments in the region are destroying the links between peoples and their lands, territories, and resources. Shifting cultivation is considered as an issue based on the synthesis of the misconceptions of the governments and some researchers and development workers without understanding the ground realities and historical ties of people to their lands and traditional occupations. Shifting cultivation has a crucial importance for indigenous peoples culturally, economically, socially and also in terms of livelihood and food security. That is the reason, it is still practiced farming system in Asia, mainly in the subtropical and tropical zones including Chittagong Hill Tracts of Bangladesh, Bhutan, Southwest China, North East India, hills of Myanmar and Nepal, Lao PDR, Cambodia, Northern Thailand and Vietnam. Many people still dependent on shifting cultivation for their livelihoods and food security, despite many obstacles and challenges they have faced. Though its importance is given to the environment, shifting cultivation is the illustration of the link between indigenous peoples and their lands. But this link is deeply threatened by national policies, pressures, and national and private economic considerations, which ignore indigenous peoples' land property and rights, and thus their food security.

Such threats were highlighted in many papers, reports and different forums and conferences including the regional multi-stakeholder's consultation on shifting cultivation in 2014. Only the government of India in North East region has adopted the declaration in favor of shifting cultivation based on our knowledge. In this region, the shifting cycle is still maintained to 10-12 years, which is the main problem related to shifting cultivation in many other areas in the region. There are many reasons behind this shrinkage of the shifting cycles. However, it can be understood that favorable policies among many others have helped the North East India to maintain the shifting cycle of 10-12 years. Furthermore, this consultation was unique because of a step forward recognition and acceptance of shifting cultivation practice, by the participation of such various actors and their declaration. The consultation basically validated and affirmed the ongoing issues and misconceptions against shifting cultivation in the region, which is impacting the millions of indigenous peoples and their livelihoods. Thus, FAO and other stakeholders in the consultation recognized the role of shifting cultivation for indigenous peoples and also the importance of this agricultural and ancestral agricultural system. Nevertheless, the governments are far from accepting shifting cultivation practice and allowing indigenous peoples to practice their own culture. More advocacy and awareness raising on such issues need to be done.

It is urgent to re-examine and revise the policies related to natural resources management, forestry, and agriculture in most of the countries in Asia. It is highly crucial to identify the farmers' traditional practices and their contributions to livelihood, food security and well-being of the people. The participants in the regional consultations representing government agencies, farmers, international bodies, civil society organizations, academia and researchers discussed and debated the issues concerning the misconception on shifting cultivation and agreed to research and revise the real facts related to shifting cultivation rather and considering it as a false practice and driver of deforestation. Based on the review, analysis, and synthesis of the papers and debates in the forum, it is recommended to review and revise the policies relating to natural resources management, forestry, and agriculture in line with the international instruments such as ILO 169 and UNDRIP and others across the region.

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