

Marginalized Inclusivity: Deforestation, Indigenous Peoples, and Environmental Diplomacy in Southeast Asia

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ABSTRACT

In various parts of Southeast Asia, tropical forests, once a source of life and cultural identity for indigenous communities, are now threatened by large-scale development ambitions. Projects such as new capital cities, infrastructure expansion, and the development of food zones have paved the way for massive deforestation. Unfortunately, in this process, indigenous peoples are often seen as obstacles, not as the rightful owners of the lands they have cared for centuries. Forest loss for indigenous communities is not simply the loss of trees or land for them, but it is the loss of homes, history, and futures. Ignoring land rights in the name of infrastructure development will inevitably result in a double crisis of environmental damage and marginalization of indigenous communities. In situations like this, environmental diplomacy can no longer rely solely on a technocratic approach. An inclusive approach is needed, one that views indigenous peoples not as victims but as key partners in preserving the Earth. This paper will further examine how environmental diplomacy at the bilateral and regional levels, particularly in Southeast Asia, needs to involve indigenous peoples actively in its implementation. Actively involving indigenous peoples by recognizing their rights and making them an integral part of decision-making will increase inclusivity, accountability, legitimacy, and sustainability.

Keywords: *Indigenous Rights; Environmental Diplomacy; Inclusive Development; Southeast Asia*

INTRODUCTION

In various countries across Southeast Asia, tropical forests, which have been a source of life and cultural identity for indigenous communities for thousands of years, are now threatened by ambitious large-scale development. Infrastructure projects such as power plants, toll roads, and the relocation of national capitals are being proposed to address urban and climate issues, but often ignore local rights. For example, in the Philippines, the Dumagat-Remontado indigenous people are opposing the Kaliwa Dam, which would flood their homes and sacred sites and destroy their ecosystems. In Indonesia, the government has promised that the construction of a new capital city in Kalimantan will involve "minimal forest clearance and respect the rights of indigenous peoples," but observers note that clearing of mangroves and high-conservation-value forests is already occurring at the new capital's construction site. Meanwhile, in Malaysia, large-scale palm oil plantations are triggering deforestation on Sarawak's customary lands, with land-clearing companies accused of violating established regulations.

For indigenous communities, forests are more than just land; they represent their home, their historical heritage, and their future for humanity. Forest loss means the loss of agricultural land, hunting grounds, ancestral ceremonial materials, and even the ability

to absorb climate change. As observed in the Kaliwa case, the dam “risks flooding their homes and sacred sites.” Traditional rituals like the Bersoyong (traditional gathering) in Borneo demand wood from traditional forests; Jubain, an elder of the Balik tribe, asserts that “if Bersoyong is to be preserved, customary territories must be protected” (Dressler, 2021). Thus, ignoring customary land rights due to modern development has the potential to create a dual crisis, including environmental damage and social marginalization. Without accommodating customary rights, logging and land conversion not only destroy forests but also undermine the identity and resilience of indigenous communities.

At the level of environmental diplomacy, traditional approaches are often technocratic, prioritizing infrastructure solutions and quantitative targets without considering the perspectives of local communities. In fact, young ASEAN stakeholders are calling for the opposite, such as diplomacy must “work more closely with local communities by protecting the lands, traditions, and rights of indigenous peoples.” This context is crucial because Southeast Asia is estimated to be home to around 100 million indigenous people. However, the latest draft ASEAN environmental rights policy instrument fails to recognize the rights of indigenous peoples, even though their rights to land, FPIC (Free, Prior, and Informed Consent), and traditional knowledge are enshrined in various international frameworks such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and ILO Conventions (Santarita, 2024).

This lack of recognition undermines the effectiveness of environmental governance at the regional level. This paper aims to examine how environmental diplomacy, at both the bilateral and regional levels in Southeast Asia, needs to integrate the active role of indigenous peoples. Using a recent case study approach, namely the Kaliwa Dam Project in the Philippines, the relocation of the Indonesian capital city in Indonesia, and the expansion of oil palm plantations in Sarawak, Malaysia, this research will compare the dynamics of deforestation, indigenous rights, and policy responses. With a focus on consultation practices, inclusive policies, and accountability, this study assesses the extent to which where indigenous peoples' rights are recognized in development mechanisms and environmental diplomacy.

METHODS

This research uses a qualitative case study approach. Data were collected from recent secondary literature (non-governmental organization reports, media articles, and policy documents from 2022 to 2025). The cases were selected based on contemporary relevance: the Kaliwa Dam (Philippines), the Indonesian National Capital (Indonesia), and the Sarawak oil palm project (Malaysia). A comparative analysis was then conducted to assess common patterns and differences in inclusiveness. The study involved several steps. First, an analysis of independent publications and media reports related to deforestation and indigenous peoples' rights in each case. Second, an examination of relevant multilateral and bilateral policy frameworks, with attention to inclusion. Third, an analysis of the role of indigenous peoples in each domestic and international policy process.

RESULT AND DISCUSSION

Comparative Analysis and Diplomatic Implications

The Kaliwa Dam has become a big deal in the Philippines. This massive project is expected to provide Manila with an additional 600 million liters of water. To finance this huge project, the Philippines had to borrow approximately 12.2 trillion rupiah (approximately US\$800 million) from China (Fabro, 2023). While the project is considered to have many benefits, it has also drawn considerable criticism because the dam will flood approximately 291 hectares of forest, destroy six sacred indigenous sites, destroy the habitat of 126 species found only in the area, and even endanger the lives of more than 100,000 people downstream if flooding occurs (Fabro, 2023). Local reports also state that the dam will cover an additional 93 hectares of forest because roads and other structures will be built to support the project. There has also been a lot of talk about whether or not indigenous communities should be involved. A free, prior, and informed consent (FPIC) process in 2019 showed that five out of six indigenous communities did not support the project. The government, on the other hand, said that all six communities eventually agreed to the project. People said they were being manipulated, like when they secretly collected votes or didn't translate consent forms into the local language. This outcry led to many protests, including a nine-day march by hundreds of indigenous people to Manila. Experts have said that a project that was supposed to help with the water crisis could actually make the risk of drought and disaster worse by hurting the ecosystem function of the Sierra Madre. This mountain forest is very important for keeping the local climate stable and controlling floods. So, a formal consultation that doesn't take indigenous rights into account has led to a solution that doesn't work (Dekdeken, 2023).

The construction of the Kali Dam in the Philippines is not only a domestic issue but also part of environmental diplomacy at the bilateral and regional levels. The Chinese funding of the project demonstrates that the dam's construction is part of the economic diplomacy between the Philippines and China. The Philippines requires significant funding for its development, and China is seeking to channel its investment. The project fits with China's Belt and Road Initiative, which promotes investment in infrastructure in Southeast Asia. But for the Philippines, accepting the money has diplomatic consequences. On the one hand, the government wants to show that it can provide water for the capital. On the other hand, civil society and indigenous communities are putting pressure on the government to stop the development because it threatens the environment and violates rights.

At the regional level, the Kaliwa project serves as a clear example of how ASEAN faces the dilemma between strategic infrastructure development and environmental protection commitments. This issue has emerged in regional discourse, particularly because of its ecological impacts on the Sierra Madre region, which plays a crucial role in maintaining climate balance in the Philippines. The Dumagat-Remontado indigenous community's criticism of the weak implementation of Free, Prior and Informed Consent (FPIC) indicates a legitimacy deficit in the development process, which if left unchecked

could weaken the Philippines' position in regional and international forums that prioritize sustainable development and human rights (Santarita, 2024).

The project to move Indonesia's capital city to East Kalimantan is causing a similar problem. People say that moving Jakarta will solve its problems, like land subsidence and too many people living there. The idea of a "forest city" is to keep 65% of the land green and have no emissions by 2045. In reality, though, the new capital site is home to more than 21 indigenous communities, with a total population of over 20,000, and it covers 256,000 hectares (Buana, 2023). Rather than being vacant land as claimed, much of this area has long been customary land. Because the legal status of customary ownership is often not recognized by the government, the bargaining position of indigenous communities is weakened. The relocation process has forced dozens of indigenous families from their homes. In one village, 37 houses in the Pemaluan neighborhood unit (RW) fall within the Central Government Core Zone and must be vacated. An indigenous farmer even suffered significant losses, they receiving only Rp260 million in compensation for a house built at a cost of Rp470 million. Dozens of families were forced to relocate to rented accommodation in other cities, some even traveling hundreds of kilometers. Environmental organizations like WALHI (Indonesian Forum for the Environment) believe that this compensation is merely a formality, a legal means of eradicating customary land (Human Right Watch, 2024).

There is also a paradox when it comes to environmental problems in the new capital. Taking building materials from Sulawesi causes flooding and pollution in the area where they come from. At the same time, clearing mangrove and peat forests at the project site calls into question the city's claim to be a green city. Hundreds of thousands of people are expected to move to the archipelago. This will make the gap between newcomers and local indigenous communities even bigger. People who care about the environment say that the project is Indonesia's green commitment to the world. Critics, on the other hand, say that this claim is less credible because indigenous people haven't been involved, and traditional leaders don't always represent the community. Giving land to foreign investors for the new capital city (IKN) also makes it seem like the interests of capital are more important than the hopes of the people living there.

Since its inception, the Indonesian government has advocated for the expansion of the Indonesian Capital City (IKN) in East Kalimantan as a symbol of a contemporary and green "forest city" and as a component of Indonesia's environmental diplomacy in international fora such as the COP and the G20. However, the actual situation reveals a contradiction. The development of the IKN is not an example of sustainable development; rather, it has damaged the environment by destroying peat forests and mangroves and endangering the livelihoods of over 20,000 indigenous people from Paser, Balikpapan, and other communities in the area (Putri, 2024).

The project has also been linked to the participation of foreign investors from East Asia and other countries that work with the US on development projects. The Indonesian government has promoted the IKN area as a place to invest in green businesses, but the fact that indigenous land rights aren't fully respected and the FPIC mechanism isn't very strong could make people around the world angry. The IKN is a test of Indonesia's ability

to be a leader in ASEAN on environmental issues at the regional level. Indonesia's claim to be a leader in environmental diplomacy may be questioned if development violates the rights of indigenous people. The IKN case shows that social legitimacy based on the recognition of customary rights is necessary to keep Indonesia's green pledges from being perceived as greenwashing; technocratic environmental diplomacy alone is insufficient.

The case of expanding oil palm plantations in Sarawak follows a similar pattern: ignoring the rights of indigenous people in order to make more money. The Malaysian Sustainable Palm Oil (MSPO) program, which the government started, says that starting in 2019, natural forests cannot be used to make palm oil. However, the execution hasn't gone very well. Indigenous Penan and Kenyah groups in Long Urun said that oil palm companies were still cutting down natural forests without their permission, which is against MSPO rules (IWGIA, 2023). Even though people complained to certification bodies, there was no automatic moratorium. Logging could go on, cutting down tens of hectares of forest in just a few months.

A 2024 Human Rights Watch report that said Sarawak was a high-risk area for deforestation and violations of customary rights showed even more problems with how the government works (Human Right Watch, 2024). According to state law, customary land can only be recognized up to 1,000 hectares, and it can be taken away without paying for it. People often ignore claims on customary land because new projects don't have to get FPIC. Communities dislike certifications like MSPO and MTCS because they allow for audits, lack clear enforcement, and provide inadequate information to local communities. One of the most severe cases occurred in 2022, when the Iban community at Jeffrey's House was evicted. This occurred because the land they had previously lived on was suddenly declared a protected forest. This resulted in the displacement of approximately 60 people. This occurred despite the logging company having previously logged the area without their permission. HRW stated that the residents' refusal to comply violated national and international laws because there was no negotiation or payment.

Malaysia has a long history of cutting down trees, especially in Sabah and Sarawak. Since the 1980s, oil palm plantations and industrial timber plantations have destroyed millions of hectares of natural forest. The effects are clear: more carbon emissions, water flows that are out of whack, and a loss of biodiversity. The European Union has made it clear that starting in 2025, only products that don't cause deforestation will be allowed. This is putting even more pressure on the situation. Malaysia is a major exporter, so it needs to improve how it handles customary rights to make sure its products are still accepted in the global market. An open letter from NGOs is putting pressure on the EU to name Sarawak as a high-risk area. The Malaysian government doesn't agree with the EUDR's definition of deforestation, but this shows how closely the issue of customary rights is tied to global environmental diplomacy, especially when it comes to trade (Yacob, 2019).

The growth of palm oil in Sarawak has caused major problems for Malaysia, just like it has for the indigenous Penan, Kenyah, and Iban communities. People say that national certification programs like the Malaysian Sustainable Palm Oil (MSPO) don't do enough

to protect the rights of local communities. They also say that palm oil companies are cutting down traditional forests without permission. This problem isn't just a Malaysian one; it's also closely tied to international trade diplomacy. The EU Deforestation Regulation (EUDR) says that starting in 2025, all palm oil products sold in Europe must be completely free of deforestation. This pressure puts Malaysia on the defensive when it comes to environmental diplomacy. The Malaysian government often says that palm oil is the backbone of its economy, but Malaysian palm oil products could be turned down on the international market unless the country improves land governance and works with indigenous communities. The Sarawak case also makes us wonder if ASEAN can really balance economic interests with the goal of making the region more sustainable. ASEAN could be seen as a producer of goods that harm the environment if it doesn't include the FPIC and customary protection principles in its environmental policies as a whole.

Thus, these three cases highlight a consistent pattern: indigenous peoples are often marginalized in large-scale development projects, despite their crucial role as guardians of ecosystems and inheritors of local knowledge. Environmental diplomacy without their involvement will only result in policies that are socially fragile, prone to conflict, and counterproductive to the intended ecological goals. Indigenous peoples are always the "last guardians" of the ecosystems that are on their traditional lands. They are part of native communities, so they know how to keep disasters from happening. People agree with a policy, so it stays in place for a long time. These projects make social tensions and possible conflicts worse by not letting native people have a say in environmental diplomacy. This could make it harder to reach your environmental goals. Even though the Kaliwa Dam is supposed to help with the water crisis, people think that cutting down trees to build it will make the risk of drought worse. It's also not clear if making Borneo a "green" capital is a good idea because cutting down more coastal forests will hurt the environment a lot. A similar thing has happened in the palm oil industry: big farming policies in the past have led to a lot of trees being cut down in Malaysia. If we don't have diplomatic tools that work with social justice, climate and conservation efforts could go to waste or make things worse between countries. For example, the European Union has made it harder to cut down trees. This has made Malaysia improve how they handle customary rights in order to keep access to the market.

An Inclusive Environmental Diplomacy Approach

An inclusive environmental diplomacy approach regards indigenous peoples as active contributors to policy formulation rather than mere passive recipients. This is very important because indigenous peoples own about 25% of the world's land, which is where a lot of the world's carbon storage and biodiversity are. Leaders of indigenous groups in Southeast Asia have been shown to be better than leaders in other parts of the world at keeping forests and ecosystems healthy. But regional diplomacy doesn't always pay attention to what they have to say. For example, ASEAN started working on a Declaration on the Rights of the Environment in 2022. At first, people weren't sure about the idea because it didn't protect native peoples. Environmental diplomacy

should defend the land rights of native people and make sure they can take part in every step of making policy.

The Dumagat-Remontado indigenous people in Luzon don't want the Kaliwa Dam project, which China is paying for. This group doesn't like the building to go up because it will flood forests and holy sites, which will hurt farming and tourism in the area. Activists say that the Free, Prior, and Informed Consent (FPIC) consultation process wasn't fair because the information wasn't clear, and it wasn't given in the languages spoken in the area. In an open letter, CRI and the Manila Observatory said that international laws (ILO 169, UNDRIP) must protect indigenous people's rights to life and a clean environment (Cabico, 2024). If there isn't real agreement among indigenous people, big infrastructure projects can cause problems and hurt a country's reputation in green diplomacy, as this case shows. Inclusive diplomacy must ensure that FPIC requirements are fully met before project permits are issued, including the translation of technical information into local languages and the empowerment of indigenous representatives in negotiations.

The Kaliwa case shows how important it is to follow the rules for FPIC correctly. FPIC means that indigenous leaders need to be consulted for a long time, that data needs to be easy to understand, and that indigenous facilitators need to be involved to make sure that communities fully understand what the project means. In Southeast Asia, on the other hand, successful and long-lasting development projects usually involve working with communities to create Indigenous Peoples Plans that include agreed-upon social and economic benefits like job training and public infrastructure. The Philippines teaches us that builders and donors must show clear proof that the indigenous people agree before they can start building. If this doesn't happen, international non-governmental organizations have suggested that projects like the Kaliwa Dam be put on hold until independent investigations are done.

The move of the Indonesian capital (IKN) to East Kalimantan is also a concern for local and indigenous groups. SIEJ (Sustainable Indonesian Environmental Journalists) said that the IKN development would destroy 1,800 hectares of mangroves and make Balikpapan Bay more likely to get polluted (Forest Watch Indonesia, 2024). Youth and fishermen in Balikpapan also expressed frustration that indigenous communities were not involved in the planning of the Indonesian capital. This frustration arose because their land was destroyed without clear compensation. Therefore, the implementation of domestic laws, such as the Draft Indigenous Peoples Law (Indonesia), must comply with UNDRIP and ILO 169 to protect community rights to land, air, and other resources. For example, in the IKN area, people who live there need help finding indigenous territories. After that, they need to be put on legal maps so that big projects can't easily take them over. Indigenous representatives, via organizations like AMAN, must be involved from the design phase of the new capital city (IKN) to ensure that the "green urban forest" policy authentically incorporates local knowledge in ecosystem conservation (Anggraini, 2025).

Malaysia, the world's second-largest palm oil exporter, faces similar demands from indigenous peoples (Orang Asli and indigenous communities of Sabah/Sarawak). Palm

oil plantation development has led to significant deforestation and land conflicts, as questioned by the RSPO certification mechanism. In trade diplomacy, Malaysia has reacted strongly to EU bans on deforestation-linked products, even proposing "orangutan diplomacy"—sending orangutans as gifts—to demonstrate its commitment to conservation. However, this symbolic approach has been criticised; environmental organisations have demanded that Malaysia maintain wildlife corridors within oil palm plantations and stop converting (Retsio, 2024).

An inclusive approach requires the true implementation of Free, Prior, and Informed Consent (FPIC) and the full recognition of indigenous land rights. FPIC is not simply an administrative procedure, but a consultative process involving early information exchange, open discussion, and sufficient time for indigenous review. In the Philippines, despite the Indigenous Peoples' Human Rights Act (IPRA), there are still cases of efforts to launch investments without the consent of indigenous peoples. A similar situation exists in the planning of the new capital city in Indonesia: there is no guarantee of legal recognition of indigenous lands, leaving indigenous peoples resigned to receiving only minimal compensation or relocation. Regional forums such as AIPP or AMAN should demand that ASEAN member states ratify ILO 169 and include an explicit clause on the protection of indigenous lands in the ASEAN Declaration on the Rights of the Environment (Buana, 2023). This effort will require the consent of indigenous communities for various large-scale state projects, particularly those involving customary lands. This can be achieved by requiring valid proof of FPIC in agreements with prospective investors.

An inclusive strategy also means including indigenous representatives in bilateral and multilateral negotiations. Meetings held at various ASEAN forums and the UN Climate Convention often involve only delegates from executive bodies and exclude delegates from community groups or indigenous peoples directly involved. However, there are groups that fight for the rights of indigenous people that have the knowledge and skills to deal with these problems, such as AMAN (Indonesia), TEBTEBBA (Philippines), and AIPP (Asia Indigenous Peoples Pact). This neglect of issues like these leads to tensions between the state and indigenous peoples when major projects impinge on indigenous land rights. Therefore, equitable environmental diplomacy must invite indigenous representatives as observers or full participants in discussions related to the environment or energy. This includes ensuring indigenous representatives are present in the preparation and signing of bilateral agreements (such as green energy MOUs) and multilateral trade dialogues (ASEAN, RCEP) so their voices are heard. It would be beneficial for all parties involved, such as governments, donors, and international NGOs, to establish formal consultation facilities. These formal consultation facilities can take several forms, such as mandating Public Discussions held in indigenous villages with project teams before final decision-making.

Indigenous and local knowledge is also very important for protecting and adapting to climate change. Indigenous groups in Southeast Asia have shown that agroforestry and forest management systems can work well. The Rimba tribe in Jambi, for instance, has made rules that say anyone who cuts down sacred trees will have to pay a fine. This is

to protect their forests. The Ammatoa Kajang have kept their 374 hectares of untouched customary forest in Sulawesi for decades without any modern development. The Seren Taun ritual (storing sacred rice) and village forests are examples of how people and ecosystems can live in harmony. The UNDP says that indigenous knowledge can help us find solutions that are based on nature and a circular economy. So, these insights must be a part of climate adaptation plans. For instance, a program to restore land in Kalimantan might include replanting certain Dayak tree species. A project to protect mangroves in the Philippines might work with the Dumagat community, which has long protected the Tinipak River. Experience has shown that areas directly managed by indigenous communities tend to be more resilient to environmental damage. By involving them in the planning and operational stages, climate diplomacy will be more effective and locally empowered.

The examination of indigenous rights underscores the significance of social justice in diplomacy. Green investments that ASEAN countries support must help local economies directly. The Just Energy Transition Partnership (JETP) between Indonesia and Vietnam is an example of a program that will not only help pay for clean technology but also help train local workers and start green micro-businesses in areas where coal mines have closed. Analysts warn that "green diplomacy" should not degenerate into greenwashing: large investments in new renewable energy projects or mangrove forest infrastructure should not follow the logic of previous extractive development, where local communities bear the risks while companies reap the benefits. Therefore, commodity trade agreements (such as palm oil, rubber, and cocoa) in ASEAN need to be accompanied by sustainability requirements and worker rights protections. This aligns with calls from indigenous groups for socio-environmental requirements to be integrated into trade contracts, rather than simply export targets. Ultimately, justice-based diplomacy emphasizes that climate mitigation and adaptation must go hand in hand with improving the well-being of indigenous and local communities—for example, through green investments that revitalize village economies, the inclusion of profit-sharing, or the use of community-managed joint venture assets.

This inclusive approach broadens the dimensions of environmental diplomacy. Beyond reducing emissions or broad conservation efforts, ASEAN diplomacy should be measured by how well indigenous rights and local wisdom are respected. By combining concrete case studies with global principles (UNDRIP, ILO 169, SDGs), Southeast Asian countries can build more equitable inter-state cooperation and produce truly sustainable environmental solutions.

CONCLUSION

Reimagining environmental diplomacy in Southeast Asia as a more inclusive program that engages indigenous communities is both ethically imperative and pragmatically wise. Governments can't deal with deforestation, climate change, and sustainable development on their own because these issues are too vast and too connected to what's going on in the world. Southeast Asia should pursue a developmental approach that integrates success with equity and conservation by collaborating with indigenous populations rather than viewing them as obstacles. The

term "marginalized inclusivity" in our title means that we need to change the way things are done now: people who have been pushed to the edges must be brought to the center. It is a cry for everyone to be included, and it gives power to those who are already on the outside by acknowledging their rights and roles. If indigenous peoples are an important part of environmental diplomacy, whether it's in a negotiation room in Jakarta, a village meeting in Mindanao, or an ASEAN working group, it will be more open, more accountable, more legitimate in the eyes of the people, and more long-lasting. Southeast Asia can only hope to tackle the two problems it faces today—ecological damage and the marginalization of indigenous people—by bringing together policy-makers and the original guardians of the land.

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