

Indonesia

Accelerating agrarian reform and recognition of indigenous territory

Legal history

Laws usurping communities' rights:

- Law No. 41 (1999) on Forestry, Law No. 25 (2007) on Investment, Law No. 4 (2009) on Coal and Mining, Law No. 2 (2012) on Land Provision for Public Interest, Law No. 18 (2014) on Plantation, President Regulation No. 40 (2017) on Grand Plan for Tourism Development, President Regulation No. 88 (2018) on Land Conflict Settlement in Forest Area, President Regulation 56 (2018) on National Strategic Projects

Laws/regulations enabling recognition of communities' rights:

- 1945 Constitution, Law No 5 (1960) on Agrarian Affairs, The People's Consultative Assembly Decision No IX (2001) on Agrarian Reform and Natural Resource Management, Law No. 41 (2009) on Sustainable Land for Food, Law No 32 (2009) on Environment Protection and Management, Law on Forestry resulting from Judicial Review, Constitutional Ruling No. 35 (2012) stating that Adat forests are not part of State forests anymore, Law No. 19 (2013) on Farmer Protection and Empowerment, President Regulation No. 9 (2016) on Advancing One Map Policy, President Regulation No. 86 (2018) on Agrarian Reform, Government Regulation No. 11 (2019) on Abandoned Land, Internal Affairs Ministry Regulation No. 52 (2014) on Procedures for Indigenous Peoples Recognition, Environment and Forestry, Ministry Regulation No 21 (2019) on Indigenous Forest and Right Forest, Agrarian and Planning Affair Ministry Regulation on Communal Rights

Social mobilization

- AMAN struggle to get recognition of IP communities and territories at local up to national level
- KPA struggle to get Agrarian Reform implemented in area of agrarian conflicts

Opportunity

1. Growing number of districts issuing Local Regulation for indigeous recognition
2. IPs cadres managed to be elected as new members of parliament
3. Access to media to publish IPs issues
4. Growing community members and their awareness the importance of agrarian reform to fulfill their rights
5. Growing number of Agrarian Reform Task Force in Provincial level as media to advance implementation of agrarian reform
6. Election of President Jokowi who is/was supportive of IPLC tenure rights agenda
7. Strong alliance between AMAN and KPA

From 15 November 2018

To 31 December 2020

Budget

US\$2,000,000



Proponents

Indigenous Peoples' Alliance of the Archipelago (AMAN)
Agrarian Renewal Consortium (KPA)
Indigenous Territory Registration Body (BRWA)





Outcomes

The overall outcome of the project is tenure rights and livelihoods of indigenous and local communities over an estimated 2 million hectares of land are more secure. Specific outcomes are:

1. 200 indigenous communities, with rights to approximately 300,000 ha of indigenous territory, are legally recognized by District Governments and 500,000 ha of indigenous territory are titled as indigenous forests and communal lands.
2. Redistribution of 4,000 ha of land and reinforcement of rights over through communal management system.
3. 250,000 ha of forests in indigenous territories within protected areas are managed collaboratively through agreements between community and Forestry agencies.



Activities

1. Advocating Local regulations recognising indigenous peoples are discussed in local legislature.
2. Documentation of 200 indigenous communities.
3. Capacity and knowledge of District stakeholders and agencies enhanced.
4. Advocating official land distribution from government to communities through agrarian reform programme.
5. Building institution for collaborative management between IPLCs and government agencies.



Expected Results

1. Mapping and social, cultural and historical documentation of 15 IPs communities covering around 30,000 hectares of their land.
2. 1 Local regulation has been issued while 5 districts are in the process of working on it while others that have already had the local regulation are on the stage of issuing Chief of Region for recognition.
3. Communities Data completion for land distribution and building plan for communal management.





Achievements

- Area titled under communal land 13,500 hectares, under IPs forestry: 3,500 hectares
- People impacted, direct 50,000 people and indirect 250,000
- Area with titling in process: 67,000 for land distribution and IPs forest scheme 245,000 ha

Capacity Building

- Training of civil society IPLC organizations and/or government agencies:
 1. Legislation training for Indigenous leaders, parliament members and government officials
 2. Participatory mapping, social data through ethnography studies and data registration and verification training
 3. Communal Management Training for resource management (DAMARA)
- Exposure visits for community mobilizers and government officials
 1. Member of Parliament and district government officials visit to AMAN on experience of regulation work across the country
 2. Dialogue and mediation tenurial conflict with palm oil plantation with national government
 3. Bill Committee Chairman on Land Reform visit to KPA office
 4. Communities learning exchange

Effect

- Acceleration in rights recognition process spreading to many districts and within districts who passed the recognition, many communities join the wave for recognition. Various Task Forces, committees are established to advance the securing IPLCs rights.
- Increase in the efficiency of claims processing: Districts government initiated and included recognition as their official development plans including the budget. Local government support to establish task forces and committees with allocation of government budget.
- Change in government procedures: Main procedures as regulated in National Laws still remain the same but the struggle to change this has been continuing. However, the adoption of maps of Indigenous territories into Government's body One Map Policy is progressing.

