PERSPECTIVES OF INDIGENOUS PEOPLES ON FOREST AND TENURE REFORM IN INDONESIA

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AMAN’s First Congress, 17 March 1999:

“Indigenous communities are a group of people who have lived in their ancestral land for generations, have sovereignty over the land and natural resources, govern their community by customary law and institution which sustain the continuity of their livelihood.”

Based on this definition, AMAN estimates total of Indigenous Peoples population in Indonesia is 50 – 70 millions people.

Presidential Decree No. 111/1999 and Social Ministry Decree No. 06/PEGHUK/2002:

“Remote indigenous community (Komunitas Adat Terpencil – KAT) is a local social (culture) group and spread-out as well as lack of or doesn’t have access in networking and social, economic and politic public service as well.”

Based on this definition, total population of Indigenous Peoples in Indonesia according to Dirjen KAT is 1,1 millions people.
IPs in INDONESIA, AMAN MEMBER (1163; August 2009)
INDIGENOUS PEOPLES
CONCEPT ON LAND:

LAND IS MOTHER
LAND IS BLOOD
LAND IS SOUL
LAND IS LIFE
Forest and Indigenous Peoples

- Forest and territories cannot be separated.
- For millennia indigenous peoples have drawn on their traditional knowledge to strengthen their resilience and demonstrate their capacity in territorial and forest management.
- Forest assured food security for Indigenous peoples
- Source of medicines
- Forest is Identity
- Forest is the “home” of Ancestors, “They are the owner, we are the guardian”
Forest and Indigenous Peoples

- Bred diverse crops and developed diverse cropping patterns.
- Sustained communal water management and harvesting systems for drinking and irrigation.
- Sustainable traditional agriculture and agro-forestry practices.
EXAMPLES:
Territorial Management in Menua Sungai Utik of Iban Peoples, West Kalimantan

Indigenous Territory in the Concept of Dayak Iban in West Kalimantan, Indonesia known as Menua. The management of Menua divided into:
- Base on Land Used
- Base on Territorial Allocation
- Base on Function

Source: AMAN, 2008

West Kalimantan Province. The circle on the map represents the location of the Sungai Utik HSEE. The crimson and red patches are fire-prone areas in the Province. Source: Ministry of the Environment, 2008
**BASE ON LAND USED**

**EXAMPLES Con’t:**
Territorial Management in Menua Sungai Utik of Iban Peoples, West Kalimantan

<table>
<thead>
<tr>
<th>Home range</th>
<th>Social-Ecological Division of (Forested) Territory</th>
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<tbody>
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<td>Kampong Taroh</td>
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<td>Ruman Panjal</td>
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<td>Temawai</td>
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<th>Water System</th>
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<td>Pengayut Aek</td>
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<td>KAMPUNG PUANG</td>
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<thead>
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<th>Redas (Farm)</th>
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<td>Umal Pantai</td>
<td>B</td>
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<td>Umal Payak</td>
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<th>Protected Forests</th>
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<tr>
<td>Pulai</td>
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<td>Tanah Endor Nampok</td>
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<td>Tanah Mali</td>
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<tr>
<td>&quot;Hutan Simpan&quot;</td>
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EXAMPLES Con’t:
Territorial Management in Menua Sungai Utik of Iban Peoples, West Kalimantan

BASED ON TERRITORIAL ALLOCATION

- 4,000 Ha. Protected Areas
- 2,000 Ha. Reserve Forest
- 1,600 Ha. Production Forest
- 1,835.50 Ha. Non Forest Territories
EXAMPLES Con’t:
Territorial Management in Menua Sungai Utik of Iban Peoples, West Kalimantan

BASED ON FUNCTION

- Farming Areas
- Hunting Areas
- Areas for Wood and Herbal/Medicines Collection
- Reserved Forest
- Areas for Hunting and Fishing
Forest Issues to Indigenous Peoples

- Forestry Law No. 41/1999, claimed that Customary Forests are State Forest – it has been misused for take over economic resources from Indigenous territories for big private companies.
- Extractive Forest Policies does not give chance for Indigenous Peoples’ traditional knowledge, to manage their forest sustainably.
- Other policies that has major impacts to forest, such as Law No. 18/2003 on Plantation and Law on Extractive Industry, has no sinergy with Forestry Law, neither recognize Ips Rights on forest and territories.
Forecast Issues to Indigenous Peoples

- Centralistic Approach on Forest Management – Law No. 32/2003 on Regional Autonomy, does not manage this.
- Diversity to monoculture – detach IPs from their spiritual relationship with forest – lost of cultural identity.
- No data based on Customary Forest and Indigenous Territories (Ancestral Domain).
- Trend on Western Conservation Model – No access to forest and forest resources for Indigenous Communities, Criminalization to Indigenous Communities who trying to protect their forest and territories.
RECOMMENDATIONS

• The Forestry Law No. 41/1999 have to be revised and recognize and protect the rights of Indigenous Peoples on forest;
• The Forestry Law, Plantation Law, Law on extractives industries have to be in line with the Law on Regional Autonomy.
• Indigenous Peoples’ Rights has not yet been fully recognized and protected. It is recognized in Law No. 32/2009 on the Protection and Management of Environment and Law No. 27/2007 on Management of Coastal Areas and Small Island, BUT NOT in Forestry Law or other Laws. It is Urgent to have an National Law on the Rights of Indigenous Peoples.
• Ensure the Free, Prior and Informed Consent on any policies and project related to customary forest and indigenous territories.
RECOMMENDATIONS

- Re-Organization of Ministry of Forestry. A Special Unit have to be established to accommodate Customary Forest and Ancestral Domain of Indigenous Peoples - Indigenous Peoples initiatives on participatory mapping have to be recognized and supported through a formal registration. The initiative have already been started by The Ancestral Domain Registration Agency (BRWA);

- The Ministry of Forestry have to recognize, protect and support traditional ways/model on forest management of Indigenous Peoples;

- A mechanism for conflict resolution have to be established, to handle conflicts over forestry issues.
"TERIMAKASIH"
Credits

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Research Study on Ips of Iban in Sui Utik’s
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