

Country Technical Note on
Indigenous Peoples' Issues

Republic of Indonesia



Investing in rural people



IWGIA

**Country Technical Notes on Indigenous Peoples' Issues:
Republic of Indonesia**

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Acronyms and abbreviation

ADB	Asian Development Bank
AIPP	Asia Indigenous Peoples Pact
AMAN	Indigenous People Alliance of the Archipelago
AWPB	Annual Work Plan and Budgeting
BLUD	Badan Layanan Umum Daerah (Local General Service Board)
BPMD	Badan Permusyawaratan Desa (Local-level Village Community Empowerment Agency)
BPN	Badan Pertanahan Nasional (National Land Agency)
BPS	Badan Pusat Statistik (Central Bureau of Statistics)
BRT	Bus Rapid Transit
BRWA	Badan Registrasi Wilayah Adat (The Ancestral Domain Registration Agency)
COSOP	Country Strategic Opportunities Programme
CSOs	Civil Society Organizations
DAS	Daerah Aliran Sungai (River Basin Area)
DGM	Dedicated Grant Mechanism
Dit.PKAT	Direktorat Pemberdayaan Komunitas Adat Terpencil (Directorate for the Empowerment of Isolated Indigenous Communities)
Dit.PKTHA	Direktorat Pengaduan Konflik Tanah dan Hutan Adat (Directorate of Conflict Complaints, Tenure and Customary Forests)
DISHUT	Dinas Kehutanan (Local Forestry Agency)
DLH	Dinas Lingkungan Hidup (Local Environmental Agency)
DPR	<i>Dewan Perwakilan Rakyat</i>
FPIC	Free Prior Informed Consent
FPP	Forest Peoples Programme
FWI	Forest Watch Indonesia
GCF	Green Climate Fund
GESI	Gender Equality and Social Inclusion
GREM	Geothermal Resource Risk Mitigation
HDI	Human Development Index(es)
HuMA	Perkumpulan Pembaruan Hukum Berbasis Masyarakat dan Ekologis (Association for Community and Ecologically-based Legal Reform)
IFAD	International Fund for Agricultural Development
IFC	International Finance Corporation
IFI	International Financial Institutions
IIC	Isolated Indigenous Communities
ILO	International Labour Organisation
ISDB	Islamic Development Bank
JKPP	Jaringan Kerja Pemetaan Partisipatif
KPA	Konsorsium Pembaruan Agraria (National Consortium for Agrarian Reform)
KUBE	Kelompok Usaha Bersama (Joint Business Group)
LIPI	Lembaga Ilmu Pengetahuan Indonesia (Indonesian Institute of Sciences)
MOA	Ministry of Agriculture
MOV	Ministry of Village
NGOs	Non-Government Organizations
NICFI	Norway's International Climate and Forest Initiative
PERDA	Peraturan Daerah (Local Regulation)
PIM	Project Implementation Manual
PMD	Programme Management Department

PNPM	Program Nasional Pemberdayaan Masyarakat (National Community Empowerment Programme)
RFN	Rainforest Foundation Norway
RPJMN	Rencana Pembangunan Jangka Menengah (National Middle-term Development Plan)
READSI	Rural Empowerment and Agricultural Development Scaling-up Initiative
REDD	Reducing Emission from Deforestation and Forest Degradation
SK	Surat Keputusan (Decision Order)
TEKAD	Transformasi Ekonomi Kampung Terpadu (Integrated Village Economic Transformation Project)
UNDP	United Nations Development Programme
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNESCO	United Nations Educational, Scientific and Cultural Organizations
WALHI	Wahana Lingkungan Hidup Indonesia (Friend of the Earth of Indonesia)
WB	World Bank

Summary

To facilitate policy implementation at the country level, IFAD's Policy on Engagement with Indigenous Peoples (2009) recommended that Country Technical Notes be prepared to provide country-specific information on Indigenous Peoples, as well as to contribute to the development of country programme strategies and project design. A number of them have been prepared by Indigenous Peoples' leaders with the support of Indigenous Peoples' organizations. The Notes are intended as "living documents" to support learning about Indigenous Peoples' issues.

Indonesia is comprised of 13,000 islands with a total area of 7 million km². It has a total population of 273 million in more than 1,000 various ethnic and sub-ethnic groups with their own cultures and traditions. According to *Aliansi Masyarakat Adat Nusantara* (AMAN, or Indigenous People Alliance of the Archipelago), some 50–70 million people in Indonesia can be classified as Indigenous. In 2018, AMAN reaffirmed the number of 70 million Indigenous Peoples in the country based on rough calculation in 31 Provinces. Indigenous Peoples in Indonesia live in almost all the provinces in varying numbers.

Indonesian laws use various terms to refer to Indigenous Peoples, such as *masyarakat suku terasing* (alien tribal communities), *masyarakat tertinggal* (neglected communities), *masyarakat terpencil* (remote communities), *masyarakat hukum adat* (customary law communities) and, more simply, *masyarakat adat* (communities governed by custom). Recently, most of the laws and regulations use *masyarakat hukum adat* as a common term which is also used in local regulations of province and district.

Geographically, Indigenous Peoples live in forests, mountains and coasts. Some are nomadic and some are sedentary, and they are engaged in gathering, rotational swidden farming, agroforestry, fishing, small-scale plantations and mining for their subsistence needs. Many of their cultivation practices have been intervened by government programmes or outsiders which lead to some level of mixed method. Regulation of limitations to rotational farming also prevents the Indigenous Peoples from doing the similar practice which results in the declining of that custom today.

They traditionally live on their ancestral land and water. They depend on nature, as they believe the earth is a common property that has to be protected for its sustainability. They have their own knowledge about how to manage nature.

Indigenous Peoples in Indonesia mostly live in rural environments that are rich in natural resources. However, many of them suffer from impoverishment because of the transfer of land and natural resource ownership, which has resulted in the loss of their culture and livelihoods. Two provinces with the richest natural resources – Papua and West Papua – were found to have the worst poverty level, and most of the population in those two provinces are Indigenous Peoples. The causes of poverty for Indigenous Peoples have been identified as: the lack of recognition and protection of their rights to their land, territories, and natural resources; development activities, mainly logging, mining and plantations; degradation of the natural environment; poor quality of land; lack of education; limited access to information; poor of clean water and proper sanitation; and problem of transport. There are two other causes that are recently identified in several reports and testimonies, they are: lack of legal aid and forced into global economy.

Currently, most of the indicators are influenced by the event of Covid-19 pandemic. During this period, indigenous peoples experienced serious suffering due to virus

contamination. Although the death toll for them is not as large as that for urban people, Covid-19 has limited the availability of public services including road access, which have been already limited on a daily basis. In addition, traditional medicine remains the last resources to help the indigenous peoples to survive despite the lack of public health facilities. Meanwhile, policies are aiming to accelerate the economic recovery that would probably another risk of poverty as the economic projects will need more land transaction that will impact indigenous peoples area.

In general, Indonesian law is disadvantageous to Indigenous Peoples. However, constitutional court on forestry law give some recognition to indigenous sovereignty over their lands and rights, especially customary forests. The progress of recognition for customary forests at the national level has been unbelievably slow. Of more than 2 million hectares customary forests identified by AMAN, only below 90.000 hectares of them have been recognized. The Ministry of Social Welfare is the only entity in Indonesia's Government that devotes and coordinates resources specifically to Indigenous Peoples as a vulnerable group. Indigenous Peoples' rights are also recognized in international conventions signed by the Indonesian Government. By 2013, Indonesia had ratified twelve conventions of concern to Indigenous Peoples.

Asia Indigenous Peoples Pact (AIPP) is a regional network that aims to strengthen the cooperation and solidarity among Indigenous Peoples across Asia. AMAN represents Indigenous Peoples from throughout the Republic of Indonesia. NGOs working in support of Indigenous Peoples include: Jaringan Kerja Pemetaan Partisipatif (JKPP), Badan Registrasi Wilayah Adat (BRWA), Perkumpulan Telapak, Wahana Lingkungan Hidup Indonesia (WALHI)/Friend of the Earth of Indonesia, Forest Watch Indonesia (FWI), Sawit Watch and HuMA (Association for Community and Ecologically-based Legal Reform).

Main characteristics of Indigenous Peoples

Based on the data issued by the Central Statistical Agency, the total population of Indonesia as of 2021 was about 273.86 million, with an average population growth of 1.25 per cent for 2010-2020. This makes Indonesia the world's fourth most populous country after China, India and the United States of America. Indonesia is also the largest archipelago country, containing 13,000 islands with a total area of 7 million km². The total land area of the islands is 1.9 million km².

Within the territory, stretching from the tip of Sumatera Island to the western half of New Guinea Island, live various ethnic and sub-ethnic groups with their own cultures and traditions. It is estimated that there are more than 1,000 ethnic, sub-ethnic, or Indigenous Peoples in Indonesia. The diversity of ethnic groups and cultures makes Indonesia one of the world's multi-ethnic countries. However, no data have been published yet on the exact number of ethnic groups. One of the reasons such data are unavailable is that the lack of disaggregation of data for Indigenous Peoples because there are no specific questions on Indigenous ethnic identity in the national census survey questionnaires.

The Indigenous Peoples Alliance of the Archipelago, or AMAN – an organization of Indigenous Peoples across Indonesia - estimates that some 50–70 million people in Indonesia can be classified as Indigenous.¹ The same number of 70 million people was maintained by AMAN in 2018 update of indigenous peoples in archipelago.² In 2022, the figures are relatively similar to the previous number of 40-70 million

¹ O. Lynch, *Whither the People?* World Resources Institute, Washington DC, 1991

² Melati Kristina Andriarsi. (2018). *Sebaran Masyarakat Adat*. See:

<https://katadata.co.id/padjar/infografik/5f8030631f92a/sebaran-masyarakat-adat>

people.³ Other sources have estimated the number to be as high as 120 million.⁴ Indigenous Peoples in Indonesia live in almost all the provinces in various groups and numbers, although Indonesia's vast area makes it difficult to determine their exact numbers.

As of 2021, AMAN's members are up to 2,423 Indigenous communities with more than 17 million individual members spread throughout Indonesia. The organization does not have the figures for the population of its member communities, although calculating them is one of AMAN's priorities. See the distribution of AMAN's members in Figure 1.

IFAD supports the Indonesian Government in its objective of reducing poverty to empower poor rural women and men in order to enhance their food security, increase their incomes and reduce poverty. In 2019, IFAD financed the small project entitled "Local Value Strengthening in Village and Indigenous Forest Community- Based Management in Merangin District, Jambi ", with the goal of increasing the welfare of indigenous communities around the village and customary forests. Several other IFAD funded projects focus on supporting the capacity of Indigenous Peoples through participatory mapping and capacity to monitor land use, such as "2015 project of "Strengthening Indigenous Dayak Jawatn communities' capacity in Sekadau, West Kalimantan", and another project in 2008 of "Mapping and spatial planning of the management area of Tana Ai traditional community in Sikka District, East Nusa Tenggara". The latest IFAD funded project benefitting Indigenous Peoples in Indonesia is 2019 project of "Transformasi Ekonomi Kampung Terpadu - Integrated Village Economic Transformation" implemented in 25 districts. Another 2019 project is Uplands Agriculture Productivity and Markets Project. Both projects require the FPIC and active participation of the Indigenous Peoples. A new project in 2019 "Renewable Energy Solutions for Village Electrification – Transferring Indigenous Energy Knowledge from Malaysia to Indonesia" was approved by IFAD to AMAN. The initiative aims "to improve energy access among Indonesian Indigenous Peoples through the use of community-based micro-hydro systems as an environmentally low-impact and resilient technology providing a strong foundation for sustainable community development".

³ Nurdiyansah Dalidjo. (2022). Kilas Balik Kebangkitan Gerakan Masyarakat Adat Nusantara. See: <https://www.aman.or.id/news/read/kilas-balik-kebangkitan-gerakan-masyarakat-adat-nusantara>

⁴ C. Zerner, Indigenous Forest-Dwelling Communities in Indonesia's Outer Islands: Livelihoods, Rights and Environmental Management Institutions in the Era of Industrial Forest Exploitation, Paper for the World Bank Forest Sector Review, World Bank, Washington DC, 1992; World Agroforestry Centre, 2005, Facilitating Agroforestry Development through Land and Tree Tenure Reforms in Indonesia, ICRAF SE Asia Working Paper No 2, Bogor, 2005

INDONESIA ARCHIPELAGO

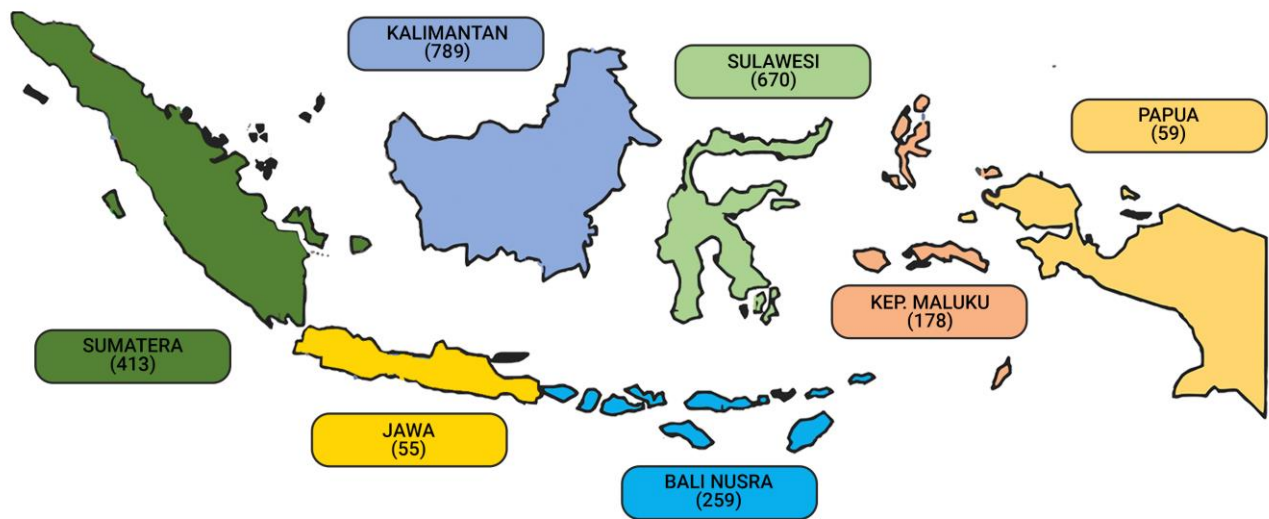


Figure 1: map of Indigenous with the number of Indigenous groups in the provinces

Source: AMAN 2020

Who are Indigenous Peoples in Indonesia?

Indonesian laws use various terms to refer to the peoples who self-identify as indigenous, such as *masyarakat suku terasing* (alien tribal communities), *masyarakat tertinggal* (neglected communities), *masyarakat terpencil* (remote communities), *masyarakat hukum adat* (customary law communities) and, more simply, *masyarakat adat* (communities governed by custom). AMAN uses *masyarakat adat* as equivalent to Indigenous Peoples.

AMAN defines *masyarakat adat* as a group of people from the same ancestral lineages who inhabit a certain geographical area and have a distinctive set of ideological, economic, political, cultural and social systems and values, as well as a territory.

This means that a given community group is called Indigenous Peoples if they: (i) survive under their own system, which is formed from continuous interaction within the group; and (ii) possess their own territory on which their value systems are applied and still practiced. The definition is not meant to be an in-depth, detailed anthropological and sociological argument, but rather to enable Indigenous activists inside AMAN to distinguish between Indigenous Peoples and local community groups and between Indigenous Peoples and other community groups.

The term *masyarakat adat* was chosen because it is neutral and implies no negative connotations as well as comprehensive enough to apply to various characters of the Indigenous Peoples. Also, it is less distinctive than other terms, such as “isolated communities” and “traditional communities” which easily can be contrasted with “open communities and “modern communities”, or the terms *pribumi* (native) and “tribal”, which easily can be contrasted with “non-native” and “non-tribal”. The contrast can pose questions which obscure the real meaning of the terms “isolated”, “traditional” and “modern”, for example. The term *masyarakat adat* also avoids any negative connotations of the terms “isolated” and “traditional”, which are often related to backwardness,

stupidity and primitiveness. It is also different from *masyarakat hukum adat*, which implies the meaning as limited to the rules.

However, most of the laws and regulations use the term *masyarakat hukum adat*.⁵ These are including amended constitution 2002, human rights law 1999, environmental law 2009, village law 2014 and most of the sectoral laws such as forestry, plantation, coastal and marine, and water resources. Although the term is rampantly used, there is still a lack of official documents that has robustly and comprehensively defined and explained the reason for using that term.

In spite of different terms, it is most important that concerned individuals know about and are aware of the problems faced by Indigenous Peoples related to their identities, recognitions and rights in addition to the diversity, cultural diversity, religions, beliefs and economic and social institutions.

Characteristics of Indigenous Peoples

Indigenous Peoples live in many parts of Indonesia, in forests, mountains and coasts. Some are nomadic such as Polahi people in Gorontalo and Togutil in North Maluku and some are sedentary such as people of Manggarai in East Nusa Tenggara, most of Dayak in Kalimantan, Baduy people in Banten. They may carry out gathering, rotational swidden farming, agroforestry, fishing, small-scale plantations and mining for their subsistence needs.

A common characteristic of Indigenous Peoples in Indonesia is that the people traditionally live on their ancestral land and water, but often differ from one another. Because of external influences and internal needs, Indigenous Peoples have been experiencing continuous change. Some groups change very slowly, or even do not change at all; they still live with their intact social, cultural, political and religious systems. Examples include the Orang Kanekes (commonly known as *the Orang Badui*) in Banten (in the Western part of Java) and *the Orang Ama Toa* (commonly known as *the Orang Kajang Dalam*) in Bulukumba (in the Southern tip of Southwestern arm of Sulawesi). Others, however, change very rapidly and almost thoroughly, such as the people in Java and the Eastern coast of Sumatera.

Indigenous groups outside Java still show the characteristics of being politically independent and genuinely autonomous, although they have been adopting – to different degrees – new values, norms and social institutions from outside groups. Even in some regions of Java, we can still find community groups with strong Indigenous traditions such as those in “*kasepuhan*” in South Banten, *Orang Tengger* and *Orang Using* in East Java and *Sedulur Sikep* in Central Java.

The names of the community groups with distinct social political systems vary among regions. For example, in Aceh they are referred to as “*Pemukiman/Gampong*”, in Batak land (Toba) “*Horja/Bius*”, in Minangkabau “*Nagari*”, in Mentawai Islands “*Laggai/Uma*”, in Central and South Sumatera “*Marga/Kebatinan/Negeri*”, in interior Kalimantan “*Banua/Binua/Ketemenggungan/Balai/Lowu/Lewu*”, in Tana Toraja “*Lembang/Penanian*”, in Kei Islands „*Ratchap/Ohoi*”, and many others.

There are additional characteristics exhibited by Indigenous communities in Indonesia, namely (i) self-identification and identification by others as part of a distinct Indigenous cultural group, and the desire to preserve that cultural identity; (ii) a linguistic identity

⁵ Kurniawarman. (2020). Peta Perundang-undangan tentang Pengakuan Hak Masyarakat Hukum Adat: https://procurement-notice.undp.org/view_file.cfm?doc_id=39284

different from that of the dominant society; (iii) social, cultural, economic, and political traditions and institutions distinct from the dominant culture; (iv) economic systems-oriented more towards traditional means of production than to mainstream production methods; and (v) unique ties to traditional habitats and ancestral territories, and to the natural resources in these habitats and territories. Other characteristics include their relationship with the land where they live, not only in physical terms but also in communal magic or religious beliefs.

For Indigenous Peoples in Indonesia, land and nature are everything for their continuing lives and survival. They depend on nature, as they believe the earth is a common property that has to be protected for its sustainability. They have their own knowledge about how to manage nature. For instance, they divide the use of land into a forbidden land, graveyard, cultivated land, or hunting ground.⁶ They have a wide range of meanings about natural resources from religious, social, economic and political perspectives. They believe that the earth helps them to survive and gives them social status in the community.⁷

For example, according to national statistic data, the Indonesian archipelago contains 120,495,702,96 hectares of forest, which is the largest forest area in South-East Asia and the world's third-largest after the Amazon and Congo Basins. The forests have been categorized as production forests (55.9 million hectares), protected forests (29.5 million hectares), conservation forests (22.08 million hectares) and non-forestry development reserved forests/conversion forests (12.8 million hectares).⁸ Indigenous Peoples have lived in these vast forests for millennia, and their cultures and lives are inextricably related to their forests and to maintaining their profound and multi-dimensional relationships with them.

“The forest is our mother, our breast milk”, say the Indigenous Peoples of Paser in East Kalimantan. Their existence is reflected in the forest through oral history, traditional knowledge and well-defined and detailed customary tenure regimes by which all Indigenous Peoples delineate their traditional territories. In relation to forest management, customary laws are designed to ensure sustainability and communal well-being. These customary forest laws commonly govern ownership (individual, collective, communal), designation (forest use) and other aspects related to human interaction with forests. That is why, under customary laws, forests had been free from outside intervention, including from local and regional businesses.⁹ Sacred sites, which serve as focal points for spiritual life, are generally located in forests. Thus, forest management is accompanied by spiritual elements in the form of religious ceremonies.

Meanwhile, for the people of Kampung Naga, the river is like an artery of life that is connected with the forest. The river is protected from any pollutants and members of communities are prohibited from using any chemical mixes for agriculture purposes.¹⁰ Outsiders who visited the area are informed about the norms and are required to protect

⁶ Environment activists believe Indigenous Peoples manage their natural resources according to their customary law that is friendly to the environment and conserves the forest. ICCAs initiative indicates 15 areas of Indigenous Peoples strategy of conservation:

<https://www.iccaconsortium.org/index.php/2015/08/29/advances-towards-the-recognition-of-iccas-in-indonesia/>

⁷ Beanal, Tom, Amungme, Jakarta: Elsam, 1998

⁸ BPS. (2022). Indonesia's forest area and conservation. See:

<https://www.bps.go.id/statictable/2013/12/31/1716/luas-kawasan-hutan-dan-kawasan-konservasi-perairan-indonesia-berdasarkan-surat-keputusan-menteri-lingkungan-hidup-dan-kehutanan.html>

⁹ Abby, F. A., Barkatullah, A. H., Nurhayati, Y., & Said, M. Y. (2019). Forest management based on local culture of Dayak Kotabaru in the perspective of customary law for a sustainable future and prosperity of the local community. Resources, 8(2), 78.

¹⁰ Donny Iqbal. (2020). Kampung Naga in the Middle of Modern Life, Mongabay 21 July 2020. See:

<https://www.mongabay.co.id/2020/07/21/kampung-naga-oase-tradisi-di-tengah-derap-kehidupan-modern/>

rivers and forests in accordance with the people of Naga tradition. Sanctions will be applied to those who ignore the norms.

Situation of Indigenous Peoples in Indonesia

Indigenous Peoples in Indonesia live mostly in rural environments which are rich in natural resources (e.g. forest, fish, water, minerals, oil, natural gas and land). Indigenous Peoples – who have traditionally relied on nature to provide them with plants and animals from the fields and forests, fish from the rivers and seas and clean water – suffer from poverty when they are denied control and access to land and natural resources. The systematic impoverishment of Indigenous Peoples has occurred massively since the New Order regime through the transfer of land and natural resource ownership, resulting in the loss of Indigenous Peoples' livelihoods.¹¹

The existing policies continue to do the same pattern of disadvantaging the Indigenous Peoples by having more land acquisitions in the name of investment. The country just recently created Omnibus Law to facilitate private industrial enterprises such as mining companies, oil palm plantations, industrial timber companies, forest concession holders and other industries without considering the process of free, prior and informed consent (FPIC).¹² The amputation of environmental instruments including scaling down the role of Environmental Impact Assessment (EIA) and the abolishment of environmental licenses are among the examples of the potential threat from Omnibus Law to the rights of Indigenous Peoples.¹³

On the other hand, although structural injustices were further reinforced by some regulations, civil society pressure also made some significant changes. In June 2013, the Constitutional court accepted the judicial review submitted by AMAN to rule out the state claims over the customary forest in Forestry Law 41/1999. The decision 35/PUU-X/2012 revoked the state's claim on Indigenous forests to restore them as belonging to Indigenous Peoples. It was a monumental decision that was considered a victory by the Indigenous Peoples, particularly AMAN. Following that, AMAN launched a national campaign of motivating its members to claim their customary forests back by hanging a signpost announcing the area as customary forests.

In parallel with the constitutional court momentum, AMAN and BRWA (Badan Registrasi Wilayah Adat – the Indigenous Peoples-based Agency of Ancestral Land Registration), have identified 17.6 million hectares of indigenous ancestral land in 29 provinces and 141 districts.¹⁴ BRWA has registered the lands in anticipating for policies of recognition that would require those data. Meanwhile, local government has provided 176 indigenous ancestral lands in local regulations with total stipulated area of 2.69 million hectares. It is about 15.28 % of registered lands in BRWA system.¹⁵

However, the speed of customary forests recognition have been very slow. Political challenges for recognition

¹¹ See Indonesia: Indigenous Peoples Losing Their Forests: <https://www.hrw.org/id/news/2019/09/22/333956>

¹² See: Indigenous Peoples and civil society organisations file a UN CERD submission on Indonesia's highly controversial Omnibus Law: <https://www.forestpeoples.org/en/press-release-indonesia-CERD-submission-omnibus-law>

¹³ See, Sembiring, R., Fatimah, I., & Widyaningsih, G. A. (2020). Indonesia's omnibus bill on job creation: a setback for environmental law?. *Chinese Journal of Environmental Law*, 4(1), 97-109.

¹⁴ BRWA. (2022). Status Pengakuan Wilayah Adat Indonesia. See: <https://www.brwa.or.id/news/read/501>

¹⁵ BRWA. (2022). Ibid

Similarly, progressive policies contend with development aggression and government neglect in providing social services to Indigenous Peoples remain continued.¹⁶ For instance, the development of public infrastructures has triggered vertical and horizontal conflicts where Indigenous Peoples are frequently suffering. The recent case of Indigenous Peoples in Manggarai East Nusa Tenggara against the process of Wae Sano geothermal project is one of the indications showing the lack of FPIC in the process.¹⁷ They all contributed to chronic poverty among Indigenous Peoples. In many cases, a family's income is not enough to cover the requirements for everyday life, including education and health. Some Indigenous Peoples are trapped in bitter choices of either losing their land or collaborating with a bad investment.

The limited research that has been undertaken indicates that Indigenous Peoples are disproportionately represented among the poorest of the poor in Indonesia. Asian Development Bank (ADB)'s study in 2002 on the poverty situation of Indigenous Peoples and ethnic minorities could not establish trends in the relationship between poverty and ethnicity because of a lack of disaggregated data based on ethnicity.

Building on AMAN's study in 2019 "Understanding the Poverty Dimensions of the Indigenous Peoples", this study identifies three basic causes of poverty among Indigenous Peoples: (i) the problem of inadequacy of access and unavailability of facilities and services for the fulfillment of basic needs: the absence of means for education and health services and the lack of roads, markets, clean water and other services are regarded as a reflection of low quality of life; (ii) sociocultural problems that include values and behaviour that are perceived as inimical to the improvement of community life: low work ethics, lack of creativity, consumptive behaviour and a short-term outlook are some values said to reflect a culture of poverty; (iii) structural problems, namely, policies and regulations rooted in the wider system that do not favour Indigenous Peoples.

From this perspective, poverty does not derive from Indigenous Peoples, but from those groups external to the communities that control the wider system. It is injustice embedded in the system that impoverishes Indigenous Peoples. In short: "Indigenous Peoples are not poor, but are made poor." Thus, the problem is not "poverty" but "impoverishment." This chapter does not debate the concept of poverty, but describes causes of poverty as perceived by Indigenous Peoples. First, there is a brief description of poverty trends in rural communities, to which most Indigenous Peoples belong. This is followed by a description of existing conditions of Indigenous Peoples in four case-study villages in Central Sulawesi and East Kalimantan and by Indigenous Peoples' perceptions of poverty.

As mentioned above, the lack of accurate data – even about the number and location of Indigenous Peoples – makes it difficult to understand the extent of poverty among Indigenous Peoples. The statistical data only provide the numbers of poor rural people. However, these data give a rough picture of poverty among Indigenous Peoples because many Indigenous Peoples live in rural areas. Indigenous Peoples live in relatively poor conditions. Most of them live in rural areas and around forests, as seen in various development data.

Considering most of the existing IFAD projects are aiming to intervene in the eastern part of Indonesia, statistical data on poverty in that area should be uncovered. In 2021, Papua and West Papua still remained at the highest poverty level in Indonesia; that is

¹⁶ Komnas, H. (2016). Inkuiri Nasional. Konflik Agraria Masyarakat Hukum Adat Atas Wilayahnya Di Kawasan Hutan (KOMNAS HAM 2016)

¹⁷ See, Venansius Haryanto. (August 2021). "Rethinking Development", *Inside Indonesia*: <https://www.insideindonesia.org/rethinking-development>

36.5 % and 33.5 % respectively (BPS, 2021). Other provinces such as East Nusa Tenggara, Gorontalo, Maluku, South East Sulawesi, Central Sulawesi, West Nusa Tenggara, have a level of poverty of 24.42 %, 24.38 %, 24.34 %, 14.38 %, 13.71 %, 13.12 % respectively and all are above the national average of 12.53 %. Most of the population in these provinces, particularly rural, coastal and forest people, were Indigenous Peoples. Most ironically, Maluku, Papua and West Papua were among the ten richest provinces with considerable deposits of natural resources including mineral, timber, and marine products.

Table 1 describes poverty distribution by provinces. The table shows two interesting things: first, island provinces (i.e. East Nusa Tenggara, Maluku) represented poverty pockets. This shows that there were gaps and bad infrastructure that hampered the peoples' accessibility to the economy. Second, the three provinces with the richest natural resources – Maluku, Papua and West Papua – were the ones with the worst poverty levels. Of 2021 statistical data, the Human Development Indexes (HDI) in these provinces were Maluku 69.7; Papua 60.6; and West Papua 65.2 – all below the average national HDI of 72.2. This means that the capacity of the people in these provinces was lower than the average.¹⁸

Table 1: Percentage of poor peoples by province

No	Province	2013	2015	2017	2019	2021
1	Nangroe Aceh Darussalam	20.14	19.56	18.36	17.68	18.04
2	North Sumatera	10.33	11.06	9.62	8.93	8.26
3	West Sumatera	8.3	7.35	7.94	7.69	7.23
4	Riau	9.55	9.95	7.99	7.51	7.19
5	Jambi	7.54	7.82	6.66	6.44	6.28
6	South Sumatera	14.5	14.47	13.54	12.93	13.28
7	Bengkulu	17.97	16.71	15.67	15.3	14.28
8	Lampung	15.62	15.05	14.56	13.96	13.18
9	Kepulauan Bangka Belitung	6.97	6.83	7.92	6.38	6.57
10	Kepulauan Riau	9.21	9.75	10.49	10.67	10.45
11	DKI Jakarta	0	0	0	0	0
12	West Java	11.42	11.61	10.77	9.58	9.76
13	Central Java	16.05	14.86	13.92	12.26	12.44
14	DI Yogyakarta	17.62	15.62	15.86	13.67	13.99
15	East Java	16.23	15.84	15.58	14.16	13.79
16	Banten	7.22	7.12	7.81	7.31	7.72
17	Bali	5	6.42	5.42	4.86	5.68
18	West Nusa Tenggara	16.22	15.18	14.06	12.97	13.12
19	East Nusa Tenggara	22.69	25.89	24.59	24.45	24.42
20	West Kalimantan	10.07	9.51	9.09	8.73	8.05
21	Central Kalimantan	6.45	6.02	5.41	5.17	5,23
22	South Kalimantan	5.5	5.06	5.6	5.36	5.28
23	East Kalimantan	10.24	10.13	9.74	9.26	9.63
24	North Kalimantan	0	9.67	9.14	9	9.31
25	North Sulawesi	10.46	12.1	10.59	10.3	10.07

¹⁸ BPS. (2021), Indeks Pembangunan Manusia Menurut Provinsi 2019-2021: <https://www.bps.go.id/indicator/26/494/1/-metode-baru-indeks-pembangunan-manusia-menurut-provinsi.html>

26	Central Sulawesi	15.89	15.07	15.59	15.01	13.71
27	South Sulawesi	13.31	13.22	12.65	11.9	11,55
28	South East Sulawesi	16.92	16,12	14.74	13.77	14.34
29	Gorontalo	24.22	24.17	24.29	23.57	24.38
30	West Sulawesi	13.31	12.7	11.7	11.43	12.39
31	Maluku	26.3	26.7	26.6	26.63	24.34
32	North Maluku	9.2	7.57	7.55	7.99	7
33	West Papua	36.89	37.94	35.12	33.2	33.5
34	Papua	40.72	37.34	36.56	35.36	36.5
35	NATIONAL	14.42	14.09	13.47	12.6	12.53

Source: 2021 Poverty Data Figures of year 2007-2021, BPS.

It is very interesting to compare poverty levels in rural and urban/city areas. Table 2 below clearly shows that the number of poor people in rural areas always exceeds that in cities. This is the consequence of the development paradigm that focuses mainly on urban where villages are deployed to support the growth of the cities. Various modernization theories always project a country adopting the paradigm to become an industrial country. Therefore, growth of industrial cities has always been the main target rather than rural areas. In Indonesia, most Indigenous Peoples live in rural areas. To date, up to 50 per cent of the population have been dependent on the agricultural sector. Several analyses have shown that most of the deforestation in Indonesia were carried out to feed the growing cities.¹⁹ While devastated villages where most of the Indigenous Peoples live have been left no choice than losing of land.²⁰

Table 2: Poverty level and number of the poor, 2016-2021

Year	Poverty threshold (rupiah/capita/month)		Number of the poor (in millions)		Percentage of the poor
	Urban	Rural	Urban	Rural	Total
2016	372.114	350.420	10.486	17.279	10.7
2017	400.995	370.910	10.273	16.310	10.12
2018	425.770	392.154	10.131	15.543	9.66
2019	458.380	418.515	9.858	14.928.	9.22
2020	475.477	437.902	12.039	15.511	10.19
2021	502.730	464.474	11.859	14.644	9.71

Source: Processed from the National Social Economic Survey Data (Susenas) and BPS 2021

The most important point of the many reports on poverty in Indonesia is that the data on prosperity and poverty are based on paradigms, standards and indicators that exclude aspects that are very important for Indigenous Peoples.

¹⁹ Gaveau, D. L., Santos, L., Locatelli, B., Salim, M. A., Husnayaen, H., Meijaard, E., & Sheil, D. (2021). Forest loss in Indonesian New Guinea: trends, drivers, and outlook. *BioRxiv*. Previous study also confirmed that the growing population in urban, not rural, that caused forest loss. See, DeFries, R. S., Rudel, T., Uriarte, M., & Hansen, M. (2010). Deforestation driven by urban population growth and agricultural trade in the twenty-first century. *Nature Geoscience*, 3(3), 178-181.

²⁰ HRW and AMAN. (2019). *When We Lost the Forest, We Lost Everything*. Link: https://www.hrw.org/sites/default/files/report_pdf/indonesia0919_web.pdf

Currently, the problem of poverty is heavily related to the spread of Covid-19. Lack of health facilities and transport hinder some isolated places especially in eastern part of Indonesia, from public health facilities and transport. Pandemic limits the availability of those facilities for they are fully occupied by Covid-19 arrangement. Nevertheless, the support of traditional medicine that indigenous peoples has been undergoing for generations helps in providing collective resilience and assisting recovery in the midst of the lack of support from public health facilities. For instance, a lot of indigenous peoples in Papua prefers to take traditional medicine that they experienced better rather than covid medication which is uncertain and confusing.²¹

Criteria and indicators for poverty according to Indigenous Peoples

Based on 2002, ADB report had indicators of Indigenous Peoples' poverty that were mostly used by development agencies in structuring the programs. Building on that study, the 2019 AMAN's study on the poverty situation of Indigenous Peoples calls for bottom up criteria for poverty where Indigenous Peoples can identify the poverty indicators for their own. Similar to ADB's study, AMAN's identification faced the challenge of lack of data for poverty among Indigenous Peoples. Therefore, both studies took a proxy by selecting some Indigenous Peoples communities to represent different characteristics of the causes of poverty. Both reports cover a wide spectrum of issues, including structural problems (e.g. lack of protection of their rights to, lack of physical safety, and inequitable allocation of natural resources); behavioural and cultural problems; and problems related to the availability of basic social facilities or services. These issues are described below.

- **Slowing recognition of adat rights over land and natural resources:** The main cause of Indigenous Peoples' poverty is lack of recognition and protection of their rights to their land and natural resources, from which many have been dispossessed. Although Constitutional Court Decision 35/PUU-X/2012 paves the way for customary forests recognition, the pace toward the target has been slow. In 2021, Ministry of Environment and Forestry have indicated the total area be proposed for customary forest of 1.090.755 ha.²² Currently, the formal realization is 89.783 ha or 0.082 % from the proposed target.²³ In other words, government is only achieving 11.223 ha customary forest per year. Meaning that, with similar speed Indonesia needs about 97 years to complete the indicative target as announced in 2021.
- **Pollution and degradation of land and natural resources:** The Indigenous Peoples of AMAN's members stated that their poverty is also caused by various development activities, mainly logging, mining and plantations, coming to their areas. Because of these activities, the natural environment of Indigenous Peoples has become polluted and degraded. In 2014, a statistic agency reported the most polluted villages in 10 provinces indicating 6 of them are the province known for being inhabited by Indigenous Peoples. They are West Kalimantan, Central Kalimantan, North Sumatera, South Kalimantan, Jambi and Riau. Although the highest number of polluted villages is West Java considering its industrial concentration, there is a number of Indigenous Peoples also are homed in this province including the people of Kasepuhan. While West Kalimantan, the land of Dayak is ranked number 4 with 717 polluted villages. It is strongly suggested that the pollution is shared by the heavy expansion of oil palms. As indicated by academic research, river water pollution in oil palm areas is caused by waste

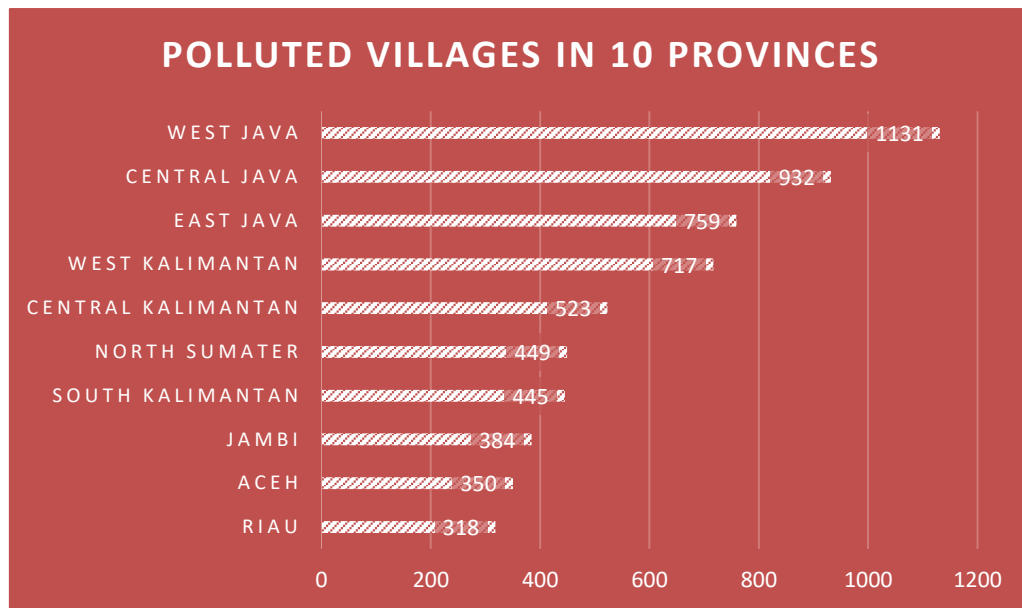
²¹ Maria Baru. (2021). "Vaksin Versi Masyarakat Adat Papua di Kampung, Gaung AMAN Oktober-Desember 2021, hal. 10-11

²² KLHK. (2021). Pemerintah Terus Percepat Pengakuan Hutan Adat

https://www.menlhk.go.id/site/single_post/4306/pemerintah-terus-percepat-pengakuan-hutan-adat

²³ BRWA. (2020). Ibid.

composed of a high concentration of POME (palm oil mill effluent), a polluted mix of crushed shells, water and fat residues.²⁴

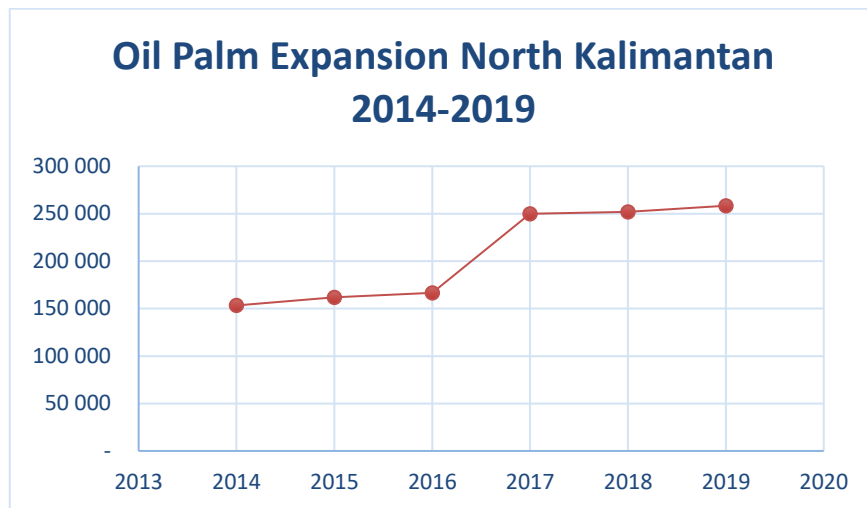


Source: katadata, 2016

- **Agricultural land:** Poor land quality and limited size of it can be a reason for poverty, as in the case of people in Flores, East Nusa Tenggara Provinsi where many indigenous peoples have been indirectly forced to leave the village to work as a labor in Kalimantan or illegal migrant in Malaysia.²⁵
- **Transfer of land to outsiders:** The need for cash has caused the transfer or sale of land by some Indigenous Peoples to outsiders. This phenomenon became significant when transportation to the villages became available. One of the main drivers for land acquisition for outsiders is oil palm expansion. In North Kalimantan Province where forest cover is about 90 % of province land, the expansion of oil palm is increasing every year, including the main forested area in Malinau District. The district is known for the tireless effort of the Indigenous Peoples to protecting forests in the face of speeding conversion of land use from traditional cultivation to palm oil. Currently, there is a threat of speeding up economic recovery that is warned by many NGOs as a pretext of hunting more land to feed the expansion of food security projects.

²⁴ Comte, I., Colin, F., Whalen, J. K., Grünberger, O., & Caliman, J. P. (2012). Agricultural practices in oil palm plantations and their impact on hydrological changes, nutrient fluxes and water quality in Indonesia: a review. *Advances in Agronomy*, 116, 71-124

²⁵ Leonard Triyono. (2016). Masalah Perdagangan Manusia di Provinsi NTT. *Voa News 1 September 2016*. See: <https://www.voaindonesia.com/a/perdagangan-manusia-di-ntt-/3489757.html>



Source: Ministry of Agriculture, 2020

- Lack of education:** Indigenous Peoples have their own system of education that is not yet accommodated by existing formal model of education. As in Sedulur Sikep community, they believe on their own tradition as a system of education which inherits the moral teaching of their ancestors such as “kindness, no hate, not intervening people's business, no stealing”. Sedulu Sikep realize that relying on formal education would uproot their traditional belief as well as their connection to the ancestors.²⁶
- Poor health:** The Indigenous Peoples in Bantek West Nusa Tenggara complained about the lack of health services in their village. The absence of health services causes to some chronic diseases which cost these people more money and resources to recover.²⁷ Meanwhile, most of people in Papua lived in rural area with lack of basic health services. It is worst during Covid-19 where most of the referred hospitals for Covid are fully occupied and lead them to collapse.²⁸ The covid crisis in Papua was doubled by horrible hoax against vaccine and repressive approach from military.²⁹ Most of the indigenous peoples encounter covid-19 by their own narratives of battling contagious disease that their ancestor experienced in the past. However, they cannot control the impact of this pandemic that is connected to indicator of economy, public infrastructure, and education.
- Lack of infrastructure and transport facilities:** The problem of transport is notoriously bad for indigenous peoples living in remote rural areas. Such problems are perceived by the large number of people of the Papua as a barrier to improving their economy, health services, and stock supplies for daily needs. Indigenous peoples in East Nusa Tenggara, Sulawesi, Papua testified that sick people and pregnant women from their community are the most vulnerable ones as they need days of walk to reach health facilities in the city. Due to the global pandemic, the budget for infrastructure has been reduced to strengthen the resources for covid-19. In result, most of the roads to remote areas are off-maintenance that impede their social and economic life to connect easily to the outside world.

²⁶ Suprihatini, T. (2014). Penerimaan Masyarakat Samin Terhadap Program Pembangunan Di Desa Baturejo, Kec. Sukolilo, Kabupaten Pati Jawatengah 2013. *Jurnal Ilmu Sosial*, 13(2), 77-85.

²⁷ AMAN. (2019). Ibid

²⁸ Faisal Irfani. (2021). Babak Belur Fasilitas Kesehatan di Papua Melawan Covid dan Malaria. Tirto, 4 August 2021. See: <https://tirto.id/babak-belur-fasilitas-kesehatan-di-papua-melawan-covid-19-malaria-giki>

²⁹ Faisal Irfani. (2021). Biang Memburuknya Covid-19 di Papua dan Papua Barat. Tirto, 2 August 2021. see: <https://tirto.id/biang-memburuknya-covid-19-di-papua-papua-barat-represi-negara-gifz>

- **Forced into global market economy:** many indigenous communities have been dragged into supply chain of global commodities. Although government believes that indigenous peoples could work with oil palm,³⁰ the intensive work that is required for the commodity will sabotage the major portion of communities' time for tradition and social interactions. People of Iban and Orang Rimba experience that engaging with oil palm is disconnecting them from cultural life and subduing daily social interaction into the force of global market.³¹ Moreover, when the oil palm market price slips down, the most suffering is laid at the end of the tail, where communities stand.
- **Lack of information:** Life for Indigenous Peoples can be difficult because of wrong information about their conditions. For example, for the Indigenous Peoples in Desa Bentek, West Nusa Tenggara, the information about their area that was taken by poverty alleviation project, did not portray the real facts. It caused to the failure of the project.³²
- **Lack of legal aid:** Indigenous peoples have been struggling to protect their land. In many cases they are criminalized for safeguarding their territory in accordance with their tradition and customary laws. In 2020, AMAN recorded 40 of land conflict cases between the indigenous peoples and outsiders. It affect the land of 31.632,67 ha and 18.372 indigenous families and 39.069 members. One of the cases is the oil palm expansion in Central Kalimantan between people of Kinipan who defended their customary forests vs PT SML with its oil palm concession. The case took 6 of Kinipan community members into while PT SML is continuing its operation of clearing customary forests.³³
- **Poor of clean water and proper sanitation:** lack of access to clean drink water is one of the most problematic basic services for indigenous peoples. In eastern Indonesia where indigenous peoples are mostly lived, problem of accesst to clean water is reflected in national statistical data. North Maluku 78.71%; East Nusa Tenggara 75.01%; West Papua 74.93 %; and Papua 55.49% – except Maluku, the others are below the average national of access to clean water of 84.91. Similarly, access to sanitation in these provinces are also recorded below the national average of 80.29 %. Data of 2021 indicated that Papua was the most serious one, with average aces of 40.81 %, while West Papua: 77.89 %, East Nusa Tenggara 73.36 %, Central Sulawesi 76.06 %, Maluku: 76.77 %, North Maluku: 77.11 %. Other provinces with highly inhibited by indigenous populations such as Central Kalimantan and West Kalimantan are also below national average.³⁴

National Legislations on the Indigenous Peoples

In general, while many regulations remain disadvantageous for Indigenous Peoples, there are few recent legislations recognizing the rights of Indigenous Peoples. Most of them are

³⁰ Sawit dan Masyarakat Adat Dapat Hidup Berdampingan. Majalah Hortus 25 September 2020. See: <https://news.majalahhortus.com/sawit-dan-masyarakat-adat-dapat-hidup-berdampingan/>

³¹ HRW. (2019). When We Lost the Forest, We Lost Everything. See: <https://www.hrw.org/report/2019/09/23/when-we-lost-forest-we-lost-everything/oil-palm-plantations-and-rights-violations>. See also Sirait, M., T. (2009). Indigenous Peoples and Oil Palm Plantation Expansion in West Kalimantan Indonesia. Amsterdam University and Cordaid. See: <http://apps.worldagroforestry.org/downloads/Publications/PDFS/RP16385.pdf>

³² AMAN. (2019). Memahami Dimensi-Dimensi Kemiskinan Masyarakat Adat. ICCO dan AMAN

³³ AMAN. (2020). Catatan Akhir Tahun 2020. See: https://www.aman.or.id/wp-content/uploads/2021/01/CATATAN-AKHIR-TAHUN-2020_AMAN.pdf

³⁴ BPS. (2021). Akses Terhadap Layanan Sanitasi. See: https://www.bps.go.id/indikator/indikator/view_data/0000/data/1267/sdgs_6/1

directly influenced by the constitutional court decision 35/PUU-X/2012. As described below, while the legislations have supported the recognition since the early 2000, they came to a realization in sectoral laws only after 2013.

1. Second Amendment to the 1945 Indonesian Constitution, 2000 (*Perubahan kedua Undang-undang Dasar 1945*)
 - Chapter VI Article 18 B Paragraph (2) states that :
“The state shall recognize and respect units of customary law societies³⁵ with their traditional rights as long as they still exist and are in accordance with community development³⁶ and the principle of the Unitary State of the Republic of Indonesia³⁷, as regulated by laws”.
 - Chapter XA Article 28 i Paragraph (3) states that :
“The cultural identity and traditional community rights shall be respected in line with progress and human civilization”.
2. People’s Consultative Assembly Decree No.9/2001 on Agrarian Reform and Natural Resource Management (*TAP MPR No.IX Tahun 2001 tentang Pembaruan Agraria dan Pengelolaan Sumber Daya Alam*)
 - Article 4 says: The implementation of agrarian reform and natural resource management shall be based on the following principles:
 - (b) “respecting and honouring human rights”
 - (j) “recognizing, respecting, and protecting the rights of the customary law societies and the diversity of the national culture with respect to agrarian resources/natural resources”.
 - Article 6 says that the People’s Assembly:
“Tasks the DPR³⁸ and the President of the Republic of Indonesia immediately to regulate the further implementation of agrarian reform and natural resource management and to revoke, amend and/or revise all laws, rules and regulations that are not in conformity with this Decree”.
3. The Basic Agrarian Law No. 5/1960 (*Undang-Undang Pokok Agraria tahun 1960, UUPA*)
Chapter I Article 5 says that: “The agrarian law which applies to land, water and space is customary law, in so far as this does not conflict with national and state interests - which are based on the unity of the nation, Indonesian socialism and other regulations in this and other laws, and due respect to norms founded in religious laws”.
4. Act No. 39 of 1999 on Human Rights
 - i. Article 6 of Act 39 provides an explicit formulation of the recognition and protection of Indigenous Peoples and their cultural identity and considers this recognition and protection as part of the implementation of human rights.
 - ii. Articles 36 and 37 of Act 39 of 1999 concerning property rights and acquisition of property rights, respectively, become relevant in the framework of protection of Indigenous Peoples’ rights.
5. Act No. 27/2007 on Coastal and Small Islands Management
The law recognizes the rights of Indigenous Peoples to manage coastal and small islands and recognizes indigenous knowledge as an important aspect in the protection of the coastal areas and small islands.

³⁵ Customary law societies” is the literal translation of Masyarakat hukum adat, which means those communities who live by customary law.

³⁶ In accordance with community development’ is the literal translation of “sesuai dengan perkembangan masyarakat’ and it implies that Indigenous Peoples are at the lower level of indigenous society

³⁷ The concept of the “Unity of the Indonesian Republic” is always used by the Government to legitimize its control of land and natural resources. The government fears that attempts by Indigenous Peoples to control their resources could result in the fragmentation or disintegration of the country. Indigenous demands in Aceh and West Papua are particularly sensitive issues

³⁸ DPR is the Indonesian Legislative body that is equivalent to Parliament in the UK.

6. Constitutional Court Ruling 35/PUU-X/2012

The most significant change by this ruling is the revocation of several articles in Act No 41/1999 on Forestry that define a customary forest as a part of a state forest.

Through this ruling, there are some changes to forestry law, as below:

- i. Forest areas consist of state forests, customary forests, and private forests. The Constitutional Court Ruling restricted the definition of state forest to forests located on lands that are not burdened with any land rights. The customary forest is considered a land with adat/customary rights.
- ii. Customary forests are private forests belonging to the masyarakat adat (Indigenous Peoples). The right is equal to other land rights that are mentioned in the Basic Agrarian Law.
- iii. Indigenous communities are recognized as legal subjects that bear rights and obligations. This was affirmed in the consideration of Constitutional Court judges when they issued the ruling, which is as follows:

“...In the Constitution [Article 18 B para 2 of Indonesian Constitution 1945 –*ed.*], there is one important and fundamental matter concerning the traffic of legal relations. The important and fundamental matter is legal customary groups being recognized and respected constitutionally as---right bearers who are also subject to obligations. Therefore, legal customary groups are legal subjects...(see paragraph [3.12.1] of Constitutional Court Ruling Number 35 /PUU-X/2012).
- iv. The implications of being recognized as a legal subject are as follows: (1) the Indigenous Peoples are able to take certain legal actions with regards to customary forests under their control, for example, conducting transactions of forest products, entering into a joint forest management scheme with a third party and invite a third party to improve forest management capacity, among others. (2) Indigenous Peoples are able to determine and make decisions in an autonomous manner regarding further arrangements for the management of their customary forests. These arrangements must take into consideration the function that has been determined in the forestry and spatial plans, for example, whether it has a conservation or protection function

7. Act No 6/2014 on Village

Village law is one of the laws that took the constitutional court ruling as a basis for its stipulation. Below are the provisions of recognition to the customary village or adat communities.

- i. Recognizing the inherited rights (*hak asal usul*) as rights that are inherent to the historical existence of the community and still recognized as part of the village or community system of governance including indigenous community organizations, indigenous institutions and laws, village land banks, and agreements regarding the life of the village community.
- ii. The indigenous or adat village has seven areas of authority, including the authority to regulate and take care of communal (*ulayat*) or customary territory. Communal (*ulayat*) or customary territory” is the territory of the masyarakat hukum adat.
- iii. Some indigenous villages have been formally recognized by the government.

8. Constitutional Court Decision 55/PUU-VIII/2010 Judicial Review for Plantation Law

The decision was initially triggered by a penal case³⁹ in 2009 where the higher court and supreme court punished two members of Indigenous community of Silat Hulu in West Kalimantan Province for defending their land. They are sentenced as criminals for stopping an oil palm company (PT Bangun Nusa Mandiri - BNM) from operating in the area that is traditionally their ancestral territory. While there was

³⁹ <https://gaung.aman.or.id/2015/10/07/masyarakat-adat-silat-hulu-menang-melawan-korporasi-perkebunan/>

no legal recognition for ancestral land at the time, the Silat Hulu community considered the company's presence as a transgression and disregarded their consent. The feeling of being ignored led the community to block the company from working. The police captured two members of the Silat Hulu community with the accusation of impeding the plantation from the operation. Plantation Law did have an article to punish people who are considered to be hindering the company's operation. The article was seen by Indonesia's Civil Society as a criminalization article aiming to shut down the contra position against the plantations.

In 2011, together with other justice seekers from Blitar East Java and North Sumatera, the Silat Hulu Community filed the petition against Plantation Law to the Constitutional Court. The court accepted the petition and via decision 55/PUU-VIII/2010 revoked the criminalization article. The community's lawyer maximized this decision as a novum to file a plea for the community members to the Supreme Court. The court accepted the plea and set the community members free from previous decisions. Similar to Constitutional Court Decision 35, the decision was a landmark since it considers the community's protest including blockage was no longer a criminal act, but a method to express feelings of injustice. Therefore, a protest against unfair investment should be considered a way of expressing rights.

9. Land Regulations

Following the Constitutional Court Ruling 35/PUU-X/2012, the land agency or the Minister of Agrarian Affairs and Spatial Planning issued a Decree Number 10 Year 2016 concerning the Procedure for the Enactment of the Communal Rights to Land of Legal Customary Groups and Communities Living in a Particular Area (Permen ATR 10/2016). This ministerial regulation regulates the stages and procedures for applicants wanting to obtain recognition of communal rights to land inside a plantation or forest area. There are two main requirements set out in this ministerial regulation to obtain recognition of communal land rights, namely subject and administrative requirements. Subject requirements pertain to criteria that have to be fulfilled to be categorized as a legal customary group, namely: (1) still in the form of *gemeinschaft* ("community and society"), (2) the existence of a customary institution and customary leaders, (3) the existence of a clear customary territory, (4) the existence of customary institutions and laws that are still obeyed by the community.

Government institutions working with Indigenous Peoples

There are at least two agencies that are currently working on Indigenous Peoples: The Directorate for the Empowerment of Isolated Indigenous Communities (Dit. PKAT) in the Ministry of Social Affairs⁴⁰ and the Directorate of Conflict Complaints, Tenure and Customary Forests (Dit.PKTHA).⁴¹ These two agencies provide services to carry out activities related to the Indigenous Peoples, including devoting resources for facilitation and empowerment.

The Directorate for the Empowerment of Isolated Indigenous Communities (Dit.PKAT) is one of the entities of Indonesia's Government that devote resources specifically to Indigenous Peoples as a vulnerable group. According to this office, Isolated Indigenous Communities (IIC) are a number of people determined by geographic, economic, and/or socio-cultural units, and are poor, remote, and/or socio-economic vulnerable.

⁴⁰ <https://sikapdaya.kemsos.go.id/kegiatan/detail/1>

⁴¹ <http://pskl.menlhk.go.id/pktha/pengaduan/frontend/web/index.php?r=site%2Findex>

The Dit.PKAT identifies IIC based on three categories, namely categories I, II, and III (see table 2). An assessment is carried out to determine the category of a community and eventually create programs in accordance with these categories. Given the complexities of the context, Dit.PKAT collaborates with universities in conducting the assessment. The different categories will implicate different development interventions, especially in relation to the length of facilitation from the Dit.PKAT.

Table 3: category of Isolated Indigenous Community

Category I	Category II	Category III
<ul style="list-style-type: none"> a. live dispersed and organized in small, closed, and homogeneous communities; b. the livelihoods have highly relied on local natural resources (hunting, fishing, shifting cultivation rotationally) c. live with a subsistence economic system; (livelihood results are used to meet their own needs) d. use a very simple set of technologies/ supporting equipment; e. lack of access to basic needs and services from government administration; and f. experience various vulnerabilities (food security, nutrition and social welfare problems). 	<ul style="list-style-type: none"> a. temporary sedentary life, generally still homogeneous, but has become more open b. shifting cultivators; c. live with an economic system that leads to a market system; d. lifestyle is more advanced than IIC category I; e. lack of access in the countryside; and f. experience vulnerability 	<ul style="list-style-type: none"> a. sedentary life, heterogeneous, and more open; b. livelihoods are relied on farming, gardening, fishing, crafts and/or trading; c. live with a market economy system; d. commonly live more advanced than category I and II; e. lack of access in rural and urban areas; and f. Remain vulnerable.

The Dit.PKAT has operational units throughout the country, at the provincial and district levels, with programmes mainly targeting intervening in the IIC to level up their life into a modern society. Therefore, the programmes of facilitation and empowerment will be divided into a certain period of time-based on the categories. The communities of category I will be mediated through 3 years program, while categories II and III will have 2 and 1 years respectively.

To implement this programme, the Dit. PKAT coordinates with the Ministry of Home Affairs to provide the communities with identity cards and family registration. It is expected to organize better coordination among the line ministries in providing service programme to these communities. During the pandemic, the Dit.PKAT has been required to distribute “bantuan sosial” (social aid) to these communities in collaboration with other agencies including defense forces. In relation to health services, the Dit.PKAT works with the health ministry and local health services including PUSKESMAS (Public Healthcare Center) to reach these communities with basic health services such as a vaccine, mother healthcare and infant nurture. Similarly, some of the empowerment programmes such as housing, and farming technique are also worked in collaboration with a local agency for social affairs which is the main channel of implementing these programmes. The Dit.PKAT also employs a

number of facilitators all around the country to give training, mentoring, and educate the IIC about modern life.

Meanwhile, the Dit.PKTHA is responsible to process the application for customary forests. They are supported by the public budget to do a field verification regarding the request for customary forests. To do that, the directorate has identified the indicative map for customary forests which is now more than 1 million hectares. While their authority to provide recognition for customary forests is huge, the budget remains limited. Moreover, the capacity of one directorate is not enough to handle all the applications and proposals for recognition. The directorate is relatively new and has no pattern of regular cooperation with local agencies. Therefore, most of their target is not reflected in district annual plans.

The Internal Affairs Department and Law/Human Rights Ministries are two institutions in Indonesia that wield considerable power over other ministries and, to some extent, “contain the agenda” on Indigenous rights protection. The concerns over separatism have a strong seat in the Department of Internal Affairs, and the Ministry of Law and Human Rights takes the lead (with support from the Ministry of Foreign Affairs) on reporting to the United Nations on Indonesia’s implementation of international conventions.

Other sectoral agencies and legislative bodies – district environmental agency (DLH) district agency for village empowerment (BPMD) and provincial forestry agency (DISHUT) – have a mandate that relates to Indigenous Peoples' interests. In the district environmental agency, there is a task for them to identify and recognize the traditional knowledge of Indigenous Peoples. In the BPMD, there is a unit for Customary/Traditional Institutions and Culture (sub-bidang Kelembagaan, Adat dan Sosial Budaya). However, they have no effective cross-reference or cooperation with other sectors of the local government working with Indigenous communities (e.g. Dit. PKAT in the Ministry of Social Affairs). The unit focuses on formalizing traditional institutions by giving them honorarium payments or organizing competitions. BPMD has the potential to do more meaningful facilitation at the community level; however, they need more financial support and technical direction to do this.

International treaties, declarations and conventions ratified by Indonesia

Recognition of Indigenous Peoples’ rights are not only incorporated in national legislation, but also in international conventions, both binding and non-binding. Even the UN adopted the Declaration of Indigenous Peoples’ Rights in September 2007. The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) sets the international minimum standards for the protection, respect and fulfillment of the rights of Indigenous Peoples. While it is a declaration and is, therefore, not legally binding as conventions are, many of the articles are actually legally binding as these are lifted from the Convention on Civil and Political Rights and the Convention on Economic, Social and Cultural Rights. Indonesia signed the adoption of the Declaration, and as a signatory to the UNDRIP, Indonesia has agreed to respect, protect and fulfill the rights of the Indigenous Peoples in Indonesia. But in fact, the UNDRIP has been not implemented until today.

After 1998 various administrations decided to ratify several international conventions on human rights. By 2021, Indonesia had ratified at least twelve conventions, all of them relating to indigenous concerns. They are:

- Law No. 7/1984 on the Ratification of the Convention on the Elimination of All Forms of Discrimination against Women

- Presidential Decree No. 36/1990 on the Ratification of the Convention concerning the Rights of the Child
- Law No. 5/1994 on the Ratification of the United Nations Convention on Biological Diversity
- Law No. 5/1998 on the Ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Law No. 19/1999 on the Ratification of the ILO Convention No. 105 concerning The Abolition of Forced Labour
- Law No. 20/1999 on the Ratification of ILO Convention No. 138 concerning Minimum Age for Admission to Employment
- Law No. 21/1999 on the Ratification of the ILO Convention No. 21 concerning the Discrimination in the Respect of Employment and Occupation
- Law No. 29/1999 on the Ratification of the International Convention on the Elimination of All Forms of Racial Discrimination 1965
- Law No. 1/2000 on the Ratification of the ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour
- Law 11/2005 on the Ratification of the International Covenant on Civil and Political Rights
- Law 12/2005 on the Ratification of the International Covenant on Economic, Social and Cultural Rights
- Law 6/2012 on the Ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Regional, national and grass-roots organizations/networks in Indonesia

Regional Indigenous Peoples' organizations

The Asia Indigenous Peoples Pact (AIPP) is a regional organization established by Indigenous Peoples' organizations in 1992 to strengthen the struggles, cooperation and solidarity among Indigenous Peoples across Asia. AIPP is committed to defending and revitalizing: indigenous systems, institutions and their control over their ancestral homelands, and their own development and future. AIPP is guided by its Charter and Working Guidelines agreed upon by its General Assembly. At present, AIPP has members from 14 countries and has a broad network for cooperation and solidarity with other organizations, institutions and advocates at national, regional and global levels. Address: 108, Moo 5, Soi 6 Tambone Sanpranate, Amphur Sansai Chiang Mai - 50210, Thailand. Phone: +66 (0)53 380 168. Fax: +66 (0)53 380752. Email: aippmail@aippnet.org

National Indigenous Peoples' organizations

Aliansi Masyarakat Adat Nusantara/AMAN (Indigenous Peoples' Alliance of the Archipelago) is an Indigenous Peoples' organization that represents Indigenous Peoples from throughout Indonesia. The Alliance aims to be an organization for Indigenous Peoples to struggle for their existence, rights and sovereignty in running their lives and managing their natural resources. AMAN's main working areas are (i) indigenous organization, networking and customary institutions development; (ii) Indigenous rights advocacy and legal defense; (iii) strengthening customary-based economic systems; (iv) strengthening indigenous women; and (v) education for indigenous youth. Address: Jl. Tebet Timur Dalam Raya No.11 A, RT.8/RW.4, Tebet Tim., Kec. Tebet, Kota Jakarta Selatan, Daerah Khusus Ibukota Jakarta 12820. Telp/Fax +6221-8297954; Email: rumahaman@cbn.net.id; Website: www.aman.or.id

NGOs working in support of Indigenous Peoples

Jaringan Kerja Pemetaan Partisipatif (JKPP) is a network of 33 non-governmental and community organizations from all over Indonesia. It was formed with the aim of "accelerating the recognition of customary community rights in managing local natural resources in Indonesia through the development of community mapping concepts, methodologies and strategies". It is working towards the formation of a 'Traditional Community Mapping Network' with a broad cross-section of stakeholders.

Address: Jl. Cimanuk Blok B7 No.6, Perumahan Bogor Baru, Bogor 16152 - Indonesia
Telp. +62 251 379143, Fax. +62 251 314210, email. seknas@jkpp.org, Website: www.jkpp.org

Badan Registrasi Wilayah Adat

The Ancestral Domain Registration Agency (BRWA) is the institution where the customary territory is registered. BRWA was formed in 2010 at the initiative of the AMAN, JKPP, FWI, KpSHK, and Sawit Watch (SW). BRWA was formed because data and information on the existence of Indigenous Peoples and areas resulting from participatory mapping were not well documented. In addition, the government also does not have maps and social data on the existence of Indigenous Peoples and their customary territories. The participatory map is produced to promote the recognition and protection of Indigenous Peoples' rights.

Address: Jl. Sadewa I No.3, RT.05/RW.14, Bantarjati, Kec. Bogor Utara, Kota Bogor, Jawa Barat 16153, Telp: 0251-7564459. Email: brwapusat@brwa.or.id. Website: <https://brwa.or.id/wa/>

Perkumpulan Telapak works effectively through intense study, investigation and monitoring of primary issues on natural resource management and advocates on local, national, and international levels. Currently, Telapak is working on the following: monitoring and advocating for forest management, especially against illegal logging and forest destruction; working against destructive fishing through the development of alternative fish-catching methods; promoting the management practices of natural resources by the local community on DAS (River Basin Area) and its non-timber forest products; monitoring the effectiveness of local society's involvement in forestry projects funded by grants in Indonesia; and monitoring the involvement of Indonesia's civil society in international initiatives against illegal logging and illegal timber trade.

Address: Jl. Pajajaran No. 54 Bogor 16143, Jawa Barat, Indonesia. Phone : +62 251 8393 245, 715 9902. Fax: +62 251 8393 247. Email : info@telapak.org. Website: www.telapak.org

Wahana Lingkungan Hidup Indonesia (WALHI)/Friend of the Earth of Indonesia is the largest independent, a non-profit environmental organization in Indonesia. It is present in 26 provinces incorporating 436 NGOs, nature-lover groups (KPA) and self-help groups. It was established on 15 October 1980 to express a reaction to and concern about injustice in the management of natural resources and sources of livelihood, resulting from non-sustainable and unjust development paradigms and processes. Its vision is to establish a just democratic social, economic and political structure that secures communities' rights to sources of livelihood and a healthy environment. Its mission is to become an independent network of environmental protectors to establish just and democratic ecological and societal structures.

Address: Jl. Tegal Parang No.14 Jakarta Selatan 12790. Phone: +62 21 791933 63 – 65. Fax: +62 21 7941673. E-mail: info@walhi.or.id. Website: www.walhi.or.id

Forest Watch Indonesia (FWI) is an independent forest-watching organization comprising individuals and organizations committed to establishing open forestry-related data and information management that can ensure just and sustainable forest management. FWI

believes that its ambition will only be achieved when forestry-related data and information are accessible and when forest management is free from any forms of exploitation and conversion that undermine forests' carrying capacity and that incite conflicts.

Address: Jl. Sempur Kaler No. 62 Bogor-Indonesia 16129. Telp: +622518333 308/Fax : +62 2518317926. E-mail: fwibogor@fwi.or.id, fwi@indo.net.id. website: <http://www.fwi.or.id>

Sawit Watch is an Indonesian NGO concerned with adverse negative social and environmental impacts of oil palm plantation development in Indonesia. Sawit Watch's (Oil Palm Watch) individual members work in 17 provinces where oil palm plantations are being developed. Sawit Watch seeks to promote social justice through rights-based approaches.

Address: Komplek IPB Baranangsiang III, Jl. Danau Singkarak No.17, RT.05/RW.08, Baranangsiang, Kecamatan Bogor Tengah, Kota Bogor, Jawa Barat 16143. Telephone: +62 251 8352171

Email: info@sawitwatch.or.id. Website: <http://www.sawitwatch.or.id>

HuMA (Association for Community and Ecologically-based Legal Reform), was founded in 2001 by individuals who have long experience and a clear position regarding the importance of community and ecological-based law reform on issues related to land and other natural resources.

Address: Jl. Jatisari 2 No.27, RT.5/RW.7, Jati Padang, Kec. Ps. Minggu, Kota Jakarta Selatan, Daerah Khusus Ibukota Jakarta 12540. Tel: +62(21)78845871, Fax: +62(21)7806959, Email: huma@huma.or.id and huma@cbn.net.id

Local grass-roots Indigenous Peoples' organizations

Aliansi Masyarakat Adat Kalimantan Barat (Indigenous Peoples' Alliance of West Kalimantan)/AMAN Kalbar is one of the provincial offices of the Indigenous Peoples' Alliance of the Archipelago (AMAN) in West Kalimantan. Until October 2006, AMAN Kalbar was working directly with its registered members of 106 indigenous communities, including 247,000 people. These communities live in nine districts in West Kalimantan: Ketapang, Pontianak, Sanggau, Sintang, Bengkayang, Landak, Sekadau, Melawi and Kapuas Hulu, and are mainly Dayak.

Address: Jl. Budi Utomo, No.03, Siantan Hulu, Pontianak Utara 78241, Kalimantan Barat, Tel/fax: +62 561 885264/885211, email: amakalbar@ptk.centrin.net.id

Information on IFAD's work with Indigenous Peoples

IFAD supports the Indonesian Government in its efforts to achieve medium-term and long-term objectives of poverty reduction. IFAD's operations in Indonesia aim to empower poor rural women and men living in poor areas in order to enhance their food security, increase their incomes and reduce poverty.

In August 2016, IFAD approved the organization's new Country Strategic Opportunities Programme (COSOP for Indonesia) for the period 2016–2019. The COSOP is linked to the National Middle-term Development Plan (RPJMN). The objectives contribute to achieving three priorities in RJP MN:

- Smallholder producers participate in remunerative agricultural markets
- Smallholder producers and their families are more resilient to risks
- Rural institutions deliver services that respond to the needs of smallholder producers.

IFAD broadens its geographical focus to pilot models in wider socioeconomic, cultural and environmental contexts, which will then be scaled up nationally through government programmes. While IFAD will be open to interventions in disadvantaged areas nationally, it maintains its focus on eastern Indonesia including READSI program (Sulawesi Island) where rural empowerment is highly needed.

Programmes and projects funded by IFAD work to help target groups as follows:

- smallholder farmers (women and men)
- smallholder fisheries producers
- women and woman-headed households
- marginal communities and ethnic minorities in the selected geographic areas
- youth.

Moreover, IFAD continues the program of an equitable, inclusive approach to enable women and various socioeconomic groups, including poorer households, to take advantage of project investments to improve their livelihoods.

IFAD projects:

<https://www.ifad.org/en/web/operations/w/country/indonesia>

IPAF projects:

https://www.ifad.org/documents/38711624/41839851/ipaf_asia_e.pdf/b5122e37-c7ba-3648-47e3-e3592ba19b42

In 2019, IFAD developed programmes:

Uplands Agriculture Productivity and Markets Project (UPLANDS)⁴²

Programme type	Agricultural development
Project ID	2000002234
Approval date	11 December 2019
Implementation period	2019 – 2024
Total cost	US\$151.655 million
IFAD grant	US\$ 50 million
Islamic Development Bank (ISDB) loan	US\$ 70 million
ISDB grant	US\$ 0.50 million
National Government	US\$ 17.1 million
Beneficiaries	US\$ 14.0 million
Private sector	US\$ 24.000
Amount benefiting Indigenous Peoples	
Executing agency	Ministry of Agriculture
Indigenous groups	Lombok Timur: Krama Adat Sembalun Bumbung, Kemangkuan Adat Tanak Sembalun, Kemangkuan Sajang Lebak: Kasepuhan Sindang Agung, Kasepuhan Karang, Wewengkon Kasepuhan Cibarani, Wewengkon Pasireurih, Kasepuhan Citorek, Wewengkon Kasepuhan Csitu, Kasepuhan Cirompang, Wewengkon Adat Cibedug

⁴² Indonesia 2000002234: UPLANDS Project Project Design Report July 2019. <https://www.ifad.org/en/-/document/indonesia-2000002234-uplands-project-project-design-report-july-2019>

The loan will be repaid exceeding a period of 25 years including a grace period of 7 years. Indonesia will contribute in the form of goods and money for the project to cover costs related to project administration, monitoring and evaluation at the central and district levels.

Programme areas

The program targets economically active upland smallholders (men and women), poor and marginalized subsistence farmers (men and women), women processors and youth in 14 districts. Those districts are Lebak, Tasikmalaya, Subang, Cirebon, Garut, Banjarnegara, Purbalingga, Magelang, Malang, Sumenep, Lombok Timur, Sumbawa, Minahasa Selatan, and Gorontalo. Overall, the project would target the development of the integrated farming system in at least 12,200 Ha across the seven provinces and directly benefit about 23,500 households.

Lebak district is considered to have a large number of Indigenous Peoples. It is acknowledged by the project document that based on the information, some of the villages identified for project intervention in Lebak, Banten include Indigenous (Masyarakat adat) communities. BRWS's identification found that at least eight indigenous communities with their land have been registered in BRWA's database. They are mostly upland communities with high reliance on forests, rivers, and agricultural crops. IFAD's program is to focus the intervention on the commodity of mangosteen in 4 villages and 421 ha of land.

Following IFAD's Policy for Engagement with Indigenous Peoples, an FPIC implementation plan is included in the Project Implementation Manual (PIM). To ensure compliance with IFAD policies, the project will only start in those provinces where indigenous people are located only after and if appropriate FPIC is obtained. If any other Indigenous Peoples are identified in the project villages through the social mobilization process, IFAD's requirement for working with indigenous communities as specified in IFAD's policy for Engagement with Indigenous Peoples will be fully pursued and complied with.

Lombok Timur is also the area where BRWA has registered a number of Indigenous Peoples. IFAD's program will develop garlic in the area 1,640 hectares and involve 2,902 farmers divided into 92 Farmer Groups, located in 7 sub-districts and 26 villages. Seed of the potato will be obtained from the local area. Lombok Timur is known as one of the strong organized communities that lead the bottom-up process of indigenous recognition to the national level. BRWA has identified at least three communities which has agriculture tradition.

The Indigenous Peoples in both districts have been struggling in getting land rights recognition. In the Lebak district, the local government has stipulated District Regulation (PERDA) 8/2015 on the Recognition, Protection and Empowerment for the Indigenous Peoples of Kasepuhan. However, most of the indigenous lands are still overlapped by forest areas, especially national parks and protected forests. Meanwhile, Lombok Timur has no district regulation yet. Although the 2014 decision from the Head of District (SK 188.45/319/PPKA/2014) concerning village land (tanah pecatu) indicated that local government implicitly recognizes customary land, a higher level of regulation and clearer policy remains lacking.

Programme objective

The overall goal of the project will be to reduce poverty in upland areas through remunerative, sustainable and resilient livelihoods. The project would aim to increase agricultural productivity and farmer's income in upland areas through the development of land and water infrastructure, introducing modern agricultural cultivation techniques and holistic integrated agricultural management systems. The project would contribute to three specific outcomes that are in line with the strategic objectives of IFAD, IsDB and Government; (i) increase in poor rural people's productive capacities; (ii) increase poor rural people's benefits from market participation and (iii) increase in Government capacity for modernizing agriculture.

Programme components and activities

The project has 3 components including Project Management. The operational components are (i) Productivity Enhancement and Resilience Management; (ii) Agribusiness Development and Livelihood Facilitation; (iii) Strengthening Institutional Delivery Systems

1. Productivity enhancement and resilience management. It consists of Land and Infrastructure Development, and Production and Farm Management. Land development is expected to develop 5,000 hectares benefitting around 7,000 households. Meanwhile, Production and Farm Management provide training and technical support to farmers to enhance their agricultural knowledge and management capacity and will support the adoption of appropriate farm machinery to increase on-farm efficiency and productivity and will also train young people in machinery maintenance.
2. Agribusiness Development and Livelihood Facilitation has four sub-components; (i) Farmer Institutional Development; (ii) Marketing Infrastructure & Equipment (iii) Strengthening Market Linkages & Alliances and (iv) Access to Financial Services. The first of these will provide training in organization, business management and institutional strengthening for the farmer groups wanting improved access to markets. Through Marketing Infrastructure and Equipment, farmer groups who demonstrate their commitment to enhancing their access to markets would be eligible to apply for infrastructure and equipment support under the project. This could range from small-scale collection and pre-sorting facilities to small and larger scale post-harvest handling packaging facilities for fresh commodities and secondary processing facilities and equipment. Warehouse and cool storage facilities could also be established where viable and necessary to meet market requirements. Market linkage will help farmer groups to develop strengthen linkages to markets and value chains for their products. Component iv, Access to Financial Services would provide access to financial services through facilitating links with banks and financial institutions and will specifically explore the potential of Islamic micro-financing programs as well as other modalities to meet the needs of the target communities and the value chains to be developed.
3. The subcomponents of Component 3, Strengthening Institutional Delivery Systems are (i) Capacity building of Government Staff and (ii) Adaptive Research. Sub-component 3.1 will provide training for extension staff and district and sub-district level. The Adaptive Research sub-component will support relevant adaptive research in national agricultural research institutions.

Strategy

UPLANDs is linked to the overarching goal of IFAD's Indonesia country strategy (2016-2019), which is to support the inclusive rural transformation to enable rural people to

reduce poverty and achieve sustainable livelihoods. IFAD intends to achieve this through the provision of financing and technical support to develop innovative models that can be replicated and scaled up by Government and other partners. One of the strategies is to modernize the upland agricultural farming systems and create investments that prevent soil erosion, improve fertility and address water scarcity through water-conserving techniques and technologies. In order to effectively support smallholders in overcoming their constraints to improving productivity, an integrated approach will be required. UPLANDs would create synergies between uplands and lowlands in contributing to national food security with lowlands being the major rice production areas and the uplands producing a wider range of crops (including fruits) and livestock.

The project would aim to increase agricultural productivity and farmers' incomes in upland areas through the development of land and water infrastructure, introducing modern agricultural cultivation techniques and sustainable integrated agricultural management systems. The development objective of the project is to increase smallholders' agriculture productivity, incomes, livelihoods and resilience in the targeted uplands.

Innovative features

The model that UPLANDs promotes is piloting several innovations, including public-private partnerships along the value chain using the BLUD and KUBE systems. A key objective will be to ensure these organizations are professionally managed and financially sustainable and their development is based on flexible viable business models. The model of using village institutions is in line with national village programmes which is one of the strategic priorities of the existing government. Significant emphasis will be to provide training, and institutional support provision of microfinance for both crop production and on and off-farm equipment. In parallel with production-orientated activities, the new BLUDs and KUBEs are required to support the social environmental and climate programs. Initially financed by the project however in the long term their sustainability would require the BLUDs and KUBE to be self-financing with sufficient margins and access to finance to ensure continuity of social, environmental and climate activities.

In parallel the UPLANDs directly support the establishment of individual enterprises or small group enterprises including farmers, women youth and laborers; these could be in production, processing, or marketing. Although the UPLANDs will provide support and subsidies in all cases the critical requirement will be viable and long-term self-financing and commercial enterprises; a business model will be a key requirement.

Integrated Village Economic Transformation Project (Transformasi Ekonomi Kampung Terpadu)⁴³

Programme type	Rural development
Project ID	2000002562
Approval date	October 2019
Implementation period	2019 – 2025
Total cost	US\$ 702.027 million
IFAD loan	US\$ 34.355 million
IFAD grant	US\$ 1.5 million
GoI contribution	US\$ 587.672 million
Amount benefiting Indigenous Peoples	

⁴³ Indonesia 2000002562: TEKAD Project Design Report October 2019: https://www.ifad.org/en/-/document/indonesia-2000002562-tekad-project-design-report-october-2019?p_1_back_url=%2Fen%2Fcorporate-documents%3Fmode%3Dsearch%26keywords%3DTEKAD

Executing agency	Ministry of Village (MoV)
Indigenous groups	<p>Papua has 193 tribes with 193 different languages. Some of the tribes are Asmat, Bauzi, Bgu, Citak, Dani, Ekagi, Hattam, Iha, Inanwatan, Kamoro, Korowai, Kupol, Kwerba, Kwesten, Lani, Mairasi, Mandobo, Muyu, Tehid and Yali</p> <p>East Nusa Tenggara also has many indigenous groups. Some of the biggest groups are Adona, Alor Solor, Bali Aga, Atoni, Belu, Bodha, Nage Keo, Damar, Dawan, Dodongko, Flores, Manggarai, Mambaro, Marea, Ende, Dompou, Kisar, Leti, Helong, Kupang, Lombleng, Lio, Sabu, Boti, Bajawa, Kemang, Ngada, Larantuka, Lamahot and Solor (Solor island), Rote (Rote island), Sawu (Sawu island) and Deing (Pantar island).</p> <p>North Maluku also has diverse tribes, i.e. Mangole (Mangole island), Madole, Pagu, Ternate (Ternate island), Makian Barat, Kao, Tidore (Tidore island), Patani, Sawai, Weda, and Bacan, Galela, Gebe, Buli, Maba, Gane and Wayoli (Halmahera island), Makian Timur, Kayoa, Bacan (Halmahera island), Sula, Ange, Siboyo, Kadai, Galela (Halmahera island), Tobelo (North Halmahera island), Loloda, Tobaru, Togutil / Tobelo Dalam (Halmahera island), and Sahu (data from www.malukuutaraprov.go.id).</p> <p>Tribes in Maluku province include Ambon (Ambon island), Aru (Aru islands), Asilulu (Ambon island), Banda (Banda islands), Wai Apu and Buru (Buru island), Siritun and Esiriun (Geser island, Seram), Kei (Kei islands), Wemale, Alifuru, Huaulu, Lumoli, Manusela, Mausu Ane, Naulu (Seram island), Pelauw (Haruku island), Tanimbar (Tanimbar islands).</p>

Program Area

TEKAD is mainly focusing on Eastern Indonesian provinces: Papua, West Papua, Maluku, North Maluku and East Nusa Tenggara. These are provinces with the highest poverty rates, as indicated in Table 1. Although GoI has been concentrating its development efforts on improving infrastructure, especially in remote rural areas, Human Development Indicator (HDI) rates in these provinces are still among the lowest in the country. Literacy - and numeracy - rates can be as low as 25% in the Papuan highlands (especially among women; the provincial average is 68%) and up to almost 100 percent elsewhere – for example in villages close to urban centres in East Nusa Tenggara. Malnutrition is significantly higher in Eastern Indonesia, and the stunting of children under 5 years of age is above 40% in East Nusa Tenggara and Maluku. For instance, in Nangapanda East Nusa Tenggara, while overall stunting cases decrease from 49,4 % in 2014 to 21,3 % in 2020, about 34 % of the previous case remains stunting.⁴⁴

⁴⁴ Suciyanti, D., Wangge, G., Fahmida, U., & Supali, T. (2021). Stunting Among Children in Rural Area of Indonesia: Five-Year Follow-Up Study. *Current Developments in Nutrition*, 5(Supplement_2), 187-187 .

In addition to health and public infrastructure, clean water supply is one of the common problems in these provinces. Of 2019 statistical data, the access to clean water in these provinces was Maluku 86.86 %; North Maluku 78.71%; East Nusa Tenggara 75.01%; West Papua 74.93 %; and Papua 55.49% – except Maluku, the others are below the average national of access to clean water of 84.91. This means that these provinces are prone to several health issues.

Moreover, the area is where many indigenous groups have been living with traditions for millennia. While their existence is clearly related to land and natural resources, their access is denied. Currently, political willingness from the government helps to create local regulations to recognize the rights of Indigenous Peoples. Some of these provinces had specific regulation for Indigenous Peoples. For instance, the Province of Maluku has created local regulations (Perda) in 2005 to revitalize customary villages as the lower unit of the government structure. It allows traditional systems to govern including controlling their land and applying customary laws. However, Papua and West Papua remain difficult to have formal rights. Although they have provincial regulations on the Indigenous Peoples, none of the customary forests in the area are recognized formally by the Ministry of Environment and Forestry. In East Nusa Tenggara, there is a number of districts that have established regulations on Indigenous Peoples. But, similar to other provinces, those lands are being contested by big concessions such as mining and forestry.

Program Objectives

TEKAD's overall goal is that empowered village communities to contribute to rural transformation and inclusive growth in Eastern Indonesia by leveraging the potential of the Village Law and the Village Fund. The programme development objective is to enable rural households to develop sustainable livelihoods, taking advantage of strengthened village and district level governance. Though the intervention is mainly at the village level, the status of the adat village (customary village) has not been properly addressed by current laws and policies. Maluku and Papua have the regulation to empower adat village (negeri and kampung) to play a role as the lower rank of government institutions. However, similar to a formal village, these adat villages have no functions for natural resources and land which are fundamental for Indigenous Peoples.

Program Component and Activities

The program has three components that are related to the implementation of village law. Component 1 – Village Economic Empowerment will be rooted in the Village Law and will aim at strengthening village governance and developing village economic initiatives. This component will improve the abilities of village governments and communities to promote inclusive and sustainable economic development, building on the local potential and using resources from the Village Fund and from other sources. The expected outcome is that village communities implement profitable economic initiatives, prioritized through participatory planning to ensure that strategic choices rest on the broad participation of social and economic groups. Most of the activities under this component will take place at the village level and will be complementary to others implemented at the district and provincial levels.

Component 2 – Partnerships for Village Economic Development will promote an enabling environment for inclusive and sustainable local economic development, by facilitating access of village households and economic organizations to production support services, markets and commercial financing necessary for their economic initiatives. This component will: (i) strengthen the capacities of districts and sub-districts to provide support services to village governments and better integrate village needs into district

economic development planning; (ii) promote villagers' access to qualified technical and business development services; (iii) support linkages with financial services providers, so that villagers access financing to complement public resources. This component will have a key role in ensuring that, by the end of the project, villages keep accessing services, markets and financing to ensure profitable and sustainable economic initiatives.

Component 3 – Innovation, Learning and Policy Development will promote evidence-based learning, policy development and institutional strengthening in support of village economic development by: (1) documenting innovative practices and achievements from TEKAD implementation, and generating replicable models based on successful experiences; (2) providing evidence-based information to support the consolidation of the policy and regulatory framework for village economic development; and (3) strengthening capacities of the Ministry of Villages to promote village economic development, taking advantage of the positive environment set by Village Law and the Village Fund. The expected outcome is that an enabling policy and institutional environment facilitate village economic development.

Strategy

TEKAD initiative was designed to build on the experience gained from Gol's National Program for Community Empowerment -*Program Nasional Pemberdayaan Masyarakat* (PNPM), and from IFAD's past projects supporting PNPM (PNPM *Pertanian*/Agriculture) and the implementation of the 2014 Village Law (Village Development Programme) in Papua and West Papua. Using the opportunity from Village Law, TEKAD supports activities of connecting the village to the bigger economic chain.

To support the main strategy of operationalizing Village Law, TEKAD aims to facilitate equal roles for man-women by introducing Gender Equality and Social Inclusion (GESI). The strategy is to ensure that poor target groups, women, young people and indigenous groups in the target villages participate in TEKAD activities and access programme benefits. The strategy will define objectives, a core set of orientations and mechanisms building on the Village Law to : (i) profile target sub-groups; (ii) ensure gender equitable and social inclusion of the target groups and especially of disadvantaged or isolated groups in the village planning and budgeting process and in the development of village economic initiatives; (iii) develop transparent monitoring mechanisms to measure achievements and identify challenges, such as community audits and grievance mechanisms to assess gender equitable and social inclusion in village processes; (iv) prevent elite capture, for which the main strategy will consist on empowering rural communities, including organizations strengthening and capacity building, emphasizing the poorest and more vulnerable segments, for them to participate and make their rights and priorities prevail in villages' decisions on the Village Fund resources allocation; (v) identify capacity building needs assessment of programme staff and key partners and identify capacity building needs assessment of programme staff and key partners; (vi) ensuring that economic organisations and multi-stakeholders' platforms are inclusive of women, poor and indigenous youth, and that GESI issues are addressed as part of their regular agenda; (vii) develop an implementation plan with outcomes and indicators to be updated annually in conjunction with the AWPB (Annual Workplan and Budgeting). They will also provide detailed orientations for ensuring that TEKAD activities foster social inclusiveness and accommodate the needs of women, young people and diverse socio-economic groups, building on the above guidance.

Innovative features

Some of the innovative fashions of TEKAD are:

Evidence-based of empowering village. TEKAD supports villages to have their own dataset as the baseline (evidence) for planning and action. Many projects to support the village have been done based on the target to be achieved, not by evidence. By using an evidence-based, TEKAD could replicate the models for village economic development in Indonesia.

Innovative market linkages especially for an isolated area in Papua. The innovative model is to address the specificities of the Papua provinces that combined understanding of the Papua social organization and culture, with new approaches based on alliances with market players or universities. Some of the examples are including the promotion of new marketing arrangements in collaboration with farmer groups, using social media as an advertising and brokering platform (Wamena district); the forging of direct, informal marketing linkages with supermarkets

Scale-up institutions. TEKAD major innovation was not scaled up in numbers, but institutionally, where a good shape of the institution at the village level could be replicated in other places.

Lessons learned

UPLANDs and TEKAD have some similarities in working on the Indigenous Peoples. Both of them employ the customary institutions to achieve the target that have been established by the project. The initiatives believe that the Indigenous Peoples institutions are ready to involve in the project and somehow prepared to change their behavior towards the expected results of the projects. Moreover, the initiative prepares the strategy to prevent elite capture through capacity building and organizational strengthening at the village level.

The strategy, however, ignores the fact that village institutions including the indigenous ones have been politically infiltrated for years. The decision-making at the village level is not merely the internally-made decision but externally influenced. Most of the main actors behind village-level decisions are those in power at the district level or even at the higher political positions. Without considering the interlink between the village-level actors and the exogenous factors will exactly direct the project benefits to the elites.

In addition, the implementation of direct election for village head echoing by village law is along with the ripples of political contestation that lead to social fragmentation. The opposition that is not ready to lose would find a way of revenge including challenging the projects where the village head's roles being strategic. Doing participatory effort is crucial to include both sides and if necessary to harmonize social fracture for common benefits where they can jointly identify.

However, projects with a fixed formula of targets as well as processes will find it difficult to do a fully participatory process from the beginning of the programme. It is important for village-level projects to provide more flexibilities for villagers to identify and propose programs. They are not prevented and limited from proposing different activities that they see important. Otherwise, these peoples would be always the implementers, not the planners.

Information of other international institutions' work with Indigenous Peoples

Green Climate Fund (GCF)

Since 2018, Indonesia has implemented GCF's projects. Three of them are being operated, they are: Geothermal Resource Risk Mitigation (GREM) project, project preparation of the Bus Rapid Transit (BRT) in Semarang, and Results-based Payment for REDD+

Performance 2014-2016. These projects have benefitted Indonesia with total financial support of US\$ 204.8 million.⁴⁵

While there is no specific projects for the Indigenous peoples, renewable energy is one of the proposed large projects which is projected to cost about US\$ 250.5 million.⁴⁶ It covers 15 regions including areas with high presence of the indigenous peoples such as North Sumatera, Aceh, North Maluku, East Nusa Tenggara, Jambi, Riau, West Nusa Tenggara, and West Java. Therefore, the project proposal claims will have some impacts for the indigenous peoples since those communities may not well understand the geothermal project.⁴⁷ The project was submitted by the World Bank with executing agency of PT. Sarana Multi Infrastruktur (SMI).

Another projects of World Bank and PT SMI in Wae Sano, West Manggarai District, East Nusa Tenggara Province, protest were rampant from the indigenous peoples. One of the reasons was a wrong initial assessment regarding the presence of indigenous peoples. As project document laid out: "The World Bank task team undertook initial screening for application of OP4.10 to Waesano project. Referring to the EGI Map of the World Bank, there was no indication of Indigenous communities at the area. The team visited the site from 2-7 November 2015."⁴⁸ The result of the conclusion lead to implicate of lack of indigenous peoples consultation and far behind of ESS 7 of free prior informed consent in the recent updated safeguards policy of the World Bank. In fact, the area is indigenous peoples territory that has a long history of control with a unique character of land tenure system.

Wrong identification regarding the character of indigenous peoples and the way how the indigenous communities see the project has been part of the past in infrastructure policy of Indonesia. GCF project should learn from the those failures to prevent the same mistake from happening and bring forward a full implementation of recent standards of world bank safeguards.

NICFI (Norway's International Climate and Forest Initiative)⁴⁹

From 2016-2020, NICFI supported several NGOs working with indigenous peoples. Number of international NGOs such as RRI (Rights Resources Initiatives), WRI (World Resources Instiute), RFN (Rainforest Foundation Norway), FPP (Forest Peoples Programme), Tenure Facility, RECOFTC, TNC (The Nature Conservancy) WWF (World Wildlife Fund), CIFOR (Center For International Forestry Research), Tebtebba, RAN (Rainforest Action Network), EIA (Environmental Investigation Agency), got NICFI's support to facilitate the work for indigenous peoples around the world, including Indonesia.

Similarly, some of the Indonesia-based organizations were also supported including Samdhana, AMAN, and WALHI.

⁴⁵ Kementerian Keuangan. (2021). Green Climate Fund's Progress in Indonesia. See:

https://fiskal.kemenkeu.go.id/nda_gcf/en/news/green-climate-fund-s-progress-in-indonesia

⁴⁶ GCF (Green Climate Fund). (2018). Funding Proposal FP083: Indonesia Geothermal Resource Risk Mitigation Project. See: <https://www.greenclimate.fund/sites/default/files/document/funding-proposal-fp083-world-bank-indonesia.pdf>

⁴⁷ GCF. Ibid

⁴⁸ Document titled "Integrated Safeguards Data sheet Restructuring Stage" updated 17 May 2021, report number ISDSR28370 on the aspect of Regarding Indigenous Peoples (OP) (BP 4.10). See: <https://documents1.worldbank.org/curated/en/339201621577956541/pdf/Restructuring-Integrated-Safeguards-Data-Sheet-ID-Geothermal-Energy-Upstream-Development-P155047.pdf>

⁴⁹ NICFI. The Norwegian Climate and Forest Funding to Civil Society 2015-2015 and 2016-2020. See: <https://www.norad.no/en/front/funding/climate-and-forest-initiative-support-scheme/grants-2013-2015/projects/#&sort=date®ion=19235&country=12768&sivprojecttype=12942>

Samdhana Institute got funds for project titled “Community Rights and REDD+ in Indonesia: Moving from Recognition to Implementation”. The project offered amount of support about US\$ 1.600.620. There were three expected outcomes from the project:

1. Communities in at least eight high-potential districts in Indonesia have legal certainty over their rights to natural forests
2. Household livelihoods in communities in at least eight high-potential districts in Indonesia are enhanced as a result of improved management of their indigenous forests
3. The institutional and policy framework in Indonesia recognises and protects community rights while incentivising sustainable community-based forest management.

WALHI got support for the project of “Just Governance to Address Underlying Causes of Deforestation”. The project was valued of US\$ 2.629.590. The results that were expected to be realized are:

1. At least additional 80,000 hectares community-based managed forests areas in 13 provinces being legally acknowledged by the government. Well documented local/indigenous communities forest management rules/models that are well implemented in 24 districts in 13 provinces.
2. At least 2 community declarations demanding the recognition and protection of the community-managed forests/areas representing the Sumatera region and small-island regions submitted to the relevant government/policy makers’ institutions. At least 13 regulations issued either at local, district or provincial level that recognize and protect the community-managed forests. A draft bill for climate and forest protection at the national level that are being discussed by the government and policy makers.
3. At least 3 cases involving extractive industries that cause deforestation and forest degradation (such as monoculture plantations) are exposed and investigated by the law enforcers. At least 2 cases involving forest crimes are processed in court.

AMAN had been supported for project titled “Advancing the Existing Forest and REDD+ Related Laws and Policies for Recovering and Ensuring the Rights of Indigenous Peoples to Land, Territories and Resources in Indonesia”. The total financial support for the project was about US\$ 4.115.880.

The project were expected to contribute to the advancement of policies and legal framework at national and district level, engage indigenous peoples in development of laws and policies for sustainable forest management, mapping customary land and establish green community enterprises and products.

World Bank’s Dedicated Grant Mechanism⁵⁰

Under the umbrella of the Climate Investment Fund, World Bank established a special grant for indigenous peoples which is commonly known as DGM (Dedicated Grant Mechanism). It was to support the full and effective participation of Indigenous Peoples and Local Communities in the international effort to reduce greenhouse gas emissions from deforestation and forest degradation and promote sustainable forest management and forest carbon stocks (REDD+). Indonesia’s DGM is titled “Strengthening Rights and Economies of Adat and Local Communities” for period of December 2016 – November 2022.

The grant has three main components. Component 1 is to strengthen indigenous peoples and local communities capacity to enhance tenure security and improve livelihoods. This is the main support given by the grant, which is more than 50 % of the fund. Component

⁵⁰ DGM. “About the Dedicated Grant Mechanism”. See: <https://www.dgmglobal.org/background>

2 is to improve policy processes and dialogues. And component 3 is allocated for project management, monitoring and evaluation.

International organizations working with Indigenous Peoples

International NGOs working with Indonesia's Indigenous Peoples

Forest Peoples Programme (FPP) is an international NGO based in UK, founded in 1990, which aims to secure the rights of indigenous and other peoples who live in and depend on the forests to control their lands and destinies.

Address: 1c Fosseyway Business Centre, Stratford Road, Moreton-in-Marsh GL56 9NQ, UK. Tel: (44) 01608 652893, Fax: (44) 01608 652878, e-mail: info@forespeoples.org

Tebtebba Foundation Indigenous Peoples International Center for Policy Research and Education is an Indigenous Peoples' organization born out of the need for heightened advocacy to have the rights of Indigenous Peoples recognized, respected and protected worldwide.

Address: #1 Roman Ayson Rd. Baguio City 2600, Philippines, Tel No. 63 74 4447703. Email: tebetebba@tebetebba.org Website: www.tebetebba.org

Rainforest Foundation Norway (RFN) is an organization founded in 1989 to support tropical rainforest protection while fulfilling the rights of Indigenous Peoples and traditional populations.

Address: Mariboeg Gate 8, 0183 Oslo. Tlp. No (+47) 23109500. Email: rainforest@rainforest.no. Website: <https://www.regnskog.no/en/r>

United Nations institutions

UNDP Regional Initiative on Indigenous Peoples' Rights and Development (UNDP RIPP) encourages governments and Indigenous Peoples to cooperate closely in widening the development choices available to Indigenous Peoples. It seeks to ensure better integration of indigenous issues into national development processes and outcomes through the following interlinked activities:

- conducting policy dialogues on critical issues at the local, national and regional levels;
- providing policy advice and programming support for Indigenous Peoples' rights and sustainable development; and
- strengthening the capacity of Indigenous Peoples and governments in upholding and implementing indigenous rights.

Address: UNDP Regional Centre in Bangkok, United Nations Service Building, 3rd Floor Rajdamnern Nok Ave. Bangkok Thailand. Email: regionalcentrebangkok@undp.org. Tel: +66 (2) 288-2129/Fax: +66 (2) 288-3032

International financial institutions (IFIs)

Asian Development Bank (ADB)

The Asian Development Bank (ADB) is a multilateral development finance institution whose mission is to reduce poverty in the Asia Pacific region. In 1998, the ADB formally recognized that some previous development initiatives had intensified the marginalization and poverty levels among Indigenous Peoples in Asia. Specifically, the ADB noted that the loss of access to land and lack of participation in development had led to not only increased marginalization of Indigenous Peoples, but in some cases, physical oppression

and disintegration or disappearance of distinct cultures. To protect against the continuation of such a destructive legacy of “development” for Indigenous Peoples, and in recognition of the fact that Indigenous Peoples have distinct development aspirations, the Bank developed an Indigenous Peoples Policy.

Contacts: Indonesia Resident Mission : Gedung BRI II, 7 Floor Jl. Jend Sudirman Kav. 44-46 Jakarta 10210, Indonesia. P.O. Box 99 JKPSA Jakarta 10350A, Indonesia. Tel +62 21 251 2721/Fax +62 21 251 2749. Email: adbirm@adb.org. Website : www.adb.org/IRM

The World Bank

The World Bank (WB) was the first international financial institution to develop internal guidelines on respecting some of the rights of Indigenous Peoples. The Bank's 1982 guidelines on "Tribal Peoples in Bank Financed Projects" (OMS 2.34) were developed in response to severe criticisms of the Bank for adverse impacts on indigenous communities throughout the world. Indonesian communities are covered by the WB's policy on Indigenous Peoples can generally be classified as falling into one of three categories: First, there are small pockets of highly isolated, vulnerable groups such as the Mentawai or other small island populations. Such groups can easily be adversely affected by development projects because of cultural and administrative prejudices against them, their unfamiliarity with modern market mechanisms, or their inability to retain control over productive and natural resources.

A second category refers to the much larger ethnic populations, which meet most of the WB's typological requirements (e.g. own language, sense of identity, traditional attachments) but exhibit varying degrees of vulnerability. Populations such as the so-called Dayak of Kalimantan or the tribal groups of Nusa Tenggara Timor fit here. The third group refers to heterogeneous communities, where a segment of the population is culturally or economically marginalized. Several of the fishing populations of the eastern islands, for example, have unique identities and also occupy subordinate positions within local social structures.

Address: The World Bank in Indonesia Office Gedung Bursa Efek Jakarta, Menara II/Lantai 12. Jl. Jend. Sudirman Kav. 52-53 Jakarta 12910. Telp: (6221) 5299-3000/Fax: (6221) 5299-3111. Website: www.worldbank.org/id

International Finance Corporation (IFC)

IFC, a member of the World Bank Group, has been active in Indonesia for nearly 40 years. Through sustainable private sector development, IFC aims to reduce poverty in Indonesia by creating opportunities and improving people's lives. IFC in Indonesia has three strategic objectives:

- Reduce the impact of climate change.
- Improve rural incomes.
- Promote sustainable urbanization.

In achieving the above objectives, IFC combines investment and advisory services to expand access to finance, extend the reach of infrastructure, strengthen commodity-based supply chains and improve the investment climate.

Address: Headquarters International Finance Corporation 2121 Pennsylvania Avenue, NW Washington, DC 20433 USA

References

- Abby, F. A., Barkatullah, A. H., Nurhayati, Y., & Said, M. Y. (2019). Forest management based on local culture of Dayak Kotabaru in the perspective of customary law for a sustainable future and prosperity of the local community. *Resources*, 8(2), 78.
- AMAN. Rekomendasi dan Resolusi Kongres III Masyarakat Adat Nusantara [KMAN III] 20 Maret 2007, Pontianak, Kalimantan Barat. 2007.
- AMAN. (2019). Memahami Dimensi-Dimensi Kemiskinan Masyarakat Adat. ICCO dan AMAN
- AMAN. (2020). Catatan Akhir Tahun 2020. See: https://www.aman.or.id/wp-content/uploads/2021/01/CATATAN-AKHIR-TAHUN-2020_AMAN.pdf
- Asian Development Bank. Indigenous Peoples/Ethnic Minorities and Poverty Reduction Indonesia. Manila, Philippines. June 2002.
- ICRAF, AMAN, FPP. *Satu Yang Kami Tuntut: Pengakuan*. World Agroforestry Centre [ICRAF], AMAN, FPP, Bogor, Indonesia. 2003.
- Beanal, Tom, *Amungme*, Jakarta: Elsam, 1998
- Comte, I., Colin, F., Whalen, J. K., Grünberger, O., & Caliman, J. P. (2012). Agricultural practices in oil palm plantations and their impact on hydrological changes, nutrient fluxes and water quality in Indonesia: a review. *Advances in Agronomy*, 116, 71-124
- DeFries, R. S., Rudel, T., Uriarte, M., & Hansen, M. (2010). Deforestation driven by urban population growth and agricultural trade in the twenty-first century. *Nature Geoscience*, 3(3), 178-181.
- Gaveau, D. L., Santos, L., Locatelli, B., Salim, M. A., Husnayaen, H., Meijaard, E., & Sheil, D. (2021). Forest loss in Indonesian New Guinea: trends, drivers, and outlook. *BioRxiv*.
- Kementerian Pertanian. (2021). Statistik Perkebunan Unggulan Nasional 2019-2021. Dirjen Perkebunan Kementerian Pertanian Republik Indonesia
- Komnasham. (2016). Inkuiri Nasional. *Konflik Agraria Masyarakat Hukum Adat Atas Wilayahnya Di Kawasan Hutan (KOMNAS HAM 2016)*
- Lynch, O. (1992). *Whither the People?* World Resources Institute, Washington DC, 1991
- Sembiring, R., Fatimah, I., & Widyaningsih, G. A. (2020). Indonesia's omnibus bill on job creation: a setback for environmental law?. *Chinese Journal of Environmental Law*, 4(1), 97-109.
- Sirait, M., T. (2009). Indigenous Peoples and Oil Palm Plantation Expansion in West Kalimantan Indonesia. Amsterdam University and Cordaid. See: <http://apps.worldagroforestry.org/downloads/Publications/PDFS/RP16385.pdf>
- Suciyanti, D., Wangge, G., Fahmida, U., & Supali, T. (2021). Stunting Among Children in Rural Area of Indonesia: Five-Year Follow-Up Study. *Current Developments in Nutrition*, 5(Supplement_2), 187-187.

Zerner, C. (1992). *Indigenous Forest-Dwelling Communities in Indonesia's Outer Islands: Livelihoods, Rights and Environmental Management Institutions in the Era of Industrial Forest Exploitation*, Paper for the World Bank Forest Sector Review, World Bank, Washington DC

World Agroforestry Centre, (2005), *Facilitating Agroforestry Development through Land and Tree Tenure Reforms in Indonesia*, ICRAF SE Asia Working Paper No 2, Bogor, 2005

Internet sources

BPS. (2021), Indeks Pembangunan Manusia Menurut Provinsi 2019-2021: <https://www.bps.go.id/indicator/26/494/1/-metode-baru-indeks-pembangunan-manusia-menurut-provinsi.html>

BPS. (2022). Indonesia's forest area and conservation. See: <https://www.bps.go.id/statictable/2013/12/31/1716/luas-kawasan-hutan-dan-kawasan-konservasi-perairan-indonesia-berdasarkan-surat-keputusan-menteri-lingkungan-hidup-dan-kehutanan.html>

DGM. "About the Dedicated Grant Mechanism". See: <https://www.dgmglobal.org/background>

Direktorat PKAT <https://sikapdaya.kemsos.go.id/kegiatan/detail/1>, retrieved on 29 March 2022

Direktorat PKTA, <http://pskl.menlhk.go.id/pktha/pengaduan/frontend/web/index.php?r=site%2Findex>, retrieved on 30 March 2022

Faisal Irfani. (2021). Babak Belur Fasilitas Kesehatan di Papua Melawan Covid dan Malaria. Tirto, 4 August 2021. See: <https://tirto.id/babak-belur-fasilitas-kesehatan-di-papua-melawan-covid-19-malaria-giki>

Faisal Irfani .(2021). Biang Memburuknya Covid-19 di Papua dan Papua Barat. Tirto, 2 August 2021. see: <https://tirto.id/biang-memburuknya-covid-19-di-papua-papua-barat-represi-negara-gifz>

GCF (Green Climate Fund). (2018). Funding Proposal FP083: Indonesia Geothermal Resource Risk Mitigation Project. See: <https://www.greenclimate.fund/sites/default/files/document/funding-proposal-fp083-world-bank-indonesia.pdf>

HRW and AMAN. (2019). When We Lost the Forest, We Lost Everything. Link: https://www.hrw.org/sites/default/files/report_pdf/indonesia0919_web.pdf, retrieved on 29 March 2022

ICCAs initiative indicates 15 areas of Indigenous Peoples strategy of conservation: <https://www.iccaconsortium.org/index.php/2015/08/29/advances-towards-the-recognition-of-iccas-in-indonesia/>, retrieved on 29 March 2022

IFAD UPLANDS project: Indonesia 2000002234: UPLANDS Project Project Design Report July 2019. <https://www.ifad.org/en/-/document/indonesia-2000002234-uplands-project-project-design-report-july-2019>, retrieved on 24 March 2022

IFAD TEKAD Project: Indonesia 2000002562: TEKAD Project Design Report October 2019: https://www.ifad.org/en/-/document/indonesia-2000002562-tekad-project-design-report-october-2019?p_1_back_url=%2Fen%2Fcorporate-documents%3Fmode%3Dsearch%26keywords%3DTEKAD, retrieved on 24 March 2022

Indigenous Peoples and civil society organisations file a UN CERD submission on Indonesia's highly controversial Omnibus Law: <https://www.forestpeoples.org/en/press-release-indonesia-CERD-submission-omnibus-law>

Indonesia: Indigenous Peoples Losing Their Forests: <https://www.hrw.org/id/news/2019/09/22/333956>, retrieved on 26 March 2022

Kampung Naga in the Middle of Modern Life: <https://www.mongabay.co.id/2020/07/21/kampung-naga-oase-tradisi-di-tengah-derap-kehidupan-modern/> retrieved on 27 March 2022

Kementerian Keuangan. (2021). Green Climate Fund's Progress in Indonesia. See: https://fiskal.kemenkeu.go.id/nda_gcf/en/news/green-climate-fund-s-progress-in-indonesia

KLHK. (2021). Pemerintah Terus Percepat Pengakuan Hutan Adat https://www.menlhk.go.id/site/single_post/4306/pemerintah-terus-percepat-pengakuan-hutan-adat

Kurniawarman. (2020). Peta Perundang-undangan tentang Pengakuan Hak Masyarakat Hukum Adat: https://procurement-notice.undp.org/view_file.cfm?doc_id=39284, retrieved 20 March 2022

Leonard Triyono. (2016). Masalah Perdagangan Manusia di Provinsi NTT. *Voa News 1 September 2016*. See: <https://www.voaindonesia.com/a/perdagangan-manusia-di-ntt-/3489757.html>

Majalah Hortus. (2020). Sawit dan Masyarakat Adat Dapat Hidup Berdampingan. *Majalah Hortus 25 September 2020*. See: <https://news.majalahhortus.com/sawit-dan-masyarakat-adat-dapat-hidup-berdampingan/>

Melati Kristina Andriarsi. (2018). Sebaran Masyarakat Adat. See: <https://katadata.co.id/padjar/infografik/5f8030631f92a/sebaran-masyarakat-adat>

NICFI. The Norwegian Climate and Forest Funding to Civil Society 2015-2015 and 2016-2020. See: <https://www.norad.no/en/front/funding/climate-and-forest-initiative-support-scheme/grants-2013-2015/projects/#&sort=date®ion=19235&country=12768&sivsaprojecttype=12942>

Nurdiyansah Dalidjo. (2022). Kilas Balik Kebangkitan Gerakan Masyarakat Adat Nusantara. See: <https://www.aman.or.id/news/read/kilas-balik-kebangkitan-gerakan-masyarakat-adat-nusantara>

UN Food and Agricultural Organization, Information and Analysis for Sustainable Forest Management: Linking National and International Efforts in South Asia and Southeast Asia, Bangkok, Thailand 2002. Available at: <http://www.fao.org/docrep/005/AC778E/AC778E11.htm>

Venansius Haryanto: August 2021: <https://www.insideindonesia.org/rethinking-development>, retrieved on 25 March 2022

World Bank. (2021). "Integrated Safeguards Data sheet Restructuring Stage" updated 17 May 2021, report number ISDSR28370 on the aspect of Regarding Indigenous Peoples (OP) (BP 4.10). See: <https://documents1.worldbank.org/curated/en/339201621577956541/pdf/Restructuring-Integrated-Safeguards-Data-Sheet-ID-Geothermal-Energy-Upstream-Development-P155047.pdf>

