Indonesia

A national analysis on the status of territories of life

Author(s): Cristina Eghenter, Cindy Julianty, Kasmita Widodo and Dewi Puspitasari Sutejo

Indonesia is one of the world’s most biologically and culturally megadiverse countries. Many areas of high biodiversity are conserved and managed in sustainable ways by Indigenous peoples who have a close bonding with their territories and have developed effective governance systems. These areas are a source of cultural and spiritual identity and foundation of their livelihoods. Over 11 million hectares of Indigenous territories have already been mapped, with over 460,000 hectares of territories and areas conserved by Indigenous peoples and local communities (ICCAs) spread across 13 provinces and the five big islands of the archipelago. Over 10 million hectares of Indigenous territories have been protected and sustainably used by Indigenous communities. ICCAs have been described in two books by WCII in 2014 and 2016. A third book with the fifty voices of women and men leaders and champions of Indigenous conservation is being finalised (2021). The stories include people such as the Ammatoa Kajang of Bulukumba, South Sulawesi, who have been protecting Ibong Karomoko or sacred forests for generations, the people in Hanuku, Maluku, who, like many communities in the coastal areas of eastern Indonesia, traditionally practice Sasi or temporary closure of fish catch or mollusc collection to allow for regeneration; and the Dayak Kenyah people in North Kalimantan and their communal forest reserves or Tano Ulen managed by the customary councils (see chapter in this report).

The situation of ICCAs—territories of life in Indonesia

Exemplary ICCAs protected and sustainably used by Indigenous communities in Indonesia have been described in two books by WCII in 2014 and 2016. A third book with the fifty voices of women and men leaders and champions of Indigenous conservation is being finalised (2021). The stories include people such as the Ammatoa Kajang of Bulukumba, South Sulawesi, who have been protecting Ibong Karomoko or sacred forests for generations, the people in Hanuku, Maluku, who, like many communities in the coastal areas of eastern Indonesia, traditionally practice Sasi or temporary closure of fish catch or mollusc collection to allow for regeneration; and the Dayak Kenyah people in North Kalimantan and their communal forest reserves or Tano Ulen managed by the customary councils (see chapter in this report).

These stories illustrate examples of holistic governance of ecosystems and biodiversity in Indonesia. They conserve a vast range of habitats, biodiversity and ecosystem services through their own zonation systems and regulations. From a rights perspective, ICCAs are the realisation of economic, environmental, social and cultural rights of Indigenous peoples. Many ICCAs are living evidence of ancestral connections as they contain megalithic monuments.

However, ICCAs in Indonesia are still facing many threats. The most significant is tenure insecurity. Lack of legal status makes ICCAs vulnerable to land grabbing, big infrastructure projects and agribusiness concessions. ICCAs are also not currently recognised as a service nor a project-based carbon provider. The Ammatoa say to protect the forest is to maintain universal balance.

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separate category of protected areas by the Indonesian government.

### Ecosystem Representation of Registered ICCAs (460K ha)

<table>
<thead>
<tr>
<th>Ecosystem Representation</th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freshwater lake</td>
<td>9.52</td>
</tr>
<tr>
<td>Forest</td>
<td>75.00</td>
</tr>
<tr>
<td>Karst</td>
<td>1.39</td>
</tr>
<tr>
<td>Coastal areas</td>
<td>9.52</td>
</tr>
<tr>
<td>River</td>
<td>4.76</td>
</tr>
<tr>
<td>Total (400K + ha)</td>
<td>100%</td>
</tr>
</tbody>
</table>

In terms of ecosystem representation, 75 per cent of registered ICCAs are forest ICCAs. By overlaying the map of ICCAs with the map of forest functions of the Ministry of Environment and Forestry, it shows that most ICCAs (60%) are overlapped by protected areas.

### ICCA Status vs. Forest Function

<table>
<thead>
<tr>
<th>ICCA Status vs. Forest Function</th>
<th>Percentage (%)</th>
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</thead>
<tbody>
<tr>
<td>Conservation</td>
<td>60.08</td>
</tr>
<tr>
<td>Production forest</td>
<td>19.76</td>
</tr>
<tr>
<td>Other use</td>
<td>20.16</td>
</tr>
<tr>
<td>Total</td>
<td>100%</td>
</tr>
</tbody>
</table>

The data shows that there is still a significant risk of conflict between Indigenous communities and the government, especially in protected areas.

**Documentation of ICCAs—territories of life**

In the beginning, WGII moved quickly to develop a tool for environmental, social, cultural and historical self-documentation of ICCAs by communities. In 2016, WGII developed specific guidelines and an online database to register ICCAs in a national registry. The submission of the filled questionnaire by the communities requires the signature of six members of the community to ensure that the community has consented to the process and that the information is accurate. The information submitted covers ecological, social, cultural and historical information about the ICCAs and the community. Self-documentation of the ICCAs happens through the initiative of young members who participated in trainings and other events, or it is facilitated by local community-based organisations. The documentation process takes between one day to one week. The participatory mapping process results in a map with the outer boundary coordinates of the ICCAs. This makes it possible to locate the ICCAs on other government maps and spatial plans, and identify the degree of overlap with other permits.

So far 102 ICCAs covering a total area of 462,650 hectares have been registered and uploaded into the portal tanahkita.id, but only 25 ICCAs are legally recognised with a decree from the District Head.

**National policy and legal context of ICCA in Indonesia**

To date, no national law has been approved by the government to directly recognise ICCAs and the contribution of Indigenous peoples to conservation. A Constitutional Court landmark ruling in 2013 in Indonesia declared that customary forests or forests claimed, cared for, governed and/or managed by Indigenous peoples are not ‘hutan negara’ or state forests but another rightful and separate category of forest land. This ruling opened new opportunities to recognise Indigenous forest management and conservation. To make the ruling operational, provinces and districts around Indonesia need to legislate on the recognition and protection of Indigenous peoples’ rights, which is currently the basis for actualising customary forest rights.

Another existing regulation at the sub-national level that could support the recognition of Indigenous conservation practices is the regulation for the recognition of local wisdom in the management of natural resources and the environment (Ministry of Environment and Forestry Regulation No. 54/2017). Its implementation still requires several guidelines to be operational.

WGII has tried to identify various opportunities and legal loopholes to overcome the current legal vacuum and advocate for the recognition of ICCAs. Indigenous tenure rights can be secured through the recognition of the larger Indigenous territories at sub-national level. Many forest ICCAs can also be recognised as customary forests. Since agrarian reform was
launched, only 56,900 hectares of customary forests have been approved. Additional opportunities for recognition are possible. For example, after the adoption of Decision 14/8 by the 14th meeting of the Conference of the Parties to the UN Convention on Biological Diversity (CBD), WGII has focused on “other effective area-based conservation measures” (OECMs, as defined in CBD Decision 14/8 in 2018) as an opportunity for recognition of ICCAs. Indigenous conserved areas could be identified as OECMs based on the community's decision and free, prior and informed consent. Communities could also directly submit information about their ICCAs to the World Database on OECMs. WGII has held several dialogues on this with the Ministry of Environment and Forestry, but there is no clear resolution yet. Another critical opportunity will be the passing of the long-standing bill on Indigenous peoples, which is slated for discussion in the parliament for 2021.

Challenges and opportunities

The current slow progress on recognition of Indigenous territories and ICCAs, and the subsequent tenure insecurity, have been exacerbated by the ratification of the Job Creation Law No.11 of 2020. The law, justified as a priority response to the economic recession triggered by the pandemic, weakens environmental assessment and public consultation for approval of new investment in ways that make it easier for land-grabbing by corporations. Customary forest and Indigenous territories are put at risk to become even more invisible and marginalised in decisions about land use.

Indigenous territory Kayan Pura in Apo Kayan-Malinau

Recommendations

• ICCAs are part of broader Indigenous governance of natural resources. This element is key for the future of ICCAs. It shows that local and Indigenous communities are central to sustaining and safeguarding the cultural and natural values of their territories. There is an urgent need to support communities to strengthen management and sustainable development plans.

• Ultimately, the strength of ICCAs and traditional conservation initiatives depend as much on the existence of international and national instruments as on the strength of the Indigenous communities themselves. Their institutions need to be sustained and strengthened and empowered through information, capacity building and skill sharing. The network of ICCA custodians will be essential for this effort to empower Indigenous peoples as champions and partners in conservation and sustainable development in Indonesia.

• A peer review system for the ICCA national registry will strengthen the collective ownership of the data by the ICCA custodians. This is also an appropriate mechanism to support ICCAs’ registration at the international level.

The varying political will and the slow pace of recognition of customary forests by the Ministry is one of the main challenges. However, most recently the government revived its commitment on the recognition of customary forests and has a plan for accelerating verification of communities’ submissions. So far, BRWA has submitted maps of 866 Indigenous territories, covering 11.1 million hectares, to the government.

While ICCAs are still not recognised and the COVID-19 pandemic has delayed several community advocacy agendas at regional and national levels, nonetheless, the advocacy work continues and the CBD process can be an opportunity.
This chapter is part of the Territories of Life: 2021 Report, composed of local, national, regional and global analyses of territories and areas conserved by Indigenous peoples and local communities (sometimes abbreviated as “ICCAs” or “territories of life”). The report is part of an ongoing process to develop the knowledge base on territories of life in support of Indigenous peoples’ and local communities’ self-determined priorities. It is produced by the ICCA Consortium with the support of several partners.


About this report

About the ICCA Consortium

The ICCA Consortium is a global non-profit association dedicated to supporting Indigenous peoples and local communities who are governing and conserving their collective lands, waters and territories. Its organisational Members and individual Honorary members in more than 80 countries are undertaking collective actions at the local, national, regional and international levels across several thematic streams, including documenting, sustaining and defending territories of life, as well as youth and intergenerational relations.

Learn more about the ICCA Consortium at www.iccaconsortium.org