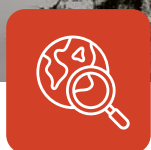




Photo: Cindy Julianty



# Indonesia

## A national analysis on the status of territories of life

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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. The recognition of ICCAs and more inclusive models of conservation and governance of natural resources are critical for the future of biodiversity and the acceleration of agrarian reform in Indonesia.

The Working Group ICCAs Indonesia (WGII) has been supporting and advocating for ICCAs for the last ten

years. WGII was established in 2011 to promote the documentation and recognition of ICCAs. It gathers ten of the most important actors of civil society in Indonesia who are active in conservation issues, mapping, community land use and tenure rights and Indigenous peoples' rights. They are: AMAN, BRWA, JKPP, HuMa, KIARA, NTFP-EP, Pusaka, Sawit Watch, WALHI, and WWF Indonesia.<sup>2</sup> Currently the secretariat of WGII is hosted by BRWA. The secretariat coordinates activities and organises annual meetings where the workplan is agreed.

Formally recognised ICCAs provide a way to respond to both the need to protect critical ecosystems and biodiversity and the need to respect and secure the livelihood, cultural, environmental and social rights of Indigenous communities. WGII has managed to become the single most important advocacy platform for ICCAs, which are now firmly on the policy reform map of Indonesia.



ICCA of Kasepuhan Karang community. Photo: Engkos Kosasih

### 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 WGII 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 *Borong karamaka* or sacred forests for generations<sup>3</sup>; the people in Haruku, Maluku, who, like many communities in the coastal areas of eastern Indonesia, traditionally practice Sasi or the 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 *Tana 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

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<sup>2</sup> AMAN (Alliance of Indigenous Peoples of the Archipelago), BRWA (Indigenous Territories Voluntary Registration Agency), JKPP (Participatory Mapping Network in Indonesia), HuMa (Association for Community and Ecology-based Law Reform), KIARA (Peoples Coalition for Fisheries Justice), NTFP-EP (Non-Timber Forest Products-Exchange Programme - Indonesia), Pusaka (an Indigenous peoples' advocacy organization), Sawit Watch (Oil Palm Watch Indonesia), WALHI (Indonesian Environmental Forum / Friends of the Earth Indonesia), WWF Indonesia.

<sup>3</sup> The flora and fauna of the customary forest are protected. Nobody is allowed to take anything or hunt in the forest. There are traditional sanctions for those who try to take any plants or hunt any animal in the forest. The Kajang people also believe that these acts will bring hereditary bad luck to the family and they could even be evicted from the village. For Kajang people, a forest is not an ecosystem nor a tourism service nor a project-based carbon provider. The Ammatoa say to protect the forest is to maintain universal balance.





separate category of protected areas by the Indonesian government.

Ecosystem Representation of Registered ICCAs (n=86)	Percentage (%)
Freshwater lake	9.52
Forest	75.00
Karst	1.19
Coastal areas	9.52
River	4.76
<b>Total (400K + ha)</b>	<b>100%</b>

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	Percentage (%)
Conservation	60.08
Production forest	19.76
Other use	20.16
<b>Total</b>	<b>100%</b>

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

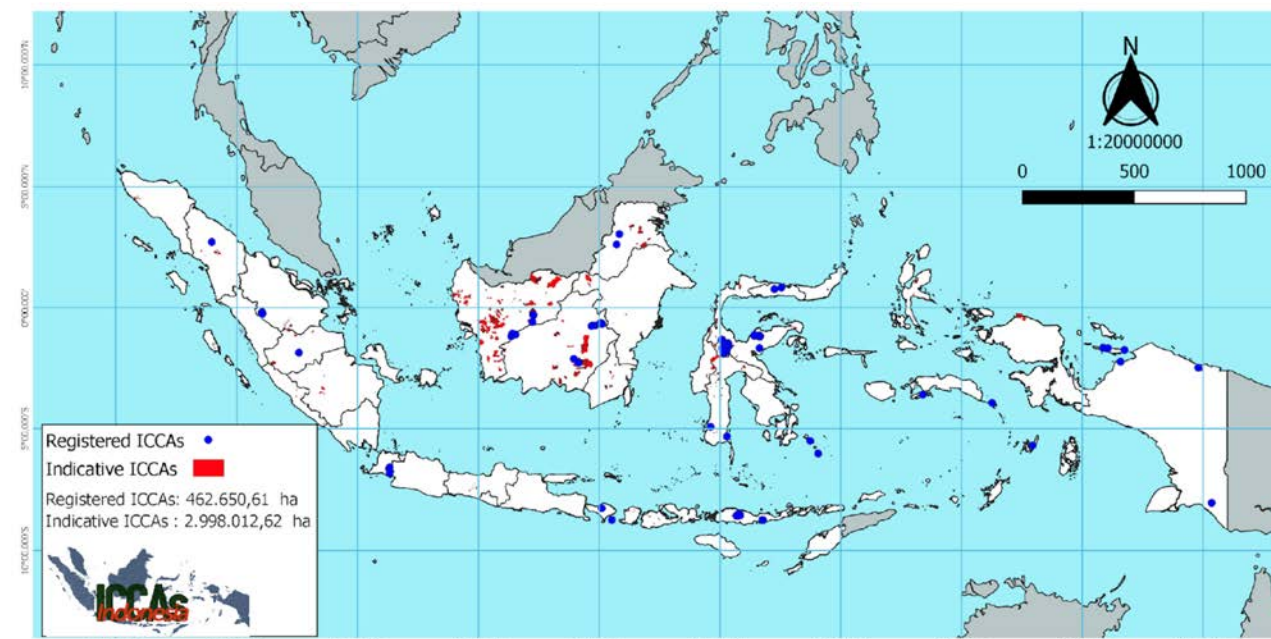


### Documentation of ICCAs—territories of life

In the beginning, WGII moved quickly to develop a tool for environmental, social, cultural and historical self-documentation of ICCAs by communities.<sup>4</sup> 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.<sup>5</sup>

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

ICCA of Kampung Sega. Photo: Cindy Julianty



Map of ICCAs registered in the tanahkita.id database (462,650 ha) plus 'indicative ICCAs' (2.9 million ha), as of 2020; indicative ICCAs are yet to be verified and registered definitively. This is work in progress and numbers may further increase. Source: tanahkita.id

a regional regulation, or formalised as customary forest with a certificate issued by the Minister. Following preliminary desk analysis, there is at least an additional 2.9 million hectares of potential ICCAs in Indonesia.<sup>6</sup> Some islands (i.e., Papua), however, have not yet been analysed.

### 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. 34/2017). 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

<sup>4</sup> The **tool for documentation** is a two-part questionnaire modelled after the one developed by Ashish Kothari and Neema Pathak Broome of Kalpavriksh for the documentation of ICCAs in India.

<sup>5</sup> WGII is also developing a peer-review system to accelerate the verification of ICCAs after they have been registered. The aim is to train at least one youth per community in registration and verification methods.

<sup>6</sup> Maps are obtained through land use analysis in customary areas and villages on participatory maps sourced from BRWA, AMAN, and JKPP.







Traditional Medicines

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 14<sup>th</sup> 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 slotted for discussion in the parliament for 2021.



Indigenous territory Kayan Pura in Apo Kayan-Malinau



Traditional farming system of Kasepuhan Community. Photo: Ajat Sudrajat

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.

### Challenges and opportunities

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.

### 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.

