



Statement of Sandrayati Moniaga

THE NATIONAL HUMAN RIGHTS COMMISSION  
(Komisi Nasional Hak Asasi Manusia)  
Of the Republic of Indonesia

At

United Nations Permanent Forum on Indigenous Issues  
Sixteenth Session – New York  
24 April - 5 May 2017

Agenda Item 4 (d): Implementation of the six mandated areas of the Permanent Forum with reference to the United Nations Declaration on the Rights of Indigenous People

Thank you Madame Chair.

Greetings to all members, governments and indigenous peoples of the 16<sup>th</sup> UN Permanent Forum on Indigenous Issues for allowing me to deliver this statement to you.

I would like to acknowledge the Government of Republic of Indonesia here today, the Alliance of the Indigenous Peoples of the Archipelago (AMAN) and other indigenous communities in Indonesia.

I make this statement on behalf of the Indonesian National Commission on Human Rights (Komnas HAM) which is a member of Asia Pacific Forum on National Human Rights Institutions (APF on NHRI).

The Indonesian National Commission on Human Rights is an 'A status' national human rights institution accredited by the Global Alliance of National Human Rights Institutions (NHRIs) as being in compliance with the Paris Principles. I acknowledge my colleagues from other NHRIs within the Asia Pacific Region from Malaysia, the Philippines, Thailand, New Zealand and Australia.

Komnas HAM is pleased to support the Declaration and we continue working towards the achievement of its principles. We value the Outcome document of the 2014 World Conference on Indigenous Peoples (WCIP). We will continue to ensure that our local, national and international activities remain in line with the aspirations of the Declaration and its reiterated states' obligations to respect and protect the human rights of indigenous peoples.

Komnas HAM values the important work undertaken by our Government and the Alliance of Indigenous Peoples of the Archipelago (AMAN) in monitoring and reporting on the enjoyment and exercise of human rights of the indigenous peoples in Indonesia.

The Constitutional Court of Indonesia has corrected Article 1 (6) of Law No. 41 of 1999 on Forestry through Decision No. 35/2012 related to indigenous forests. Several ministries and a few local governments have initiated policies and/or regulations for the recognition, respect and protection of indigenous peoples. The Government began a few positive steps related to Papua. Furthermore, the Attorney General has recently (2016) followed up Komnas HAM 2004 investigation over incidents at Wamena (2003) and Wasior (2001) in Papua, which can be categorized as gross human rights violations.

Komnas HAM is aware of the complexity of the issues related to indigenous peoples. Indonesia's 1945 Constitution recognizes the existence of indigenous peoples in Indonesia referred to as *masyarakat hukum adat* (customary law society). However, very few indigenous communities have been recognized by local governments, and majority of their communal lands have not been restored since the period of colonial rule while a vast territories belonging to indigenous peoples are claimed as State Land. Indigenous community leaders and indigenous rights activists face criminalization while attempting to defend their lands and resources. Various forms of injustice in violation of their of civil and political rights are especially still being experienced by the populations of the Province of Papua and West Papua. This condition is increasingly alarming due to the failure of the state to set an agenda for the resolution of human rights issues in a comprehensive manner with a clear timeline.

Komnas HAM values the efforts of our Government, The Alliance of Indigenous Peoples of the Archipelago (AMAN) and many other supporting institutions to develop constructive cooperation to end the above mentioned conflict issues resulting to human rights violations at various sector and regions, including West Papua.

Therefore, we recommend to the permanent forum to:

- Call on governments, international financial institutions, corporations and conservation organizations to suspend the implementation of their policies, programmes and or projects which have resulted to and/or sustain the unresolved conflicts giving rise to human rights violations, including the rights of indigenous peoples;
- To support the on-going national and regional efforts to solve the complex issues of indigeneity and many other root causes of human rights violations of indigenous peoples in Asia, including in Indonesia.
- To call on the Government of Indonesia to prepare a comprehensive program to address the recognition of indigenous communities and their land rights issues in a timely manner
- To call on the Government and Parliament of Indonesia to expedite the Bill on Recognition and Protection of Indigenous Peoples Rights based on international human rights standards and principles, including for effective remedies to address human rights violations; establish an independent institution for the promotion and protection of the rights of indigenous peoples, and adopt a uniform definition and

terminology by using the term “indigenous peoples” as the translation of the term “*masyarakat hukum adat*” and vice versa.

- To call on the Government of Indonesia to start a comprehensive and transparent dialogue with the populations of Papua in order to address their concerns with fairness and dignity, and the Government should take immediate steps to end the continuing violence and violation of human rights in Papua.
- Finally, in the context of the important and indispensable role and contributions of National Human Rights Institutions (NHRIs) for promotion, protection of human rights, and to the achievement of the ends of the Declaration, The UNPFII can expect our constructive engagement and active collaboration on the sessions of the UNPFII. We believe, it is about time that the recognition and participation of us are formalised and given full access to the UNPFII in New York.

Thank You Madame Chair.