

Statement by Delegation of the Republic of Indonesia
11th Session of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP)
Item 7: UNDRIP: Good Practices and Lessons Learned
Geneva, 12 July 2018

Mr. Chair,

Indonesia is of the view that UNDRIP is instrumental for the promotion and protection of human rights of peoples to whom the declaration is intended to be applicable. We voted in favour during the adoption of the UNDRIP in 2007.

However, I would like to re-emphasize that the absence of the definition of indigenous people in the Declaration prevents us from having a clear understanding of the peoples to whom the Declaration applies. The same can also be said to the common definition promoted by the UNPFII.

Looking at its history, Indonesia is a former colony which has always been comprised of multi-cultural and multi-ethnic communities which do not discriminate against its people on any grounds.

Due to such background, it is important to note that the composition of Indonesia's entire population at the time of colonization and its subsequent independence remains unchanged, making the rights contained in UNDRIP that are devoted exclusively to indigenous peoples cannot be applied in the Indonesian context.

Nevertheless, article 18 B (2) and article 28 I (3) of the Indonesian constitution have ascertained that Indonesia continues to promote and protect the traditional collective rights of the Indonesian sub-ethnic community that we refer to as *Masyarakat Hukum Adat* or MHA which are not equivalent to indigenous peoples as referred to in the Declaration.

Mr. Chair,

Due to its diversity and the large amount of MHA which continues to exist and grow in Indonesia, the list of MHA still needs to be strengthened, updated and consolidated to ensure that no element within the MHA is left behind. This also calls upon the government to continuously evaluate MHA in accordance with the ongoing development and the dynamics which exist within the Indonesian society.

In parallel to the abovementioned endeavor to improve the condition of MHA in Indonesia, the Government of Indonesia has also been engaged in a number of development and legislative measures including in guaranteeing the right to health as well as children and women rights which involve multi-stakeholders.

These measures are carried out based on the democratic principles, the free and prior informed consent (FPIC) from all MHA including those in the Indonesian Provinces of Papua and West Papua as well as affirmative approach. Furthermore, they are aimed at strengthening the respect for *Bhineka Tunggal Ika*, a pluralistic Indonesia – unity in diversity.

To conclude, Mr. Chair, each country has a unique history. Our experience shows that respect for such uniqueness is key, not domination nor coercion.

I thank you.