

Statement by Delegation of the Republic of Indonesia

10th Session of the Expert Mechanism on the Rights of Indigenous Peoples

Item 6: Ten Years of the Implementation of the United Nations Declaration on the Rights of Indigenous Peoples: Good Practices and Lessons Learned

Geneva, 12 July 2017

Mr. Chair,

Item 6

We take note of the Expert Mechanism draft report on the ten years of the implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP): good practices and lessons learned, 2007 – 2017.

Let me reiterate once again Indonesia's national position as reflected in agenda item 5, as well as our unwavering commitments to the promotion and protection of all human rights, in line with ratified International Human Rights Treaties.

Indonesia, a diverse country with approximately 240 million people, comprising of more than 1,000 ethnic and sub-ethnic groups with over 500 languages, continues to promote and protect human rights as well as eliminate all forms of discrimination.

As regulated in the 1945 Constitution and various Laws, Indonesia has invested and made numerous measures to ensure that the principle of non-discrimination is integrated into policies across the central and sub-national government.

We believe that our laws and regulations provide sufficient mechanism with respect to national legislative process and formulation. This mechanism also includes consultation processes to gather inputs, views and concerns as well as recommendations from all stakeholders and elements of our society, including those of traditional communities and Masyarakat Hukum Adat.

Mr. Chair,

With regard to the implementation of laws and regulations to enhance promotion and protection of the traditional collective rights of our Masyarakat Hukum Adat, the Minister of Internal Affairs Regulation (No.52/2014) provides guidelines for recognition of Masyarakat Hukum Adat to further guarantee of their rights in economic, social, and cultural aspects, including their values and way of life. This regulation serves as a mechanism that recognizes Masyarakat Hukum Adat through identification, verification and validation, as well as determination processes, which involves Masyarakat Hukum Adat and civil society communities in the process.

In the framework of developing local governance involving participation of Masyarakat Hukum Adat, the Government has also enacted the Law on Village (No. 6 of 2014) which regulates the status of Adat Village to provide broader authority for Masyarakat Hukum Adat in managing their natural resources. This law also promotes the principle of community empowerment, where Masyarakat Hukum Adat can manage Adat Village entities to improve awareness and management of its local interests, rights origin, and/or customary rights, that are recognized and respected within the administrative and legal system of Indonesia.

Mr. Chair,

Measures to widen access to basic needs, economic, infrastructure, and social services have also been strengthened for Masyarakat Hukum Adat, and a comprehensive normative framework is currently underway, in which the bill is included in the national legislative priority 2015-2019.

Regarding the status of forest ownership, the Constitutional Court has issued a Decision on Forestry (No.35/PUU-X/2012) which states that forest/hutan adat belongs to the Masyarakat Hukum Adat. Therefore, the Government sets a distinct concession procedure for state forest and hutan adat.

Furthermore, in 2016, President Joko Widodo issued a decree that recognizes forest ownership for 9 Adat communities, totaling 13,000 hectares of land.

Mr. Chair,

Indonesia is committed to guaranteeing the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law. In accordance to our Constitution, everyone has the right to recognition, security protection and legal certainty and equal treatment before the law.

I thank you.