

Agenda Item 4

**Aliansi Masyarakat Adat Nusantara/AMAN
The Indigenous Peoples Alliance of The Archipelago, INDONESIA**

By Ariana & Rukka Sombolinggi

Thank you Chair,

In 2014, the then elected President Joko Widodo had included six Indigenous peoples' priorities in NAWACITA!¹. For the very first time in the history of Indonesia, we, the indigenous peoples are visible in official agenda of president candidate. After all, Further, the President has committed to establish a Presidential Task Force on Indigenous Peoples. Indigenous peoples started 2015 with abundant expectations and determined to embark on reconciliation with the state. However, almost all the items relating to indigenous peoples' agenda have yet to be realized. The failure to include the Bill on Recognition and Protection of the Rights of Indigenous Peoples in the 2015 and 2016 National Legislation Programme is one example.²

Moreover, the president's commitment to indigenous peoples is denied where Indonesian Government continues to deny Indigenous Peoples in the Intended Nationally Determined Contribution (INDC) submitted by the Indonesian government to the COP21 in Paris last year.³

Chairperson, friends, sisters, brothers,

Encouraging developments are happening in the legislative process for indigenous peoples in various regions across the archipelago. The trend of adopting legislation that recognizes and protects indigenous peoples at the regional level became widespread in 2015. At the end of 2015, two districts passed the Local Regulation on Recognition and Protection of Indigenous Peoples, namely Lebak and Bulukumba districts. Some other districts have included the draft Local Regulation on Indigenous Peoples in their 2015 Local Legislation Programme.

Chairperson,

While the president has, on many occasions, promised to grant clemency for the victims of unjustified criminalization, most recently on Human Rights Day, 10 December 2015. However, this commitment to granting clemency to unjustly convicted indigenous individuals has not been fulfilled to date. Numbers of indigenous individuals with a criminal conviction amounted to 217 persons, 11 of them still languishing in prisons in various regions.

Recommendation:

- 1. We call upon the President of Indonesia to release our leaders from prisons and rehabilitate the victims and families of indigenous leaders affected by criminalization by the State.**
- 2. We call upon the President of Indonesia to immediately establish the Task Force on Indigenous Peoples and start the reconciliation process between Indigenous Peoples and the State.**

In many other places across the country, state officials' behaviour in the field thus remains unchanged as they continue to criminalize, violate and deny our rights to land and territories. The Paris Agreement has to be implemented in cooperation with Indigenous Peoples as we fear that the need to expand national parks, protected forests and other conservation initiatives will again

remove us from our ancestral territories, lands and resources. We are also experiencing threats to our life and existence as indigenous peoples from mega dams development for what so called green energy. Green energy must be truly green and is not painted RED with the bloods and tears of indigenous peoples.

Recommendation:

- 3. We call upon all member states to ensure there will be no more killings, arrests, and all forms of harassments toward Indigenous Peoples. Enough is enough**

Chairperson,

We welcome the Result of National Inquiry by The Indonesian National Commission on Human Rights concerning Violations of Land Rights of Indigenous Peoples in the Forest Areas. The report shows that violations of indigenous peoples rights have happened in the past and continue to happen across the country. The National Inquiry is one example of significant contributions of National Human Rights Institutions to advance the human rights situations and fundamental freedoms of Indigenous Peoples

Recommendation:

4. With regards to the strategic role of National Human Rights Institutions, we call upon the UN Permanent Forum to allow accreditation/status for NHRIs with A Status as NHRIs, not as Non Government Organization.
5. We strongly encourage the UN Special Rapporteur on Indigenous Peoples, and the UN Permanent Forum to strengthen their cooperation with NHRIs in the future.

Notes and references

¹ President Joko Widodo's Presidential Candidates Pledge in 2014.

² See *The Indigenous World* 2015, p. 262. Available at <http://www.iwgia.org>

³ One of the major elements of the discussions among the parties to the UNFCCC in 2015 was the elaboration of Intended Nationally Determined Contributions (INDCs). Through their INDCs, nations submit their individual plans / pledges for reducing emissions. These individual plans should then add up to a common global goal for reducing emissions.