

Press Release Coalition of CSOs and Civil Society

In Assisting the Draft Bill on Indigenous Peoples
During the Talk Show #PassTheIndigenousPeopleDraftBill

The Draft Bill on Indigenous Peoples Unites Diversity, Protects the Rights of Indigenous Peoples, and Strengthens the Principles of Nationality

[Jakarta 9 September 2020] The coalition of CSO and Civil Society of Assisting the Draft Bill on Indigenous Peoples ask the People's Representative Council (DPR) to pass the bill immediately. The Ministry of ATR/BPN Republic of Indonesia, The Ministry of Social Services, Coordinating Ministry on Human Development and Culture, and Ministry of Fisheries and Marine Affairs, as the government representatives state that they support the acceleration of draft bill ratification during their session at the Talk Show on The Draft Bill on Indigenous People with the theme #PassTheIndigenousPeopleDraft Bill which held on 9 September 2020.

Rukka Sombolinggi, Secretary-General of AMAN said that the Draft Bill on Indigenous Peoples was intended to bridge the relationship between Indigenous Peoples and the government so that there are no more cases of criminalization, as experienced by Effendy Buhing in Laman Kinipan Lamandau for defending his traditional rights.

"Especially during the pandemic, it shows that indigenous peoples can give their contributions to development," said Rukka.

However, the Draft Bill on Indigenous Peoples is still far from expectations, because it is still unable to answer problems related to Indigenous Peoples. "It is necessary to add a restitution and rehabilitation clause related to remedies for past rights violations, which can be done through presidential regulations or government regulations, and its implementation is done through permanent institutions," added Rukka. "And it is important to ensure that this bill needs to regulate protection against indigenous women."

The government is obliged to protect, respect and fulfil the rights of Indigenous Peoples in their territories, the right to citizenship status, the right to government administration, the right to cultural identity and spirituality, the right to development, the right to the environment, the right to prior consent without coercion, as well as the rights of indigenous women.

Likewise, the government must prevent the expulsion of Indigenous Peoples from their living space, protect the Indigenous Peoples from land grabbing by corporate and by government policies, and giving recognition of their existence and rights.

We should not wait to recognize the existence of indigenous peoples and their territories, and other rights until the Sub-National Government Regulations are issued. Recognition must be facilitated to promote protection against Indigenous People.

Devi Anggraini, Chairperson of PEREMPUAN AMAN emphasized the need for data disaggregated by ethnicity and gender so that the identification of the existence of Indigenous Peoples becomes clear. "Apart from that, it is also important to add the collective rights of indigenous women are specifically regulated in the Indigenous Peoples Law, " said Devi.

Dahniar Andriani, Director of the Huma Association asked the government to review The People's Consultative Assembly Decree (TAP MPR) No.IX/2001 about the Agrarian Reform and Natural Resource Management which mandates the settlement of agrarian conflicts including in the area of Indigenous Peoples.

Abdon Nababan, Deputy Chairman of the National AMAN Council stated that the Minister of the Interior Regulation (Permendagri) No. 52/2014 is the result of an agreement between ministries and institutions whose process is facilitated by Coordinating Minister for the Welfare of the People. "This Permendagri is an agreement for breaking through the enormous costs and complex political processes at the local level, simply passing Regent Decree or Governor's Decree to determine the existence of Indigenous Peoples and their Customary Territories. Then the Ministry of Environment and Forestry (MoEF) should have followed the agreement, "said Abdon.

Other than that, One Map Policy should include a map of customary areas along with other maps. Through the One Map Policy, all overlaps should be visible. Unfortunately, One Map Policy itself is currently closed, and can only be accessed by government officials. As well as the data custodians for customary territories up until today are not clear. Therefore, through the ratification of this Draft Bill on Indigenous Peoples can clarify the mechanism in providing maps and the data custodians", add Abdon.

Until now, the customary territories that were consolidated by the Participatory Working Map Network (JKPP) had been mapped 11.1 million hectares and had been submitted to the data custodian in the relevant Ministry. The map and data is the result of participatory mapping conducted by indigenous peoples and local communities.

"This proves that Indigenous Peoples push the One Map Policy as a basis data for restructuring national development which has been full of conflicts, overlapping space and environmental damage, "said Deny Rahadian, National Coordinator of JKPP.

"To that end, the Coalition also demands that the Ministry of ATR / BPN prioritizes the principle of transparency by opening the HGU data in resolving agrarian conflicts in customary areas, and restoring the customary lands confiscated by corporations, "said Khalisah Khalid, Head of WALHI's Political Desk.

To get the recognition and protection of indigenous peoples and all their constitutional rights, drafting the Indigenous Peoples Bill together with the community is a priority for the DPR RI at this time. The Draft Bill on Indigenous Peoples proposed by the Coalition of CSOs and Civil Society in Assisting the Bill Draft on Indigenous Peoples is not

Only assist the DPR RI in the drafting process, but also in the process of building people's democratization in the form of better legislation.

"Delaying the ratification of the Draft Bill on Indigenous Peoples means that the government has failed to protect the indigenous peoples. The government must know the customs in the state " said Laode M Syarif, Executive Director of the Partnership For the Governance Reform. []

Coalition of CSOs and Civil Society in Asisting the Draft Bill on Indigenous Peoples consists of 30 coalitions i.e. AMAN, BRWA, Debtwatch Indonesia, Epistema, Coastal and Small Islands Indigenous Peoples Forum, HuMa, ICEL, JKPP, Kalyanamitra, KIARA, Kemitraan, Indonesian Women's Coalition, Consortium for Reform Agraria, Lakpesdam, Madani Berkelanjutan Foundation, Lokataru, merDesa Institute, PEREMPUAN AMAN, Protection International Indonesia (YPII), Association of Defenders of Indigenous Peoples of the Archipelago, RMI, Sawit Watch, One Name, Walhi, Women's Journal Foundation, YLBHI, BPAN, Kaoem Telapak, KP-KKC Indonesian Church Feloowship (PGI), and EcoNusa.

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