

# Increasing the momentum to secure Indigenous territories and growing livelihoods in Papua, in a rights-based way

A Samdhana Strategy Paper, 2019



All Papuan communities are indigenous communities and all lands in Papua are indigenous lands. This **fact**, however, is betrayed by the current reality: Legal recognition and respect for Indigenous rights, especially to Indigenous forests are not yet realized.

## The legal and political framework

The international level include the United Nations Declaration on the Rights of Indigenous Peoples, which Indonesia is already a signatory, and many other covenants and conventions on human rights, environment, and climate change.

There are strong legal basis for recognition and protection of Indigenous rights in Indonesia, including the Basic Constitutional Law (UUD) 45, the Constitutional Court Decision MK 35, down to laws on agraria and forestry, law on special autonomy for Papua, and several ministerial decrees including the Minister of Interior Decree No. 52/2014 on Guidelines on Recognition and Protection of Indigenous Peoples.

Nationally, there has been significant progress in recognition of Indigenous rights. By December 2019, at least 601 communities had obtained legal recognition (*beschikking*). Over 28,000 hectares of Indigenous forests had been recognised across the country. However, none of these communities were in Papua.

### *Recognition of indigenous Papuan rights is an essential foundation for social and economic development.*

When the community rights are not legally recognized, their livelihoods are also threatened. They are vulnerable to criminalisation for extracting forest products. They may lose their lands when licenses are granted to concessions.



Although no indigenous rights in Papua legally recognised, several district governments have taken steps towards recognition. These include passing Regent's decrees on indigenous (communal) rights in Manokwari and Maybrat. Regency regulations for indigenous peoples have also been passed in Jayapura, Tambrau, Sorong, Teluk Bintuni, and Teluk Wondama. Government at the provincial level, in both Papua and West Papua, has also issued special regulations on indigenous peoples and land and forest affairs. However these decrees and regulations, have yet to be operationalized.



Livelihoods are also threatened



Vulnerable to criminalisation



They may lose their lands



In each priority territory and region selected, Samdhana will work with dedicated teams of facilitators and local partners.

Securing community rights to the indigenous territories, as a foundation for the communities' livelihood improvement in Papua.

**In The Next**

**4** Years Period

A number of NGOs, networks of civil society organizations, and donor agencies have been active in Papua for a long time. They include international, national, and local activists, experts and funding bodies. One of the first attempts to map Papuan Indigenous Peoples was the 1984 Summer Institute of Language-Map of Languages, which mapped language groups throughout Papua. This map is the basis for dividing Papua into seven Indigenous Regions. By 2019, a total of at least 2 million hectares of indigenous territories has been mapped and registered on the shadow government system, the Indigenous Territory Registration Body (BRWA).

Learning from more than a dozen years of engaging and supporting communities in Papua, Samdhana understands that the realization of land rights and livelihood improvement are complementary, and should be addressed simultaneously. Samdhana has therefore adopted rights-based livelihood improvement as the basis for its work in Papua. Samdhana's strategic goal is to contribute to securing 2 million hectares of indigenous territories, as a foundation for the communities' livelihood improvement in Papua, in the next 4 years period.

To realize the indigenous rights protection and recognition by decree from sub-national or national governments, actions to be taken include, but not limited to:

1. Policy input to provincial and regency government, on Indigenous rights-based budget and program allocation;
2. Continuing and verifying the indigenous territories and forests boundary maps, as basis for the government decree on rights recognition; and
3. Facilitate the indigenous land rights registration mechanism and the body at the Provincial level.

Samdhana has prioritised territories with reference to the following criteria:

1. Legal instruments and local regulations already exist
2. Local government and political leaders are committed to tenurial policies
3. Indigenous peoples at community and clan leadership level are organized
4. Ethnographic data and customary maps are available.

*Since 1980s Many Civil Society Organizations and donor agencies have put efforts in mapping at the community and clan level*

The priority territories and regions in the 7 Indigenous Regions are:

- Domberai
- Bomberai
- Mee Pago
- Saireri
- Mamta
- La Pago
- Anim Ha

