

Collective land rights for sustainable, prosperous Indonesia

Nurdiana Darus and William Sabandar, Jakarta | Opinion | Fri, January 02 2015, 10:20 AM

The government inaugurated on Sept. 1 last year the National Program for the Protection and Recognition of Indigenous Peoples (PPMHA) through the country's Reducing Emissions for Deforestation and Degradation Plus (REDD+) program.

Indonesia's REDD+ program understands social equity as key to successfully tackling climate change. The recognition of collective indigenous land rights provides communities with a critical asset base — land — for poverty alleviation and sustainable development.

This is vital to protecting our forests, biodiversity and our future. Indigenous peoples across the world have proven to be sustainable stewards to vast, but rapidly dwindling, forests. While agricultural, logging, mining and other pressures have challenged their ability to sustainably manage the forests they rely on, the PPMHA looks to reverse this trend.

One first step is to clarify indigenous territories and related tenure rights. A second is to strengthen local resources for green development and service provision, providing alternative livelihood opportunities. This enables sustainable forest management in a manner that supports increased household incomes.

Lack of clarity in land tenure and rights poses one of Indonesia's biggest development and conservation challenges. Seasonal fires, food insecurity and chronic difficulties in securing land for infrastructure development are only some examples.

Part of this is due to poor coherence over land jurisdiction. The REDD+ agenda is tackling this through the One Map Initiative.

Another part is the legacy of a deeply inequitable past where, contrary to the 1945 Constitution, state forest management supported lucrative short-term but unsustainable exploitation. This meant a few benefited enormously, at the expense of the 30,000 villages — over one-third of all villages — that rely directly on healthy forests, peatlands and ecosystems for their well-being.

On May 16, 2013, Indonesia's Constitutional Court delivered a ruling that righted this historical wrong by reverting rights over indigenous forests back to indigenous peoples. The PPMHA was devised to translate this ruling into reality.

Indigenous peoples have been an important part of conversations and efforts to find equitable solutions for transmigrant.

As we approach the ruling's second anniversary, much critical work to implement the changes needs to be completed.

There remains no clear official pathway to delineate and register collective indigenous land claims. The National REDD+ Agency and partners are working to rectify this. Pioneering communities, regencies and provinces are currently piloting official recognition of adat (customary tenure rights) in seven provinces across the archipelago.

This includes efforts to recognize the tenure rights of the Punan people conducting community mapping in Malinau, North Kalimantan; local governments such as Jayapura in Papua have leveraged their own budgets for community mapping.

Provincial governments such that in as Jambi are working toward province-wide recognition of indigenous peoples, and advocates including the Indigenous People's Alliance of the Archipelago (AMAN), the Community and Ecological-based Society for Legal Reform (HuMa), the Indonesian Forum for the Environment (Walhi), the National Participatory Mapping Working Network (JKPP) and countless others are working tirelessly to hold the government accountable for the improved welfare of all Indonesians.

One obstacle remains on how community maps can be accommodated within the government system to enable and affirm collective land claims. As a temporary solution, the National REDD+ Agency will serve as the data custodian. The agency welcomes the continued clarification of the institutional roles for the finalization of all areas associated with the PPMHA.

On the macro-level, recognizing adat and strengthening social equity also makes economic sense. Lack of clarity over land rights and tenurial conflict inhibit efficient development of critical infrastructure for the country.

Cases from across ASEAN, including Indonesia, demonstrate that clarifying land tenure reduces conflict, risks and their associated losses. In addition, Indonesia's smallholders — representing approximately 17 million individuals — remain a key constituency for boosting yields and productivity, and producing higher value-added crops. These are comparative advantages our neighbors in Malaysia and Thailand already enjoy.

As we work toward recognition of adat (customary law) territories and developing collective land-titling mechanisms, we must ensure hidden inequities are not entrenched, and that empowerment does not transfer the burden of marginalization.

This means strengthening the critical role of women and their access to land and natural resources within communal land management. It means empowering indigenous peoples to be solution seekers, to share in the enjoyment of rights and also the responsibilities of supporting the enjoyment of these rights by all Indonesians.

Indigenous peoples have been and continue to be an important part of conversations and

efforts to find equitable solutions for transmigrant and other local communities.

It's true that we continue to have difficult choices ahead to realize the Indonesia envisioned in our 1945 Constitution; an Indonesia that is just and prosperous, whose peoples are equal before the eyes of the law, united as much by our commitment to protect this reality as we are by the diversity and differences we display in the languages we speak, the environments we live in and the ways we worship.

But as an increasingly robust democracy, our capacity to enable this long-promised reality is driven by our knowledge that the gains made will benefit all of us.

In parallel, the world is moving from the Millennium Development Goals to pursuing a post-2015 agenda. Indonesia's work is being highlighted on an international platform.

The human rights and social justice agenda came to the fore at this year's global climate negotiations, the UN Framework Convention on Climate Change (UNFCCC) Conference of Parties 20 (COP 20) in Lima, Peru. The REDD+ program is committed to helping ensure that Indonesia continues to provide tangible examples of sustainable and equitable development to the world.

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- See more at: <http://www.thejakartapost.com/news/2015/01/02/collective-land-rights-sustainable-prosperous-indonesia.html#sthash.YNAnQR4w.dpuf>