

Govt yet to grant rights to indigenous communities

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An extensive study by the National Commission on Human Rights (Komnas HAM) has found that the absence of formal recognition by the State with regard to indigenous communities and their customary lands remains the root cause of customary land disputes, a problem that has seen a surge over the past few decades.

According to the Komnas HAM national inquiry results published on Wednesday, the absence of state recognition counts among the five root causes of human rights violations against indigenous communities throughout the archipelago.

Other root causes behind indigenous rights violations include a state development agenda that is strongly biased toward economic growth and the dismissal of indigenous communities' rights as a mere issue of legality and administration.

Komnas HAM launched the national inquiry to gather information from indigenous communities, government institutions and companies in an effort to map out possible solutions for the country's rampant customary land disputes.

"We will pass on the results [of our national inquiry] to the relevant parties so that [they] can use concrete data to better improve public policy and regulation changes in the future," Komnas HAM chairman Imdadun Rahmat said.

Komnas HAM data shows that 20 percent of all received public complaints relate to land disputes, with the number of cases having surged from 1,213 files in 2012 to 2,483 in 2014.

With more than 70 percent of the 31,957 villagers living in and around areas declared as state forests said to be dependent on forestry resources, the potential for conflict continues to increase.

In 2012, the Alliance of Indigenous Peoples (AMAN) filed a judicial review with the Constitutional Court to challenge several articles in the 1999 Forestry Law that prevent indigenous people from collectively using the natural resources in their customary territories, arguing that the Forestry Law contradicted the Constitution.

Although the court finally approved the judicial review in May 2013, formal recognition of indigenous communities and their customary rights is yet to be implemented due to an absence of formal procedure and a lack of coordination among state institutions.

Presidential chief of staff Teten Masduki said the government was in the process of consolidation across government sectors.

He said the government was in a difficult position to establish the task force as it went against current efforts to deregulate and simplify bureaucracy.