

OPEN LETTER

POSITION OF INDONESIAN CIVIL SOCIETY ORGANIZATIONS FOR THE GLOBAL BIODIVERSITY FRAMEWORK

CBD-COP 15, MONTREAL, CANADA, 2022

COP 15 is a make-or-break moment for global biodiversity

Indonesian NGOs are adding their voices to the call for COP 15 in Montreal to agree strict and binding targets to ensure the protection of at least 30% of land and ocean by 2030 (“thirty-by-thirty”) along with explicit recognition of Indigenous Peoples’ and local communities’ rights and central role in protecting biodiversity globally, including the right to Free, Prior and Informed Consent. This is a minimum demand, and within the Indonesian context, some ecoregions, including Papua, will require much greater protection and swifter action than “thirty-by-thirty”.

The COP15 for Biodiversity is our best chance to save the planet from biodiversity collapse. Achieving this ambitious outcome will require a strong policy framework, with strict monitoring of implementation. It will also require transparent mechanisms to ensure that Indigenous Peoples and local communities receive legal recognition and direct access to sources of funding to continue to protect biodiversity.

Indonesia faces a biodiversity crisis

Indonesia is an archipelagic country consisting of more than 17 thousand islands, with correspondingly high endemism of plant and animal species spread across ecological domains ranging from the sea, through mangrove forests to tropical glaciers. Indonesia is not only diverse in biological terms, but has high cultural diversity, with each group of Indigenous People having their own local wisdom in natural resource management.

Indonesia’s Indigenous-managed biodiversity includes a wide variety of food species, both plant and animal, which grow naturally in forests or are the product of cultivation over millennia. Unfortunately development policy has encouraged large-scale

land conversion for monoculture farming of commercial hybrid species with intensive pesticides and chemical fertilizers. This is driving land degradation, reduced food security, and the loss of wild and heirloom food species.

Around 82 million ha of forest remains in Indonesia, but this area continues to decline due to ongoing forest destruction. The biggest driver of this deforestation is conversion of natural forests by corporations, which tend to have little regard for preserving biodiversity in their operations. An area of 71 million ha is covered by permits for mining, plantations, and logging; from 2000-2017 as much as 10.9 million ha of deforestation occurred within these permit boundaries. This ongoing 'planned deforestation' poses a critical threat to Indonesia's biodiversity.

Indigenous Peoples are central to biodiversity protection

Indonesia's status as a mega-biodiversity nation is thanks to the millenia-old custodianship of the archipelago's Indigenous Peoples and local communities. For example, Indigenous Peoples of Kasepuhan Karang in the province of Banten divide their forest into several zones, including conservation and sacred zones called *leuweung kolot* or *paniisan*. There are many other models elsewhere in the archipelago, such as *tana ulen* restricted areas in Kalimantan, the *sasi* system of prohibitions on Haruku island, *awig-awig* regulations in Lombok and Bali, and sustainable forest management through *borong karamaka* and *borong batasayya* in Sulawesi¹.

Worldwide, Indigenous lands preserve over a third of the world's remaining intact forest landscapes and more than three quarters of the planet's remaining terrestrial biodiversity. Overall, Indigenous land management practices store more carbon, and conserve more biodiversity than areas placed in the management of governments or businesses.

Indonesia's Ancestral Domain Registration Agency (BRWA) has so far recorded 20.7 million ha of customary lands through participatory mapping processes carried out with Indigenous Peoples. This figure, comprising roughly 10% of Indonesia's land mass, is only the beginning, as a Forest Watch Indonesia (FWI) study estimates that 54% of Indonesia belongs to Indonesia's 70 million Indigenous Peoples.

¹ WGII, *The Long Struggle of Indonesia's Indigenous Peoples for Conservation and Living Space: Fifteen Stories of Indigenous Peoples; and Community Conserved Areas and Territories (ICCAs) in Indonesia*, Lamalera, Indonesia, 2022.



- **82** million hectares of forest remains
- **71** million hectares of total utilization permits in land and forest
- **10.9** million hectares of deforestation occurred within these permits



Photo: Kynan Tegar



- **464,756**
hectare of nationally registered as ICCAs at iccas.or.id
- **4.2** million
hectare identified as potential ICCAs
- **20.7** million
hectare of customary lands governed by Indigenous Peoples



Much of this Indigenous land is of high biodiversity conservation value. Since 2011 the Working Group Indigenous and Community Conserved Areas (ICCAs) Indonesia [WGII] has been documenting conservation practices carried out by Indigenous communities. So far 111 locations and 58 Indigenous communities with a total area of 464,756 ha have been documented and registered in the database at iccas.or.id. WGII has identified a further potential area of 4.2 million ha of ICCAs. This area will surely increase given that there is 14.4 million ha of natural forest within the 20.7 million ha of customary lands that has already been mapped. When currently mapped Indigenous land is overlaid with the government's own maps of 'essential' ecosystem areas (*kawasan ekosistem esensial*), it can be seen that there is an overlap of 10.7 million ha.

Challenges facing Indigenous Peoples and efforts to protect Indonesia's biodiversity

The existence and rights of Indonesia's Indigenous Peoples are recognised under the Constitution. However, in practice the process for a particular Indigenous People to obtain formal recognition of their land rights and rights over customary forests is overly difficult and time-consuming, requiring complicated action by local and national government.

As a consequence, much Indigenous land is threatened by companies that have been granted land use permits where the government has failed to provide legal recognition for customary land rights. As at 2022 there have been just 105 decrees from the Ministry of Environment and Forestry recognising only 148,488 ha out of the 16.7 million ha that BRWA records as mapped customary areas inside the national forest estate. Meanwhile there are at least 6.4 million ha of ecologically important customary lands that overlap with company land use permits. To ensure that biodiversity is protected and the rights of Indigenous Peoples are upheld, company permits that overlap with Indigenous lands must be revoked.

A natural resources management paradigm has arisen in Indonesia that devalues Indigenous Peoples' forest management practices and portrays them as less than ideal from a conservation perspective. In fact, all Indigenous communities have local wisdom and their own systems for managing forests and land in a sustainable manner. While there is currently no law or regulation that specifically recognizes the value of Indigenous Peoples' conservation practices, there

is an opportunity to include this in the Draft Bill on the Conservation of Living Natural Resources and Their Ecosystems (RUU KSDAHE), and the long-awaited Draft Bill on Indigenous Peoples (RUU Masyarakat Hukum Adat).

The recognition and protection of Indigenous Peoples' customary land rights should be the main precondition in the context of biodiversity conservation practices, particularly in Indonesia. In addition, intellectual property rights originating from the local wisdom of Indigenous Peoples must be recognised, and it must be recognised that they are the rightful beneficiaries of any financial benefits that may arise.



Photo: AMAN

Stop criminalizing and expelling Indigenous People and local communities

In 2018, human rights watchdog Global Witness reported that almost 1,000 environmental defenders had been killed since 2010 and that in 2017, at least 207 land rights and environmental activists – almost half of them Indigenous – were targeted and murdered for defending their homes and the biodiversity they protect against destructive industries. Trumped-up charges, imprisonment, harassment and intimidation are often employed when local communities and Indigenous People speak up against government-supported private companies investing in large-scale projects on their traditional lands. Such projects are often launched without discussion and without the Free, Prior and Informed Consent of customary landholders.

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Forest Watch Indonesia, Ancestral Domain Registration Agency (BRWA), Working Group for Indigenous and Community Conserved Areas in Indonesia (WGII), Greenpeace Indonesia, Friend of The Earth Indonesia (WALHI), Institut Dayakologi, Institute for Policy Research and Advocacy (ELSAM), Satya Bumi, Yayasan Pusaka Bentala Rakyat, HuMa, Jaringan Kerja Pemetaan Partisipatif (JKPP), FIAN Indonesia, Rimbawan Muda Indonesia (RMI), The Indigenous Peoples Alliance of the Archipelago (AMAN), Sajogyo Institute (SAINS)