



**KOMISI NASIONAL HAK ASASI MANUSIA
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PRESS RELEASE

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**Launching of The Komnas HAM National Inquiry Books :
*Encouraging Protection of Indigenous People Rights over their territory in Forest Areas***

Conflicts involving Indigenous and Tribal Peoples (MHA) in forest areas claimed as State forests are of high intensity and remain unresolved. Komnas HAM recorded about 20 per cent of all complaints received are related to land dispute. In 2012 there were 1,213 files related to complaints. They increased to 1,123 in 2013 and jumped to 2,483 in 2014.

The potential for conflict continues to increase when observing data from the Ministry of Forestry and the Central Bureau of Statistics (2007, 2009) which showed 31 957 villagers to live in and around forest areas claimed as state forests. Approximately 71.06% of these villages are dependent on forestry resources. Ironically, until 2014 only 0.5 million hectares of forest are accessible to dozens of communities around the forest for limited time and requiring long and complicated administrative procedures.

"Interminable polemics in agrarian issues have encouraged The Indonesian National Commission On Human Rights (Komnas HAM) to conduct inquiries as a breakthrough method to solve widespread and systematic human rights violations. This method enables exploration of issues laterally through testimonies of various parties, including people who have so far been 'untouchable' by the state, in order to gain correct data, facts, and information through Listening to Public Remarks (LPR) , research and analysis. "This method is more comprehensive because it not only aims to resolve conflict but also supports public education to prevent recurrence of similar violations and seeks remedy for the victims, "says the Chairman of The Indonesian National Commission On Human Rights (Komnas HAM), Mr. Imdaddun Rahmat.

National inquiry on the Rights of Indigenous People over their territory in Forest Zones, according to the Coordinator of the Commissioners of the Komnas HAM National Inquiry, Sandrayati Moniaga, is actually a response of Komnas HAM to the Decision of The Constitutional Court (MK) No. 35 / PUU-X / 2012 on the judicial review of Law No.41 / 1999 on Forestry. "Komnas HAM believes that the Constitutional Court's decision is an important legal breakthrough in the process of legal reform because it is an acknowledgment by the State of the existence of Indigenous Peoples and their rights which is in line with the principle of human rights," she said.

Komnas HAM's National Inquiry resulted from the cooperation of Komnas HAM and the National Commission for Women and the full support of civil society organizations, namely Indigenous Peoples Alliance of the Archipelago (AMAN), Sajogyo Institute, Samdhana Institute, HuMa, the Participatory Mapping Network (JKPP), ELSAM, Epistema Institute, INFIS, the Partnership for Governance Reform, Ford Foundation, the Rights and Resources Initiative (RRI) and UNDP. The involvement of these organizations aims to strengthen understanding of the issue from various perspectives and is an attempt to mobilize resources and networks for successful implementation. In the implementation of Listening to Public Remarks (LPR), Komnas HAM also is supported by the Witness and Victim Protection Agency (Agency) and the Ministry of Justice and Human Rights.

Komnas HAM has selected 40 cases involving Indigenous Peoples in forest areas in seven regions that represent characteristics of the forest and their distribution area. Based on the research, case study, and Listening to Public Remarks (LPR), root problems were identified in the occurrence of human rights violations against Indigenous Peoples, namely 1) The absence of Indigenous People recognition, 2) Complications in understanding the existence Of Indigenous Peoples and their rights over indigenous territory, and misdirected view of forest resources to be mere administrative and legality matters, 3) development policies oriented to economic growth; 4) Patriarchy in the body of the State; and 5) The absence of agrarian conflict resolution institutions that have the authority to resolve conflicts fairly.

The problem becomes more complicated when government officials, including police, are involved in the conflict and fail to remain neutral in most cases. When the conflict is not balanced, violence is often considered as a way of settlement.

"The National Human Rights Commission inquiry has uncovered a slick constellation of agrarian problems particularly those which involve Indigenous Peoples. Everything is revealed clearly, both the roots of the problem as well as the characteristics of the human rights violations, including the causes of acts and conditions, and the parties responsible," said Hariadi Kartodihardjo, one of the Commissioners of the Komnas HAM National Inquiry.

Based on the results of the National Inquiry, Komnas HAM has delivered a recommendation as a problem solving solution to a number of parties, including the House of Representatives, to pass the Draft of Law on Recognition and Protection of Indigenous Peoples; The President among others, to immediately establish an independent agency (the Task Force on Indigenous Peoples); and the Ministry of Environment and Forestry to involve actively and transparently Indigenous Peoples in the planning and management of forest areas.

Various conflicts involving indigenous territories that are widespread and increasingly complicated can not be resolved by existing Ministries or state institutions because of conflict of interests. "The presence of a Task Force on Indigenous Peoples is absolutely necessary," said one of Commissioners of the Komnas HAM National Inquiry Enny Soeprpto.

In order to deliver the findings and recommendations of "Komnas HAM National Inquiry on the Rights of Indigenous People on their Territory in Forest Zone " to the wider public, Komnas HAM has initiated the launch of four (4) books of The National Inquiry of Komnas HAM at the Komnas HAM office, Jalan Latuharhary No.4B Menteng, Central Jakarta on Wednesday, March 16, 2016 at 09.30 to 12:30 AM. These books contain documentation of the implementation of the National Inquiry. Not only the findings, analysis, and policy recommendations, but also aspects of experience in implementing inquiry, data, and facts.

A talkshow will also be held, especially in order to dissect briefly the findings and recommendations, confirming the response of the parties concerned on the findings and recommendations have been submitted, particularly the Ministry of Environment and Forests, and encourages commitment to immediately initiate fundamental and systematic efforts in order to overcome agrarian issues involving Indigenous Peoples mainly through the establishment of an independent institution (Task Force of Indigenous Peoples) by the President.

Participants in the launch of the National Human Rights Commission Inquiry Books include Teten Masduki (Chief of Staff of the Office of the Indonesia, Bambang Subijanto (Vice-Ministry of Environment and Forestry), Enny Suprpto, PhD (Commissioner Komnas HAM National Inquiry), Prof. Dr. Ir. Hariadi Kartodiharjo, MS (Commissioner Komnas HAM National Inquiry), and Saur Tumiur Situmorang, SH (Commissioner Komnas HAM National Inquiry). Serving as a moderator of talkshow is Sandrayati Moniaga (Coordinator of Komnas HAM National Inquiry).

Teten Masduki, Chief of Staff of the Office of the President, welcomes the publication of the Books on the results of the National Inquiry issued by the Human Rights Commission. Mr Masduki emphasizes the commitment of President Joko Widodo on the importance of carrying the responsibility of the State in respecting, protecting, and realizing human rights including the rights of indigenous peoples. The process is not simple. The President is seeking the best way to achieve our objective.

This press release was made in order to encourage concerted efforts to create conducive condition for the promotion, protection and enforcement of human rights in Indonesia.

Jakarta, March 16, 2016

**NATIONAL COMMISSION ON HUMAN RIGHTS
REPUBLIC OF INDONESIA
Coordinator of the Commission for National Inquiry**

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(Sandrayati Moniaga)

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