

Written statement submitted by the International NGO Forum on Indonesia  
Development (INFID), a non-Governmental organization on special consultative  
status

Item: 15  
Indigenous Issues

In 2005, the standard of living and rights of the indigenous people in Indonesia has become more distressing and alarming.

The government is issuing massive policies to provide private investors (foreign and domestic) the right to control natural resources and lands owned by the indigenous people without any deliberation and agreement and this is carried out through repressive methods that involves the security apparatus of the state and civilian.

An example of this is the case of the Denai indigenous people in Bandar Kalippah Village, Percut Sei Tuan Sub-district, Deli Serdang District, North Sumatra Province. On April 2005, PTPN II (PT. Perkebunan Nasional II) together with approximately 150 hired Civilian Defence Unit (Hansip) and thugs (Preman) with the supervision of 20 fully armed Anti-Riot Mobile Units (Brimob) conducted forced eviction in the 97 hectares of land and plantation of the Denai indigenous people and destroyed 10 houses and 1 *Musholla*.

This problem is the daily menu of the indigenous people in Indonesia, especially in 2005 when the Government issued a policy (Presidential Regulation No. 36/2005) that basically gives the government (President) the authority to revoke ownership over lands. The involvement of the Government of Indonesia in the facilitation of the Infrastructure Summit also indicates the direction of the government policies in the future.

According to the Right to Control the State stipulated in article 33 of the 1945 Constitution, the State will surrender the management of natural resources that are mostly within the territory of the indigenous people to private-owned companies, both foreign and domestic. In this article, the State will only act as facilitator for the entry of foreign investors that will scrape the wealth of the natural resources of Indonesia, including the natural resources in the territory of the indigenous people.

Most of the policies of the state indicate that at present, the state is facilitating the interest of global economy. Aside from the regulation mentioned above, Law No. 19/2005 also has the potential to eliminate the indigenous people from their territory. This Law basically allows mining companies to conduct mining activities in protected forests. On the other hand, most of the protected forests in Indonesia are areas that are used by the indigenous people for their own interests, such as, source of water supply, etc.

As a consequence of the collaboration of the state with investors (foreign and domestic), the indigenous people has to confront the deteriorating quality of the environment, the narrowing forests that leads to the extinction of biological diversity that brings about changes in the ecosystem, changes on the climate, and the decreasing support of the natural resources, and the occurrence of natural calamities, such as, floods and land erosions. For the indigenous people, these losses are tantamount to the lost of their properties and the lost of their original knowledge. Aside from these, they are also experiencing harvest failure and low income that brings about hunger so they are forced to consume inedible foods like what the indigenous people in some of the areas in the province of East Nusa Tenggara, West Nusa Tenggara, Papua, Maluku, Riau, and Central Sulawesi are doing.

In order to facilitate the entry of investors in the territory of the indigenous people, the state is continuously conducting control and cooptation through policies and legislations. Because of

this, the social institution of the indigenous people, such as, customary government, customary laws, and customary courts becomes useless and dies.

This situation threatens the identity and presence of the indigenous people as a nation, brings about the decline of welfare and productivity, and it also threatens the continuous support of the environment. As such, the government, as the party that is responsible for their existence should make concrete steps to protect, provide, and advance the existence and rights of the indigenous people.

Based on we request the 62 UN Commission on Human Rights to immediately urge the Government of Indonesia to:

1. Fulfil and protect the rights of the indigenous people by issuing policies and laws that will recognize, respect, promote, and guarantee the rights of the indigenous people;
2. Recover and resolve conflicts on the seizure of the rights of the indigenous people to own lands and natural resources that was lost and as a consequence of the neglect of the state;
3. Recover and recognize the customary system, autonomy, institutionalization, customary laws and customary court of the indigenous people;
4. Provide to the indigenous people the right to decide their own priorities in processing and implementing development and;
5. Recover the condition of the victims of the seizure of lands, both, materially and psychologically.

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