Introduction

Climate change adaptation-mitigation directly impacts rights and livelihoods of local and indigenous communities. In Indonesia, they occupy at least 10 million hectares of forest, and thus directly influence REDD’s successful implementation. This project collaborates with the alliance of indigenous peoples in Indonesia (AMAN) and its mapping support network (JKPP) in maximizing REDD preparedness resources for mapping, negotiating rights, and local institutions capacity building and linking livelihoods with REDD payments.

Why: Respecting basic rights in REDD while facilitating security of tenure as highest incentive for reducing GHG in indigenous landscapes

The goal of the REDD+ Preparedness Project is that climate mitigation efforts in Indonesia respect the rights of indigenous peoples and local communities, and build from community-based forest management systems to develop effective ways of reducing GHG emissions from deforestation and land use change, while at the same time improving rural community livelihoods.

Indigenous peoples and local communities occupy and/or surround Indonesia’s forests, particularly in REDD Pilot project areas. In all of the estimated 120 million hectares, indigenous peoples narrate their life histories, cultural values and principles, genealogies, transactions of peace and war, among themselves, their neighbors, between them and various authorities, adat leaders and autonomous territories since the time of the Dutch, up to the present.

Indonesian government is not unaware of their existence. The 1945 Constitution of Indonesia has already referred to their cultural rights, collective presence as masyarakat hukum adat and their collective properties as hak hak tradisional. But ‘respect’ for these rights is wanting, especially in issuances of licenses for natural resource exploitation, resulting in conflict.

AMAN takes a position: “No Rights, No REDD”. This advocates that indigenous peoples’ exercise of basic rights in traditional forest management systems have already resulted in protecting and maintaining forests in their customary forests/territories. These systems deserve REDD benefits. Surveys from 1994-2004 of traditional forest management techniques showed rich diversity in forest management by indigenous peoples. The ‘customary’ forms of management include intensive agro-forestry system of households in forests areas (generally uplands). These vary in regions and cultures across Indonesia. For example, there is wono dusun (community forest) in Java, tembawang in West Kalimantan, simpukng in East Kalimantan, repong in West Sumatra, parak in Meninjau, pangale in Morowali and many more local ‘customary’ management terms in Nusa Tenggara and Papua, all rooted in the rich tradition of sustainable forest use and management under the system of traditional law (adat). Networks engaged in supporting this work, alternatively refer to these collective practices as community based natural resource management (CBNRM).1

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1 The Natural Resources Management Network (Jaringan PSDA), supported mainly by Ford and Biodiversity Support Program, Yayasan Kehati, 1997-present, puts emphasis on natural resources management, not just forest management.
and community managed forest systems (SHK). Most of these are under mapping prioritization. Samdhana, AMAN and JKPP use internal system of ‘registration’ named Adat Area Registration Body (BRWA). This is the foundation of AMAN’s strength. The CBFM systems are generally self-regulating, in at least 10 million hectares. Now, given the constitutional court decision MK 35, May 16 2013, which decided that State forests do not include customary forests, this need focused attention for (1) expanding mapping of large scale areas to integrate with BIG/One Map of UKP4 and REDD Agency; (2) completion of academic documentation, ethnographic/genealogical surveys; (3) strengthening of local governance and forest management systems; (4) assistance in development of relevant local and national regulations for ‘registering’, ‘transacting’, ‘negotiating with third party rights holders’ to avoid further conflict; and (5) work for implementation full recognition and integration of maps/claims into low carbon development plans at District and Provincial levels to secure better livelihoods and low carbon priorities.

AMAN, other indigenous peoples groups and their NGO counterparts need continued support to engage with the pilot projects and influence REDD policy development to help create effective climate mitigation efforts that respect indigenous peoples and community rights, address tenure security, create participatory approaches for developing benefit and risk sharing, and lead to more successful efforts to reduce emissions from deforestation and land use change.

**Results:** Mapped contiguous local and indigenous territories for effective multi-level (jurisdictional) low carbon development negotiations; networking with Land Agency and evidence building for some ‘areas’ to strengthen AMAN’s constitutional court case

Samdhana has used NORAD support and co-financing (from CLUA) to provide grants and capacity building for 39 community groups, indigenous peoples organizations, local NGOs, and partnerships formed by these organizations. Throughout the project, Samdhana has worked closely with its main partners AMAN and JKPP, in particular to provide support to indigenous communities to learn about climate change and climate change mitigation, to map their customary lands and resources, and engage with development processes and negotiations affecting their areas. In Kalimantan, grantees have coordinated their efforts to engage with the National Land Agency (BPN), which has a Memorandum of Understanding with AMAN at the national level to develop mechanisms to register customary territories. Grantees have documented customary land tenure systems and land reform mechanism for customary communities in coordination with AMAN’s Adat Registration Body (BRWA) at Provincial and District levels. Parallel grants to PPSDAK/West Kalimantan were provided to speed up the process of government recognition, and AMAN Kalbar signed a Memorandum of Understanding with the National Lands Agency in June 2012 concerning government registration of customary lands in West Kalimantan. AMAN Kalbar and its support NGOs (Pancur Kasih Group, Gemawan, Lanting Borneo) have begun cooperation with BPN offices in all districts in West-Kalimantan, with Provincial BPN office support. BPN leadership at provincial level is crucial to this effort. Government recognition of community lands is essential in order to slow down large scale conversion of forests. Maps pooled in BRWA show a total of 3.5 million hectares of customary land claims, most under existing forest land use, largely from Kalimantan, Papua and Sumatra. Target is to reach up to 10 million hectares, pooling all donors’ assistance jointly to AMAN/JKPP/Samdhana.

At national level, grants from Samdhana have helped:

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2 Consortium to support locally managed forest management systems (KPSHK) is an advocacy oriented network of foresters and practitioners, for recognition of community rights and management in forest areas - SHK, began in 1994 and is revitalizing now.
• Link AMAN and JKPP efforts in documenting customary rights into a database and web system that is being linked to the national government’s One map/BIG system (JKPP-AMAN);
• NGO, community and government planning for climate change mitigation and adaptation on small islands (SUKMA);
• In depth discussion on customary rights’ legal and judicial case for recognition options through a series of meetings/workshops including ‘Desa’ laws with customary rights recognition laws (HuMA); and support for pilot villages for Ministry of Forestry processes.

For the latter, Samdhana helped several grantees to contribute to the Ministry of Forestry processes on conflict resolution, expansion of community rights, and forest gazettement, through the Forest Tenure Working Team under Ministerial Decree 199/May 2012. In a number of provinces, Samdhana grantees have participated in low carbon development planning and provincial action plans for greenhouse gas emission reduction (RAD-GRK), required by Presidential Decree No. 61/2011.

Samdhana has encouraged its grantees to work together to develop and implement regional strategies. Among the most prominent milestones we include: (i) influencing district and provincial land-use planning processes to recognize community livelihoods and land rights; (ii) developing REDD+ ‘safeguards’ in policies at the project, district and provincial levels; and (iii) assisting communities to map their customary lands and resources and use the maps to secure recognition for their rights in relation to spatial planning and low carbon development planning.

On the 8th of March 2013, the Minister of Forestry issued Hutan Desa licenses to two villages, covering 2,000 hectares each, including areas of deep peat. To obtain the licenses, the communities were assisted by YMI to prepare management plans for the forest areas, obtain letters of support from the village, the sub-district, the district and the province, and to liaise with national government institutions. YMI is now working with other communities in the Kampar to prepare applications for Hutan Desa licenses, and is assisting other Samdhana grantees in Sumatra to prepare to assist communities to apply for Hutan Desa. YMI will also help the villages of Segamai and Serapung to implement the license plans and develop economic activities in the license areas that maintain carbon. See Mongabay for news coverage of the issuance of the Hutan Desa licenses:
http://www.mongabay.co.id/2013/03/10/lebih-4-tahun-menanti-akhirnya-hutan-desa-segamai-serapung-terwujud/

Learning experiences: Making maps is only the first step and preparedness for strategic legal/jurisprudential case, including institutional capacity building/mentoring for local actions and negotiations

Good community maps in REDD pilot landscapes do not always result in good rights-based negotiations. Further work is required on mapping (balancing social and technical approaches that integrate government actors), legal/anthropological support for land use planning processes, and integrating community maps into land use plans. It will also require policy dialogues with the proper government agencies to recognize steps and mechanisms to register rights or record land claims. Efforts at ‘balancing’ these activities are strongest if made from the bottom up. Samdhana/AMAN/JKPP have jointly set targets at convening the different NGO, community and local government actors in key regions, and linking them with key national policy actors, around rights and benefits for climate. Although probably all REDD+ project developers in Indonesia have expressed support for respecting the right of local communities to have a decisive voice in REDD+ planning and implementation, in practice many REDD+ plans are being developed, and initial permits issued by government, without the involvement of local communities. Samdhana’s grantees are actively challenging
this failure to respect community rights, but often encounter resistance from government staff, particularly the department of forestry.

Just recently, the Constitutional Court has accepted the Judicial Review of some parts of Act No. 41/1999 on Forestry (Undang-Undang Kehutanan or UUK) submitted by the Indigenous Peoples’ Alliance of the Archipelago (AMAN). The ruling means that the Indigenous Peoples of the Archipelago are legal subjects and customary forests are not State forests. The next steps include:

1. Identification of Adat Forest areas and their governance mechanisms that are at an advanced stage for recognition, have maps and geo-located villages, and where there is already a local regulation and have documented the pending sets/applications of CBFM instruments, and/or are in the process of implementing existing ones that may ‘convert’ to better arrangements.
2. Preparation of clear processes for key governmental institutions who have the wherewithal, the interest and the facility to pass key regulations forward after MK 35, i.e. BIG, Interior Ministry (MOHA), Land Agency (BPN).

Other emerging challenges include mentoring and coaching for better understanding of impacts of land use (low carbon) decisions to local livelihoods, to women, and the readiness of local actors to integrate food shortage (resulting in land conversion) and disasters with REDD/mitigation efforts. Samdhana’s ability to facilitate climate mitigation actions requires that it is able to ‘position’ practical adaptation measures in the process. Its definition of ‘preparedness’ is fast evolving. In organizational development and partners’ capacity strengthening, Samdhana uses mentoring/facilitating partnerships to maintain a closer level of scrutiny of community and local NGO grantees, to make sure that they have the level of financial management skills necessary to manage grants.

It has become apparent that the pool of competent leaders from communities and their organizations able to address REDD+ issues, including engaging with policy and pilot developments, is quite limited. In response to this issue, Samdhana has commissioned a scoping paper using popular education for developing leaders/mentors. As part of its commitment to help communities to develop their own skills to address climate change threats and opportunities, in early 2012 Samdhana commissioned research to design a curriculum for training emerging community leaders. The research sets out options for how Samdhana can support educational organizations to provide training in critical thinking, problem analysis and strengthening grassroots decision-making to emerging indigenous peoples and local community leaders. In collaboration with AMAN, in 2013 Samdhana will support trainings for emerging community leaders that will cover the above issues as well as climate change threats and opportunities and rural development issues.

Funding/support period: August 2010 – July 2013

Budget: US$ 1,760,745; expenditure per May 2013: US$ 1,681,727

Main partners:
- JKPP: Registering indigenous territorial maps and land use status in a manageable database, and provide pathways for recognition with government to inform decision-makers at local, regional and national levels.
- AMAN: AMAN has provided support to indigenous communities to learn about climate change and climate change mitigation, to map their customary lands and resources, and engage with development processes affecting their areas.
- HUMA: Increase community understanding of legal tenurial rights and customary rights recognition laws
Process of Participatory Mapping –
- Preparation Phase -

Process of Participatory Mapping
- Picking up Points of Areas -

Process of Participatory Mapping
- Mapping Drawing -