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| UNITED NATIONS DEVELOPMENT PROGRAMMEBDP/EEG - MISSION REPORT SUMMARY Date: 26 November 2012 | | | | UNDP_Logo-Blue w TaglineBlue-ENG.png |
| Name: Celina Yong, UN-REDD | | **Tel No.** +66879246135 | |
| **Approved Mission Itinerary:**  BKK-Jakarta -BKK | | **List of Annexes**:   * Stakeholder Engagement – A lessons learned from Central Sulawesi (power point presentation) * Article about the UNIPP/ILO/UNDP Workshop on Masyarakat Adat in The Jakarta Post * Joint Press Release | | |
| Inclusive Travel Dates: | | **Key counterpart(s) in each location:** | | |
| 18 – 22 November 2012 |  | * Laksmi Banowati, National Programme Manager, UN-REDD Indonesia * Ahjung Lee, Regional Project Coordinator, UN Indigenous Peoples’ Partnership * Rogier Klavier, Programme Officer UN-REDD, FAO * Bernadinus Steni, Funding Instrument Working Group, REDD+ Task Force / HuMa * Agus Setyarso, National Forestry Council * Mas Achmad Santosa, REDD+ Taskforce * Abdon Nababan and Mina Setra, AMAN | | |
| **Purpose/Objectives of Mission**   * Represent UN-REDD in the Workshop on Masyarakat Adat (Indigenous Peoples) 19 – 20 November, and facilitate a session on ‘Climate Change Mitigation and Masyarakat Adat in Indonesia’. * Identify potential CSOs to include in the Asia-Pacific regional database. * Explore potential avenues to embed lessons learned from Central Sulawesi Programme into National REDD+ activities. | | | | |
| **Context**  The Indonesian Government is taking steps to address issues related to ‘masyarakat adat’ through REDD+, the Bill on the Recognition and Protection of the Rights of Masyarakat Adat, and the One Map Indonesia initiative. While there is progress on several fronts, conflicting values and positions have emerged, with no clear solution to move beyond these opposing stances. In the meantime, the UN-REDD Indonesia Programme concluded its activities at the end of October 2012. It has created platforms in which various stakeholders interact with one another effectively, by working towards a common goal. As such, it has potential valuable lessons for current masyarakat adat discussions. | | | | |
| **Summary of Mission Activities/ Findings**  *Workshop on Masyarakat Adat*  One of the main objectives of this workshop was to create a platform to raise awareness and discuss all issues related to ‘masyarakat adat’. Emerging key themes from the workshop are summarised below:   1. Definition of ‘masyarakat adat’.    1. Article 18B of the Constitution of Indonesia recognises and provides for ‘masyarakat hukum adat’ or loosely translated as ‘communities with customary laws’. Indigenous Peoples’ (IP) group in Indonesia such as Nusantara Alliance of Indigenous Peoples (AMAN), however, uses ‘masyarakat adat’ and equates it with IP.    2. The definition of both terminologies are fiercely debated within Indonesia, all the more so in light of the Bill on the Recognition and Protection of the Rights of Masyarakat Adat currently discussed by the House of Representatives, as well as the efforts to produce a map that demarcates ancestral domains, also known as ‘One Map Indonesia’ initiative by the REDD+ Task Force (UKP4). To get a sense of how convoluted current discussions are, there are two versions of this bill: ‘Recognition and Protection of Communities with Customary Laws and Rights’ and ‘Recognition and Protection of Indigenous Peoples’ drafted by the Legislative Body (Baleg) and AMAN respectively.    3. Mr El-Mostafa Benlamlih (UN Resident Coordinator) and Dr Kuntoro Mangkusubroto (Head of UKP4) both alluded to the need to define ‘masyarakat adat’ within the Indonesian context and its Constitution, vis-à-vis AMAN’s effort to synchronise with the internationally accepted terminology of IP. The latter is premised on IP’s right to self-determination. For AMAN, the definition of ‘masyarakat adat’ should be based on geographical location, but in reality, may prove challenging given the history of transmigration policy introduced during the Suharto era. 2. REDD+, FPIC, IP and One Map Indonesia.    1. Dr Kuntoro clearly stated that REDD+ is the point of entry for IP and forest dependent communities.    2. While recognising that FPIC is a right to be respected, he also stated that the right to self-determination (Article 3 of UNDRIP) cannot be exercised at the expense of national sovereignty (Article 46). By contrast, discussions among IP participants at the workshop hint at full political autonomy, claiming a pre-existing right that precedes State rule based on Article 3.    3. FPIC (or PADIATAPA in the Indonesian language) is prominent in the National REDD+ Strategy (STRANAS) and applies to indigenous or local communities that will be affected by REDD+ activities. During the break-out group work, I shared lessons learned from the Programme, specifically FPIC as a potential to bridge communication between different parties in order to build trust, and reach a mutual and negotiated understanding.    4. UKP4 has also developed REDD+ safeguards (PRISAI), including FPIC, which will be embedded within STRANAS. Indicators for PRISAI have been developed and were recently field-tested.    5. In an effort to support the One Map Indonesia initiative, AMAN and the Network for Participatory Mapping (JKPP) submitted 265 ancestral domain maps, covering 2,402,222 hectare, to UKP4 and the Geospatial Information Agency (BIG) on 14 November 2012. Dr Kuntoro, however, urged all such efforts to be coordinated through relevant agencies at the sub-national and national levels.   *Updates from the UN-REDD Indonesia Programme provided by Laksmi Banowati*   1. The Programme completed the second FPIC pilot in the villages of Simoro and Pakuli, Lore Lindu National Park towards the end of October 2012. An evaluation of the trial was carried out immediately, with reports expected to be completed by end of November. 2. Emil Kladen, one of the consultants for the pilot, has suggested that consent should not be sought for rehabilitation activities or the project. The FPIC process should be used to clarify ownership rights between the National Park authority and indigenous communities residing within park boundaries. A similar sentiment was also expressed by Rizal, one of the workshop participant and FPIC team member, who was present at the Simoro FPIC pilot. 3. Laksmi disagreed with Emil on the basis that the Programme should not be involved in existing conflicts. Given that the Programme has ended, she was mindful of raising expectations amongst the communities affected. 4. Reports of the trial will be uploaded to the Programme website. No further plans are made to revise the policy recommendations produced by DKN (National Forestry Council) and the Programme.   *Discussions with various relevant actors*   1. Mas Achmad Santosa, Deputy VI UKP4, Head of Legal Review and Law Enforcement Working Group, REDD+ Task Force  * The objective of this meeting was to explore ways in which the results from the Programme in Central Sulawesi may be adopted by UKP4 and the REDD+ Agency. * The President is expected to make a decision regarding STRANAS by December 2012, after which a REDD+ Agency will be created. * UKP4 has committed to develop programs for the yet-to-be-created REDD+ Agency based on the results of the PGA. * He is not only open to learn from the process and results of the FPIC trials in Central Sulawesi, but also to comment on a provincial FPIC policy, provided there are plans for such a policy. * As stated in the STRANAS, the FPIC protocol for REDD+ schemes lists 7 governing principles, but lacks detailed guidance for implementation. He would be interested to receive different training materials on topics such as FPIC and MRV that have been developed by the Programme in Central Sulawesi. * One of his priorities is to gazette forests in Central Kalimantan, with similar intent in Central Sulawesi. FPIC, therefore, is seen as a tool to aid this process. However, he is concerned about the recent submission of ancestral domain maps by AMAN and JKPP, specifically the likelihood of overlap and duplication with the Indicative Map for Suspension on New Permits (PIPIB). Such efforts should be coordinated with the technical cross sectoral team which consists of the Coordinating Body for Survey and National Charting Development Board, Forestry Ministry, National Land Agency, Agriculture Ministry and UKP4. * Open to the idea of a REDD+ learning exchange between Central Sulawesi and Jambi or Papua. However, further consideration should be given to coordination and funding. * Highlighted a recently introduced law concerning Handling of Social Conflict (Law No. 7/2012), available in the Indonesian language only.  1. Abdon Nababan and Mina Setra, AMAN  * Worked with non-indigenous local communities for the mapping of ancestral domains to ensure a mutual understanding of the purpose, extent and implications of the activities. * Confident that the ancestral domain mapping will expand and be accepted by UPK4. * In the Constitutional Court’s review of the Forestry Law, AMAN has proposed that areas inhabited by IP within the state forests should be returned to IP with full rights recognized and accorded. Not surprisingly, there is strong opposition from Ministry of Forestry, but AMAN is confident that the decision of the court will be in their favour.  1. Bernadinus Steni, Funding Instrument Working Group, REDD+ Taskforce / Programme Coordinator of HuMa (Community and Ecological Based Society for Law Reform)  * A representative of the CSOs in the work of developing national REDD+ safeguards (PRISAI). Among others, there are criteria for PADIATAPA, and conflict resolution. Field-test of the safeguards indicators took place 21 to 23 November in Central Kalimantan. * Open to sharing lessons and exchanging information with Mr Kanwar Iqbal.  1. Agus Setyarso, National Representative for Academic Chamber, National Forestry Council (DKN)  * DKN works on 4 programmatic areas, one of which is REDD+ and environment. The programmatic content is guided by committee members who are representatives from 5 chambers: community, government, academics, NGO and CSO, and private sector. * Collaborated with the Indonesia Programme on policy recommendations for FPIC, which was submitted to UKP4. * Open to sharing lessons and exchanging information with Mr Kanwar Iqbal.  1. Jesse Gerstin and Stepi Hakim, Clinton Foundation  * Provides support to 8 REDD project developers, mostly based in Kalimantan. * Shared the objective of the FPIC repository, and invited Clinton Foundation to submit materials. * Exchanged lessons learned from FPIC. The key lessons for the Foundation were selecting NGOs who are well-versed with the local context, and using FPIC as a tool to build trust. * Currently developing REDD+ safeguards which have been tested in Central Kalimantan. * Open to sharing lessons and exchanging information with Mr Kanwar Iqbal. | | | | |
| Follow up actions:  * Review Lore Lindu National Park FPIC trial and evaluation reports. * Share FPIC lessons learned with Pak Ota, Jesse Gerstin and Stepi Hakim. * Consider Bernadinus Steni and Stepi Hakim as potential Resource Persons in the upcoming 3rd Regional Lessons Learned Workshop on Social and Environmental Safeguards, 22 to 23 January 2013 in Bangkok. * Share specific mechanisms for the information exchange with Steni, Agus, and Clinton Foundation. | | | **Distribution List:**   * Charles McNeill * Gaya Sriskanthan * Nina Kantcheva * Timothy Boyle | |

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