SUMMARY DOCUMENT

INDIGENOUS PEOPLE PLANNING FRAMEWORK (IPPF)

MINISTRY OF ENVIRONMENT AND FORESTRY

EAST KALIMANTAN PROVINCE

JULI 2019
SUMMARY

Indigenous Peoples Planning Framework

To strengthen the management of risks and impacts on Indigenous Peoples, the Government of Indonesia (GoI) has prepared an Indigenous Peoples Planning Framework (IPPF). This framework provides guidance to the ERP implementing agencies to engage in an inclusive and participatory process to ensure that the rights and aspirations of Indigenous Peoples affected by the ERP implementation are respected.

The IPPF covers all Indigenous Peoples and vulnerable communities as characterized under the World Bank OP 4.10 on Indigenous Peoples. The scope of its application is described in this framework. The Indonesian Constitution recognizes the rights of customary communities. The scope of the measures required under the IPPF is defined based on the nature of risks and impacts and specific provisions may be required depending on the nature of the anticipated impacts. The term “Indigenous Peoples” refers to groups with a social and cultural identity distinct from the dominant society that makes them vulnerable to being disadvantaged in the development process.

In the context of Indonesia, Indigenous Peoples are known as Masyarakat Adat. In Indonesia legal context, Indigenous Peoples are referred as Masyarakat Hukum Adat. The latter term, emphasizing the distinct customary laws of such communities, is mostly used in laws and government regulations, including the Indonesian Constitution.

An IPPF developed at the Program level to address these aspects and will cover specific measures to ensure that Indigenous Peoples affected by the project receive culturally appropriate social and economic benefits and; Ensure that adverse effects on Indigenous peoples are avoided, minimized, mitigated and/or compensated.

Risk assessment section provides an assessment of relevant risks and potential impacts on Indigenous Peoples. An overview of Indigenous Peoples in Indonesia, and particularly in East Kalimantan is presented to set the context for the analysis.

For centuries Dayak communities have engaged in complex systems of sustainable management of forest, deploying traditional knowledge to cultivate a high number of resources on relatively small area of land. Cropping systems and rotational cycles on land plots varied per group. For many Dayak communities - for example the Benuaq - hunting in natural forests was a primary source of livelihood. Other groups like the Kenyah have a long tradition of growing taro and non-irrigated rice in swamp areas to respect the rights of Indigenous Peoples under national law and applicable international obligations. As mentioned above, it is expected that Indigenous Peoples in East Kalimantan will be among the main beneficiaries of the Program.
customary tenure and serves to prove communal or individual ownership at the local level. Recognized physical evidence can be an orchard (having various local names, such as Lembo, Rondong/Kutai, Munaant/Tunjung, Simpukng/Benuaq) or previous evidence of use in other forms. In case a land ownership certificate is absent, semi-formal documents are also often used to prove ownership beyond the local level, either in court or in village disputes.

Lack of formal recognition of customary tenure of Indigenous Peoples has led to the overlap of commercial land use licenses with customary lands and often resulted in conflict or dispossession, or both. The MoEF’s Law Enforcement Agency (Gakkum) lists three ongoing disputes between local communities and companies in East Kalimantan.

The key objective of the IPPF is to realize benefit enhancement and avoidance of negative impacts. If not feasible, the IPPF seeks to ensure that relevant measures to minimize potential impacts are in place prior to the start of any activities. Such an endeavor will need to be made in consultation with affected communities

The land tenure situation of indigenous peoples is often insecure, given that these communities’ traditional territories are usually located inside areas designated as Forest Estate or plantation concessions. As a result, many communities are socio-economically marginalized and dependent on outside support to voice grievances and claim rights

Followed by the proposed institutional arrangement and monitoring and evaluation for the IPPF implementation The IPPF adopts a staged approach to the implementation of key provisions under the IPPF. The SESA developed under the ERP sets the context for the application of OP 4.10 and provides a broad picture of relevant risks and opportunities for indigenous peoples. Ground-truthing/field verification, further consultations, and development of necessary action plans will be carried out once specific investments and locations are known. Relevant risk mitigation measures will respond to, and be proportionate to, the nature and level of risks identified during implementation

Benefit sharing arrangements for communities identified as Indigenous, who may include indigenous peoples and local communities, will need to be provided as part of the Program Benefit Sharing Plan (provided as a standalone document), reflecting the consultative processes that have been conducted to date with Program stakeholders, including community representatives. Implementation of the Benefit Sharing Plan for Indigenous Peoples will be strengthened through a process of community consultations as well as village-level participatory planning. Masyarakat Adat, whose existence is not yet legally recognized through formal processes will be facilitated to obtain village-level recognition and hence, allow them to receive the Program’s benefits through village-level planning and budgeting processes
The East Kalimantan government will monitor the IPP implementation and report it in the annual report. World Bank Monitoring will periodically conduct reviews to ensuring that program that affected IPs provide benefits to them and IPPs are implemented.

Overall coordination and technical oversight of the IPPF will remain under the purview of the Provincial SEKDA, in coordination with MoEF. The East Kalimantan Provincial Government under coordination from the SEKDA will provide regular monitoring and evaluation (M&E) of the implementation of the IPPF/IPP and progress of the planned activities. Other function to further consultations and disclosure of information for communities such as village / village halls, village / village offices, are held by District DPMPD Offices and Provincial DPMPD Offices.

**Actions, responsibility, and timeline for the IPPF.**

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<thead>
<tr>
<th>Action</th>
<th>Responsibility</th>
<th>Timeline</th>
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<tbody>
<tr>
<td>District and village consultations on the ERP and relevant mitigation measures</td>
<td>DGCC and DDPI</td>
<td>On-going and will be maintained during ERP implementation</td>
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<tr>
<td>Assignment of focal points at provincial and district levels</td>
<td>To be discussed, but possibly organised by Bappeda</td>
<td>During readiness phase and will be maintained following ERPA signing</td>
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<tr>
<td>Training and awareness raising on key requirements and processes under the IPPF</td>
<td>To be discussed, but possibly organised by Provincial Environment and/or Forestry Agency</td>
<td>On-going</td>
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<td>Establishment of FGRM committees</td>
<td>To be discussed</td>
<td>Following ERPA signing</td>
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<tr>
<td>Training of local dispute mediators</td>
<td>To be discussed</td>
<td>Following ERPA signing</td>
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