

# 7 DRAFT NATIONAL ACTION PLAN

This chapter presents a draft action plan in the form of a matrix of elements that should be used to reduce poverty among *adat* communities in Indonesia. It is based on consultation with various stakeholders in the framework of the present study and on discussions and recommendations from the study's national workshop on *Adat* Communities and Poverty Reduction, Jakarta, 26–27 September 2001.

Efforts and programs to reduce poverty of *adat* communities can be effectively carried out if the roots of their poverty problems are well understood. If their poverty is perceived to be closely related to economics, then it is a natural resource-based economy. Therefore, guaranteed access to natural resources is a key factor for their livelihoods. Access by *adat* communities to their natural resources has become more and more limited over the years, mainly due to national policies and legislation that have more or less ignored the rights of *adat* communities, including their rights over natural resources.

As this access has become more limited, the degree of conservation and the quality of natural resources have decreased as well. Furthermore, state institutions have not been successful in controlling and enforcing regulations related to the use and management of natural resources. Meanwhile, *adat*

institutions have over the years been weakened and disempowered. The end result is almost uncontrolled use of natural resources and consequent conflicts.

The extent of poverty of *adat* communities is also influenced by such factors as geography (isolation), culture, and educational attainment. Efforts and programs to reduce poverty need to be carried out in an integrated way considering all these interrelated factors.

Efforts or programs to reduce poverty in *adat* communities have to be participatory because poverty does not only relate to issues of income and basic needs and services, but also to the availability of assets and opportunity to participate in the development process. In this view, poverty reduction programs for *adat* communities can be said to be programs of empowerment of *adat* communities in order for them to be capable of developing themselves.

The following plan in the form of a matrix of activities to alleviate poverty in *adat* communities is based on these considerations. The time frame for each action is based on the fact that the present Government is a transitional one. Thus, no time limits are offered for some of the activities.

The plan is addressed to all stakeholders, from the local or village level to the district, provincial, national, and international level.

## ACTION PLAN MATRIX

No.	Agenda	Policy/Activity	Executor	Time
<b>1 Resolution of conflicts on natural resources</b>				
	Mechanism of resolution of conflicts on natural resources and reparation of human rights of <i>adat</i> communities	1. Inventory or record of conflicts in the regions	District and provincial government	1 <sup>st</sup> quarter of 2002
		2. Multistakeholder workshops in the regions on the mechanism and institutional aspects of the resolution of conflicts on natural resources (restitution and other mechanisms)	Regional government in cooperation with stakeholders	2 <sup>nd</sup> quarter of 2002
		3. National multistakeholder workshop on the mechanism and institutional aspects of the resolution of conflicts on natural resources and reparation of rights of <i>adat</i> communities. The workshop should at least include the Department of Justice and Human Rights, Department of Forestry and Plantation, Department of Mining and Energy, National Land Board, Supreme Court (especially its Administrative Court Division), National Commission on Human Rights, Transitional Justice Society, National Legislative Assembly (DPR), and elite or elders of <i>adat</i> communities	Department of Justice and Human Rights as facilitator	3 <sup>rd</sup> quarter of 2002
		4. A Presidential Instruction that will assign relevant ministers to formulate a plan for restitution of land rights and rights over natural resources	President of Indonesia	3 <sup>rd</sup> quarter of 2002
<b>2 Full recognition of <i>adat</i> communities including, inter alia, recognition of their existence, territory, institutions, and local knowledge</b>				
	A. Formulation of mechanisms for  • identification and determination of the existence of <i>adat</i> communities, <i>adat</i> territories, <i>adat</i> institutions, local knowledge, etc.;	1. Workshop carried out by <i>adat</i> communities to formulate mechanisms for full recognition	AMAN and other organizations of <i>adat</i> communities	Start in the 2 <sup>nd</sup> quarter of 2002
		2. Multistakeholder workshops to formulate mechanisms for recognition of <i>adat</i> communities both at the regional and national level, using inputs from the workshops carried out by <i>adat</i> communities	Central and regional government, NGOs, universities, and donor and credit institutions	Start in the 3 <sup>rd</sup> quarter of 2002

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**ACTION PLAN MATRIX (cont.)**

No.	Agenda	Policy/Activity	Executor	Time
	<ul style="list-style-type: none"> <li>• claims of <i>adat</i> communities;</li> <li>• submission of objection; and</li> <li>• verification</li> </ul>	3. Study to identify <i>adat</i> communities, based on recommended identification mechanisms formulated by the workshops. The identification process should be participatory, allow for the diversity of <i>adat</i> communities, and be compatible with perceptions by <i>adat</i> communities (as part of the implementation of wider autonomy of <i>adat</i> communities)	Universities, research institutions, NGOs, and organizations of <i>adat</i> communities, with support from regional governments and international institutions	Start in the 3 <sup>rd</sup> quarter of 2002
	B. Issuance/determination of the rights of <i>adat</i> communities	4. Policies by regional governments on the issuance/determination of rights of <i>adat</i> communities	Regional government	Start in the 3 <sup>rd</sup> quarter of 2002
3	<b>Protection of <i>adat</i> communities</b>	Guidance by Indonesian government bodies on protection of <i>adat</i> communities' rights, which can be further developed as a special Act on <i>adat</i> communities, the promulgation of which will involve <i>adat</i> communities, related government bodies, and other parties related to the issues of <i>adat</i> communities		Start in the 2 <sup>nd</sup> quarter of 2002
4	<b>Strengthening the organization of <i>adat</i> communities</b>			
	A. Formation of organizations to represent <i>adat</i> communities	1. Forming organizations of <i>adat</i> communities at various levels (village, district, province, etc.)	<i>Adat</i> communities	1 <sup>st</sup> quarter of 2002 (in line with the willingness of the <i>adat</i> communities)
	B. Empowerment of <i>adat</i> communities to run organizations based on the principles of democracy, transparency, public accountability, and respect for human rights	2. Helping <i>adat</i> communities develop the capacity to organize themselves	AMAN or existing <i>adat</i> community organizations, NGOs, or universities, as facilitators	Continue existing process and start new process in 1 <sup>st</sup> quarter of 2002
		3. Training and cross-visits	AMAN or existing <i>adat</i> community organizations, NGOs, or universities, as facilitators	Continue existing process and start new process in 1 <sup>st</sup> quarter of 2002

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**ACTION PLAN MATRIX (cont.)**

No.	Agenda	Policy/Activity	Executor	Time
<b>5 Participation of <i>adat</i> communities in the development process</b>				
A.	Increasing the control by <i>adat</i> communities over the overall development process in their areas (planning, implementation, monitoring, and evaluation)	1. Formulating a policy on free and prior informed consent (consent freely given by <i>adat</i> communities, based on the information provided and distributed in sufficient time before a project's implementation)	Department of Justice and Human Rights, National Development Planning Board, and other related departments, involving other parties such as AMAN and international institutions including ADB	One year (2002)
B.	Increasing the representation of <i>adat</i> communities in the peoples' representative bodies (e.g., DPR)	2. Educating <i>adat</i> communities on critical legal aspects in order for them to control the implementation of development projects	Universities/research institutes and NGOs	Start in the 1 <sup>st</sup> quarter of 2002
		3. Establishing a bicameral system, consisting of representatives of the regions and representatives of political parties; representatives of <i>adat</i> communities to be added as a part or component of the regional representation	Committee of General Elections	Start during the next general election process
<b>6 Increasing the quality of human resources of <i>adat</i> communities</b>				
A.	Reforming the education system	1. Developing educational facilities and services with prior consultation and consent of <i>adat</i> communities	Dept. of National Education	Start in the 2 <sup>nd</sup> quarter of 2003
		2. Reforming curricula in order to incorporate knowledge of local culture into formal education curricula	Dept. of National Education	Start in the 2 <sup>nd</sup> quarter of 2003
B.	Improving the quality of health	3. Developing health facilities and services with prior consultation and consent of <i>adat</i> communities	Dept. of Health	Start in the 2 <sup>nd</sup> quarter of 2003
		4. Developing traditional medicines	Regional government, NGOs, and universities as facilitators	Start in the 1 <sup>st</sup> quarter of 2002

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**ACTION PLAN MATRIX (cont.)**

No.	Agenda	Policy/Activity	Executor	Time
<b>7 Development of the economy of <i>adat</i> communities</b>				
A.	Recognizing the importance of agricultural, fishery, and medicinal products of <i>adat</i> communities that are environmentally sound and based on traditional <i>adat</i> knowledge	1. Establishing special prices for environmentally sound products of <i>adat</i> communities	Dept. of Industry and Trade	2002–2003
		2. Granting protection of copyrights for products traditionally developed and invented by <i>adat</i> communities	Dept. of Justice and Human Rights (Directorate General for Intellectual Property Rights)	2002–2003
		B. Creating direct markets for products of <i>adat</i> communities	3. Formation of business-oriented groups or business/producer associations by <i>adat</i> communities	Regional government, NGOs, universities, and <i>adat</i> communities' organizations as facilitators
C.	Increasing the <i>adat</i> communities' capacity on economic knowledge	4. Training on issues related to economic development	Government, NGOs, universities, and business persons	Start in the 1 <sup>st</sup> quarter of 2002
<b>8 Institutional strengthening</b>				
A.	<i>Adat</i> institutions	1. Making policies by regional government to revitalize and strengthen <i>adat</i> institutions.	Regional government with support of <i>adat</i> communities' organizations	One year (2002)
		2. Documenting <i>adat</i> laws in Indonesia	<i>Adat</i> communities with support of universities, research institutions, NGOs, and regional governments	Start in the 1 <sup>st</sup> quarter of 2002
		3. Recognizing the <i>adat</i> judiciary system as an alternative for conflict resolution	Supreme Court and Dept. of Justice and Human Rights	2002–2003
B.	Government bodies (executive, legislative, and judiciary)	4. Capacity building for government personnel in supporting the recognition, protection, respect, and promotion of <i>adat</i> communities' rights through education and training	Central and regional government with support of relevant institutions (universities, NGOs, organization of <i>adat</i> communities, and donor/credit agencies)	Start in the 1 <sup>st</sup> quarter of 2002

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**ACTION PLAN MATRIX (cont.)**

No.	Agenda	Policy/Activity	Executor	Time
C.	International Institutions	5. Strengthening related international institutions (including the UN) in handling issues of <i>adat</i> communities (such as support to the establishment of a permanent forum for indigenous peoples).	Related international institutions	
		6. Implementing the principle of free and prior informed consent in every project supported by international institutions	Related international institutions	
9	<b>Factors for empowerment of <i>adat</i> communities</b>			
A.	Policy/law reform:	1. Review of policies (in participation with <i>adat</i> communities)	Universities, research institutions, NGOs, with support of central and regional government and international development agencies	Start in 1st quarter of 2002
	• identification of policies/laws (national, regional, local) that are not supportive of <i>adat</i> communities;			
	• reform process; and	2. Revision of the Acts and other implementing regulations including regional/local regulations that negatively impact <i>adat</i> communities	Central government (related department), DPR, and regional government	Continue existing program and start new process in 2 <sup>nd</sup> quarter of 2002
		3. Ratification of international law instruments related to <i>adat</i> communities and human rights (such as ILO Convention 169 and the International Covenant on Civil and Political Rights)	Central government and DPR	Start in 1st quarter of 2002
		4. Public consultation in the process of revision/making of policies/laws		
		5. Adjustment of policies/laws		

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**ACTION PLAN MATRIX (cont.)**

No.	Agenda	Policy/Activity	Executor	Time
	<ul style="list-style-type: none"> <li>harmonization of national and regional legislation with new regulations supportive of <i>adat</i> communities</li> </ul>	6. Making and enforcing control mechanisms in project implementation 7. Finance/fund collection (or mobilization) by <i>adat</i> communities	Central government (related department), DPR, and regional governments with support of civil society	Continue existing program and start new process in 2 <sup>nd</sup> quarter of 2002
B.	Good government	8. Seeking sources of nonbinding grants	Central (relevant departments) and regional governments	Immediately following the making of a new policy
C.	Financing the empowerment of <i>adat</i> communities:	Alternatives:		
		9. Rescheduling debt payments	Project executor and donor/creditor agencies	1 <sup>st</sup> quarter of 2002
	<ul style="list-style-type: none"> <li>self-financing of <i>adat</i> communities;</li> </ul>	10. Debt "forgiveness."	<i>Adat</i> communities and <i>adat</i> community organizations	Continue the existing process
	<ul style="list-style-type: none"> <li>use of grants; and</li> </ul>	11. Selective commitment to/for new debt	Government, NGOs, universities, and <i>adat</i> communities' organizations	Continue the existing process
	<ul style="list-style-type: none"> <li>selective use of debt, based on rational consideration and on ability (or capability) to repay and real need</li> </ul>	12. Disallowing new debt	Government and international donor agencies	Immediately after CGI meeting in November 2001