

Recognition of indigeneity status: why it is important for rights-based planned relocation

Danang Aditya Nizar

Raoul Wallenberg Institute of Human Rights and
Humanitarian Law/
Asia Pacific Academic Network on Disaster
Displacement

September 2023





MYANMAR (BURMA)
ANDAMAN SEA

CAMBODIA
VIETNAM
Phnom-Penh
Hô Chi Minh (Saigon)

Spratsly Islands
Spratsly Islands are claimed by Vietnam, Brunei, China, Malaysia, the Philippines and Taiwan

PHILIPPINES
SULU SEA
Mindoro
Panay
Negros
Mindanao
Zamboanga
Davao



FEDERATED STATES OF MICRONESIA
Koror
Palau Islands

SOUTH CHINA SEA

PACIFIC OCEAN

ACEH
Medan
Kuala Lumpur
MALAYSIA

BRUNEI
Bandar Seri Begawan
MALAYSIA
Borneo
Kuching

CELEBES
SULAWESI UTARA
Manado
SULAWESI TENGAH
Gorontalo
SULAWESI SELATAN
Ujung Pandang (Makassar)

MALUKU UTARA
MALUKU
AMBOINA
SARANGANI
SULAWESI TENGGARA
Kendari

SINGAPORE
Sumatera
Padang
Sumatera Utara
Sumatera Barat
Sumatera Selatan
Jambi
Bengkulu
Lampung
BANTEN
JAWA BARAT
JAWA TENGAH
JAWA TIMUR
Yogyakarta
Surabaya
Surakarta
Malang
Denpasar
Maturam
BALI
Sumbawa
NUSA TENGGARA BARAT
NUSA TENGGARA TIMUR
Flores
Sumba
Timor
Kupang

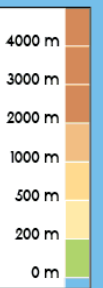
KALIMANTAN BARAT
KALIMANTAN TENGAH
KALIMANTAN SELATAN
Banjarmasin

MOLUCCAS
Ternate
Moluccas
Obi
Seram
Seram Sea
Wahai
Amahai
Buru
Ambon

NEW GUINEA
Irian Jaya
Jayapura
Wamena
Puncak Trikora
Puncak Jaya
Papua New Guinea

EQUATOR

EQUATOR



- National Capital (8,350,000 in 2000)
- over 2,000,000
- over 1,000,000
- over 500,000
- over 100,000
- other main city
- other city

Torres Strait
Bamaga
Weipa

0.8°C –
1.4°C

1.4
million

4.2
million

13.9%
State

11%
Coastal

Re-
settle-
ment



- National Capital (8,350,000 in 2000)
- over 2,000,000
- over 1,000,000
- over 500,000
- over 100,000
- other main city
- other city



Human Development Index

● Low	● Middle	● High	● Very High
-------	----------	--------	-------------

Climate Change

- 7 legislation (legislative)
- 55 policies (executive)
- 9 documents submitted to UNFCCC

Coastal IPLCs

- 4 legislation (legislative)
- 10 policies at national level (executive)
- 18 policies at sub-national level (executive)

Resettlement

- Development and disaster-related resettlement
- Indonesia's Climate Resilient Development Policy

Why the recognition of indigeneity status?



Local communities

Community group that conducts their daily lives based on established customs accepted as common values, but not entirely dependent on coastal and small island resources

Traditional communities

Traditional fishing communities that still have their traditional rights recognized to engage in fishing activities, or other livelihood activities, within specific coastal areas in accordance with international maritime law

Customary law communities

Group of people who have traditionally resided in the geographical region of Indonesia due to i) their ties to **ancestral origins**; ii) strong connections to the **land, territory, and natural resources**; iii) **customary governance** systems, and; iv) **customary legal systems** within their indigenous area in accordance with the provisions of applicable legislation

Rights-based planned relocation

*“A **planned process** in which persons or groups of persons move, or are assisted to move away from their homes, or places of temporary residence, are settled in a new location, and provided with the **conditions for rebuilding** their lives. The process should adhere to **international human rights standards** and directed to **promoting and protecting human rights**, through addressing **inequalities**, **discriminatory practices**, and **unjust distributions of power** that impede development progress”*

Framework for Integrating Rights and Equality (FIRE)

Multi-level & multi-sectoral

Duty bearers & rights holders



Examining and transforming perceptions, attitudes, norms & practices that produce inequality & vulnerability, privilege & marginalization



Active & meaningful participation & addressing social barriers to participation
Gender-equal, socially inclusive access to Information



Building agency, capacities & leadership
Collective learning and activities
Self-determination



Addressing patterns & practices of discrimination, and respecting, protecting and fulfilling rights with regard to

- Gender
- Age
- Disability
- Ethnicity
- & other social & physical characteristics



Legal & policy framework that promotes fundamental rights & equality, non discrimination & participation
Institutionalized platforms created for or by civil society
Budgets, resources & capacity
Data & monitoring
Accountability, transparency & access to justice



Right to equality
Economic, social & cultural rights, including

- Access to resources
- Right to food
- Right to shelter
- Right to health

Civil & political rights including:

- Right to life
- Right to participation
- Right to safety and security
- Right to family unity
- Right to privacy



Respect

Protect

Fulfill

What's next?

- Review the **indigenous rights protection system**, particularly the recognition of indigeneity status mechanism
- Integration of **rights-based planned relocation** into the national and sub-national climate actions
- Rethinking the 'resettlement' concept – move **beyond built-environment and physical material** paradigm





http://bit.ly/RWI_FIRE

Danang Aditya Nizar

Raoul Wallenberg Institute of Human Rights and
Humanitarian Law/
Asia Pacific Academic Network on Disaster
Displacement

danang.nizar@rwi.lu.se

