

Indonesia: Uphold Article 18b-2 of the Indonesian Constitution of 1945 and the Constitutional Court Decision no. 35 of 2012 to Recognise the Cek Bocek community as Indigenous Peoples/Masyarakat Adat

Solidarity Statement of the Asia Indigenous Peoples Pact's IPHRD Exchange 2018
Participants to Cek Bocek



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In 1935, during the Dutch colonization, the indigenous Cek Bocek were forced to relocate from Selesek Suri village to Lawin village. Even though they are moved, they still go back and forth to maintain their farm and observe religious practice at their original village.

The Cek Bocek community, also known as Berco tribe, with a population of 372 households, have long suffered from the neglect of the Republic of Indonesia to protect their right to land, particularly to freely access their traditional forest, since the mining company, PT. Newmont Nusa Tenggara (NNT), started its exploration in their customary forest in Sumbawa district in 1986. NNT has acquired concession of 16.000 hectares of the 29.000-hectare customary land of the Cek Bocek community. Within the concession, are 1,525 graveyards, 4 rivers and 20 streams where 4 streams are considered sacred, and 150 small houses used for making brown sugar.

The restriction to access their forest affected their source of livelihood and limited their right to observe their spiritual practices. In September 2013, police officer interrogated some of Cek Bocek community members at police office because they entered mining concession area within their traditional territory. By this, the rest of community members are intimidated and afraid that it will happen to them.

PT. NNT has acquired its license to operate in 1986 and has been conducting exploration since. It started drilling in 7 exploration sites, which expanded to 200 until 2018 causing some of the ancestral graveyards desecrated. In 2016, PT. NNT sell their shareholder to PT Amman Mineral Nusa Tenggara (AMNT). Without license from Ministry of Environment and Forestry to operate in forest zone, the mining company has built road to get access to the concession area by cutting trees and plants within Cek Bocek traditional territory. PT. AMNT also put up four (4) checkpoints to the concession area. But this is a mere additional physical barrier to the soldiers and police who have been camping in the forest since 1986 to conduct surveillance to people who gets into the concession area.

The Cek Bocek community is in a remote area that can be reached for one day from Jakarta. The community has limited access to basic services; there is no water sanitation, 24-hour electricity and lack of education services, since the community only have one elementary school in the village. In addition, due to their restricted access to their forest, their source of livelihood has decreased further limiting their opportunity to access proper education and health. Women and youth are forced to explore other means of income generation since their traditional produce like *kemiri* (candle nut), coffee, etc. are no longer accessible. For the youth, they often opt to find opportunities elsewhere.

Furthermore, despite the community being able practice the traditional institution, the elders express concern on the distrust and internal conflicts that the mining company has been creating. The company employs some youth as surveyors affecting the social cohesion of the Cek Bocek community.

In order to prevent further neglect and degradation of their lives, it is imperative for the Cek Bocek community to be recognised and respected as indigenous peoples/*masyarakat adat*. The recognition will mean better leverage as legal subjects to demand meaningful consultation to determine their own development.

We, the participants of Asia Peoples Pact's IPHRD Exchange 2018 representing 10 countries¹, stand in solidarity with the Cek Bocek community and call on

- The President of the Republic of Indonesia, Joko Widodo, to
 - i. Uphold Article 18b-2 of the Indonesian Constitution of 1945 and the Constitutional Court Decision no. 35 of 2012 by passing the Bill on Indigenous Peoples Rights this year;
 - ii. Ensure to stop the mining expansion until meaningful consultation with all of the Cek Bocek community's members has taken place.
 - iii. Ratify ILO Indigenous and Tribal Peoples Convention of 1989 (ILO 169)
- The Ministry of Environment and Forestry to:
 - i. Conduct strategic environment study (*Kajian lingkungan hidup strategis/KLHS*);
- The Ministry of Energy and Mineral Resources
 - i. Encourage the AMNT to fulfill their responsibility to respect the rights of Cek Bocek community.
- The *Komisi Nasional Hak Asasi Manusia*/Komnas HAM (national human rights institution) to:
 - i. Monitor the implementation of its recommendations from the national inquiry 2014;

¹ Bangladesh, Cambodia, Denmark, India, Indonesia, Malaysia, Nepal, Philippines, Thailand and Vietnam

- ii. Monitor the violation of the rights of the Cek Bocek community.
- The Sumbawa Head of District/*Bupati*, Husni Djibril, to
 - i. Recognise Cek Bocek community as indigenous peoples/*masyarakat adat* through the local regulation or decree;
 - ii. Facilitate a meaningful consultation of the Cek Bocek community with the AMNT;
 - iii. Immediately withdraw military and police forces and grant full and secure access to the Cek Bocek's customary land;
 - iv. Stop AMNT's expansion until meaningful consultation with all of the Cek Bocek community's members is ensured and a consensus is reached.
- The AMNT to
 - i. Immediately grant full and secure access to Cek Bocek's customary land;
 - ii. Stop expansion until it has engaged in a meaningful consultation with the Cek Bocek community and a consensus is reached.
- The international community to:
 - i. Sustain their solidarity, sincere attention and support to the struggles of Cek Bocek community with the AMNT.
- The Cek Bocek community to:
 - i. Stay united and actively defend your rights