SIRD #83
SOCIAL INVESTMENT ROUNDTABLE DISCUSSION

Social Investment Indonesia

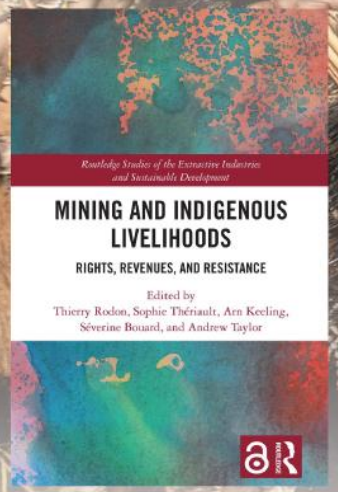
FREE

DAPATKAN GIVEAWAY !

Tambang, Tanah dan Tradisi

Menegakkan HRDD, Menghormati Hak Masyarakat Adat

Resensi Buku:





Ajarani M. Djandam
PhD Candidate
Departemen Antropologi FISIP UI



Fajar Kurniawan
Managing Partner
Social Investment Indonesia



Jalal
Chairperson of Advisory Board
Social Investment Indonesia

Host:



Peggy Arnolia
Senior Consultant
Social Investment Indonesia

Jumat, 8 Agustus 2025

15.00 - 17.00 WIB

socialinvestment.id

0812-3383-8463

Via zoom @SocialInvestment_Id

RECOGNITION ON INDIGENOUS PEOPLES' RIGHTS; VOLUNTARY OR MANDATORY?



Presented to:

Social Investment Roundtable Discussion #83

By:

Ajarani Mangkujati Djandam

Kandidat Doktor, Dept. Antropologi, Universitas Indonesia

Jakarta, August 8, 2025

Background
Indonesia - Indigenoues Peoples and Mining Context

- Negara kepulauan yang dihuni oleh penduduk asli berbagai suku (*indigenous tribes*), dikenali ada 1,340 etnis.
  (source: Britannica.com)
- Salah satu negara di dunia yang paling beragam etnisnya, lebih dari 360 kelompok etno-linguistik (source:www.cambridge.org)
- Negara yang kaya sumber daya mineral, "*a global player in mining*" (source: trade.gov/country-commercial-guides/Indonesia-mining; January 2024)



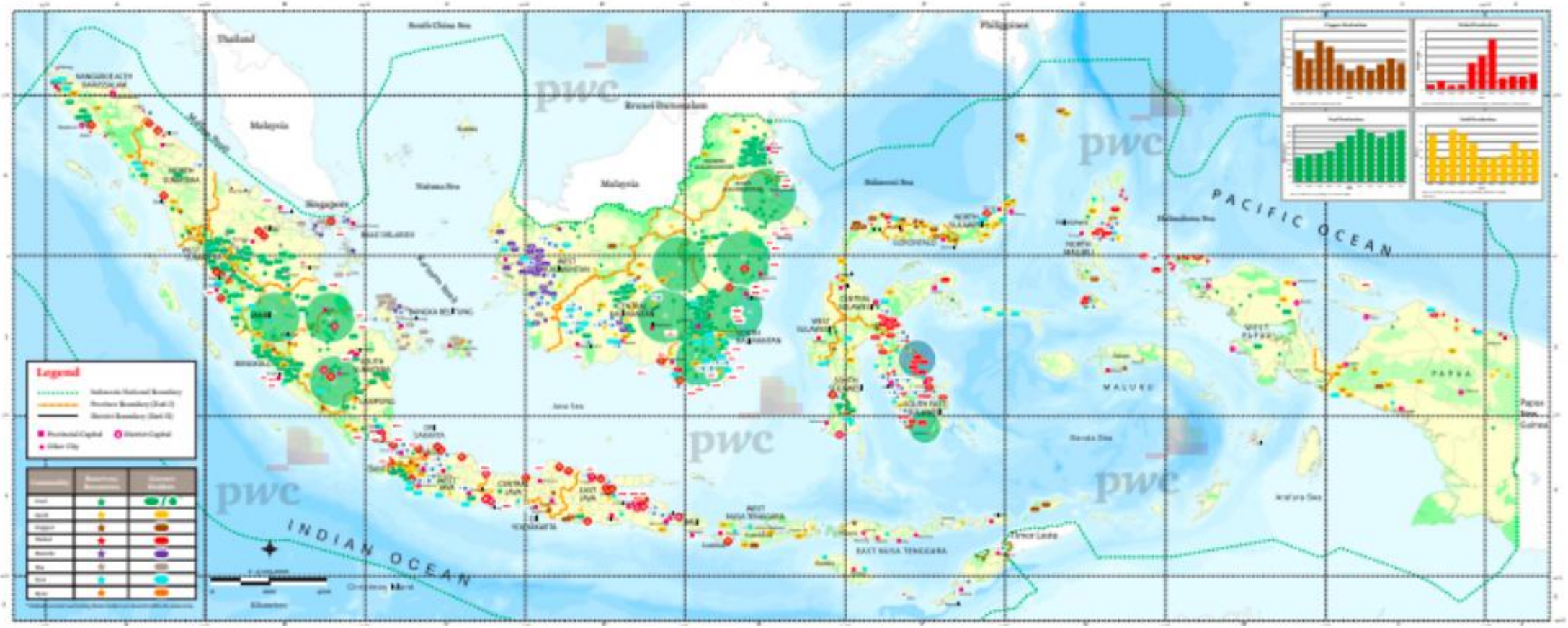
Sumber: Pinterest



Sumber: PricewaterhouseCoopers

Indonesian Mining Areas Map

Last updated March 2018



Indigenous Peoples
Theory and Concepts

- Indigenous and tribal peoples are often known by national terms such as **native peoples**, first nations,…., hunter-gatherers, or hill tribes. (Source: ILO Convention No. 157/ 1957; No. 169/ 1989)
- **Masyarakat Adat**, kelompok masyarakat yang memiliki sejarah asal-usul dan menempati wilayah adat secara turun temurun. (Source: aman.or.id)



Sumber: KITLV – 10434

- Indigenous in theory → tribal community, self-claimed, acknowledged by other members, and proven by descent or borned. (Sumber: Sawyer and Gomez, 2008)
- Kelompok masyarakat dengan hubungan darah, **pre-colonial atau pribumi, etnis minoritas yang termajinal**, yang paling awal menempati suatu daerah berdasarkan penelusuran sejarah, self-acknowledgment. (Source: *Good Practice Guide: Indigenous Peoples and Mining*, ICMM, 2015)





Sumber: Dokumentasi pribadi

GAP on Conception and Perception
Land's Values and Ownership



- Indigenous Peoples groups: terkoneksi dengan manusia dan leluhurnya, selalu menyediakan dan sumber kehidupan yang tidak ada habisnya;
- Mining investor: sebuah kesempatan untuk dieksplorasi dan dieksploitasi, tempat yang lebih produktif dan menjadikan masyarakat yang lebih beradab atau "civilized" society

(Terinspirasi oleh Film "AVATAR", 2009)



- Gap dalam memahami dan menyadari transformasi social dan lingkungan → *a rapid and massive "modernization" process*
- Kesenjangan pemahaman dan *less-sensitivity* diantara para pemangku kepentingan industri tambang (negara dan korporasi tambang) terhadap *"indigenousness" issue* pada komunitas yang terdampak

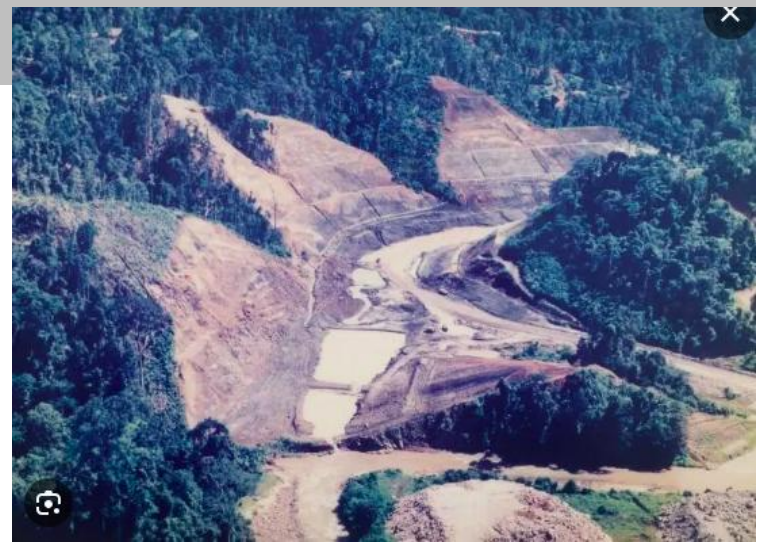




RECOGNITION and POSITIONING
Social and Political Aspect

- Orde Baru
  - Kekuasaan terpusat (*centralistic*)
  - Exclusion of Indigenous People and labelling
- Reformasi
  - Otonomi Daerah (*decentralistic*)
  - Keterbukaan informasi
  - Kebangkitan “identitas” masyarakat asli → masyarakat adat
- Kongres AMAN tahun 1999
  - Momentum signifikan
  - Trauma kolektif → semangat kebersamaan
  - *Global networking → reconstructing image/label/performance*

  (sumber: Tania Li, 2001)



Sumber: psm.com.au



Sumber: voaindonesia.com

Research’s case:

Rio Tinto’s Recognition

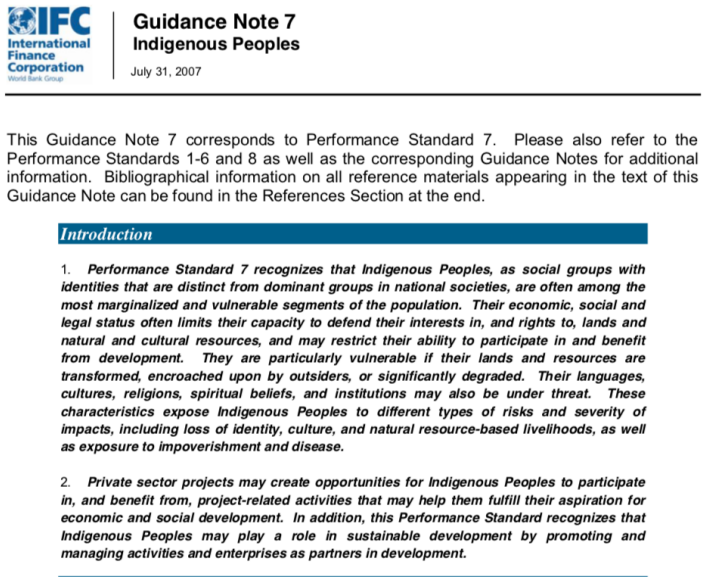
- Tambang emas PT Kelian Equatorial Mining pengakuan terhadap IP sebagai *landowners* –fase eksplorasi
- Pergeseran posisi kekuasaan –from *landowners* → *labors*
- Transformasi sosial → pergeseran kelas



Sumber: Dokumentasi pribadi

Normative Level
Regulasi, Kebijakan, Protocol dan Standard

- ILO, ICMM, ISO 26000
- Social Performance Standard
- KEPMEN ESDM No. 1824/ 2018 tentang Pedoman Pelaksanaan Pengembangan dan Pemberdayaan Masyarakat (PPM); dan No. 1827 tentang Pedoman Pelaksanaan Kaidah Teknik Pertambangan yang Baik
- PERATURAN DAERAH
- RUU Masyarakat Hukum Adat
- IFC Guidance Note 7/ 2007 Indigenous Peoples
- IFC Performance Standarad 8/ 2012 Cultural Heritage



IFC International Finance Corporation World Bank Group

Guidance Note 7
Indigenous Peoples

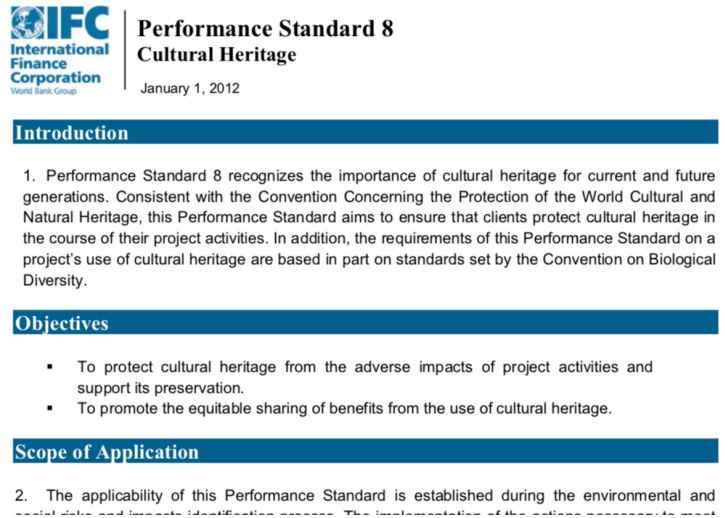
July 31, 2007

This Guidance Note 7 corresponds to Performance Standard 7. Please also refer to the Performance Standards 1-6 and 8 as well as the corresponding Guidance Notes for additional information. Bibliographical information on all reference materials appearing in the text of this Guidance Note can be found in the References Section at the end.

Introduction

1. ***Performance Standard 7 recognizes that Indigenous Peoples, as social groups with identities that are distinct from dominant groups in national societies, are often among the most marginalized and vulnerable segments of the population. Their economic, social and legal status often limits their capacity to defend their interests in, and rights to, lands and natural and cultural resources, and may restrict their ability to participate in and benefit from development. They are particularly vulnerable if their lands and resources are transformed, encroached upon by outsiders, or significantly degraded. Their languages, cultures, religions, spiritual beliefs, and institutions may also be under threat. These characteristics expose Indigenous Peoples to different types of risks and severity of impacts, including loss of identity, culture, and natural resource-based livelihoods, as well as exposure to impoverishment and disease.***

2. ***Private sector projects may create opportunities for Indigenous Peoples to participate in, and benefit from, project-related activities that may help them fulfill their aspiration for economic and social development. In addition, this Performance Standard recognizes that Indigenous Peoples may play a role in sustainable development by promoting and managing activities and enterprises as partners in development.***



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Performance Standard 8
Cultural Heritage

January 1, 2012

Introduction

1. Performance Standard 8 recognizes the importance of cultural heritage for current and future generations. Consistent with the Convention Concerning the Protection of the World Cultural and Natural Heritage, this Performance Standard aims to ensure that clients protect cultural heritage in the course of their project activities. In addition, the requirements of this Performance Standard on a project's use of cultural heritage are based in part on standards set by the Convention on Biological Diversity.

Objectives

- To protect cultural heritage from the adverse impacts of project activities and support its preservation.
- To promote the equitable sharing of benefits from the use of cultural heritage.

Scope of Application

2. The applicability of this Performance Standard is established during the environmental and

Implementation of IFC 7 and IFC 8
Newcrest Mining Ltd.
Lihir island, Papua New Guinea

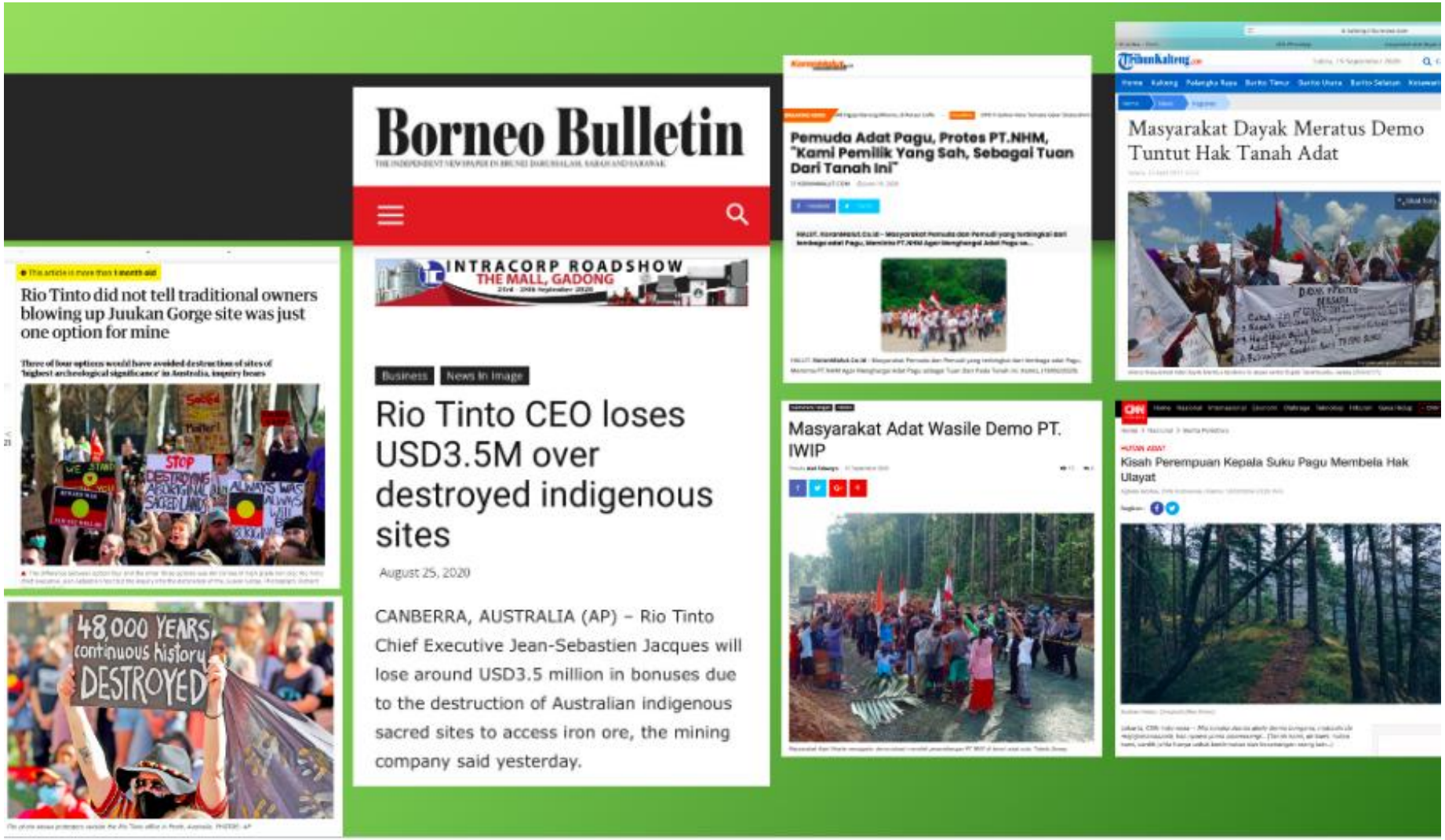


Sumber: Dokumentasi pribadi



Sumber: announcements.asx.com.au

Why?


Borneo Bulletin
INTRACORP ROADSHOW
THE MALL, GADONG
Business
News In Image
Rio Tinto CEO loses USD3.5M over destroyed indigenous sites
August 25, 2020
CANBERRA, AUSTRALIA (AP) – Rio Tinto Chief Executive Jean-Sebastien Jacques will lose around USD3.5 million in bonuses due to the destruction of Australian indigenous sacred sites to access iron ore, the mining company said yesterday.
Rio Tinto did not tell traditional owners blowing up Juukan Gorge site was just one option for mine
Three of four options would have avoided destruction of sites of 'highest archeological significance' in Australia, inquiry hears
STOP DESTROYING ABORIGINAL SACRED LAND
48,000 YEARS continuous history DESTROYED
Pemuda Adat Pagu, Protes PT.NHM, "Kami Pemilik Yang Sah, Sebagai Tuan Dari Tanah Ini"
Masyarakat Adat Wasile Demo PT. IWIP
Masyarakat Dayak Meratus Demo Tuntut Hak Tanah Adat
Kisah Perempuan Kepala Suku Pagu Membela Hak Ulayat

Root Cause

- Engagement strategy?
- Unfinished promises?
- Unclarity on policies & regulations?
- HRDD, EIA, ESIA standard
- Ethnographic Research based
- Socio-historical approach → key aspect



Sumber: Dokumentasi pribadi

Conclusion

- Deep sensitivity on the local social, cultural and political context –state, mining corporations and elites groups from affected Indigenous Peoples' groups
- Commitment to sustainability after the mine closure
- Indigenous' ethnic identity becomes political commodity → a field of power contestation, and a continuous history and contemporary (Tania Li, 2000)
- Risk: The rise of indigeneity politics at local and regional level
- Preventing the new form of capitalism on behalf of "Adat".



Sumber: Dokumentasi pribadi

TERIMA KASIH

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"MATAHARI TERBIT DI SUNGAI KELIAN"
Sumber: Dokumentasi pribadi