



Creating Conservation Development Codes Under Clear Tenure Rights in Papua, Cases from Tambrau

Introduction:

As a newly established district in West Papua Provinces of Indonesia, Tambrau is within the region called Birds Head, a ridge to reef landscape, facing difficult challenge to balance the needs of economic development, conservation of natural resources.. Acknowledging the fact that 80% of 1,2 million ha of the region is designated as protection and conservation forests function, and that up to now, it lacks basic public facilities. As the lowest in provincial human development index, it remains a challenge how to fulfill 'development' when the government announces its intent to develop a conservation district. Since 2012 the joint program was initiated to connects the program of the districts with the concern that Samdhana and partners has in facilitation clarifying of tenure rights to support sustainable land uses and forests development in Papua. The overall works then be sharpening in 2013 with joint works to build enabling condition of conservation development within clear tenure rights.

Customary boundary mapping, legal recognition of customary rights, conservation institution design and its legal regulation drafts are sets of activities Samdhana and partners in collaboration with Local Government and other International NGO such as WWF has supporting since 2013. Recently there are two indicative tribe boundary maps that cover 670,000 ha and 3 clans maps in about 4,000 ha have available to support the next steps of projects implementation in the District. Capacity building that growth from collaboration among different conservationist parties to local actors is also the package that the projects been supporting through a serial meeting and join activities.

Why: Tambrau is one of the high biodiversity hotspot in Papua Island but not yet well known except as the place of Leather Back Sea turtles nesting sites. But with it hilly geographic areas and dense primary forests covers the areas have keeps and deposits huge amount of natural resources that recently included in the lists of natural resources investment targets. As the natural barrier for the bird head ecosystems because its position in the upstream that regulates the water flows to other districts such as Major city of Sorong and Manokwari opening the landscape would have a huge negative ecological impact to the landscape. The condition of IPs that live on strong customary rights claim and depending almosts 90% of their livelihood to the forests and land uses extraction emphasizing the importance of integrative landscape and livelihood development approaches to interpreting the niece of local government on conservation code of development within clear tenure rights.

Commitment of the local government that rarely found in the two provinces of the Papua-Indonesia is crucial to be supported. A big chance to develop a model of how conservation areas management under clear tenure emerging in the districts to showing that when rights of Indigenous Papuan be legally secured and protected and when they have a good capacity in natural resources governance and management.

How Much: Since 2013 the grants and funding supports been providing by Samdhana through partnerships with Forestry Faculty - Papua State University and Aka Wuon (local NGO based in Sorong) in amount between USD \$ 20,000 - 30,000. Sources of this funding are the sharing from Climate and Land Uses Alliance (CLUA) and IUCN Pro Poor REDD+ Phase 2 Project (IUCN – DANIDA Phase 2). Besides grants

about \$ 20,000 USD average been providing to supports meeting, workshop and other directs activities that important to support the plans in the districts. Local government is also actively contributing to funding the activities of Samdhana Partners in the region.

Results: The two indicative maps of Miyah and Abun that covers 670,000 ha with community profiles were produced in 2015. This helped Tambrau Government show their political commitment on clarity of tenure as customary rights claims over land and resources are strong in Tambrau. The maps provide an indicative picture of clan distribution per tribe, their land uses zoning and social data.

Package program capacity building resulted in new young potential Papuan facilitators for social and technical activities. About 6 young facilitators from AKA WUON (Local NGO) were involved in mapping process. The 3 clan maps are the product of their technical and social facilitation. They have also gradually developed their organizational capacity to structure work to optimize their time. Links with the conservation management units in the Ministry of Forestry and Environment has gradually transferred knowledge to the youth, on forests and biodiversity

Lesson Learned: Mainstreaming conservation is not easy in a District that has indigenous peoples seeking legal certainty within a 1,2 million ha of forests and land. Huge challenge appears in Tambrau when the local government officials lack capacity to interpret conservation in ways that

integrate working with the local community using traditional conservation values, and securing economic incentives for sustainable practices. Emphasis is in the package support for capacity building and trust-based partnerships with local young facilitators to lead the process. At the same there is a need to link up with relevant other government and NGO programs such that other technical, social and legal components of the District work is strategically aligned.

Project Implementation Partners:

- Government of Tambrau as the leader and steering of the program.
- AKA WUON – Local NGO based in Sorong is providing the young local facilitator in working on mapping and community consolidation issues.
- Papua State University – Provide technical and academic support to the government and local NGO in interpreting conservation into development pathway based on clear IPs Right.
- WWF – Sahul Region. Office based in Sausaport (the capital of Tambrau District). Providing their technical capacity in supporting mapping works.
- Epistema Institute – National NGO based in Jakarta that have an expertise on Legal, policy and institutional analysis and technical supports. They are supporting most of the legal regulation of customary rights recognition/ protection and conservation district development.





Field Story :

AKA WUON Mapped 3 Clans Boundary in Tambrau

The government of Tambrau District-West Papua Province in collaboration with customary community groups have gradually facilitated clan/tribes discussion in each sub-district to talk about reducing conflict from land rights claims emerging in parallel with development expansion. The 1st discussion was held in Fef sub-district, with 13 clans from Abun and Miyah tribes - about 70% of the district administration region are in these two tribes. Social information, agreement on mapping and a customary boundary sketch were produced at the end of the meeting.

As follow up, AKA WUON (NGO based in Sorong) worked with the community to wrap up social data and information and facilitated technical mapping to plot the boundary of the 13 clans. In 5 months from July to November 2015, AKA WUON helped 3 clans; Baa Sakof, Baru Rufubun and

Tafii to technically map and plot their boundary into digital maps. These 3 clans cover about 3500 ha of Fef district. The mapping was facilitated carefully by AKA WUON, knowing that rights over land and resources are sensitive issues.

AKA WUON acknowledged that there are still remaining steps the community should take to make the maps communicate information crucial in conflict resolution and land uses regulation. As a new NGO with most members coming from tribes in Tambrau, they listed as priority: strengthening the structure of customary institution; facilitating common consensus and agreements.. This is just the beginning, there are 10 more clans in the sub-districts not yet mapped. In all of Tambrau, there are more than 100 clans from 5 main tribes also expecting to have maps like Fef's.

Tambrauw Conservation and Customary Right Recognition Drafts Regulation Were Publicly Discussed



About 70 participants representing village leaders, customary community groups, district government institutions, sub-district chiefs, resorts police and army commanders joined one full day discussion of two draft of District Regulation about conservation and recognition and protection of customary rights. These two drafts are part of the initiative regulation that the parliament of Tambrauw is prioritizing this year to support the political commitment of current Bupati about mainstreaming conservation as the development driver and support the protection and recognition customary rights in Tambrauw. In his opening remarks the Bupati of Tambrauw pointed out the real development challenge in Tambrauw is how to put in balance the interests and targets on spatial development, regional and community economic growth, protection the rights of people and sustainable environment. These two regulations are part of his commitment to realize that. Gradually the government and all stakeholders shall be actualizing their commitments on (1) non destructive investments such as mining and oilpalm and (2) development of the green investment pilots such as micro hydro for electricity and (3) support for the customary meetings in each sub-districts.

Moderated by the legislative division head in the Tambrauw Parliament Mr. Petrus Yewen the discussions was robust with active comments, inputs, corrections and suggestions from the audiences. One key message in his speech was “Mainstreaming conservation to realize the objective of

protecting the forests cover and its natural functions by integrating a more dynamic and local specific plan to makes community have a legal certainty to be the main conservation agent to their 1,2 million ha of forests and land”. Four resource speakers included: Nonette Royo - the Executive Director of Samdhana Institute shared the core thinking of rights recognition and appreciation to the Bupati of Tambrauw, Yunus Yumte showed the indicative mapping results, Yance Arizona from Epistema Institute presented the substance of customary rights recognition regulation draft and Jhony Marwa from Papua State University shared the substance of conservation regulation draft.

In summary there were 4 points that emerged during the review and discussion:

1. There remains a lot of missing substantial information and data about clans, tribes and family and how their autonomy of rights and decision making processes works. Which of the customary structures hold the basic authority in land use and land use change? Facilitators and community representatives agreed to sharpen the academic paper of the regulation to regulate the rights and clarify next steps after the discussion.
2. Clarifying intention on recognize, designate and govern, among customary groups, to enable conservation and rights recognition pathways to interlink well.
3. Reviewing and analyzing the content of conservation regulation draft that mentions the legalities and criminal sanction so as not to ban entry of community land owners to satisfy their livelihood needs.
4. Concrete support and sharing of resources to support the improvement draft, until legal approval.

Most of the participants critical of “conservation” regulation, as it discriminates local people and creates conflict, especially when it comes to local community livelihoods. Must secure that Tambrauw Bupati’s vision as translated to this local regulation will not use “conservation” as a reason to eliminate local rights, spatial plans and conservation needs. Key recommendations: support key customary community meetings in each sub-district, continue to support to customary boundary mapping; and series of substantive discussions on content of legal draft .



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