



TED Rule of Law Clinic

12.6.2025

KIOS Foundation & Lawyers' Association for Human Rights of Nepalese Indigenous Peoples (LAHURNIP)

Veera Teittinen & Shankar Limbu





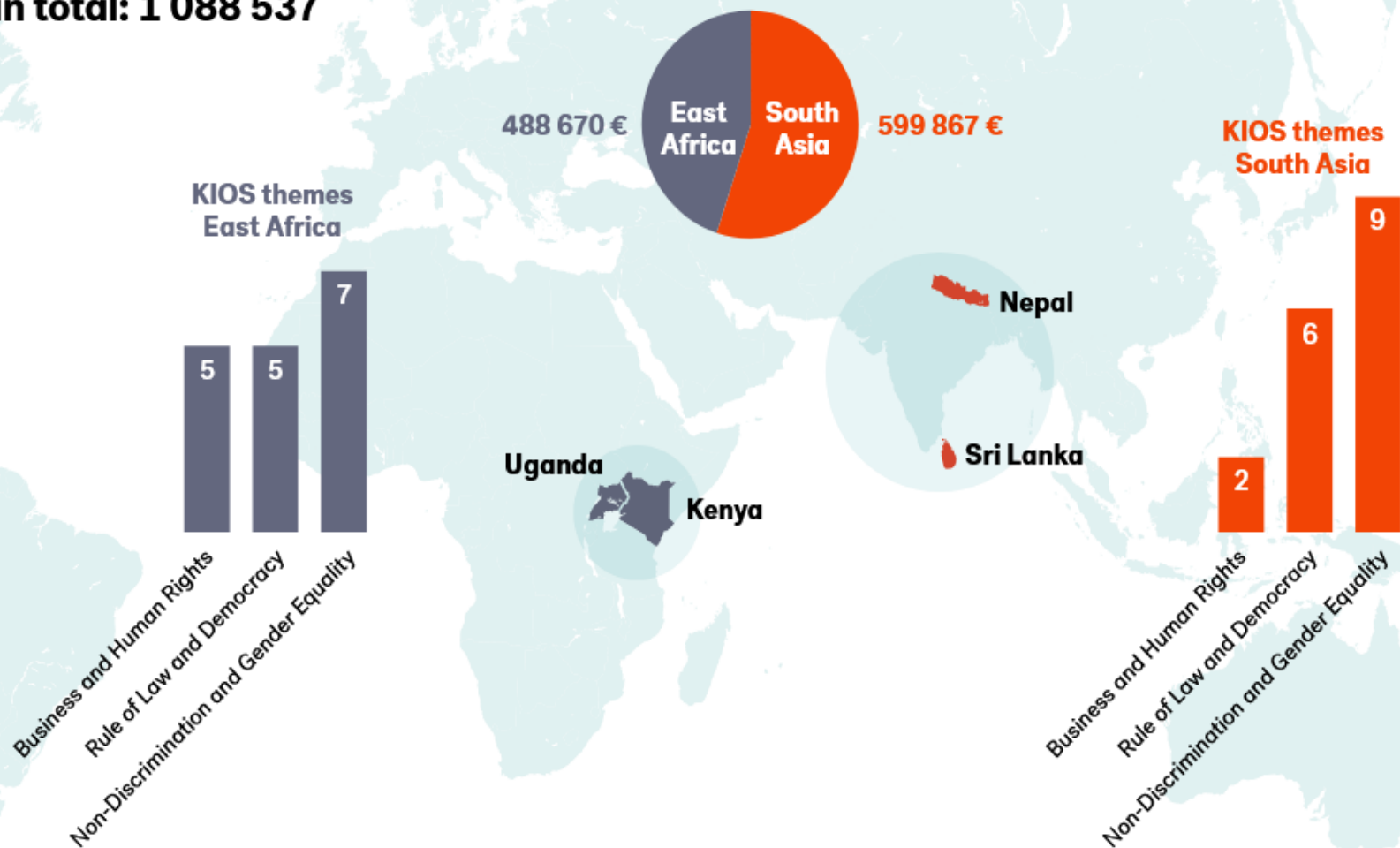
KIOS Foundation



- Founded by 11 different Finnish NGOs in 1998
- Mainly funded by the Ministry for Foreign Affairs of Finland
 - Currently one EU funded project in Kenya (2023-2026)
- KIOS supports local civil society organisations and their human rights work in East Africa and South Asia
 - Kenya, Uganda
 - Nepal, Sri Lanka
- Provide direct financial and technical support to local civil society actors
 - Grantees have strong ownership of the work KIOS supports; all work is planned and implemented by the grantees
- The work is built on close monitoring of the operational areas, wide networks and long-term partnerships

KIOS Grant Funding in 2023

KIOS Grant Funding
in total: 1 088 537



*The distribution of funds in 2023 does not directly relate to the scope of operations in a specific region.

1. Non-Discrimination and Gender Equality

- Women's rights
- LGBTIQ+ rights
- Rights of marginalised groups, including Indigenous People

2. Democratic Rights and the Rule of Law

- Fostering civil and political rights
- Legal empowerment
- Advancing equitable and accountable justice

3. Responsible Business, Environment and Human Rights

- Defending communities whose rights are threatened
 - Ensuring that human rights are respected and protected
 - Ensuring the right to a clean, healthy and sustainable environment.
-
- All work supported by KIOS must be gender sensitive and non-discriminatory and take the safety of the human rights defenders into consideration



LAHURNIP



- Indigenous Lawyers' Organisation, established in 1995
- Legal works to promote, defend, and protect collective and human rights
 - Including fundamental freedoms of Indigenous Peoples and marginalised communities in Nepal
- More than 150 committed human rights defenders working with communities on the ground
 - Working at community, national and international level
- Partnership with various international organisations (including KIOS) in different areas relating to IPs

Land issues of Indigenous Peoples in Nepal

THE GORKHA CONQUESTS

The process and consequences of the unification of
Nepal, with particular reference to Eastern Nepal



KUMAR PRADHAN



Historical Injustices



- Nepal was established by invading Indigenous Peoples' states, kingdoms, principalities, and territories
 - Lands of IPs were given to the Bahun and Chetri (dominant Groups), who helped invaders (Rulers) and their successors
- Limbuwan (the state of Limbus) was annexed with the Treaty of 1774, which granted full-fledged Self-governance and rights over lands, territories, and resources
- The Land (Survey and Management) Act 1963 and Land Reform Act 1964 converted IPs collective Agricultural lands into individual titled land and remained silent in recognition of collective lands



Conflict of Law



- In general, the ownership of lands and resources (waters, forests, minerals, etc.) is vested in the State (selective legal provisions)
 - However, IPs have strong hold and control over their ancestral lands in many areas
- The constitution granted IPs right to live with dignity along with identity. Importantly, the relational rights over lands, territories, and resources are the core and sensitive elements of Indigenous identity, including for their survival
- Nepal is a party to the ILO Convention No. 169, UNDRIP, CERD, and other International human rights instruments that are equivalent to national laws, even if they prevail over national laws in case of inconsistency (Sec. 9 of Nepal Treaty Act 1991)



What we see on the ground





Case Mukkumlung

- Attacks with lethal weapons occur at night while people are preparing dinner



News cuttings

Mukku Lung Struggle Committee in second phase of protest against cable car project

Groups opposing cable car in Pathibhara, Taplejung say the government is not ready to form a high-level dialogue team.



Lapsephedi clashes snapshot of hassles in building power lines

At least three police personnel were injured as locals hurled stones and over a dozen people allegedly behind the attack were held, Kathmandu district administration says.





Trends of Infrastructure Development



- Denial or Systematic exclusion of Indigenous Peoples and Associated Rights
- Lack of Disclosure or Misinformation and false documentation (IEE/EIA, etc)
- Militarisation and Suppressive Measures
 - Including divide and rule, jeopardising communal harmony
- Non-compliance with International laws
 - Including ILO C. 169, UNDRIP, even Safeguard Policies of IFIs
- Forced eviction or displacement



Result



- Failure or delay in the project severely impacts sustainable and peaceful development, though IPs and LCs are not against just and fair development
- Manifestation of deep-rooted conflict or fresh conflict relating to the violation of land rights



Recommendations



- Recognise Indigenous Peoples as a party and IPs' rights over lands while dealing with the government
- Carry out free, independent study ensuring meaningful participation and FPIC prior to deal with the government
- Obtain FPIC respecting protocol of the community, respect Indigenous Peoples' rights enshrined under international and national laws and Decision of the Supreme Court
- Ensure meaningful participation and benefit sharing
- Independent Monitoring, Grievance Handling Mechanism that includes customary justice system of IPs



Thank you

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TED Land Rights Clinic

Mongolia Case Study

Ariell Ahearn (University of Oxford) and Bayarsaikhan Namsrai (Steps without Borders NGO)





Mongolian Mobile Pastoralism

- **World's largest intact contiguous grassland**, unfenced and untilled for centuries
- **UNESCO status of Mongol nomad migration and its associated practices** inscribed in 2024 - Representative List of the Intangible Cultural Heritage of Humanity
- All land outside of designated urban areas is state-owned but utilized according to mobile customary land tenure practices recognized and endorsed by local governments

Mongol Mobile Pastoralism = Mobile Indigenous Livelihood

- **Economic Rights:** The largest source of ‘employment’ for Mongolian citizens, a sustainable livelihood, and represents rural entrepreneurship; household livelihoods passed down generations
- **Cultural Rights:** The crucible for Mongolian cultural heritage, identity and Indigenous knowledge
- **Social Rights:** Religious significance of mobile pastoralism, as well as key source of food security.

Dulam Sedenjav (2020:141) refers to Mongol pastoralist mobility as constitutive of a “communal practice to build trust” and “an ethical symbolic code of conduct to treat people, animals, spiritual beings, the environment, and nature.”

Vesna Wallace (2015) writes, “Mongolian herders’ affection and concern for their livestock in this life and beyond is well known and frequently expressed in Mongolian folk songs, poetry, and paintings. A daily life of a traditional Mongolian herder tends to be filled with ritual actions to the degree that one could say that an entire Mongolian pastoral life is made of a continuous series of ritual practices.”

Rights to Mobility Critical; Exclusive land ownership antithetical to Nomadic Relationality



Mineral Expansion over last 20 years

- In 2024, 2,740 mining licenses have been issued across the country
 - gold, coal, copper, iron ore, and fluorspar
- Seven companies currently hold a total of 13 licenses for radioactive minerals (5 for exploration and 8 for extraction)
- 33 petroleum blocks are under development
- 225 mineral processing plants are currently operating for washing coal, processing fluorspar, and extracting gold—most of which are small-scale facilities with low-efficiency technologies that draw water from sources used by both livestock and herders



Bayarsaikhan Namsrai (SWB NGO) and filmmakers 2021

Lack of Social Safegaurds in National Legislation

- For the past 14 years, Mongolia has lacked a regulatory framework or methodology for conducting social and human rights impact assessments before implementing mineral resource projects.
- Current legislation does not define “social impact,” nor does it outline its scope or procedures.
- Until now, only environmental assessments have been conducted, overlooking Mongolia’s pastoral economy, nomadic cultural heritage, herders' rights, and gender issues.
- Development decisions are made without assessing human rights or social impacts in advance, particularly in areas where herders and livestock live.

Concerns Raised by the UN

- The **UN High Commissioner for Human Rights report issued on 6 March 2020** strongly stated the need for government attention to human rights issues associated with large-scale development.

“The Committee on Economic, Social and Cultural Rights expressed concern that nomadic herders’ rights to their pasture, hay land and water resources were continually infringed owing to mining activities on their traditional lands; free, prior and informed consent of herders was not obtained when licenses for mining in their traditional territory were granted and compensation to herders affected by mining projects were not adequate.” (p.3)

- **UN Special Rapporteur on the Rights of Indigenous Peoples, Report on Mobile Indigenous Peoples (2024)**

“In Mongolia, mining is harming herder’s livelihoods, livestock, traditional knowledge, water quality, pastures, sacred sites and cultural practices.” (pg.16)



Herder Testimony on Experience of Mineral Licensing Land Expropriation

1. Mining Projects Expropriate Pastureland



2. Environmental pollution, damage, and land degradation occur intensively



3. The quality and productivity of seasonal pastures decline, while traditional livelihoods, sacred sites and the established rhythms of human and animal life are disrupted by fear and pressure, leading to the forced transformation of everyday life and social relationships



4. Long-term negative impacts on pasture vegetation and water sources affect not only the health and well-being of livestock but also cause emotional distress to herders, amounting to psychological pressure and violence. As a result, herders are often forced to risk their lives, health, time, and economic security to stand up and resist these impacts.



5. The prolonged negative impacts on herders' health, household income, culture, and traditional way of life make it difficult for them to envision a positive and secure future.

Dundgovi Province, Silver Mine



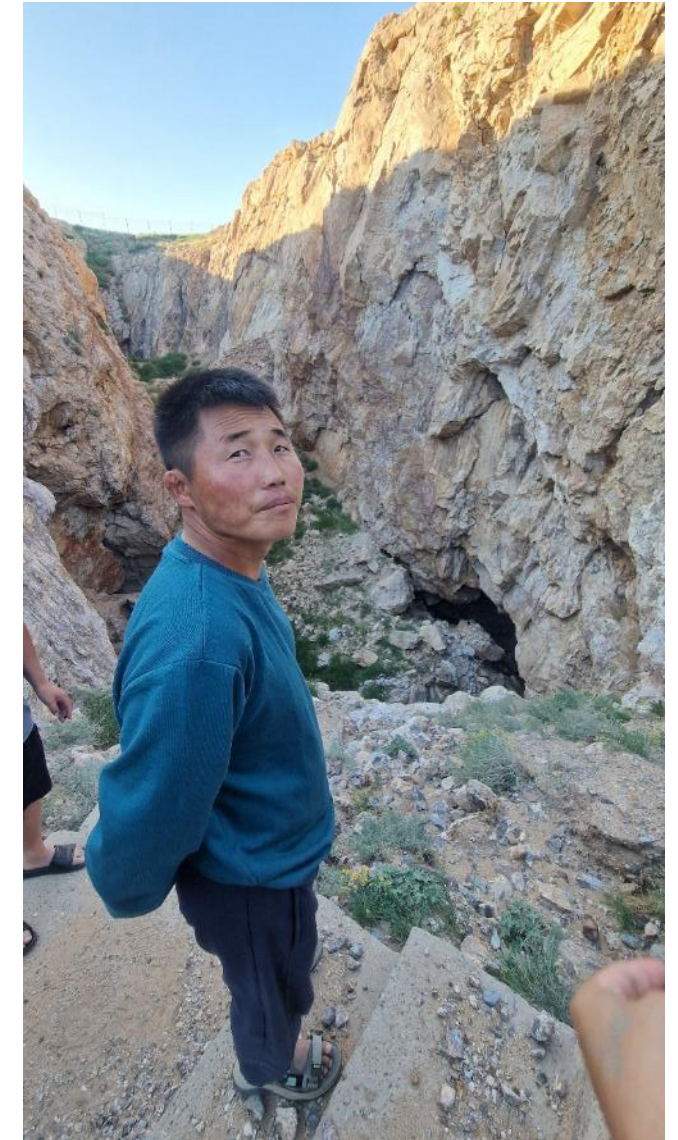
“But even if a mine is beneficial for the country, it's very difficult for herders. It's harmful. You're forced to leave your homeland. Then the land dries out again and you have to move once more. Even the animals feel it. They run off. Horses drink water and pace nervously. Tears well up in their eyes, and they run away. When they return to the old pasture, they roll around, even livestock miss their homeland. It's heartbreaking.”

-July 2024, Dundgovi Province

Destruction of Tsagaan Del Cave, Dornogovi Province



Fluorspar mining



Destruction of sacred cave by
fluorspar mining and exploration in
Airag soum, Dornogovi

Ganaa's Winter Camp, Bayanhongor August 2024



Ganaa (Herder), Bayanhongor Province

“In the fall, I went up north and then came back, and I kept hearing a strange sound. I wondered, *what could that sound be?* Then I noticed two black jeeps parked below the soum’s factory. I went over and asked them what they were doing “Are you doing some exploration?” I asked. They said, “No.” Then, as I headed back and looked through my binoculars, I saw that the jeeps were moving this way. I kept wondering, *what are they doing?* So I looked through the binoculars again and saw that they were flying a drone.

I thought, *What are these people flying a drone for?* So I galloped over on horseback. When I arrived, I asked, “What’s going on here?” They just sat there and said, “We’ve been taking your pictures.” I asked, “Why are you flying a drone?” and they said, “To measure the land.” I asked, “What land? For what purpose?” They said, “We don’t know, we were just asked to take photos and measurements.”

Then, a few days later, a big *Kaat* (likely a heavy excavator) came and started digging. One *Kaat* and a small truck like a Porter. They kept digging and ended up taking away about three or four sacks like those 50-kg sacks. They just left with those.

At that time, I met with the company director, and he said, “We’re just taking samples from here and sending them for analysis to see whether there’s gold or not.” Then, after several days, they told me, “Hey brother, our company got permission to mine. The soil we sent for analysis came back positive, so we’re allowed to mine now.” And they left.”



Tsogttsetsi, Omnogovi – Export Road Project



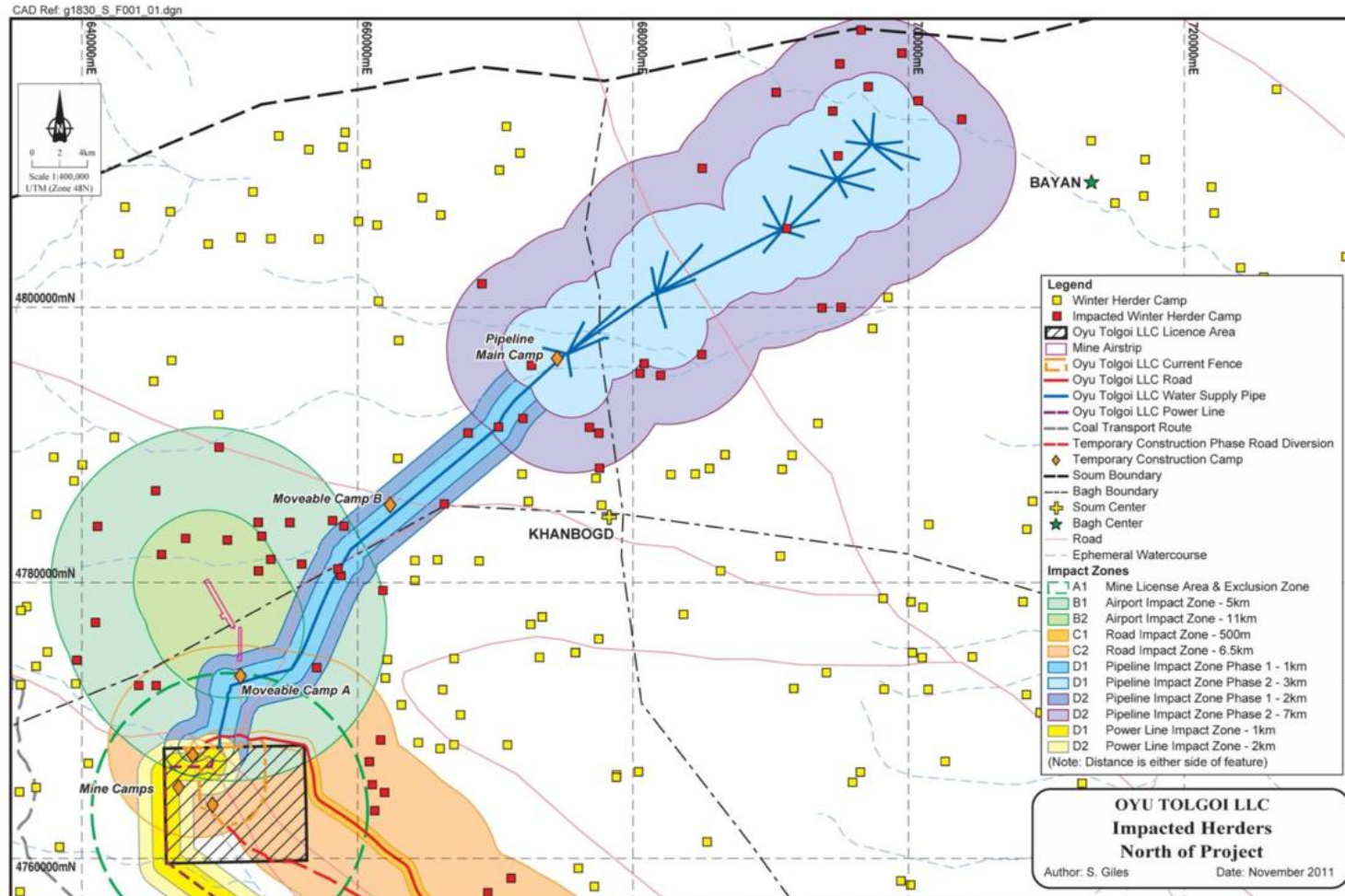
“They didn't notify us before they build the roads, build their mining camps, and operations. If they did, we could've gotten involved in the conversation. Like, is this a good route to build the road? How many people will be impacted? How many animals are to be impacted? Can they establish the routes along the pasture boundary, not through the middle? Can they build it there, not here? They didn't address our concerns. They only discussed this with the soum mayor, the corresponding minister, and other officials.”

- August 2021, Omnogovi Province

Sedentist Bias – From Mobile to Fixed - Oyu Tolgoi Resettlement Action Plan



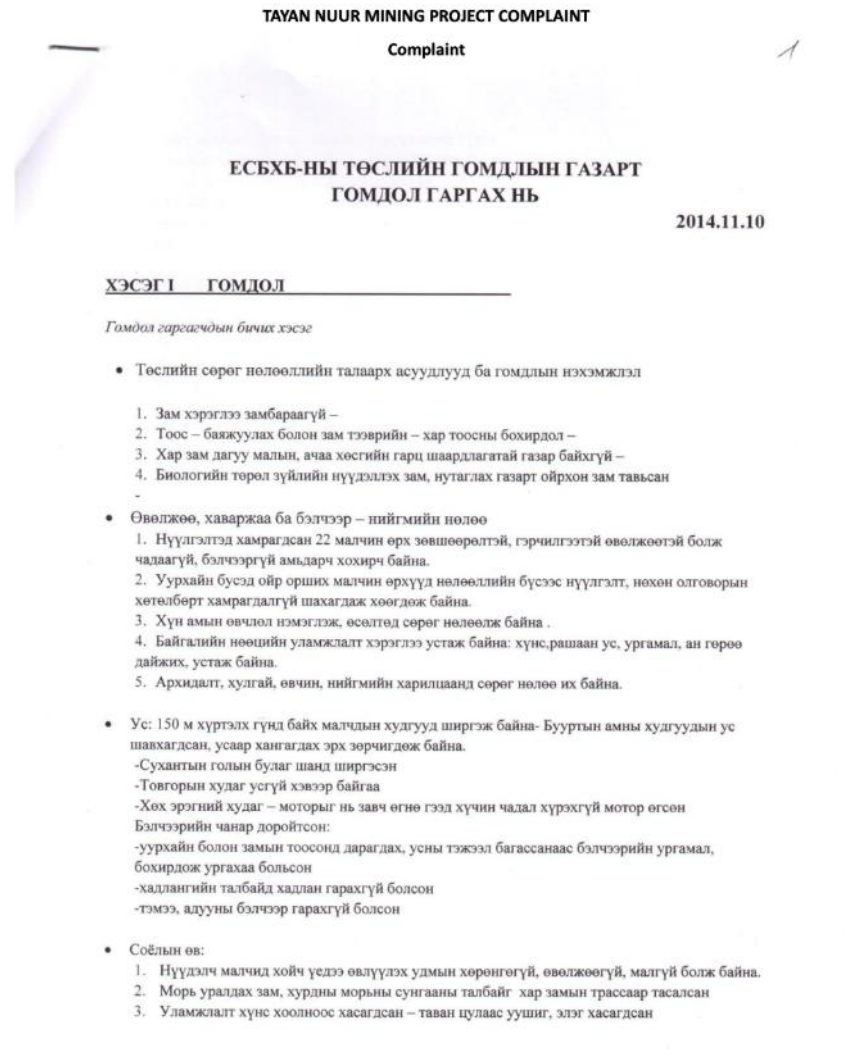
Figure 15.6: Impact Zones and Winter Shelters (North)



CAO Complaint – Oct 2012
Oyu Tolgoi Mine

“To date, however, it is not clear what methodology is being used to determine the type and level of negative impact on herder households. Eligibility is being determined based on the proximity of a herder household’s winter camp to the physical source of the negative impacts, when it should be determined based on the actual impact to each herder household’s livelihood.”

Other Complaints- Altain Khuder's Tayan Nuur Iron Ore mine (2014) and Ukhaa Khudag (UHG) Energy Resources Phase II Project (2013)



Complaint against Altain Khuder presents concerns regarding:

- the original design of the resettlement programme, including inadequate assessment of herders using land following customary tenure norm (but without formal land possession certificates
- inadequate forms of compensation,
- environmental impacts
- lack of meaningful stakeholder consultation.

Recommendations

- Address sedentist bias in concepts of land tenure security. Tenure security for mobile pastoralists needs to align with, support and reinforce their already-existing mobile ways of living on the land.
- Secure tenure should not be interpreted as bounded, private ownership of land. This will destroy the resilience of mobile livelihood systems
- True regard for human rights and democracy would require attention to political, economic, social and cultural rights. Local citizens should have a say in how their ancestral homelands are developed.
 - Require true Free, Prior and Informed Consent Processes
 - Require genuine social impact assessments with citizen participation.
 - Prioritize human rights in development and pressure governments to enact UN principles that they signed up to
- Empower local governments and local citizens' councils as key sites of decision-making

Choir-Sainshand Transmission Line Project

Table 6-2. Project eligibility framework

Displacement Category	Type of displacement / impact of loss	Eligibility conditions
A	Permanent and temporary loss of land or access to land	Land owners or users with title (i.e. <i>aimag</i> , <i>soums</i> , mining concessionaire)
B	Permanent loss (or relocation) of winter camp and associated structures and land	Winter camp (<i>o'voljoo</i>) owner, registered (i.e. Herder-household with Possession Certificate) and non-registered winter camp sites and associated structures (i.e. non-registered herders within <i>soum</i>) including privately owned well.
C	Temporary loss of access to pastureland	Registered (i.e. Herder-household with Possession Certificate) and non-registered land owners or users
D	Permanent loss or relocation of wells	Community owned well – all users (herder households)
E	Temporary loss of access to water sources	Community owned well - all users (herder households)
F	Loss of livelihoods – temporary or permanent	Herder households

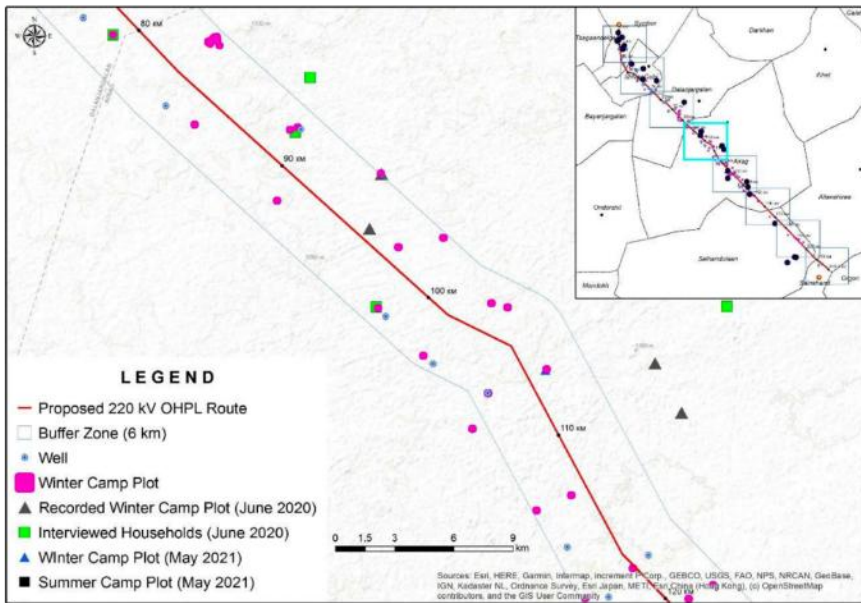


Figure 5-6. Camps and wells in 80-110th km of OHTL route

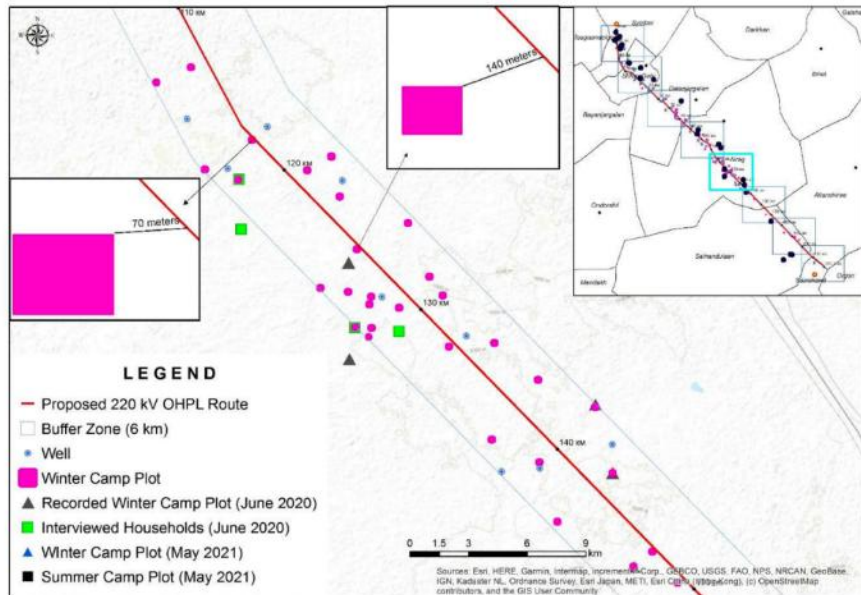


Figure 5-7. Camps and wells in 110-140th km of OHTL route

“From information collected at the local administrative level and the field surveys, the estimated number of herder-households (including their household structures) within the buffer zone (6 km) range from 39 to 74+ households. The upper range is currently not known and could exceed 74 households. The locations of these households and residential structures is shown in Figures 5-3 to 5-10. They are presented in vertical order of the route, starting with Sumber and Shiveegovi soums. There were 22 ger households and their associated winter camp structures present in the Project Aol at the time of the second field mission (8 to 12 June 2020).” p.54

Figure 4.6 Summer Camp Locations in Proximity to Project



Sainshand Wind Park RAP, 2017

In terms of the seven households for whom baseline data was collected, the following impacts can be defined:

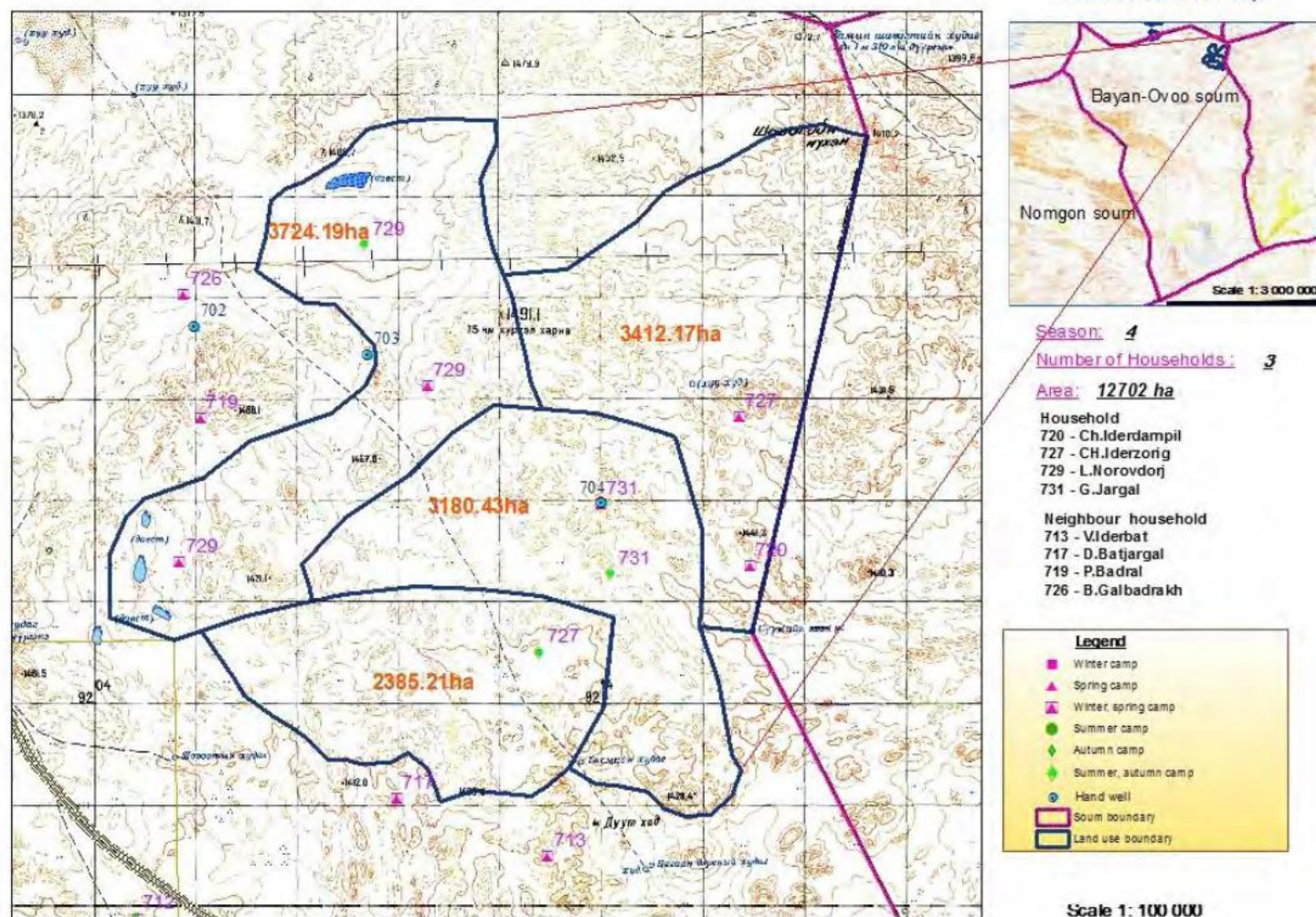
Table 4.3 Winter and Summer Camp Locations for Surveyed Households

HH ID	Location of winter camp	Location of summer camp
HH1	Inside setback distance	Within grazing range
HH2	Outside of setback distance	Located outside of grazing range
HH3	Outside of setback distance	Within grazing range
HH4	Outside of setback distance	Within grazing range
HH5	Outside of setback distance	Potentially within grazing range
HH6	Outside of setback distance	Located outside of grazing range
HH7	Inside setback distance	Located outside of grazing range

Source: Tecol LLC, 2016

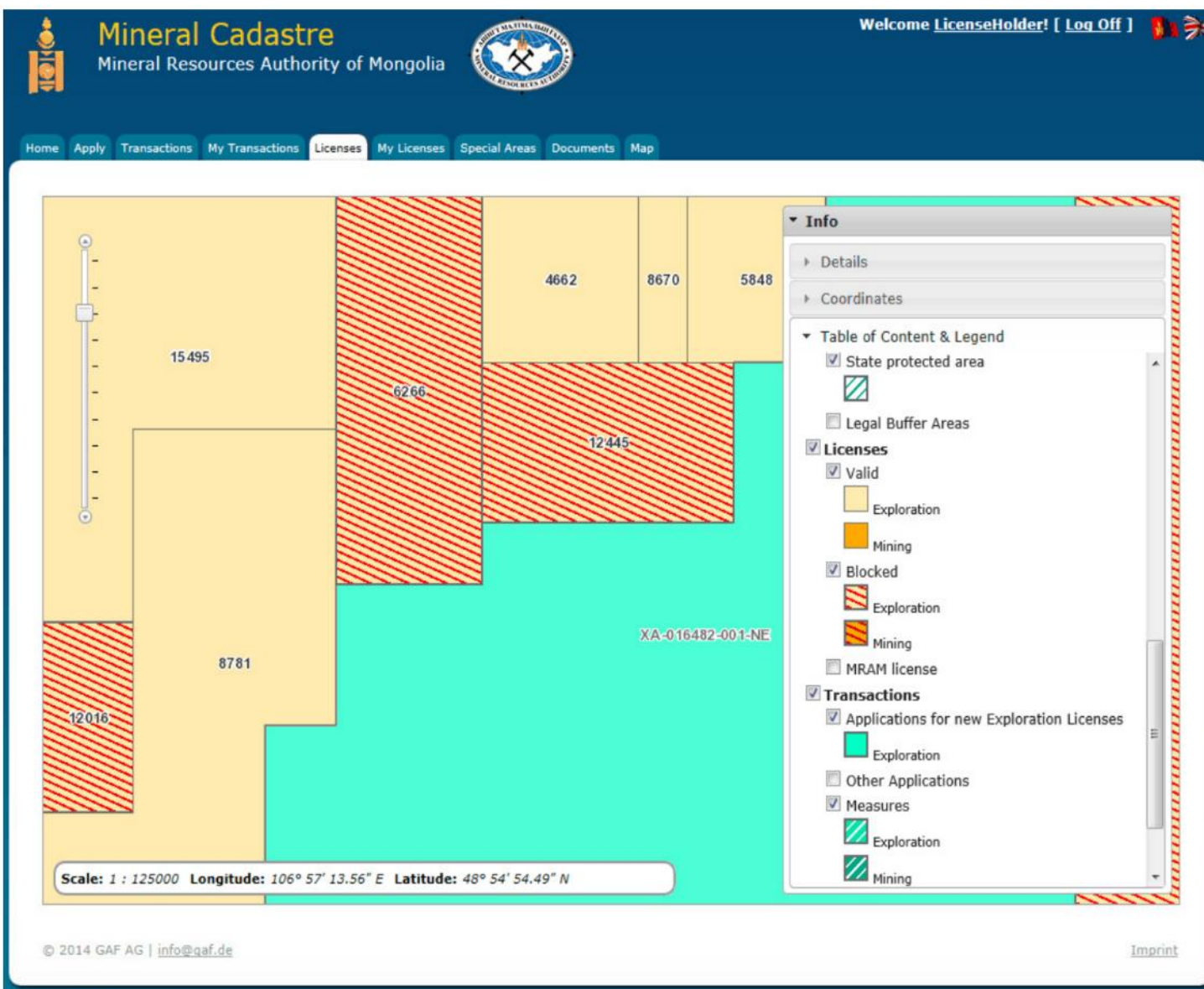
Based on the analysis of herder camp locations, Table 4.4 provides a summary of the anticipated displacement impacts. While five potential types of displacement were identified, only two (type A and C) are expected to occur.

Sample land use map of herders



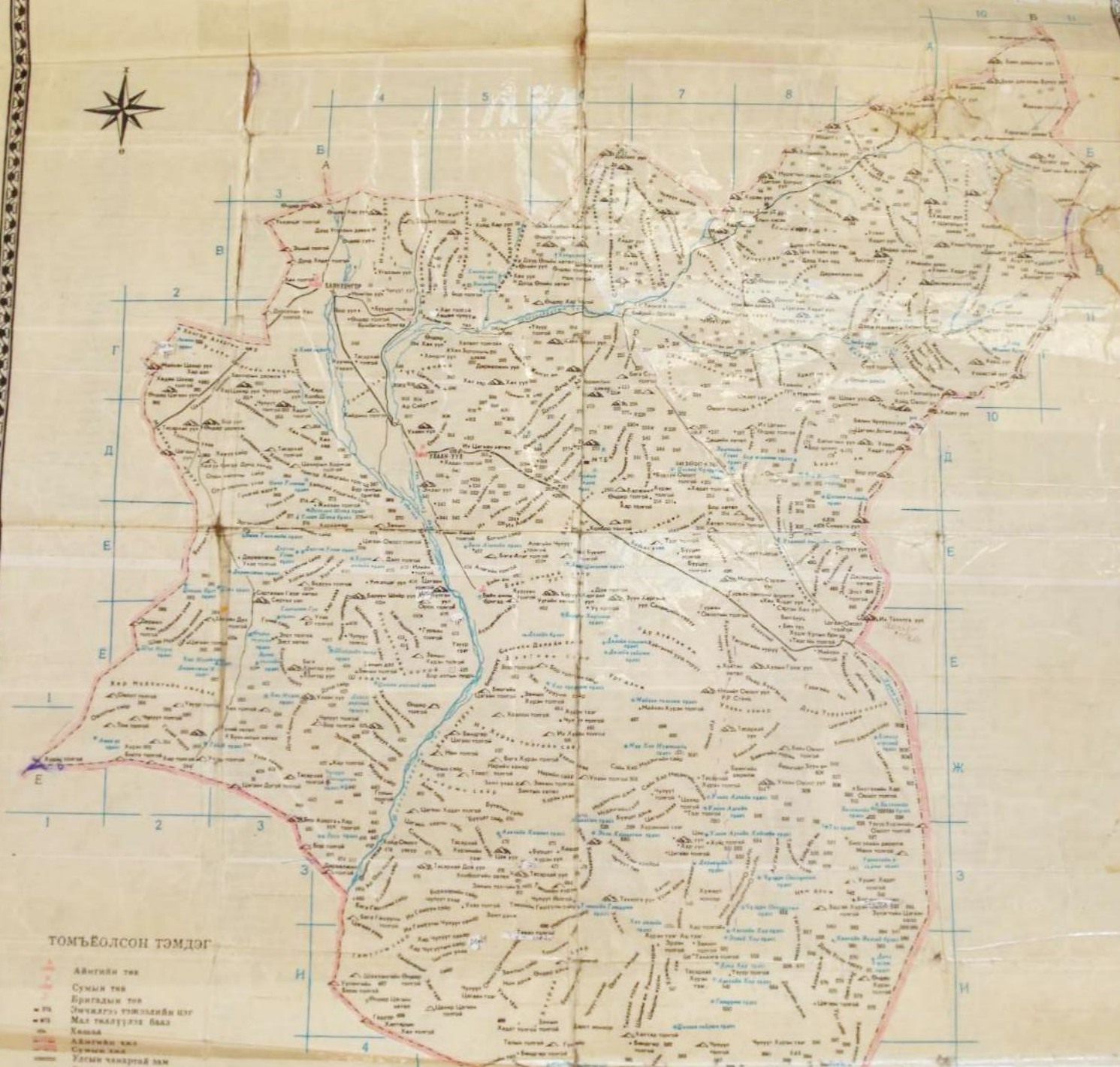
Resettlement Remedial Action
Plan and Resettlement Policy
Framework, 2014 for East Tsankhi
Coalfield operated by Erdenes
Tavan Tolgoi

Figure 2.4.8 Herders' pastureland use pattern



- MRPAM – Mineral Resources and Petroleum Authority
- EGazar.mn





ТОМЪОЛСОН ТЭМДЭГ

- Авгийн тав
- Сумын тав
- Бригадын тав
- Инчигдэл тэмдгийн шиг
- Мал таллуулал бааз
- Тамга
- Авгийн шиг
- Сумын шиг
- Улсын чигардэл зам

ТООГ ТЭМДЭГЛЭСЭН НЭР

121 Дэлхийн даваа
122 Урд Дэлхийн үүл
123 Шататны ар ам
124 Зурагийн хар
125 Цагаан Хуруут ам
126 Дэлхийн Хадат камар
127 Дэлхийн ам
128 Шататны эвэр ам
129 Модот ам
130 Нарийн ам
131 Бууцат Мухар ам
132 Тархит мод
133 Тархит ам
134 Модот үүл
135 Мухар мод
136 Зүүн Хадат үүл
137 Улаан Хадатын хар
138 Зуслангийн нуруу
139 Дархитын нуруу
140 Дутуу камар
141 Нарийн синаа
142 Бууцат жалга
143 Цагаан Мухар ам
144 Өвөр Агуй ам
145 Нуруйн Мухар ам
146 Мухар Жалгат ам
147 Нарийн Жалгат ам
148 Улаан Чүлүүт үүл
149 Шинжэн ам
150 Холбоо толгой
151 Басуун Тасархай үүл
152 Зүүн Тасархай үүл
153 Зүүн ам
154 Хавсгийн үүл
155 Далай Нуруйн толгой
156 Өндөр цоохор
157 Зүүн Нарийн жалга
158 Дунд Нарийн жалга
159 Баруун Нарийн жалга
160 Хархит Овоот толгой
161 Довд Хархит толгой
162 Улааст Өндөр үүл
163 Улаастайн Цагаан Хорлоот ам
164 Улаастайн Чүлүүт камар
165 Ар Навт ам
166 Огийн давааны ам
167 Өвөр Навт ам
168 Тэгүр үүл
169 Урд Овоот үүл
170 Асгат ам
171 Барсгийн камар
172 Дутуу камар
173 Цагаан Хорлоот ам
174 Усан Дугуй толгой
175 Хүрэн Овоотын даваа
176 Богино жалга
177 Урт жалга
178 Хүрэн Овоот үүл
180 Зүүн Цагаан дэнж
181 Нарийн камар
182 Нарийн Жалгат ам
183 Бууцат зураа
184 Барсгийн Урд мод
185 Цагаан толгойн ам
186 Цагаан толгой

241 Алтан Огийн ам
242 Овоотын камар
243 Олон овоотын ам
244 Чүлүүт камар
245 Хял Чүлүүт ам
246 Бүдүүн камар
247 Модот ам
248 Цагаан Чүлүүт ам
249 Цагаан Чүлүүт
250 Модотын хөтөл
251 Модот Өндөр толгой
252 Модотын нуруу
253 Баруун Цагаан дэнж
254 Баруун бор үзүүр
255 Хадат камар
256 Нарийн камарын өвөр
257 Замын Жавхан толгой
258 Чүлүүт толгой
259 Гомын Голгор толгой
260 Балжин Нам толгой
261 Балжингийн хөтөл
262 Хаан овооны камар
263 Урт жалга
264 Богино камар
265 Мүрүй жалга
266 Хаан овооны нуруу
267 Хаан овооны ам
268 Нурантын камар
269 Нурантын хөтөл
270 Нурантын үрд
271 Урт камар
272 Нурантын камар
273 Гунжий жалга
274 Өндөр Хар үүл
275 Цайлгийн хад
276 Харын хөтөл
277 Хадат толгой
278 Харын хар
279 Сүлжээний хөдий
280 Бууцат сайр
281 Замын Хөт толгой
282 Их Алагийн дэнж
283 Бууцат толгой
284 Байн Бүдүүн толгой
285 Бүдүүний сайр
286 Нам хөтөлний ам
287 Нам хөтөлний овоот ам
288 Нам хөтөл
289 Өвсөн толгойн хөтөл
290 Өвсөн толгой
291 Чүлүүт толгой
292 Урт камар
293 Хял богиний нуруу
294 Нарийн жалга
295 Цагаан халаа
296 Ар сайрын халаа
297 Банхарын баг халаа
298 Банхарын сайр
299 Банхарын эвэр камар
300 Ар Хар сайр
301 Чүлүүт хөтөл
302 Сүлжэйн үүл
303 Сүлжэйн ам

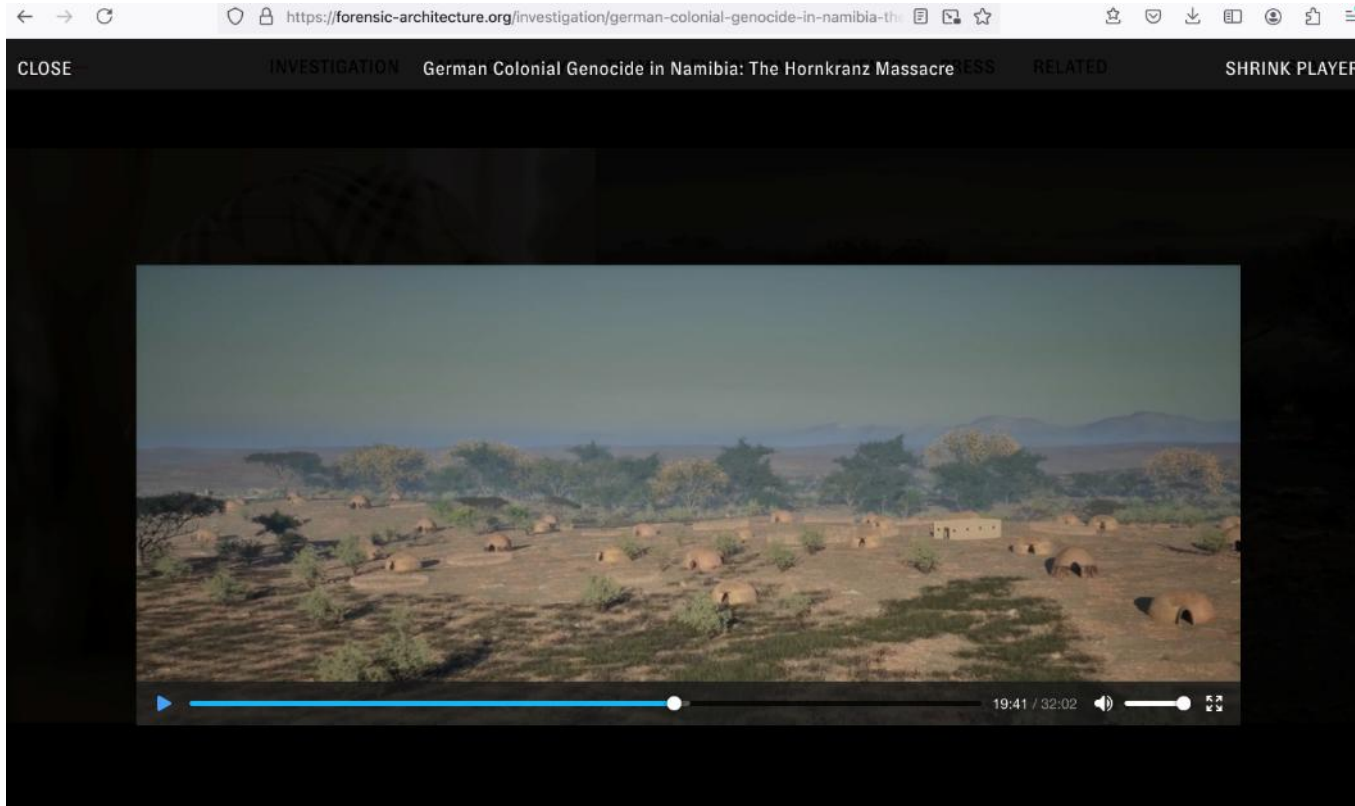
350 Цахирйн сайр
351 Холбоо Цахир толгой
352 Басууны Цахир үүл
353 Басууны ам
354 Гарамны Цахир толгой
355 Хял харын ам
356 Хял камар
357 Өндөр ам
358 Хорной жалга
359 Улаан эрэг
360 Бууцат толгой
361 Хар дэлхийн ам
362 Малаан Цахир сайр
363 Дарважын толгой
364 Хар толгойн сайр
365 Өвөр Улааны сайр
366 Цагаан эргийн сайр
367 Цагаан эрэг
368 Бурхант дэнж
369 Дэнжийн сайр
370 Цагаан дэнж
371 Хүрэн толгой зүүн сайр
372 Хүрэн толгойн басуун сайр
373 Жалгат сайр
374 Тос толгой
375 Эргэн шандын сайр
376 Улаан шандын камар
377 Урт камар
378 Улаан шандын ам
379 Баян төхөмийн сайр
380 Хүрэн толгой
381 Цагаан Бухтын улаа
382 Цэцгийн сайр
383 Өндөр улаа
384 Цагаан Бухтын сайр
385 Цагаан камар
386 Чүлүүт камар
387 Цагаан сайр
388 Нүднийн улаа
389 Овоотын улаа
390 Богино сайр
391 Хар сайр
392 Хархэн Хорлоот толгой
393 Хлоотын сайр
394 Гүний сайр
395 Гүний нуруу
396 Гүний Овоот үүл
397 Бундунт халаа
398 Бор нуруу
399 Дэрэн Усны сайр
400 Цагаан дэл
401 Таван толгойн сайр
402 Таван толгой
403 Шийрийн ар сайр
404 Ил ам
405 Богино ам

450 Бунхантын хөдий
451 Бор Азрын сайр сайр
452 Өндөр толгой
453 Богино сайр
454 Урт сайр
455 Хүнгийн сайр
456 Хар толгойн сайр
457 Тасархай толгой
458 Богин Алагийн сайр
459 Баян Цагаан сайр
460 Чүлүүтн сайр
461 Хажуу камар
462 Чүлүүт камар
463 Урт сайр
464 Бууцат камар
465 Түрийн тээж
466 Мүрүй камар
467 Бага Хүрэн тэс сайр
468 Нарийн камар
469 Цагаан дэнж
470 Замын дэнж
471 Ташуу сайр
472 Адагийн Хаша сайр
473 Дунд Хашаатын сайр
474 Тасархай тээж
475 Тасархайн хурд
476 Холбоо тээж
477 Адаг Хашаатын хурд
478 Дунд Хашаатын хурд
479 Эхэн Хашаатын хурд
480 Урд Овоот үүл
481 Зүүн Хар Чүлүүтн сайр
482 Эрэн толгой
483 Эрэн толгойн хөтөл
484 Тэвгийн Орой толгой
485 Улаан ам
486 Хар камар
487 Хял толгойн сайр
488 Хөндлөн тээж
489 Чүлүүт дэнж
490 Тэгүр үүл
491 Ортуузын нуруу
492 Хадат камар
493 Цагаан улаа
494 Сангалын сайр
495 Цагаан Хорлоот ам
496 Сэрэнгийн нуруу
497
498 Мүү Хар Нүднийн сайр
499 Баруун Татаал сайр
500 Зүүн Татаал сайр
501 Хар Нүднийн улаа
502 Хаангийн сарана
503 Зуурын хар
504 Зуурын сайр
505 Нарийн камар

550 Гашууны хөдий
551 Харуудын хөдий
552 Өндөр дэнж
553 Сүлжэйн хурд
554 Баруун Алаг ам
555 Олон овооны дэнж
556 Дунд Алаг ам
557 Угуйр Алаг ам
558 Алаг хурд
559 Хөтлийн хурд
560 Завьян ам
561 Изэрийн хурд
562 Изэрийн Алаг ам
563 Цоохор хурд
564 Мануу ам
565 Хөтлийн хурд
566 Хөтлийн Алаг
567 Замын хурд
568 Замын ам
569 Тархитын тээж
570 Задгийн хөдий
571 Цингийн нуруу
572 Хар толгойн сайр
573 Чүлүүт сайр
574 Баруун сайр
575 Дунд сайр
576 Хүрэн овоон
577 Задгийн Гүр
578 Цахир толгой
579 Цагаан хам
580 Чүлүүт хам
581 Тарамын сайр
582 Хацалт к
583 Цагаан Х
584 Бетвэгийн
585 Их Алаг
586 Эрэн ха
587 Чүлүүт
588 Эрэн Х
589 Хял ха
590 Ар Ала
591 Цагаан
592 Цагаан
593 Хүрэн
594 Тасар
595 Сүрээ
596 Бууи
597 Тэнх
598 Хял
600 Гял



Forensic Architecture's Approach?



Re-construction through architectural visualization techniques to reconstruct events and landscapes.



FAIR for All

land rights and civic participation



OXFAM

WE
WON'T
LIVE
WITH
POVERTY

Context Overview

Indonesia is **major exporter** of palm oil and seafood. Both sectors have huge impact on local communities and livelihood.

Despite a trend of increasing participation in various economic sectors, local communities, especially small farmers, youth and **women face multiple challenges** that hinder them in growing their enterprises and improving their livelihoods. They lack access to productive resources – especially land.



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WITH
POVERTY

Fair4All and FAIR Partnership Project Objective

- **Strengthened civil society** has created space and a policy environment for alternative business model and value chains (palm oil and seafood) that are **inclusive and sustainable**, and that benefit women smallholder farmers, young female entrepreneurs, companies and government.
- The FAIR Partnership project, aims to positively impact palm oil smallholders (men and women) and their communities in a diverse and sustainably managed landscape and to create a new and fair business model in the palm oil sector.

Fair4All: Intersection of land and participation

- Address human rights and land rights abuses in the value chains.
- Strengthen CSOs to promote policy on land rights as human rights for stronger land redistribution, especially women.
- Strengthen CSOs in supporting mobilizing women farmers and farmers organization (young) to realize agrarian reform to safeguard the rights of farmers to access and control natural resources.



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WITH
POVERTY

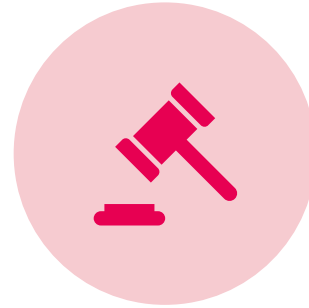
FAIR for ALL Agenda:



CAPACITY
BUILDING



ALLIANCE
BUILDING



POLICY-BASED
RESEARCH



DIRECT
ENGAGEMENT



Civic Participation on Land Rights in Indonesia: Addressing Challenges with the People-Led Initiative on Genuine Agrarian Reform

A Team Europe Democracy (TED) - Land Rights Clinic
Jakarta, 12 June 2025

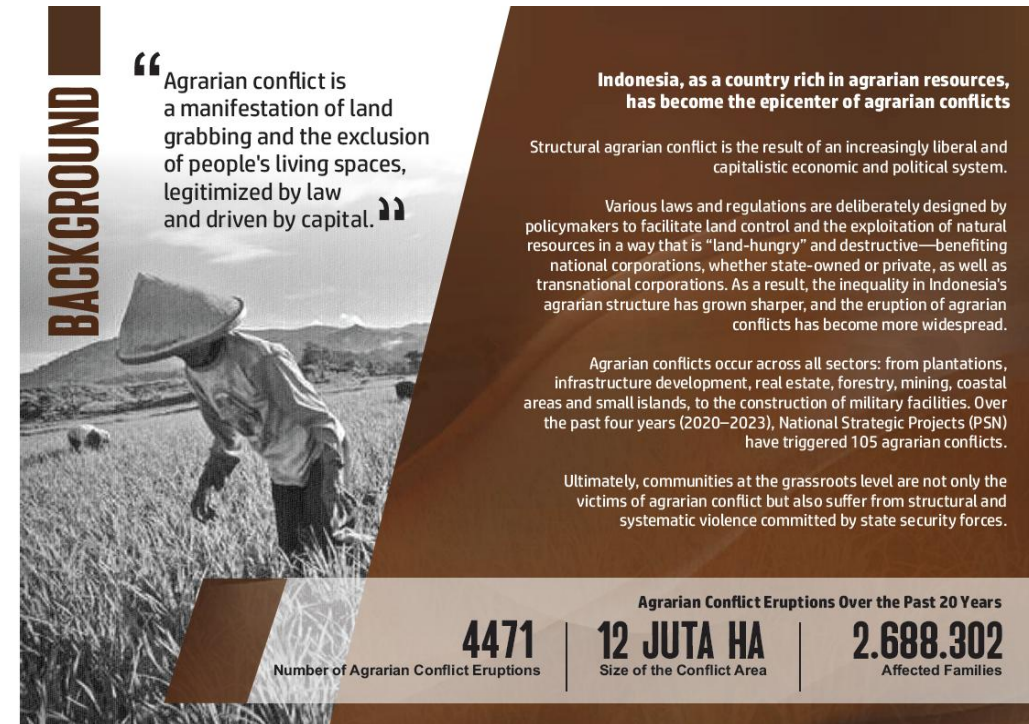
Consortium for Agrarian Reform - KPA
(Oxfam Partners in Indonesia)

Presented by: Dewi Kartika, General Secretary of KPA



Context and Challenges in Indonesia: Agrarian Conflict and Inequality

- Over decades, plantation industry, infrastructure projects and business are always the highest drivers to **land conflict (agrarian conflict)**.
- The highest number of **agrarian conflict** in plantation sector is still dominated by the palm oil industries.
- Palm oil plantations continue to grow and expand in Indonesia, reached **16.38 million hectares**, or increase 6.05 million hectares from 2015 to 2022.
- **Impact:** Leads to land grabbing, land conversion (incl. deforestation), land conflict, regeneration crisis in farming, ecological crisis. human rights violations.
- **Violation:** 2024, 556 peoples (**64 women**) are criminalized, persecuted, shot and killed.
- **More Impacts, structural problem: Land inequality** (peoples vs corporates/capital), poverty in rural areas and poverty in urban areas
- **Root of problems:** Capitalism, privatization, land commodification, land dualism, overlapped and contradictions of laws/ regulations, global influences.
- **Agrarian Reform Policy, 9 million hectares for peoples:** big gap between promises (positive regulations) and practices; ego-sectoral between ministries; business as usual; top-down approach, participation and accountability; large-scale land for business interest.



Agrarian conflict in the last 20 years (2020 – 2023)

Agrarian Conflict in 2024 (all sectors)

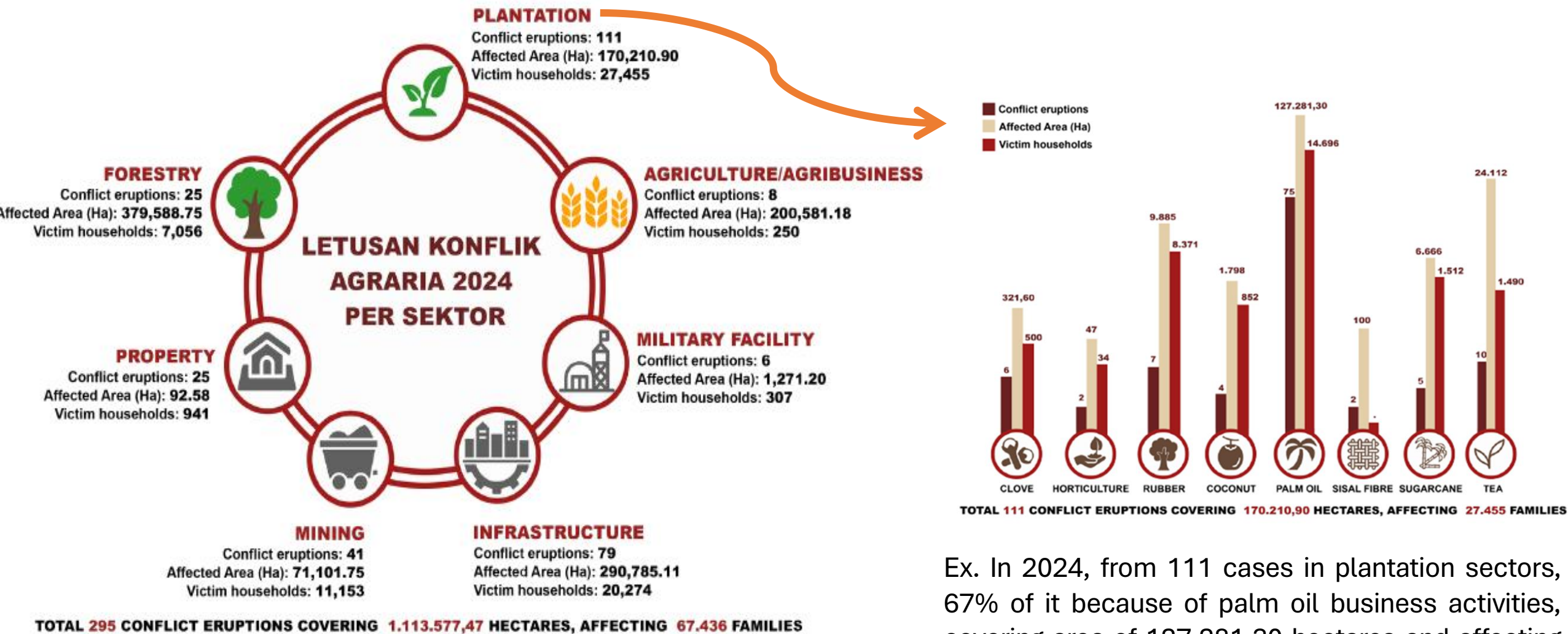


Figure 2. Agrarian Conflict Eruptions by Sector in 2024

Ex. In 2024, from 111 cases in plantation sectors, 67% of it because of palm oil business activities, covering area of 127,281.30 hectares and affecting 14,696 families (*KPA's annual report, 2024*).



Agrarian Conflict Resolution through the LPRA Strategy

Priority Locations for Agrarian Reform (LPRA):

A bottom-up mechanism to transform land conflict areas into agrarian reform areas.

The strategy initiated by KPA since 2016, emerging as a response to the government's top-down land governance, and to the accumulation of existed agrarian conflict.

LPRA is a critical and corrective steps, guidance-tool, so that the implementation of govt's agrarian reform does not deviate from the true principles and values.

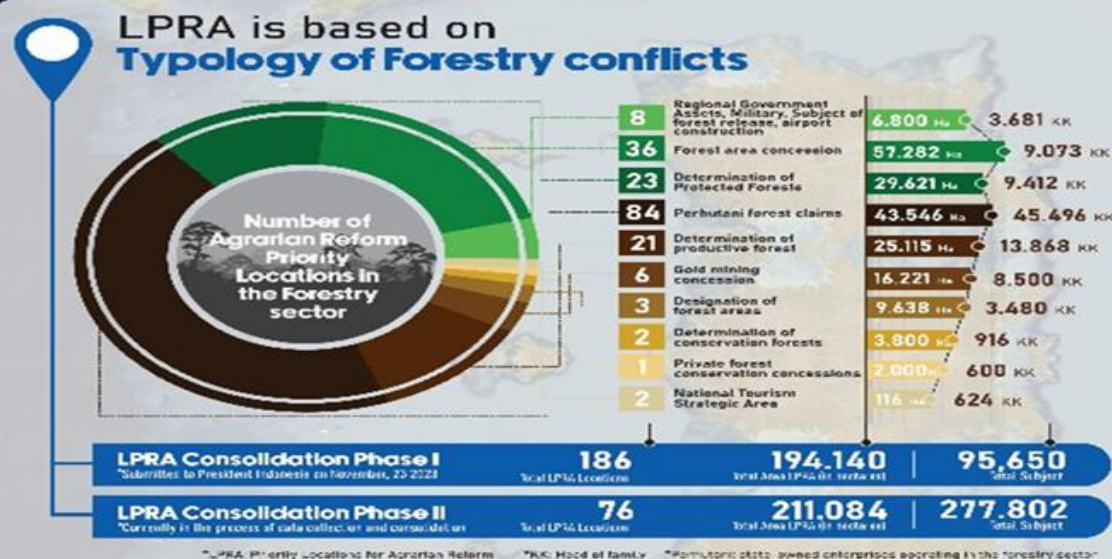
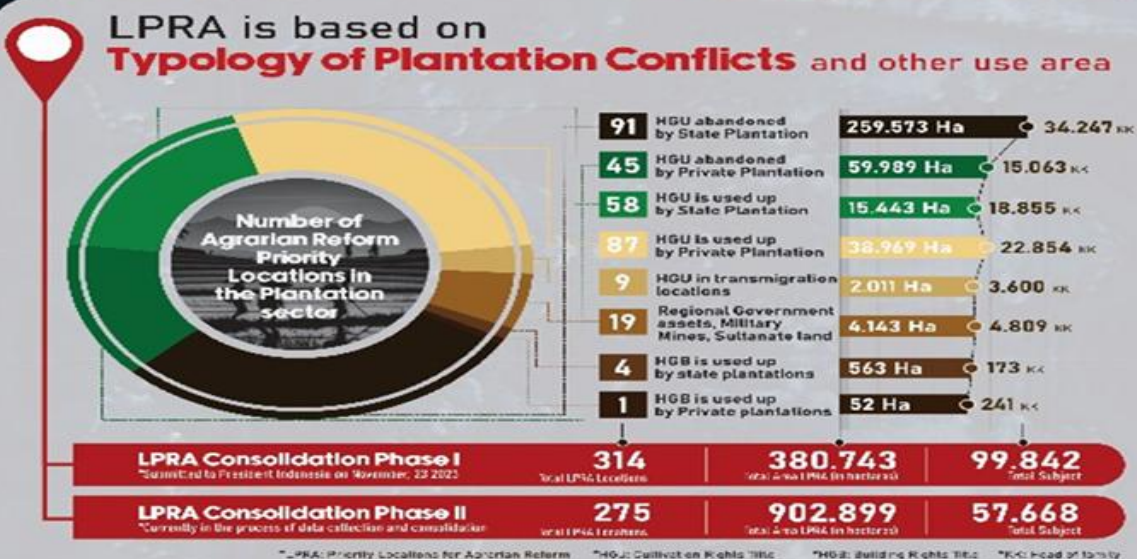


LPRA Total
851
Communities/Villages

Organization Total
135
Organizations

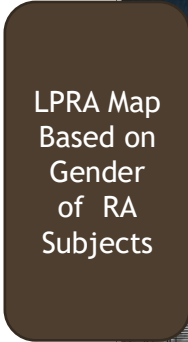
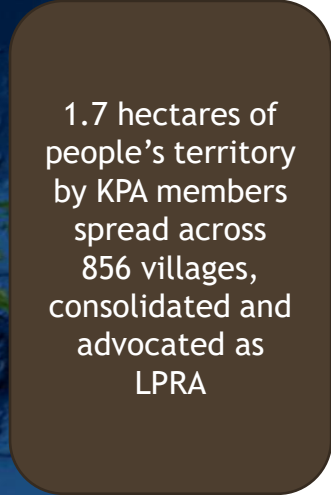
LPRA Areas
1.688.866
in Hectares

Family Subject of Agrarian Reform
530.962
Families



Next phase for organizing and consolidating LPRA:
Approx. 500,000 hectare, therefore in total **LPRA will reach 2,1 million hectares**

Strengthening POs; People-driven data; Evidence-based and effective advocacy; Policy improvements; Good practices of land redistribution, LR recognition and conflict resolution



Task Force LPRA between KPA-Agrarian Ministry to accelerate land redistribution in LPRA and conflict resolution in LPRA



KEMENTERIAN AGRARIA DAN TATA RUANG/
BADAN PERTANAHAN NASIONAL

KEPUTUSAN MENTERI AGRARIA DAN TATA RUANG/
KEPALA BADAN PERTANAHAN NASIONAL
REPUBLIK INDONESIA

NOMOR 1557/SK-LR.03.02/XI/2022

TENTANG
SATUAN TUGAS PERCEPATAN REDISTRIBUSI TANAH PADA LOKASI
PRIORITAS REFORMA AGRARIA DAN PENYELESAIAN KONFLIK AGRARIA

MENTERI AGRARIA DAN TATA RUANG/
KEPALA BADAN PERTANAHAN NASIONAL,

menimbang

- a. bahwa dalam rangka Percepatan Redistribusi Tanah pada Lokasi Prioritas Reforma Agraria dan Penyelesaian Konflik Agraria usulan *Civil Society Organization* perlu dilakukan langkah-langkah bersama untuk melakukan analisa permasalahan, identifikasi dan verifikasi lapang untuk menentukan mekanisme penyelesaian;
- b. bahwa proses analisa permasalahan, identifikasi dan verifikasi lapang dapat berjalan efektif perlu membentuk Satuan Tugas Percepatan Redistribusi Tanah pada Lokasi Prioritas Reforma Agraria dan Penyelesaian Konflik Agraria;
- c. bahwa berdasarkan pertimbangan sebagaimana dimaksud dalam huruf a dan huruf b perlu menetapkan Keputusan Menteri Agraria dan Tata Ruang/Kepala Badan Pertanahan Nasional tentang Satuan Tugas Percepatan Redistribusi Tanah pada Lokasi Prioritas Reforma Agraria dan Penyelesaian Konflik Agraria;

Mengingat

1. Ketetapan Majelis Permusyawaratan Rakyat Republik Indonesia Nomor IX/MPR/2001 tentang Pembaruan Agraria dan Pengelolaan Sumber Daya Alam;
2. Undang-Undang Nomor 5 Tahun 1960 tentang Peraturan Dasar Pokok-Pokok Agraria (Lembaran Negara Republik Indonesia Tahun 1960 Nomor 104, Tambahan Lembaran Negara Republik Indonesia Nomor 2043);
3. Peraturan Presiden Nomor 86 Tahun 2018 tentang Reforma Agraria (Lembaran Negara Republik Indonesia Tahun 2018 Nomor 172);

4. Peraturan...

SEBARAN DESA MAJU REFORMA AGRARIA (DAMARA)

1 Desa Sijambur

Ronggur ni Huta, Samosir,
Sumatera Utara

OR **KSPPM**
OTL **Komunitas Adat**
Golat Simbolon

Luas **275 ha**
Kk **113 Kk**

Komoditas **Jagung, Padi,**
Kopi, Pinus,
Kerbau, Babi,
Iuak

2 Desa Gunung Anten

Cimarga, Lebak, Banten

OTL **-**
OR **Pergerakan Petani**
Banten (P2B)

Luas **135 ha**
Kk **197 Kk**

Komoditas **Padi, Singkong,**
Timun, Terong, Cengkeh,
Kopi, Gula Aren
Kain Baduy

3 Desa Sidaupip

Gandrungmangu, Cilacap,
Jawa Tengah

OTL **Peduli Sidaupip**
OR **Serikat Iani**
Mandiri (SeIAM)

Luas **460 ha**
Kk **2900 Kk**

Komoditas **Padi, Welingi,**
Bebek, Ikan
Sungai, Telor
Bebek

4 Desa Bantar

Wanareja, Cilacap,
Jawa Tengah

OTL **Cinta Iani**
OR **Serikat Iani**
Mandiri (SeIAM)

Luas **66 ha**
Kk **400 Kk**

Komoditas **Padi, Terong**
Cabai, Kayu
Albasia, Telor
Ayam

5 Desa Ongkaw III

Sinonsayang, Minahasa Selatan
Sulawesi Utara

OR **Ongkaw III**
OTL **Serikat Iani Minahasa**
Selatan (SPMS)

Luas **275 ha**
Kk **113 Kk**

Komoditas **Cengkeh, Kopi**
Kelapa

6 Desa Bu Utara

Tanawawo, Sikka
Nusa Tenggara Timur

OR **-**
OTL **Wahana Iani**
Mandiri

Luas **- ha**
Kk **- Kk**

Komoditas **Padi, Labu, Cabai**
Jaher, Kopi,
Ternak Babi,
Moke

7 Desa Bontosalama

Sinjai Barat, Sinjau,
Sulawesi Selatan

OR **PPSS**
OTL **Serikat Iani**
Bontosalama

Luas **688 ha**
Kk **383 Kk**

Komoditas **Padi, Cabai**
Kopi, Cengkeh
Gula Aren

16 Desa Muktisari

Banjaranyar, Ciamis,
Jawa Barat

OR **SPP Ciamis**
OTL **OTL Maloya**

Luas **113 ha**
Kk **350 Kk**

Komoditas **Padi, Cabai**
Kopi, Cengkeh
Gula Kelapa

15 Desa Neglasari

Cisompel, Garut
Jawa Barat

OR **SPP Garut**
OTL **OTL Neglasari**

Luas **486 ha**
Kk **695 Kk**

Komoditas **Padi, Cabai**
Kopi, Cengkeh
Gula Kelapa

14 Desa Kalijaya

Banjaranyar, Ciamis,
Jawa Barat

OR **SPP Ciamis**
OTL **OTL Kalijaya**

Luas **734 ha**
Kk **600 Kk**

Komoditas **Padi, Cabai**
Kopi, Cengkeh
Gula Kelapa

13 Desa Margaharja

Sukadana, Ciamis,
Jawa Barat

OR **SPP Ciamis**
OTL **OTL Margaharja**

Luas **325 ha**
Kk **773 Kk**

Komoditas **Padi, Cabai**
Kopi, Cengkeh
Gula Kelapa

12 Desa Sukamaju

Cihaurbeti, Ciamis,
Jawa Barat

OR **SPP Ciamis**
OTL **OTL Cikujang**

Luas **106 ha**
Kk **91 Kk**

Komoditas **Padi, Cabai**
Kopi, Cengkeh
Gula Kelapa

11 Desa Sumberagung dan Gadungan

Gandusari, Samosir, Jawa Timur

OR **PPAB**
OTL **PPKM**

Luas **125 ha**
Kk **323 Kk**

Komoditas **Jagung, Cengkeh,**
Kopi, Ayam
Kambing

10 Desa Bragah Banaran

Doko, Blitar, Jawa Timur

OR **PPAB**
OTL **PPP-BI**

Luas **431 ha**
Kk **400 Kk**

Komoditas **Padi, Terong**
Kambing, Sapi
Lape, Kerupuk
Pisang

9 Desa Sumberklampok

Gerogak, Buleleng, Bali

OR **KSPPM**
OTL **Eks Tim-Tim**

Luas **172 ha**
Kk **102 Kk**

Komoditas **Jagung, Cabai**
Kunyit, Sapi,
Babi, Sabun

16 DAMARA

10 Tingkat Desa dan 6 Tingkat Kabupaten

5090 HA

Total Luas Wilayah

8360 KK

Total Kepala Keluarga

DAMARA as best practices:
Agrarian Reform led by
communities in rural



Emergency Response System for the **Protection for Land Rights Defenders** in Indonesia

- Since 2015, KPA together with CSOs (AMAN, WALHI, other) under the National Committee for Agrarian Reform (KNPA), initiated the development of emergency response system, named as the Emergency Response System for Land Rights Defenders.
- Response to the **agrarian conflict crisis** that excluded or threatens millions of families over their land, livelihood and natural resources.
- **Marginalized and vulnerable:** intimidation, terror, violence, criminalization, death as a result of the state's repressive approaches in handling conflict with peoples.
- The system promotes collective initiative for **preventive actions, protection and revitalization supports** to respond to the emergency situations caused by agrarian conflicts, land grabbing and criminalization that occur and are experienced by **peasants, indigenous peoples, fisherfolk, women and activist.**

KNPA's Agrarian Emergency Response provides the following support:



EMERGENCY FUND

Emergency Fund support for land rights defenders who are facing urgent situations in agrarian conflict zones. This includes evictions, land grabbing, criminalization, intimidation, violence, and repressive actions by state authorities or companies.



STRUCTURAL AGRARIAN LEGAL AID

There is a Coalition of Land Rights Defenders consisting of agrarian lawyers and paralegals who provide pro bono legal assistance to land rights defenders facing emergency agrarian situations.



NETWORK OF AGRARIAN-ENVIRONMENTAL EXPERT WITNESSES

Experts, academics, and professionals who provide testimony and defence for victims during legal proceedings (court trials), as well as raise awareness among law enforcement agencies and the general public.



MOBILIZATION FOR PUBLIC CAMPAIGNS AGAINST LAND GRABBING AND CRIMINALIZATION

The KNPA alliance supports defenders through press conferences, public statements, dissemination of information, and building public opinion in support of land rights defenders in emergency situations.



ADVOCACY FOR AGRARIAN CONFLICT RESOLUTION

The KNPA alliance also provides non-litigation advocacy for resolving agrarian conflicts within the framework of agrarian reform, engaging ministries/agencies at both national and regional levels.

In line with the advocacy process, community strengthening at the grassroots level is also encouraged. This is a transformative effort to turn case-based agrarian struggles (by conflict victims) into a more organized and self-reliant people's movement capable of defending their land rights in the future.



Agrarian conflict resolution handled by the Agrarian Emergency Rapid Response System and Emergency Fund (2016–2024), based on Conflict Typology



881 Victims of criminalization were successfully released **120** Agrarian conflict cases were addressed