

**Submission for the issue of Indigenous People and Local Communities (IPLC)  
INC-5.2**

Indonesia recognizes that in the development of many international agreements, covering various sectors and different issues, the international community has put an important recognition and emphasis on the Indigenous Peoples as a group with a specific status, rights, and roles in relation to many international issues.

Notwithstanding such recognition and emphasis, Indonesia also takes note that this approach aligns with the effort to embody the principle of “leave no one behind” as recognized in the UN SDGs. It is in line with such principle that Indonesia wishes to share our perspective on the need to maintain the term “indigenous people and local communities” ~~to be maintained~~ in the future ILBI.

Within the context of this future ILBI on plastic pollution, Indonesia is of the view that the recognition of “Indigenous Peoples” should continue to be associated with the recognition of “local communities”, who, similar to the indigenous peoples, have a long-standing relationship and has conducted traditional practices in relation to sustainability and environmental stewardship.

Therefore, Indonesia would like to share our experience and perspective on the issue:

**1. First, the concept local communities in Indonesia**

We recognize that the issue of indigenous people is related to the people in independent country who are recognized as indigenous in relation to their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present State boundaries. Furthermore, they are also people who, irrespective of their legal status, retain some of or all of their social, economic, cultural, and political institutions. Such understanding was enshrined within international agreements, including for example the ILO Convention No. 169 of 1989.

However, considering the fact that the entire population of Indonesia has remained unchanged since the time of its colonization and subsequent independence, and the fact that Indonesia is a multicultural and multi-ethnic nation that does not discriminate against its people on any grounds, then such concept of indigenous peoples does not apply in the Indonesian context.

## 2. Second, local communities is recognized within the Indonesian legal system.

While the Indonesian regulatory framework does not specifically use the term “local communities”, the Indonesian national law recognizes the rights of “*masyarakat hukum adat*” who are not the same with the concept of indigenous people as elaborated above. They are the Indonesian citizens with distinct ethnic characteristics, who live within their community that retains their customary way of life and connection to the environment. They also uphold value systems that determine particular economic, social, cultural, and customary or traditional institutions practices throughout generations. This reflection of “*masyarakat hukum adat*” is recognised and respected in the 1945 Constitution of the Republic of Indonesia. Furthermore, their local and traditional belief systems are also recognised in the official national identification system, therefore ensuring their civil rights within the formal legal context.

In this regard, for Indonesia, local communities is the term with the closer meaning to the Indonesian “*masyarakat hukum adat*” as a community recognized and protected under Indonesian law, and we advocate for its inclusion in the future instrument. This approach will demonstrate the recognition of different types of peoples and communities without undermining the way others chose to identify themselves.

## 3. Third, the incorporation of the term indigenous peoples and local communities is in line with many established international legally binding treaties and conventions

The full term of IPLC is consistent with the global collective recognition of the peoples as reflected in many different treaties and conventions.

In this regard, Indonesia refers to the approach used in various MEAs, not only within the texts but also in its implementation and operationalization processes, including:

- The BBNJ, which specifically recognizes the traditional knowledge of indigenous peoples and local communities.
- CITES which recognises and promotes engagement with indigenous peoples and local communities.
- Outside of the environmental realm, the rather recently concluded **WIPO Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge** made a number of specific mentions of indigenous peoples and local communities in its provisions, acknowledging them as a source of traditional knowledge as associated with genetic resources in the context of the regime of intellectual property.
- Inclusion of the term of IPLC are not only within text of conventions, but also in the implementation phase. As is widely known, the COP to the UNFCCC has recognized the need to strengthen knowledge, technologies, practices and efforts of local communities and indigenous peoples related to addressing and responding to climate change. One of the key decisions taken during the COP 21 was the establishment of the **Local Communities and Indigenous Peoples Platform (LCIPP)**.

#### 4. Fourth, including local communities in the text reflect an inclusive approach to address plastic pollution

As we have discussed many times, plastic pollution is a multi-faceted issue affecting many stakeholders, including indigenous peoples and local communities. The recognition of indigenous peoples and local communities are intended as an inclusive approach, recognizing among others the status, position, and the rights of the indigenous peoples and local communities in relation to our collective effort to end plastic pollution.

This recognition does not only entail circumstances and capabilities specifically in regard to how the government addresses plastic pollution, but should also cover the broader national contexts, which in this regard, applies to the local communities, whether in Indonesia or any other countries, that are affected by plastic pollution.

In this vein, we share the views of the importance to recognise the knowledge systems of certain peoples and communities. Traditional and local communities possesses knowledge and practices that offers valuable insights into sustainable resource management, waste reduction, and environmental protection. Referring to other MEAs including the CBD and the BBNJ, we advocate for the future instrument to include the specific recognition of the **traditional knowledge of indigenous peoples and local communities** in a consistent manner.

This reflect an agreed approach and languages by negotiators that precede us, who have considered that indigenous peoples and local communities should be specifically recognized in multilateral environmental agreements.

Building on the aforementioned inclusive approach, it is important that the future instrument reflects not only the express recognition of indigenous peoples and local communities, but also acknowledges their unique knowledge systems, traditional practices, and lived experiences in managing and protecting their environments. This approach is not to undermine the way peoples and communities of Indigenous Peoples express themselves but to ensure that the instrument acknowledge all peoples as recognised and protected by different countries and national legal systems.

With all of the above considerations, Indonesia proposes the inclusion of the specific formulation in the Chair's text, without the intention of conveying premature agreement to each articles/provisions that contains the following proposals, noting that negotiations are still underway, as follows:

#### **Chair's text of 1 December 2024**

##### **Preamble, paragraph 4**

*Underlining* the importance of science-based decision-making and the contributions of scientific, economic, social, and technical information, including traditional knowledge of

**indigenous peoples and local communities** ~~and systems~~, for the implementation of measures to reduce plastic pollution and to improve the understanding of the full life cycle of plastics and of the global impact of plastic pollution and measures to address them,

#### **Article 1 *bis* Option 2**

- (f) The use of relevant traditional knowledge **of Indigenous Peoples and local communities**, where available.

#### **Article 3 PLASTIC PRODUCTS**

5. [The [Review] Committee shall evaluate the proposal in a transparent [and on the basis of the best available science and relevant ~~traditional knowledge, knowledge of Indigenous Peoples, and local knowledge systems~~ traditional knowledge **of Indigenous Peoples and local communities**] [and scientifically sound] manner.
6. (e) [Where relevant,] the incorporation of [relevant] traditional knowledge, ~~[knowledge of] Indigenous Peoples and local communities knowledge systems~~, [local practices], and scientific and technological advances]

#### **Article 5 PLASTIC PRODUCT DESIGN**

1 (b) foster research, innovation, development and use of sustainable and safer alternatives and non-plastic substitutes, including products, technologies and services, taking into account environmental, economic, social and human health aspects and their potential for waste reduction and reuse, as well as availability, accessibility and affordability, based on life cycle assessments and best available science, and, where relevant, traditional ~~knowledge,~~ knowledge of Indigenous Peoples and local communities.

#### **Article 9 EXISTING PLASTIC POLLUTION**

2 (b) take into account the best available science and relevant technologies, the **traditional** knowledge of Indigenous Peoples, and local **communities** and ~~traditional knowledge and~~ practices, as appropriate; and

2 (c) promote the engagement of Indigenous Peoples, **and** local communities, civil society, scientists, and the private sector, as appropriate and foster the exchange of relevant technologies, experiences and lessons learned.

## **Article 10 JUST TRANSITION**

2. In taking measures to implement paragraph 1 of this article, each Party should take into account the situation of and engage workers in the formal and informal sectors, including workers in the plastic industry, waste pickers, artisanal and small-scale fishers, small and medium enterprises, as well as communities and groups disproportionately affected by such transition across the full life cycle of plastics, including Indigenous Peoples, **and** local communities, women and children.

## **Article 12 CAPACITY BUILDING, TECHNICAL ASSISTANCE AND TECHNOLOGY TRANSFER, INCLUDING INTERNATIONAL COOPERATION**

*Note: To retain the current formulation*

2. Capacity building, technical assistance and technology transfer pursuant to paragraph 1 may be delivered through regional, subregional and national arrangements, including existing regional and subregional and national centres, through other multilateral and bilateral means, and through partnerships, including north-south, south-south and triangular cooperation and those involving the private sector or other stakeholders, as well as **Indigenous Peoples and local communities**, and through collaboration with local and subnational governments, as appropriate.

## **Article 17 INFORMATION EXCHANGES**

1 (c) Scientific and technical knowledge, including traditional knowledge, ~~and the knowledge~~ of Indigenous Peoples and local communities related to (a) and (b) above.

## **Article 18 PUBLIC INFORMATION, AWARENESS, EDUCATION AND RESEARCH**

3 (c) Incorporating traditional knowledge, ~~knowledge~~ of Indigenous Peoples, and local communities ~~knowledge~~ and other cultural and socio-economic factors, as appropriate.

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