

Indigenous Women's Leadership and the Implementation of CEDAW GR 39 in Advocating for the Indigenous Peoples Bill

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Abstract

The experiences and contributions of Indigenous women have not been accommodated in legislative policies, despite their strategic role in maintaining living space and community sustainability. This study uses a qualitative method with a descriptive approach through literature review and analysis of various documents, utilising intersectional feminism and feminist political ecology perspectives. The research findings indicate that the Indigenous Peoples Bill does not adequately regulate and protect indigenous women. The Indigenous Peoples Bill does not implement CEDAW GR 39. The absence of explicit regulations regarding indigenous women in the Indigenous Peoples Bill could lead to harm for indigenous women, Indigenous communities, the nation, and the state. Indigenous women are at the forefront of preserving traditional knowledge, especially regarding medicine, natural resources, economic sources, food sources, water sources, culture, and traditions. Therefore, it is crucial to recognise and protect Indigenous women in the Indigenous Peoples Bill.

Keywords: CEDAW GR 39, Indigenous women's leadership, advocacy for Indigenous Peoples

Introduction

Indigenous Peoples are currently spread across 90 countries worldwide, with an estimated total population of 476.6 million. Over half of them (238.4 million) are women (ILO 2019). Indonesia is one of the countries with a large Indigenous population. It is a nation known for its highly diverse mosaic of ethnicities and customs, comprising 1,340 ethnic groups (BPS 2010).

The existence of Indigenous Peoples is recognised in national and international legal instruments. Initially regarded as tedious in international politics and law, discussions regarding Indigenous Peoples have evolved into a concept with sufficient weight to serve as a basis for group mobilisation, the establishment of international standards, transnational networks and programme activities by intergovernmental and non-governmental organisations (Kingsbury 1998). The issue of Indigenous Peoples' rights in international law provides a valuable insight into the broader question of how law can accommodate diversity (Fodella 2006).

The existence and rights of Indigenous Peoples are explicitly recognised internationally by the United Nations through the United Nations Convention on

Biological Diversity (UNCBD), the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and General Recommendation No. 39 (2022) of the Convention on the Elimination of All Forms of Discrimination against Women. In Indonesia, Indigenous Peoples are recognised in the Constitution, particularly in Articles 18B(2) and 28I(3) of the 1945 Constitution of the Republic of Indonesia (UUD 1945). Indeed, Indonesia has recognised the existence of Indigenous Peoples through numerous laws and regulations. They are regulated and protected under the 1945 Constitution, MPR Decrees, Constitutional Court rulings, Laws, Government Regulations, Presidential Instructions, Ministerial Regulations, and Regional Regulations. However, the provisions relating to Indigenous Peoples in existing legislation remain limited, incomplete, and unclear. They are also generally irrelevant and therefore not yet capable of providing adequate protection for Indigenous communities and Indigenous women.

To date, there has been no specific legislation governing Indigenous Peoples. This means that the protection and recognition of their rights depend on various sectoral regulations, such as those relating to land, plantations, and spatial planning. These

regulations often overlap and primarily serve the interests of development and investment. This has led to numerous conflicts involving Indigenous communities across Indonesia (Saswoyo & Pura 2023). Such conflicts frequently arise between Indigenous communities and various plantation and mining companies, as well as large-scale infrastructure projects. These conflicts have been ongoing for several decades and continue to this day. These protracted conflicts not only result in the loss of customary territories, but also threaten the sustainability of Indigenous Peoples' social, cultural and economic systems. Furthermore, such conflicts undermine Indigenous Peoples' ability to safeguard and manage their livelihood resources (Li 2014).

Indigenous women are particularly vulnerable in situations of conflict and legal uncertainty. However, their gender identity is not the only factor contributing to these limitations. Their most significant vulnerability lies in their relationship with livelihood systems that depend on land and natural resources, both of which are becoming increasingly marginalised. Indigenous women continue to lose access to land, forests and food sources. This directly impacts the increased burden of reproductive work carried out by Indigenous women, leading to reduced household food security. Furthermore, traditional knowledge, which has long been passed down through women's roles, is at risk of being lost. Indigenous women are now particularly vulnerable to gender-based violence in the context of extractive and agrarian development (Colfer & Minarchek 2013; Komnas Perempuan 2023).

Indonesia has long been committed to safeguarding women's rights. This commitment is evident through its ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) via Law No. 7 of 1984. However, this commitment has not yet been extended to Indigenous women. For instance, despite the fact that CEDAW issued General Recommendation No. 39 on the rights of Indigenous women and girls (CEDAW GR 39) in 2022, there are still no regulations that explicitly recognise and provide for Indigenous women. In fact, the principles of CEDAW GR 39 have yet to be implemented in the draft law on Indigenous Peoples, despite it being included several times in the Indonesian House of Representatives' National Legislation Programme (Prolegnas).

The Indigenous Peoples Bill contains no specific provisions relating to Indigenous women and girls. In the context of Indigenous communities, it is crucial to recognise and affirm the status and rights of Indigenous women and girls. This is particularly important given that Indigenous communities in Indonesia generally follow a patrilineal system that treats women as subordinate within the social and economic structure (Riangtobi, Andim & Subandi 2025). Under this system, Indigenous women often struggle to secure their rights within their communities.

Without adequate protection for Indigenous women, the leadership they provide in managing traditional knowledge—particularly with regard to medicine, natural resources, economic resources, food sources, water sources, culture, and traditions—will be lost. The loss of Indigenous women's leadership would result in the loss of much of the traditional knowledge of Indigenous communities. This would be detrimental not only to Indigenous women and communities, but also to the nation as a whole. It is therefore vital to provide Indigenous women with protection, as explicitly stipulated in legislation such as the Indigenous Peoples' Bill.

Research Methodology

This study takes a qualitative approach with a descriptive focus. Data were collected through a thorough analysis of various policies, selected for their relevance. Data were also gathered on issues arising within Indigenous communities. These data were analysed from a feminist political ecology perspective. Policy and legal documents were also utilised in this study, including the 1945 Constitution, the Draft Indigenous Peoples' Bill, CEDAW General Recommendation 39 and reports from the government, civil society groups and the National Commission on Violence Against Women (Komnas Perempuan).

The data were analysed using thematic and critical normative analyses. Thematic analysis involved identifying key patterns of gender injustice arising from conflicts over natural resources, particularly with regard to leadership practices within Indigenous communities and gender relations. Critical normative analysis was used to evaluate the Draft Indigenous Peoples' Bill in line with the principles of substantive

equality, meaningful participation and gender equality as set out in CEDAW General Recommendation 39.

Thematic analysis is an analytical technique used to identify, organise and interpret patterns of meaning within systematically organised data. It focuses on interpreting recurring social experiences within a specific context, going beyond mere categorisation of data. Through thematic analysis, researchers can trace how phenomena such as gender inequality are shaped by patterns of social relations, power structures, and cultural practices across various datasets (Braun & Clarke 2006). In this study, thematic analysis is based on the real-world practices of Indigenous women's leadership in Indonesia. The aim is to reinforce the argument for the importance of the CEDAW General Recommendation 39 perspective in the Draft Bill on Indigenous Peoples. As evidenced by various field experiences, Indigenous women play a significant role beyond the domestic sphere. They also play a pivotal role in environmental advocacy, safeguarding Indigenous territories, defending them, and strengthening community social networks. However, their contributions are often inadequately recognised within the national legal framework.

Critical normative analysis is a method used to examine norms or rules in depth with the aim of identifying more appropriate, relevant, and just provisions. By analysing various resource contexts, a range of policies relating to the importance of recognising Indigenous communities and Indigenous women can be identified. Recognising Indigenous women as members of Indigenous communities would promote gender equality and protect them from discrimination. Conducted in early 2026, this research focused on the gender justice agenda and the legal reform process for Indonesia's Indigenous communities.

Referring to the above framework, this paper positions the leadership of Indigenous women as an advocacy practice that operates through three simultaneous pathways: (1) the community pathway (consultation, solidarity and social resilience); (2) the political and legal pathway (recognition of collective rights and protection from criminalisation); and (3) the normative pathway of international human rights (with CEDAW GR 39 serving as a reference for protection and redress). CEDAW GR 39 reinforces the idea that Indigenous women's experiences cannot be treated

as a secondary issue in Indigenous Peoples' policies, but rather as a core issue. Consequently, advocacy for Indigenous women must demand not only recognition of their territories, but also structural policy changes to ensure meaningful participation, access to justice, protection from violence, and gender-sensitive redress (CEDAW General Recommendation 39; National Commission on Violence Against Women 2024).

This theoretical framework also emphasises that recognising Indigenous Peoples without transforming power relations can create a paradox. Formal recognition may coexist with the perpetuation of patriarchy, particularly when structures of representation are male-dominated and women's experiences are not reflected in policy. Therefore, critical analysis of policy substance, including the legislative process for the Indigenous Peoples Bill, must be based on intersectional feminist approach and community-based feminist leadership. The most important question is not merely whether Indigenous communities are recognised, but whether such recognition results in substantive justice for Indigenous women (Cornwall, 2008; Peluso & Lund 2011).

Implementing CEDAW GR 39 in the Context of Advocacy for the Indigenous Peoples Bill

The existence and rights of Indigenous Peoples are explicitly recognised in the United Nations Convention on Biological Diversity (UNCBD). Signed on 5 June 1992, it entered into force on 29 December 1993. Article 8(j) of the Convention affirms this recognition. This article states that all parties shall respect, preserve and maintain knowledge, innovations, and practices of Indigenous embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity. The Convention also emphasises the need for consent, involvement, and equitable sharing in the utilisation of Indigenous Peoples' knowledge, innovations, and practices.

The recognition of Indigenous Peoples and their rights was further reinforced when the UN General Assembly adopted the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The Declaration was adopted on 13 September 2007. The UNDRIP is widely recognised as having significantly influenced the definition of Indigenous Peoples' rights.

In 2022, the CEDAW Committee adopted General Recommendation No. 39, setting out the rights of Indigenous women and girls. CEDAW is an international convention for the elimination of all forms of discrimination against women. Indonesia signed and ratified the convention through Law No. 7 of 1984 on the Ratification of the Convention on the Elimination of All Forms of Discrimination against Women.

Although the international community has pledged to protect Indigenous communities and women, these groups continue to be inadequately recognised and protected in Indonesia. One reason for this is the lack of legislation designed specifically to protect and regulate matters concerning Indigenous communities and women. Such legislation is vital for ensuring their protection, fulfilment, and respect in Indonesia. The 2024 World Indigenous Peoples' Report highlights the disproportionate impact of climate change, resource extraction, and development projects on Indigenous communities, especially Indigenous women. The report also shows that Indigenous women face a unique set of challenges due to the intersection of gender and Indigenous identity, and frequently experience various forms of discrimination (IWGIA 2024).

Indigenous women often have strong and inseparable ties to their communities, land, territories, natural resources, and culture. However, the legal protection of Indigenous women's land rights is weak, leaving them vulnerable to dispossession, eviction, confinement, appropriation, and exploitation. The lack of legal title to Indigenous Peoples' territories makes them more vulnerable to illegal encroachment, as well as to development projects being implemented without their free, prior and informed consent by both state and non-state actors (CEDAW GR 39).

The enactment of legislation on Indigenous Peoples represents comprehensive recognition of Indigenous communities and Indigenous women as being integral to the life of the nation. The passage of the Indigenous Peoples Bill, which protects Indigenous women and girls, is crucial because they are vital guardians of the environment, possessing the local knowledge necessary for sustainable environmental stewardship. At COP30 of the United Nations Framework Convention on Climate Change in Belém, Brazil, in November 2025, Indigenous Peoples were recognised as key actors in the global climate agenda.

Community groups continue to advocate for the Indigenous Peoples Bill. The aim is to strengthen, simplify, make more affordable, and improve the effectiveness of the recognition and protection of Indigenous Peoples. Since 2003, Indigenous communities have championed and proposed the Indigenous Peoples Bill at the AMAN Congress. This legislation is essential for safeguarding the sovereignty of Indigenous communities and achieving social justice for all people in Indonesia. An academic paper of the Bill has been in preparation since 2010 for submission to the Indonesian House of Representatives (DPR RI). Since 2013, the Bill has repeatedly been included in, and then removed from the DPR's Prolegnas. It was also approved by the DPR's Legislative Body in a plenary session on 4 September 2020. However, as of February 2026, the Bill remains at a standstill in the legislative process.

The main obstacle is the tug-of-war over political interests surrounding the Indigenous Peoples Bill within both the executive and the legislature. Furthermore, neither the government nor the Indonesian House of Representatives has shown any goodwill towards Indigenous Peoples. The current bill has also failed to resolve the issue of overlapping regulations, which complicates the recognition of Indigenous Peoples. Substantively, the current Indigenous Peoples Bill continues to face significant criticism from civil society and academics. One such criticism is the lack of adequate provisions for Indigenous women.

The Indigenous Peoples Bill makes no provision whatsoever for Indigenous women. This is in stark contrast to General Recommendation 39, which focuses specifically on Indigenous women and girls. Without substantive reformulation, the bill risks becoming ineffective, meaning there is still a long way to go before it can protect Indigenous communities and women.

CEDAW GR 39 is a significant achievement for Indigenous women and girls. It is a direct response to sustained calls by Indigenous women and girls for a specific international instrument to further promote, protect, and fulfil their rights. It is the first international instrument to use language that focuses specifically on the rights of Indigenous women and girls. It provides guidance on states' obligations to respect, protect, promote, and fulfil the rights of Indigenous women and girls (A Brief Version of CEDAW General

Recommendation No. 39 (2022) for Ensuring the Rights of Indigenous Women and Girls).

Furthermore, CEDAW GR 39 states that discrimination and violence are recurring phenomena in the lives of many Indigenous women and girls, regardless of whether they live in rural, remote or urban areas. Indigenous women in Indonesia also experience these phenomena. They are particularly vulnerable to sexual violence, and this is an ongoing issue (Eddyono 2026). Within Indigenous communities, sexual violence occurs due to the social structure, specifically the hierarchical layers reflecting differing levels of authority (Astuti, Pasaribu & Anggraini 2024). Furthermore, Indigenous communities in Indonesia generally follow a patrilineal system, meaning Indigenous women are not recognised as owners or heirs of the land (Febriana, Kusmayanti & Nugroho 2024). Examples of communities that follow this system include the Batak (Arianty & Rosyadi 2023; Rosyida & Ramadhani 2023), the Balinese (Wulandari & Kusuma 2023), and the Papuan (Hasmiyati, Khairunnisa & You 2025) Indigenous communities. CEDAW GR 39 provides a strong normative foundation demonstrating that Indigenous women and girls require special protection due to facing multiple forms of discrimination. However, in reality, Indonesia has no policies or legal frameworks that prioritise the experiences and needs of Indigenous women.

Problems with the Indigenous Peoples Bill from the Perspective of CEDAW GR 39

The rights of Indigenous peoples have been recognised internationally since 1992 through the UNCBD. This recognition was further reinforced in 2007 with the adoption of the UNDRIP. However, neither of these international legal instruments specifically addresses the rights of Indigenous women and girls. It took three decades after the UNCBD was signed for the interests and rights of Indigenous women and girls to be addressed at the international level. In 2022, the CEDAW Committee adopted a general recommendation setting out the rights of Indigenous women and girls.

At the national level, Indonesia has regulated Indigenous peoples through its 1945 Constitution, MPR decrees, Constitutional Court rulings, laws, government regulations, presidential instructions, ministerial regulations and decisions, and regional regulations. Several of these are closely linked to the

lives of Indigenous women and girls, including the Basic Agrarian Law, the Environmental Management Law, the Forestry Law, the Water Resources Law, and the Mineral and Coal Mining Law. However, none of these laws and regulations contain provisions concerning Indigenous women and girls specifically.

Therefore, it can be concluded that there is currently no Indonesian legislation specifically addressing Indigenous women and girls in accordance with CEDAW GR 39. The same applies to the Draft Law on Indigenous Peoples. Since 2013, the draft law has been included in the DPR's Prolegnas. After being repeatedly added to and removed from the Prolegnas, the bill was approved by a plenary meeting of the DPR's Legislation Body on 4 September 2020. However, it has never been passed in a plenary session of the DPR (Wardah 2021). As of March 2026, the Indigenous Peoples Bill remains at a standstill in the legislative process.

The Bill currently fulfils the Constitution's mandate. This is evident in Article 18B(2), which recognises Indigenous communities and their traditional rights. Furthermore, Article 28I(3) enshrines respect for the cultural identity and rights of traditional communities. While the Constitution recognises Indigenous Peoples and their traditional rights, not a single article specifically mentions Indigenous women and girls. Similarly, the Draft Bill on Indigenous Peoples makes no explicit provision whatsoever regarding Indigenous women. This is in stark contrast to GR 39, which focuses specifically on Indigenous women and girls. Without adequate protection for Indigenous women, the leadership they provide in managing traditional knowledge - particularly with regard to medicine, natural resources, economic resources, food sources, water sources, culture, and traditions - will be lost.

Indigenous Women's Leadership in Advocating for the Indigenous Peoples Bill

According to a number of studies, the recognition of Indonesia's Indigenous Peoples is determined by power relations between the state, the market, and local communities. However, this concept is often misunderstood, failing to consider the history of land dispossession and the power imbalances faced by Indigenous communities. Many people regard recognition as a legal administrative process requiring the fulfilment of formal standards, such as the existence

of customary structures, territories and legal systems (Siscawati 2018). Recognition is often viewed through the lens of capitalist development, with customary territories being regarded as sites of economic accumulation and production (Li 2014). Consequently, Indigenous Peoples' rights to land and resources are denied. Such recognition is often merely symbolic.

Many Indigenous communities face various structural challenges when trying to secure recognition of their customary territories due to the proliferation of plantation and forestry licences. Although Indigenous communities have strong historical claims, the existence of various HGU (right to cultivate) licences and forestry business permits puts them at a competitive disadvantage (Peluso & Lund 2011). This sectoral recognition also contributes to the fragmentation of legal protection. A study by Siscawati (2018) shows that such recognition merely prolongs legal uncertainty as it is subject to conflicting sectoral governance rather than resolving conflicts. In most cases, recognition is based on power dynamics that tend to favour those in power.

From a feminist perspective, these recognition laws structurally reinforce gender inequality. As Colfer and Minarchek (2013) and the United Nations (2022) have stated, recognition processes that focus on the formal structures of customary law tend to overlook the experiences and roles of Indigenous women. Consequently, collective recognition can perpetuate patriarchy within communities. In situations of conflict over resources, Indigenous women are not merely victims of the conflict, but also political actors bearing a double burden. This double burden takes the form of structural violence perpetrated by the state and corporations, as well as by the patriarchal culture within Indigenous communities. Therefore, gender-based advocacy is not just about defending territory; it is also about rejecting the injustices that place women in the most vulnerable, exhausted, and marginalised positions (Agarwal 1992; Rocheleau, Slayter, & Wangari 1996). When advocacy promotes a narrative of gender justice, women reject invisibility and refuse to be excluded from decision-making processes that affect their lives (Agarwal 1992; IUCN 2021).

Ultimately, a gender-based advocacy strategy aims to shift the focus of the struggle from bureaucratic recognition to genuine protection that impacts people's

lives. By forming alliances with civil society and human rights organisations and combining narratives of human rights, gender justice, and the collective rights of Indigenous women, they are asserting something far more fundamental than mere territorial status. They are demanding the right to live without fear, the right to care for their communities without shouldering the burden alone, and the right to determine their own future without facing violence that is legalised in the name of development. When viewed through the lens of feminist political ecology, this struggle becomes a politics of life, stemming from bodies, care work, real wounds, and the voices of women who have long been deliberately marginalised (Rocheleau, Slayter & Wangari 1996; CEDAW 2022).

Selecting the language of the struggle is one of the most strategic steps in advocating for Indigenous women. Advocacy does not thrive on text alone. Nevertheless, it requires tangible networks because the threats faced by Indigenous women are very real. Therefore, forming coalitions with civil society organisations, environmental advocacy networks, and human rights organisations is a crucial strategy. These coalitions can provide legal support, printed and online documentation, capacity building, public campaigns and safe spaces, ensuring that Indigenous women are not fighting alone. Coalitions can serve as the lifeblood of the movement, keeping the struggle alive when political pressure intensifies in situations of extreme power imbalance (WALHI 2024).

Violence against women human rights defenders often takes brutal forms, including physical force, stigmatisation, character assassination, and criminalisation. Therefore, collaboration amongst various stakeholders is essential. According to Komnas Perempuan's 2024 report, women human rights defenders frequently face specific threats. A report by Global Witness (2024) highlights the scale of violence against environmental and land rights defenders across various countries, showing that it is not merely a local issue. This issue underscores the close link between extractivism, criminalisation, and attacks on Indigenous women's communities resisting the seizure of their living spaces. Consequently, an effective advocacy strategy requires cooperation between various groups to foster solidarity across regions, networks, and national borders.

Indigenous women caught up in resource conflicts face a range of structural challenges that cannot be understood as merely technical or administrative issues. These include overlapping concession maps, boundary disputes, and unclear land ownership. Underlying these issues is a socio-political structure that determines who is considered legitimate to represent the community in formal processes and who merely receives decisions. Consequently, conflicts over customary territories, categorised as agrarian conflicts, are arenas of struggle over authority and legitimacy. This involves questions such as who has the right to define the land, regulate access to resources, and determine the direction of social change within the community (Agarwal 1992; Rocheleau, Slayter & Wangari 1996).

According to access theory, control over resources is not always determined by formal ownership. Instead, it is determined by the ability to control various access mechanisms, such as legitimacy, social networks, authority, knowledge and institutional recognition (Ribot & Peluso 2003). While Indigenous women can currently observe and participate in the day-to-day management of resources, they lack the power to determine how these resources are managed. This suggests that men have stronger access to resources as it is underpinned by formal authority structures, while women's access is often precarious as it depends on asymmetrical social relations. This situation highlights the importance of distinguishing between presence and power. Consequently, without a transfer of authority, the same patterns of domination will persist in decision-making processes (Arnstein 1969; Cornwall 2008).

For this reason, the empowerment of Indigenous women should not be confined to increasing their formal representation. Rather, efforts should be directed towards transforming the power dynamics that shape decision-making processes. Recognising customary rights or legalising territories does not automatically result in gender justice if decision-making structures remain masculine, hierarchical and exclusive. In this context, formal recognition without a change in power relations risks institutionalising inequality on a more official scale. Therefore, the gender justice agenda within Indigenous communities must emphasise redistributing authority, recognising women's knowledge as the basis for decision-making, and creating spaces for their substantive participation.

This will ensure that Indigenous women are recognised as political actors in the future of their communities (Cornwall 2003; Sikor & Lund 2009).

Prominent Indigenous women leaders in Indonesia include Aleta Baun, Gunarti, Yosepha Alomang, and Petronela Merauje. Coming from Mollo in South Central Timor, East Nusa Tenggara, Aleta Baun (Mak Aleta) is a prominent Indigenous environmental activist. She is widely recognised for her tenacity and courage in leading the movement to oppose marble mining and protect the Mount Mutis area. She has demonstrated that Indigenous women are capable of fighting for, and leading the defence of, the environment, from which Indigenous communities obtain water and living space (Jurnal Perempuan 2016). She organised peaceful protests involving 'weaving at the mining site'. These actions demonstrated cultural leadership and stewardship, showing that Indigenous women can build solidarity within their communities while influencing environmental policy. In recognition of her dedication to environmental preservation, she received the Goldman Environmental Prize in 2013 and the Yap Thiam Hien Award in 2016 (UNDP 2013; IUCN 2021).

Gunarti is an Indigenous *Samin* woman and leader of the non-violent resistance movement. She has been fighting for environmental protection and farmers' rights, as well as opposing the construction of a cement factory in the Kendeng Mountains in Sukolilo, Pati, Central Java. As a representative of Indigenous women, she plays a strategic role in shaping the narrative of *Samin* identity as 'guardians of the environment' through an ecofeminist approach. By forming women's groups and mobilising social networks, Gunarti has successfully integrated *Sedulur Sikep* teachings with the broader environmental movement, thereby increasing their acceptance (Virencia 2024).

Another Indigenous female leader comes from Papua. Yosepha Alomang is a petite woman with dark skin and curly hair. Yosepha is one of the Indigenous women who has experienced gender discrimination. She was forbidden to speak, express herself, or participate in certain traditional activities. Affectionately known as Mama Yosepha, she belongs to the *Amungme* tribe in Papua. As an Indigenous activist, she firmly defends the human rights and sovereignty of the traditional territory of the *Agimuga* people in Amungme, which has been seized by PT Freeport, the world's largest

gold and copper ore mining company. Mama Yosepha and her community organised the cutting of Freeport's pipelines and a three-day occupation of Timika Airport (Klik Hijau 2019).

Between 1983 and 1994, Yosepha was imprisoned a total of 18 times. In 1994, she was arrested on suspicion of being a member of the Free Papua Organisation (OPM). She continues to fight to protect the environment. In recognition of her efforts, she was awarded the Goldman Environmental Prize in 2001. Despite not having completed primary school, Yosepha delivered her acceptance speech in her native language. In 1999, she received the Yap Thiam Hien Award, which recognises human rights activists. She was also nominated for the Nobel Peace Prize in 2005. Yosepha's struggle has involved not only ecological issues, but also facing violence and criminalisation (Global Witness 2024; Komnas Perempuan 2023). In this context, Indigenous women act as guardians of their communities' sustainability and as defenders of human rights.

Another Indigenous Papuan woman who has successfully led environmental protection efforts is Petronela Merauje, also known as Mama Nela. Coming from Enggros Village in Youtefa Bay, Jayapura, Papua, Mama Nela is renowned as the guardian of the mangrove forest, also known as the 'women's forest'. This forest is a vital source of traditional livelihoods for the local community. She spearheads initiatives to conserve the mangroves, which are under threat from development and land reclamation. She encourages the women of the village to resist environmental destruction while upholding the tradition that the forest is off-limits to men and serves as a space for women's discussions. Her campaign emphasises customary land rights, the prevention of coastal erosion, and ensuring the sustainability of local food sources, such as fish, shellfish, and squid (Patanding 2023). Mama Nela is also campaigning for women's rights in the management of customary living spaces (AMAN 2022; BRWA 2023).

Furthermore, Indigenous Batak Toba women in North Sumatra are defending the Kemenyan Forest in their region. This stems from a conflict that began in 2009, when PT TPL seized land within the forest. The Indigenous *Pandumaan-Sipituhuta* community has seen its women, led by Mrs Lumbangaol, take the forefront in the struggle against PT TPL. The indigenous women of

Pandumaan-Sipituhuta have been hit hardest, as income from frankincense is their main source of livelihood. Consequently, the women of *Pandumaan-Sipituhuta* have been compelled to fight against TPL. This is also to prevent violence that might be directed at the men (husbands and sons). Their long struggle has been fully supported by non-governmental organisations, and in 2021 their efforts bore fruit when the government legally recognised the *Pandumaan-Sipituhuta* customary forest (Baiduri et al. 2025).

These examples demonstrate that Indigenous women require special protection, as they often face discrimination and violence in their daily lives. It is therefore vital to incorporate CEDAW GR 39 into the Draft Bill on Indigenous Peoples.

Intersectional Feminism and Indigenous Women

Intersectionality is an approach that examines various forms of injustice based on factors such as gender, ethnicity and class. These forms of injustice are not isolated phenomena, but are interlinked within the context of social experience. Kimberlé Crenshaw originally formulated the concept to highlight the experiences of women who cannot be reduced to a single category of identity due to the intersection of power structures that produce distinctive forms of marginalisation (Crenshaw 1989; 1991). Rauna Kuokkanen has built on this perspective, emphasising that Indigenous women face multiple layers of pressure ranging from patriarchy and political exclusion to colonialism. This means that their position must be understood within a more complex framework (Kuokkanen 2019).

Intersectional feminism holds that women's experiences of injustice cannot be understood through a single dimension of identity alone. Gender interacts with other factors, such as ethnicity, class, age, region, and historical relations, to shape a person's access to, and position within, the social structure. In the context of Indigenous communities, Indigenous women experience complex forms of vulnerability as they face socio-political regimes that are patriarchal, colonial and capitalist. This vulnerability operates on multiple levels. Indigenous women are often not recognised as primary decision-makers within their communities. They are politically and legally marginalised by the state and, as a group, they rely heavily on ecological spaces for

their livelihoods. They bear the heaviest burden when their living spaces are commodified or seized (Colfer & Minarchek 2013; Li 2014).

The vulnerability of Indigenous women is evident in their close relationship with their communities' livelihood systems. When land and natural resources become the focus of disputes between Indigenous communities and corporations or development projects, the socio-ecological consequences are never gender-neutral. Indigenous women often lose access to forest land and food and water sources, which increases their reproductive workload and reduces household food security. At the same time, Indigenous women are at risk of experiencing gender-based violence in the context of extractive industries and agrarian conflicts. This can include intimidation, criminalisation, and violence targeting women's bodies as a means of social subjugation (Komnas Perempuan 2023; IUCN 2021).

However, viewing Indigenous women merely as a vulnerable group risks perpetuating paternalistic attitudes. Intersectional feminism is crucial to recognise women as political subjects who experience injustice and build collective responses, develop advocacy strategies, and organise movement networks. Within the tradition of feminist political ecology, women are not merely victims of ecological change, but actors who link their everyday experiences to broader political discourses. Therefore, the struggles of Indigenous women can be understood as a form of the politics of life. This is a politics rooted in the body, care work, and efforts to safeguard the sustainability of living spaces for future generations (Agarwal 1992; Rocheleau, Slayter & Wangari 1996).

At the structural level, the injustices faced by Indigenous women can be categorised into three broad dimensions. The first is gender inequality, which operates through the division of domestic and reproductive labour, the normalisation of patriarchy, and the disregard for women's voices in deliberative forums. Secondly, political and economic inequality arises from extractive development, concessions and business licences, as well as the criminalisation of land defenders. Thirdly, the dimension of inequality in recognition. When the state recognises customary law in principle but has not yet established adequate legal frameworks, protection depends on overlapping sectoral regulations (Li 2014; Siscawati 2015).

Consequently, Indigenous women face multiple vulnerabilities, not only due to poverty or powerlessness, but also due to power structures determining who has the right to speak, who is considered legitimate, and who receives protection. This perspective is crucial for explaining why advocacy for Indigenous women requires a framework that can link local experiences to the state's obligations and the international human rights framework (CEDAW GR 39; Komnas Perempuan 2024).

The experiences of Indigenous women are inextricably linked to the history of colonialism and state relations, which have shaped the governance of living spaces. Colonialism bequeathed a worldview that treats land as a commodity to be managed and accumulated. This legacy persists in post-colonial state systems through sectoral regulations that treat Indigenous territories as productive, strategic economic spaces for investment. Policies relating to forestry, plantations, agrarian affairs, and spatial planning often operate in isolation from one another, resulting in chronic, protracted conflicts. In many cases, recognition alone is insufficient to guarantee the collective rights of Indigenous communities without operational legislation (Li 2014).

An intersectional approach emphasises that the injustices faced by Indigenous women are not merely the product of internal community patriarchy, but are also shaped by state structures that frequently reinforce masculine models of representation. The state tends to administer Indigenous communities through formal, hierarchical leadership mechanisms whereby male figures are deemed more suitable for negotiating, signing documents, and liaising with formal institutions. Consequently, women's experiences become less visible in the spheres of recognition and policy. This gives rise to layered exclusion. Women are marginalised within certain social norms, as well as within the legal and administrative processes that determine legitimacy (Sikor & Lund 2009).

Intersectionality provides a clearer analysis of agrarian conflicts as power struggles, such as disputes over the right to define land, regulate access, and determine legality. According to access theory, control over resources depends not only on formal ownership, but also on the ability to control mechanisms of legitimacy, networks, knowledge, and institutional

authority (Ribot & Peluso 2003). In customary contexts, women often possess everyday ecological skills and knowledge, yet still lack the power to determine management policies. This means that, even if they are close to the resources, women do not control the access systems that determine ownership (Ribot & Peluso 2003; Rocheleau, Slayter & Wangari 1996).

Furthermore, intersectionality is also linked to issues of representation and participation. Participation reminds us that women's involvement in forums is not automatically meaningful if there is no transfer of authority. They may be involved merely to lend legitimacy to the consultation process yet still lack the power to make decisions. This situation is often referred to as 'tokenistic participation', or presence without power (Constanta & Christabel 2026). Therefore, it is important to distinguish between procedural and substantive participation to ensure that women can influence decisions affecting their lives (Arnstein 1969; Cornwall 2008).

Within this framework, intersectional feminism positions Indigenous women as both victims of unjust structures and agents who challenge inequality. When indigenous women fight for their living spaces, they challenge definitions of expertise that tend to be limited to legal and technical knowledge. This highlights that at stake are not only the rights to land, but also the authority to define knowledge of the land itself. This raises the question of whose knowledge is considered valid when it comes to defining living spaces, sustainability and the future of the community (Fraser 1990; Rocheleau, Slayter & Wangari 1996).

Potential for Policy Transformation

Various parties continue to call for the prompt enactment of the Indigenous Peoples Bill, including through efforts to revise its content. Such revisions are necessary to ensure more effective protection for Indigenous Peoples, including Indigenous women and girls. The current Indigenous Peoples Bill does not specifically address women and girls, as recommended in CEDAW GR 39. Yet Indonesia is one of the states that has ratified CEDAW. In the context of GR 39, the Bill explicitly adopts only the principles of equality and non-discrimination. The draft Bill on Indigenous Peoples states that recognition, protection, and

empowerment of Indigenous Peoples are based on these principles. However, when compared with CEDAW GR 39, the draft Bill remains gender-neutral and does not recognise intersectional discrimination. It refers only to Indigenous Peoples in general terms and does not distinguish between the experiences of Indigenous women, who face double marginalisation.

While the Draft Bill on Indigenous Peoples generally addresses the rights of Indigenous Peoples as set out in CEDAW GR 39, it does not specifically mention Indigenous women and girls. However, Indigenous communities in Indonesia typically adhere to a patriarchal system that gives men power (Putri & Kamala 2026). To align with the principles of equality and non-discrimination under GR 39, the Indigenous Peoples Bill must adopt substantive equality, ensuring equality not only in legal provisions but also in indigenous leadership, access to land, natural resources, and economic resources. The Bill must explicitly recognise Indigenous women and girls as a vulnerable group and acknowledge intersectionality. It should guarantee the meaningful participation of Indigenous women in decision-making and FPIC (free, prior and informed consent) processes. It should also ensure that Indigenous women and girls have the right to education, health, freedom from violence, and access to justice.

Indigenous women and girls must have access to education so that they can participate in Indigenous decision-making and development processes, thereby reducing economic inequality (Raissa 2026). A 2022 KEMITRAAN survey of Indigenous women in seven Indonesian provinces - Jambi, West Sumatra, Banten, East Nusa Tenggara, Central Sulawesi, South Sulawesi and Central Kalimantan - revealed that, of the 6,728 Indigenous women and female family members surveyed, the vast majority had not received a formal education or obtained any qualifications. The majority also had an average income of less than Rp1 million (Raissa 2026).

Access to healthcare is also crucial for Indigenous women and girls. Adequate access to healthcare protects not only women's reproductive health, but also the quality of future generations and the sustainability of Indigenous communities as a whole (MPH, Khatimah & Sundari 2019). Indigenous women must also be free from violence and have access to justice. When

Indigenous women seek to preserve nature as their living space, they often come into conflict with the authorities, which can lead to their criminalisation. The right to Free, Prior and Informed Consent (FPIC) is also vital for Indigenous women. This is linked to the preservation of Indigenous communities' living spaces. Studies on the impact of environmental degradation show that indigenous women's workload increases by 6-8 times compared to men's whenever water sources are damaged. The additional workload involved in collecting water, foraging for grass, and securing other means of livelihood can result in girls missing out on educational opportunities and experiencing reproductive health issues. It can also lead to rising rates of maternal and infant mortality (Kamim 2023).

Closing

This article reveals that Indigenous women have always played a part in the struggles of their communities. In fact, it is the state that has failed to recognise these efforts, particularly with regard to the leadership of Indigenous women. The marginalisation of indigenous women in community advocacy is not a historical accident, but rather the result of power structures that systematically exclude women's experiences from the legislative sphere. The state has inherited the logic of colonial patriarchy, which recognises authority more readily in men than in Indigenous women. Indigenous women demonstrate their leadership through networks of solidarity, care work, and community resilience.

Indigenous women are always on the front line in resource conflicts. They are the first to suffer the loss of water, food, forests, and land. When the environment is damaged, they are forced to work longer hours to support their families. They also defend their living spaces in the face of intimidation, criminalisation, and violence. Nevertheless, their voices are regarded as peripheral, particularly in policy-making circles. The absence of provisions concerning Indigenous women in the text of the Indigenous Peoples Bill is not merely an editorial oversight, but a form of symbolic violence that normalises erasure.

Indigenous women who defend their living spaces face very real threats. The state must provide them with active legal protection and psychosocial support, as well as effective mechanisms for reporting violence. At

the same time, the state, civil society organisations and Indigenous women's networks should refer to CEDAW GR 39 to open up space for the law, deconstruct national legislation, and shift the centre of knowledge from the state to the experiences of Indigenous women. The law must learn from those most affected by it, rather than merely from bureaucratic desks. For Indigenous women, legislative advocacy is the politics of life. It is not just about fighting for legal provisions, but also about safeguarding the future of their communities. Indigenous women's leadership is a political practice that challenges the status quo of inequality. The Draft Bill on Indigenous Peoples will act as a reflection of the state: will it choose to listen to Indigenous women, or will it once again draft laws without consulting them?

In accordance with CEDAW GR 39, the recognition of Indigenous women in Indonesia is obligatory. The state must explicitly incorporate the principles of CEDAW GR 39 into the substance of the Indigenous Peoples Bill. This is not a moral choice, but a legal obligation. The recognition and protection of Indigenous women as human rights defenders, as well as their rights to land and resources, must be operational provisions, not mere footnotes. Without this integration, the Draft Law on Indigenous Peoples risks perpetuating patriarchy through state law.

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