

Polluted by Newmont mine: Buyat Bay, North Sulawesi - see page.10



# DTE

No. 63 November 2004

## Down to Earth International Campaign for Ecological Justice in Indonesia

New phone number for  
campaigns office

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# Women, land and natural resources

*Women in Indonesia are disadvantaged by poverty and marginalised by the development process. Control over the natural resources that sustain their lives remains largely out of their hands. As a new president takes office, women's groups are reiterating their call for women to have a greater voice at national and local level in the decision-making which affects them.*

Rural women dependent on natural resources for their livelihoods and daily needs suffer most from the negative impacts of development. Women living near large industrial projects like mines and oil or gas installations, suffer loss or damage to land and resources such as forests and water, while any compensation available is usually paid to men.

Impacts of large-scale projects which require imported labour and/or security guards drawn from the police or military, often also include increased levels of sexual violence against women. Women in many rural communities perform the majority of farming activities, but, where land is under pressure from state or corporate exploitation, they

often have even less control than men over the decision-making that affects their land and resources.

### Ka-Pal Perempuan's view

According to the alternative women's educational NGO, KaPal Perempuan, in natural resources management, women are usually just involved as 'implementers' of decisions taken by men. They are not involved in planning, benefiting from or controlling development, although they always end up being the victims of development. Instead, women should also be involved in natural resource management at all stages. Women work harder than men too, says KaPal, citing statistics for Asia and Africa which show that

### Focus on women

This edition of *Down to Earth* includes several articles related to women, land and natural resources, drawn from both Indonesian and international sources. They reveal positive attitudes to women's traditional roles in natural resources management (see Ngata Toro, page 3), but also some ambivalence (Halimun case study, page 5). They include examples of women challenging aspects of *adat* (custom) within indigenous society and organising to improve their position (see page 8). They also include a reaffirmation of women's rights and calls for governments, corporations and financial institutions to respect those rights (page 4).

In October this year, Indonesian NGOs organised an International Conference on Land and Resource Tenure. This included a panel of women speaking on the theme of women and tenurial rights (see <http://www.landtenure.net>). The panelists covered the areas of indigenous

women and land rights; the impact of large-scale commercial plantation projects on women and land in Jambi, Sumatra; the effect of state laws and international policy on women's inheritance rights among ethnic Chinese Indonesians, and a study of women, land and commercial exploitation in the Halimun ecosystem of West Java (see also page 5).

Women and land tenure have been highlighted by Indonesian NGOs at a strategic time: March next year is Beijing+10, or the 49th session of the Commission on the Status of Women, where United Nations member governments will review progress towards their commitments made at the Fourth World Conference of Women in Beijing in 1995. The Beijing Declaration states that

*Equal rights, opportunities and access to resources...are critical to the...well-being [of women] and that of their families as well as the consolidation of democracy... (para 15)*  
(continued on page 2)

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and

*Eradication of poverty ... requires the involvement of women in economic and social development, equal opportunities and the full and equal participation of women and men as agents and beneficiaries of people-centred sustainable development (para 16).*

As the situation for many women in Indonesia shows, there is a big gap between the goal of equal rights to resources and the reality. Women's disadvantaged position and the continuing destruction of natural resources also mean that Indonesia has a long way to go to meet the UN Millennium Goals of gender equality and environmental sustainability. Pushing for an equal role for women in decision-making over natural resources is one way that civil society - both in Indonesia and internationally - can work towards these interrelated goals.

women work around 13 hours per week longer than men. In Southeast Asia, women supply more than 90% of labour for rice-farming.

Women's representation is needed at local level, says KaPal's Yanti Muchtar, to question and negotiate natural resource management. "For example, if a *Bupati* [district head] wants an investor to come into the area, negotiations with the investor must also involve women's groups. If they don't, when the environment is destroyed, it will be the women who are affected. For instance, women suffer miscarriages because of water pollution; poverty too, where forests are cut down and women, who have no land rights, end up living in poverty in the cities".

There are three important reasons why natural resource management should be participative and take the perspective of gender-justice, according to KaPal. First, to ensure that all stakeholders, especially marginal and poor people (where women are in the majority), are involved in natural resources management. Claims of 'community participation' are invalid if women are not among those participating. Second, to tackle the problems associated with Indonesia's decentralisation programme which gives authority to local governments to manage natural resources and investment in natural resource exploitation. Decentralisation has led to the 'feminisation of poverty' (including the trafficking of women), and a decline in women's health, especially reproductive health\*. Third, to strengthen women's organisations as an element of civil society in the struggle for social and gender justice.

KaPal provides alternative education that encourages critical thinking, as well as teaching low-income women to read. "These are the women with the least access

to education. They are the ones that need it most, and who have the potential to be agents of change,"

(Source: *Jurnal Perempuan* 26/Oct/04 via Kalyanamitra website [www.kalyanamitra.or.id/](http://www.kalyanamitra.or.id/); *Jakarta Post* 22/Apr/04. See also DTE 56:12 on the impacts of mining on women - cases from Indonesia).

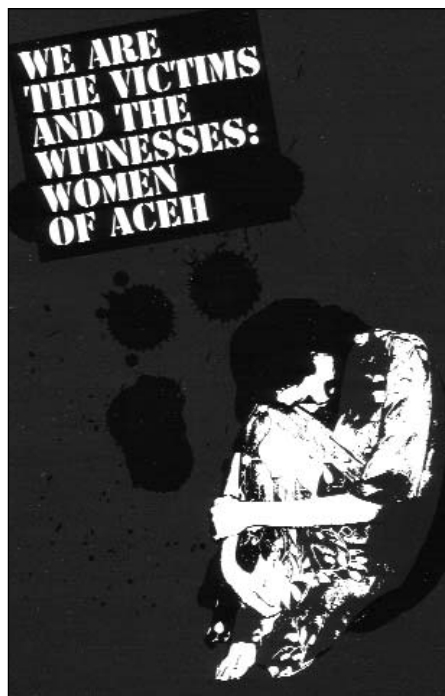
\* Maternal mortality in Indonesia remains the highest in Asia - at 307 deaths per 100,000 live births in the year 2000. The rates are highest in Papua (1,025 deaths), followed by Maluku (796) and West Java (686). (Source: UNDP 2004 Human Development Report, 2004 - see box)

### Conflict areas

In conflict areas women suffer the dual impacts of resource destruction and poverty compounded by violence, including sexual violence.

Komnas Perempuan, the National Commission on Violence Against Women, has conducted research on the condition of women in conflict areas - where women are subjected to sexual exploitation from security forces, both during and after conflicts. This exploitation is reinforced by a lack of legal protection for victims. Women experience long-term trauma as a result. According to Komnas Perempuan, the situation is worse in conflict areas that are also border areas, such as Papua and Nusa Tenggara Timur, where women must also confront border guards. The climate of violence causes a decline in women's health and also influences the level of domestic violence.

Cases of the horrific impact of



Publication by Eye on Aceh, Sydney, Australia, see [www.acheh-eye.org](http://www.acheh-eye.org)

### Indonesia's UN GDI

In its 2004 National Human Development Report for Indonesia, The United Nations Development Programme assesses the position of women in Indonesia by using a Gender-related Development Index (GDI). This measures differences between men and women in areas such as health, education and income. The report notes that under Indonesia's constitution, women and men have equal status, and that Indonesia has ratified the UN Convention to Eliminate All Forms of Discrimination Against Women (CEDAW). It also states that Indonesian women face numerous social barriers, some more visible than others, in improving their position in relation to men.

Indonesia's GDI is measured at 59.2 and shows that women have a lower literacy rate, fewer years of schooling and a smaller share of the earned income - 38% is earned by women and 62% by men. Indonesia ranks 91 out of 144 countries for which a GDI has been calculated.

Women's lower status is reflected in education and work, where women train for and fulfil lower status jobs than men. This is also true of political life, where, during the Megawati period, there were only 45 women among 462 MPs.

(Source: *National Human Development Report 2004, The Economics of Democracy Financing Human Development in Indonesia*, BPS-Statistics Indonesia, BAPPENAS, UNDP.)

conflict on women in Aceh have been documented in recent reports by Amnesty International, Human Rights Watch, Tapol and Eye on Aceh.

NGO reports reveal that rape is systematically used by members of the Indonesian army and police against the families of GAM (Free Aceh Movement) suspects.

According to the Indonesia human rights campaign Tapol, the recent round of trials and sentencing includes 52 women from a total of 1,777 of detainees arrested on suspicion of being involved in GAM. The case of an 18 year-old Javanese woman from a transmigrant family, labelled commander of GAM's women's corps by the authorities and sentenced to 18 years, is an indication of how bad things in Aceh are for people who happen to be in the wrong place at the wrong time (see *Tapol Bulletin* 177, page 2).

Acehnese detainees include women married to GAM members, and women held as hostages for their husbands who are GAM suspects.

In West Papua numerous cases of violence committed by the security forces

against indigenous women have been documented. A Yale University report on human rights violations in West Papua published in 2004 found that "the military's use of rape was targeted specifically and exclusively against indigenous Papuan women, was committed in public (sometimes by more than one soldier), against girls as well as women, and was sometimes accompanied by murder or mutilation or both."

Under these appalling conditions, it is not hard to imagine how poverty arising from the destruction of and lack of access to property, crops, forests and other natural resources in conflict areas weakens women's physical and mental health and their capacity to sustain themselves and their families.

(Source: *Tapol Bulletin* 177, Nov/04. *Jurnal Perempuan* 5/Oct/04 via Kalyanamitra website [www.kalyanamitra.or.id](http://www.kalyanamitra.or.id). Tapol's report on Acehese women prisoners includes information from the Indonesian language monthly, *Acehkita*, see also [www.acehkita.com](http://www.acehkita.com); <http://hrw.org/reports/2004/indonesia0904/>; [www.amnesty.org](http://www.amnesty.org); [www.acheh-eye.org](http://www.acheh-eye.org). *Indonesian Human Rights Abuses in West Papua: Application of the Law of Genocide to the History of Indonesian Control*, Yale Law School, April 2004, [http://www.law.yale.edu/outside/html/Public\\_Affairs/426/westpapuahrights.pdf](http://www.law.yale.edu/outside/html/Public_Affairs/426/westpapuahrights.pdf))

## Political representation under SBY

How will the new presidency of Susilo Bambang Yudhoyono (known as SBY) change the situation for women in Indonesia? The new president has included four women in his 36-member cabinet - meaning that women now occupy 11% of ministerial or ministerial-equivalent positions. They are: Marie Pangestu (trade minister), Sri Mulyani Indrawati (national development planning minister), Siti Fadilah Supari (health minister) and Meuthia Hatta (women's empowerment minister).

Meuthia Hatta has said she will focus on tackling poverty by involving women in business, on women's labour rights and on the trafficking of women. She said discrimination against women was pervasive, including in the national parliament itself.

According to the Indonesian Women's Coalition (KPI), four women in the cabinet is not enough and shows that women suffer discrimination in their access to the political arena. A KPI statement said this discrimination was cause for concern, given that Indonesia ratified the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1984 and had previously signed up to other anti-discriminatory international covenants. KPI also called on the government to wipe out all

forms of discrimination against women in political life, to introduce gender-just policies and to allocate 20% of the budget for education as part of the new government's commitment to increase girls' participation in education. KPI also wants 15% of the state budget to go to health, to be channelled towards pregnant women and childbirth in remote areas, in order to tackle Indonesia's high maternal mortality rate. Five percent of all budgetary amounts should be allocated for empowering women and past cases of human rights violations against women should be addressed. Finally, says KPI, the government should end its cooperation with the IMF, World Bank, ADB and other International Financial Institutions which have a neoliberal agenda.

(Source: *Jurnal Perempuan* 22&23/Oct/04, via Kalyanamitra website [www.kalyanamitra.or.id](http://www.kalyanamitra.or.id))♦



## Ngata Toro: women in customary decision-making system

*The following is an abridged translation from an article in Jurnal Perempuan 25/Oct/04: 'Di Ngata Toro Perempuan Terlibat Dalam Pengambilan Keputusan'. It offers a positive view of women's roles in one indigenous society.*

Women play an important role in the decision-making process of the Ngata Toro people of Central Sulawesi. This isn't just symbolic, but is institutionalised in the Ngata Toro *adat* [customary] system.

For instance, if an outside person or group wants to study the Ngata Toro, the decision on whether their study plan is acceptable involves the *Lembaga Pemerintah Ngata Toro* (Ngata Toro governing body), *Dewan Adat* (customary council), *Perempuan Adat* (customary women) and *Tokoh Masyarakat Ngata Toro* (community leaders/elders). If one of these parties withholds permission, then the study cannot go ahead.

In the past, Ngata Toro women played a strategic role in the community. They held three key positions in the community's

social life: as *Tina Ngata* (Mother of the *Kampung*), *Pobolia Ada* (Holder of *Adat*), and *Pangalai Baha* (Policy Decision-maker). In Ngata Toro *adat*, women also have an important role as *Tua Tambi* (Keeper of *Adat*). In everyday life, this role can be seen in the trading system. A person can't sell any family property - cattle, crops and so on - if the women of the household are not involved. If a member of the community does not respect the place of women in the social structure, they must pay an *adat* fine.

The Ngata Toro women's role is bound up with their importance in natural resource management. Women are relied upon to decide whether or not a crop will succeed, for example. Women are the ones to sow seeds because they can better decide the most auspicious time for sowing and planting the seedlings, thereby ensuring that the plants will grow without being damaged by pests.

When opening up new land for cultivation or paddy fields, women's involvement is very much needed. Women, as well as men, must be included when asking permission from the land guardian spirit (*jini*). According to Ngata Toro beliefs, if women aren't involved, some kind of disaster will result, like a flood or crop damage by wild animals.

On the introduction of 1970s legislation imposing a uniform structure on villages throughout Indonesia, including women's organisations, women's strategic decision-making role disappeared. At village level, the only approved women's organisation was the government sponsored PKK - Family Welfare Guidance. The Ngata Toro felt that the PKK, which focused on domestic matters, limited women's room for manoeuvre, especially in decision-making.

In recent years, women have begun to regain their previous position and revitalise their important roles. In 2000, a grand consultation (*musyawarah besar*) of Ngata Toro women produced a number of important recommendations, including the setting up of a women's organisation.

The Ngata Toro Adat Women's Organisation (OPANT) has the goal of upholding the rights and sovereignty of women. It pushes for Ngata Toro women's role in decision-making, both within the community and outside and also aims to develop solidarity among women.

*Note from DTE:* Earlier this year the Ngata Toro won recognition from the UNDP Equator Initiative when they were selected as finalists for this year's Equator Initiative award for their extraordinary commitment in reforming Ngata Toro customary law. The law recognises the important role of women in making strategic decisions on biological diversity management - see GEF press release 19/May/04.♦

## Women and Mining Conference demands justice for women

*Mining has a disproportionate and destructive impact on women, including indigenous women and women miners, bringing serious social and environmental problems, creating poverty and continuing to show disrespect for indigenous cultures, customary laws and rights. This was the conclusion of the third conference of the International Women and Mining Network, held in Visakhapatnam, India, in October 2004.*

The conference issued a comprehensive set of six resolutions, asserting rights and demanding action by governments, companies and financial institutions. The resolutions covered:

- ♦ Indigenous peoples and women;
- ♦ Local communities and women;
- ♦ Women mine workers;
- ♦ Abandoned mines and mine closure;
- ♦ Mining, health, the environment and women and
- ♦ Conflict, human rights and women.

The resolution on indigenous peoples and women recognises and respects indigenous peoples' call for a moratorium or ban on new mining projects and the expansion of existing projects that may affect indigenous peoples until all human rights are secure and respect for these rights is assured. It calls for the recognition of indigenous peoples' collective rights to self-determination, and their rights over their lands and natural resources and asserts that there should be no forcible removal from their lands. The rights of indigenous peoples, including indigenous women, to free prior and informed consent must be upheld and respected and not manipulated. Specifically on women, the resolution calls for households headed by women to be recognised and treated in the same way as households headed by men, in decision-making and compensation. It calls for companies to recognise that HIV/AIDS is not an indigenous disease and that they must provide prevention and awareness programmes for employees as well as indigenous women and their communities.



Detail from cover of *Women and Mining Network Conference Report, 2000*

The resolution on local communities and women calls for government and mining companies to respect communities' demands for a moratorium on new mines and expansion of existing mines. It also demands recognition that 'local communities' means not just those living in the mining concession or leasehold area, but all people affected by mining operations, including those living downstream and outside the mine site boundaries.

Governments and the mining industry must ensure that all projects are gender sensitive and ensure that there is active participation of local women affected by a mining project in decision-making. They must obtain the consent of female landowners and local community women to any exploration and mining activity, and must take direction from local women about the appropriate ways for ensuring that their views are heard and their rights are not violated during mining activities.

The resolution on women mineworkers states that the formal large-scale mining sector has low participation of women workers due to family-unfriendly working hours and locations, discriminatory attitudes, unequal work and pay conditions. However, the informal sector has a high proportion of women workers who depend on this sector for their livelihoods. The resolution calls for protective labour laws and proper occupational health and safety laws, full participation in committees to investigate and monitor safe working conditions and maximum employment opportunities, not just in jobs traditionally allocated to women.

The resolution on mining, health and the environment demands a precautionary principle for all mining operations, given the disproportionate environmental and health impacts on women. This includes banning destructive practices such as riverine tailings disposal, submarine tailings disposal and the mining of sulphide bodies leading to acid mine drainage.

The resolution on conflict, human rights and women observes that mining policies, regulations and laws have no gender perspective and are insensitive to the rights of women. It includes the demand that mining companies refrain from operating in areas where they require the use of military forces, private armies, paramilitary, police or excessive security to maintain their operation

because such situations results in human rights abuses, especially for women and children.

(Source: Resolutions of III International Women and Mining Conference. For the conference declaration, statement and papers see <http://www.mmpindia.org/womenmining.htm>)♦

### Indigenous women - tools for international advocacy

The UK-based NGO, Forest Peoples Programme, has published a guide for indigenous women seeking to make use of the International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) to protest against violations of their rights. CEDAW is one of the six core international human rights instruments and the only one focused exclusively on eliminating discrimination against women. It places binding obligations on the states that have ratified it (this includes Indonesia). A Committee was created to oversee its implementation and to monitor state compliance with CEDAW. A complaints procedure has recently been established which allows indigenous women, in certain countries, to submit complaints about violations of their rights.

The FPP Guide provides an overview of CEDAW and the Committee and gives guidance on how to use the procedures offered. It aims to provide indigenous women with a better understanding of the Convention and to support their use of these international procedures to gain redress. It also aims to spur states throughout the world to reform their domestic laws and judicial procedures so that they provide effective and meaningful protection for the rights of indigenous women.

*A Guide to Indigenous Women's Rights under the International Convention on the Elimination of All Forms of Discrimination Against Women*, Ellen-Rose Kambel, FPP 2004. 73 pages, GBP 5.00. Contact FPP, 1c Fosseway Business Centre, Stratford Road, Moreton in Marsh, GL56 9NQ, UK, [info@forestpeoples.org](mailto:info@forestpeoples.org); <http://www.forestpeoples.org>♦

## Non-existence within existence: a case study of the excessive burden placed on women peasants in two villages in the Halimun Ecosystem

By Ulfa Hidayati, RMI (*The Indonesian Institute for Forest and Environment*).  
(Abridged translation by DTE)

The capitalist economy has dominated ecological, social and cultural aspects of local peoples' lives in the Halimun ecosystem which covers part of Bogor, Sukabumi and Lebak districts, West Java. In the name of development, particularly in the upstream areas, local people have been confronted with state and private plantation companies, the state-owned forestry company, Perum Perhutani Unit III, and the state-owned mining company, PT Aneka Tambang. These companies' business activities are the legacy of exploitation during Dutch colonial times.

As a result, local people, including the Kasepuhan people, have lost access to land and resources needed for food, clothing and medicine as well for their spiritual life.

Interviews conducted by RMI staff and volunteers with people in several villages in the Halimun ecosystem provide indications of how people feel about development:

*"Before Perum Perhutani came, this area used to be sawah (wet rice fields), worked for the most part by our parents. The takeover of land for Perhutani's production area was done by force. Rice plants were destroyed, totally cleared."*

(Ibu El from Kampung Nyungcung (Nyungcung Hamlet), Malasari Village)

*"Before, we could still get Ki Beling in this area, but now we have to go to Cibareno River." [Ki Beling: medicinal plant used by women after childbirth].*

(Ibu Sr, a midwife, from Kampung Cikaret, Sirnaresmi Village)

Now the Halimun people - who previously were owners, managers and guardians of the ecosystem and the natural wealth it contains - have become alienated in their own land. They are forbidden from collecting forest products in areas once managed by their ancestors, but now claimed by others.

The marginalisation of the majority of people in Halimun, especially women, has not been taken account in planning and implementing forestry, conservation and agrarian policies - a fact which shows that the paradigm of state control (*Hak Menguasai oleh Negara*) is still strong.

A change in control over land and forest resources from the local population to outsiders - plantation companies, Perhutani

Unit III and PT Aneka Tambang - in the Halimun forest ecosystem, followed by massive scale exploitation, has caused ecosystem destruction in the upstream areas, drought, infertile land, landslides and outbreaks of existing and new pests. For women farmers, who provide food to sustain their households, this has meant additional work. Aware of this, women have started to empower themselves by learning together, facilitated by RMI and ICRAF, to initiate efforts to restore the damaged ecosystem.



Women fighting to secure access rights to Perhutani land, Malasari Village (RMI)

### Background

The Halimun ecosystem covers around 211,464 hectares. During the Padjajaran era, this was part of the kingdom's hinterland. During Dutch colonial times, it was considered part of the Western 'jungle'. It is the only part of West Java which still contains a tropical forest ecosystem that acts as an important buffer or support for the densely populated areas around Halimun, including Jakarta and Tangerang. It is a vital water catchment area - 50 rivers rise in the Halimun mountain range. The rich ecosystem is complemented by the rich socio-cultural and economic values still evident in the everyday life of the Kanekes and Kasepuhan peoples. According to the beliefs of the Kasepuhan Sirnaresmi and Citorek peoples, this area must always be safeguarded from all damaging activities, such as felling trees. The only permitted activities are collection of non-timber forest products such as rattan, honey, fungi and medicinal plants.

In the 17th century, along with several other areas in Indonesia, Halimun was used by the Dutch East Indonesia Company

(VOC) and then the Dutch colonial administration to grow coffee, tea and other plantation commodities. This changed the tenurial system and reduced the living space of the local peoples. Villagers were introduced to intensive farming systems (*sawah*), and a culture of commoditisation and monetisation. These changes were the start of a long historical process of expropriation or theft of the Halimun peoples' access to and control over land and forest resources. The majority of Halimun people, men and women, were forced to become labourers on the plantations.

By Indonesia's independence, living space for the peoples of Halimun - Kanekes and Kasepuhan peoples and plantation labourers - had become increasingly confined. The exploitative economic activities inherited from the VOC and Dutch colonial government were continued and further developed. Local and indigenous peoples' land now overlaps with conservation areas (Gunung Halimun National Park), large scale commercial monocultures (state and private sector) production 'forest' (Perum Perhutani Unit III) and gold mining (PT Aneka Tambang in Cikotok and Pongkor).

This exploitation by outside parties has led to genetic erosion - of local rice varieties - as well as drought, infertile land, landslides and outbreaks of pests, as described by local people:

*"As the forests above have been felled and turned into pine plantations, the water in our wet-rice fields isn't cold anymore. This water is obviously not suitable for pare ageng [a local rice variety] So, like it or not, in order to still eat, we are forced to plant pare bubuk [IR rice - a high-yielding commercial variety introduced during the 'green revolution']"*

(Ibu An, Kampung Malasari, Malasari Village)

### Non-existence within existence: how have Halimun people adapted?

As a result of the loss of land and local production sources, the majority of men from Halimun have been forced to seek work in big cities like Jakarta, Bogor, Tangerang and Bekasi, running the risks involved in becoming cheap

labourers and/or working in destructive mining as *gurandil* [a local expression for gold miners, called unlicensed miners by the government] and in illegal logging (as logging and log transport labourers).

"To fulfil our needs, my husband goes to the mountain (as a *gurandil* miner) for a week, then comes back for a week to rest and process rocks from the mountain. The next week, he goes back to the mountain again. I carry on the sawah activities in the Kahutan [Perum Perhutani] land and work as paid labourer in several sawah belonging to my brother and sisters or other people. This is our everyday life."

(Ibu Ln, Nyungcung, Malasari)

In the villages, women face dual pressures. Firstly, they experience confrontation with outsiders in their role as food providers, collectors of fuelwood and water:

"One day, when I was in the *huma* (shifting cultivation field), a Perhutani man came and, staring angrily at me, said to my mother 'You can't open *huma* here because it's Perhutani land!' But I didn't take any notice, because this land provides us with a living. If the land is stolen by Perhutani, it's the same as wanting to kill me and my family..."

(Ibu Kn, Kampung Lebak Larang, Mekarsari Village)

Secondly, in the patriarchal cultural life of the community, women must also fulfil the role of cook, household manager, child-carer, nurse, cultural guardian and teacher for the children. In the Kasepuhan Sirnaresmi and Ciptagelar peoples, fathers remind their daughters of their subservient position when the daughters get married: "From the ends of your hair to your toes, from each drop of blood to every single hair, a wife belongs to her husband."

Women try to overcome these injustices by working Perhutani land (with all the risks that entails) and working as cheap paid labour or sharecroppers on land owned by others. Whether they have money or not, women must provide the family food supply. There is no rest in a working day of at least sixteen hours. This situation means that most women in the Halimun ecosystem (as also experienced by women elsewhere) do not have time to consider their own health - everything is done for their family.

The younger generation of women, as with the men, go to work in factories or as maids in the big cities, some even becoming migrant workers in Saudi Arabia.

### Malasari village: a volatile situation

Malasari is classified as an underdeveloped village under the state's Inpres Desa

Tertinggal programme. It has an administrative area of 4,756 hectares, in Nanggung subdistrict, Bogor district, West Java. Tea plantations were developed on village land, and were expanded in 1973 to around 971 hectares. The plantation is now owned by PT Nirmala Agung, a subsidiary of PT Sari Wangi. In 1978, an area classified as protection forest by the Dutch colonial government was handed over to Perum Perhutani Unit III along with part of the land used by villagers for *sawah* and *kebun talun* [the traditional agroforestry system in West Java] since the 1940s. The remaining forest was included in the Gunung Halimun Nature Reserve in 1979, which became a National Park in 1992. Under forestry ministry decree 175/2003 (not yet implemented), the whole of Malasari now lies in the Gunung Halimun - Salak National Park. In 1992, part of the northern area of Malasari village, Ciguha, was included in a 30-year mining concession, covering around 4,058 hectares, awarded to Aneka Tambang.

Differences between the generations have arisen and many younger people have opted to work in non-farming jobs, leaving their parents to maintain the food production. Fewer people are left to sustain the village population, above all in producing the staple food - rice. Moreover, very limited land is available: villagers only have access to and control over 283 hectares or 5.95% of total area of village land. To sustain the village's population of 1,782 families, this means only 0.16 hectares per family, so it isn't surprising that conflicts over land have arisen between people and the national park and companies operating in the area. It has also had the effect of altering one link in the cycle of community-based forest resource management activities - *huma* activities - so that all efforts to fulfil the rice needs are now focussed on *sawah*.

### Mekarsari: Between Adat (custom) and Reality

In the southwestern part of the Halimun ecosystem, 900m above sea-level, Mekarsari village is regulated by two institutional systems - the village administration system and the Kasepuhan system. Mekarsari can be said to be a plural community consisting of a small group of local people living in Kampung Cibeber and three groups of Kasepuhan people, Ciptagelar, Sirnaresmi and Sinerresmi, totalling 4,231 people, living in eight other *kampungs*.

Of the total village administrative area of 3,697.9 hectares, around 686 hectares of land (0.53 ha per family) can be accessed and controlled by the people - for housing, infrastructure, wet rice, dry rice, wood plantations and agroforestry. The remaining 3,011 hectares, covering 7 *kampungs*, is a Perhutani area, while one *kampung* is part of

the Gunung Halimun - Salak National Park.

As with Malasari village, the limited land available has directly influenced the Kasepuhan villagers' supply of food, obliging them to shorten the dry-rice farming cycle. This means that the fallow stage of the cycle - *reuma* - has started to disappear. In the past, fallow periods were up to 20 years once rice had been harvested. Various fruit and timber trees were planted on these plots, and different species of plants would grow naturally, providing materials for making medicines for women after childbirth. Now that there is much less *reuma* land, women's knowledge of medicinal plants and how to prepare mixtures for medicines is disappearing with it. This is especially so for traditional midwives (*mak beurang*). The ritual values in traditional medicinal practices of the Kasepuhan Sirnaresmi and Ciptagelar are being eroded too.



Elder peasant woman collecting firewood from timber garden, Mekarsari Village (RMI)

### An excessive burden for women: securing and maintaining the right to eat

In all societies, rights relating to land, water, crops, livestock and other natural resources are gender-specific. In other words, distribution, access, control and division of labour in managing land and natural resources is different for men and women. There is also a difference in the meaning of 'natural resources' for men and women. Differences in class status in the community emphasise these differences in meaning.

For women peasants in Malasari and Mekarsari, land for *sawah*, *huma* and gardens is not just a very important factor in production, but also provides social security.

Group discussions with women peasants about the division of work between men and women showed that:

- ♦ In Mekarsari, women are responsible for land preparation, planting, maintenance, harvest and processing the harvested crop. For *huma*, there are 7 stages of activity done by women, 5 by men and 7

done together. For *sawah* activities, 6 stages are carried out by women, 6 by men and 4 together.

- ♦ In Malasari village, 5 stages in *sawah* activities are carried out by women, 4 by men and 4 more are done together.

With men working away from the farms accessed and/or controlled by the family, women are taking over the tasks usually performed by men.

## A collective initiative, restoring a damaged ecosystem

Women's adaptations to restricted access to land have not been accommodated by state policies. This is shown by Forestry Ministry decree 175/Kpts-II/2003 which expanded the area of Gunung Halimun National Park. Without any process of prior communication with the people who live in or around the park, the government increased the area of the park from 40,000 ha to 113,357 ha, covering the Halimun and Salak mountain ranges. Based on studies done by Hanavi et al (2004), 108 villages, each with hundreds of inhabitants, are today 'officially' inside the 'new' areas of the park.

Faced with increasing difficulties in meeting food supplies, especially for fruit and water, and concerned about the risk of landslides, several women peasants' groups have started to explore opportunities for improving their situation. Women peasants started by learning together in groups and then worked collectively to restore eroded land currently within the boundaries of the national park and production forest areas of Perum Perhutani. Women's groups in Kampung Nyungcung, Malasari village, are carrying out a series of activities such as discussions involving village people and local officials, collecting fruit tree seeds and seedlings, cultivation of seedlings, mapping to ascertain suitable areas, terracing the eroded land and steep slopes, and planting fruit tree seedlings between secondary crops (known as *palawija* crops) on land which has already been terraced. Women peasants groups in Kampung Ciladu, Mekarsari, have held consultations and reached agreement with the whole *kampung*, with the members of the Kasepuhan Sirnaesmi 'adat government' and village officials; and have mapped six springs in the Pasir Jirak area.

"We want our *kampung* to be green again, as it was before Perum Perhutani came"

(Ibu Um, Kampung Nyungcung, Malasari)

"We want to harvest fruit, collect firewood and fresh spring water like before; We don't want a landslide in our village."

(Anon woman Kampung Nyungcung, Malasari).

This collective work represents the beginning of an awareness, social acceptance of and support from the household and the community at *kampung*-level for these women's initiatives to secure and maintain the right to food security and to live in a safe environment. It points to the development of a negotiation process, between women's groups and *kampung* community on the one hand and the government and others, to assert elements of their basic rights and to secure genuine benefits from the presence of others (the National Park, Perhutani) on their land.

## Conclusion

The investigation of how women have adapted to the changing land and natural resources situation in these two villages shows that access to land, water, trees and food crops/plants is a vitally important condition for fulfilling basic needs in the household and in spiritual and cultural life.

This study shows that marginal groups are becoming increasingly distanced from their rights to land, water and natural resources, both in quality and quantity. As found in field studies by Argawal (1994), returning them brings benefits in three ways - security, efficiency and equality/being empowered.

If there is an accommodation of women's rights over land, water, plants etc, this provides security because it substantially reduces poverty, the threat of poverty and risk that poverty will appear if there is a family break up or separation due to divorce or death of the husband. Efficiency is shown where women, if given the same land and other resources in the same quantity and quality, plus the same technology, training and information as men, can increase productivity. Increased agricultural productivity and other natural resource management activities guarantee the supply of food and economic resources for the family throughout the year. Equality/being empowered shows that when there is equality between women and men in obtaining and safeguarding rights to land, water and other natural resources, this empowers women economically and, at the same time, opens the door to social and political empowerment. This leads to women being more valued and securing a stronger bargaining position, not just in the family, but also in their relations with landowners, employers and in the local political arena.

In the legal context, as a framework for negotiation, there are several opportunities for us to push the government harder to fulfil its commitments according to the international covenants it has ratified. From the perspective of legal pluralism, the view of law as a framework for negotiation has a lot of potential. In addition to international law and state law, 'people's law' - consisting of customary law, religion,

traditions, norms, agreements and joint initiatives - can also be viewed as law, all elements influencing and interacting with each other.

It is extremely urgent to mobilise support for initiatives by marginal groups, especially women, in securing and maintaining these rights. Strategies include:

- ♦ *Increasing legal understanding among women, local government bodies and other institutions involved in the Indonesian tenurial system.*

One difficulty faced by marginalised women is their lack of understanding of the structure of the laws they are faced with. For example, some of the women in Mekarsari think 'law' means 'jail', while for some of the women in Malasari, 'law' means a difficult thing to use for upholding justice. Efforts are needed to increase understanding of the law through critical educational activities. Along with grassroots education, it is also important to increase understanding of local, state and international law, among government officials and in other related institutions.

- ♦ *implementing communal rights for women, by working together with women.*

In a context of rapid land and natural resource privatisation, implementing communal rights will strengthen the bargaining position of women in the household, community and state. Provided with an understanding of law and critical consciousness of the importance of their rights, women can formulate management and rules for communal management of land and natural resources they access.

- ♦ *Supporting women's groups and/or organisations.*

It is important for women to organise themselves so they can collectively represent themselves to and work with other parties to negotiate their rights and to strengthen their legal status within their communities. Only in this way can women really secure and protect their rights over land and water.

Real change towards genuine justice doesn't come without strong collective pressure from us all, especially from women.

*Note from DTE:* This paper was presented at the International Conference on Land and Resource Tenure, Jakarta, 11-13 October 2004. The writer was part of a panel of women speaking on the theme of women and tenurial rights. For further information see <http://www.landtenure.net>. ♦

# Yosepha Alomang - a Papuan woman fighting for human and environmental rights

*The indigenous Amungin human rights defender, Yosepha Alomang, grew up in the shadow of the huge Freeport/Rio Tinto gold and copper mine and under Indonesian military oppression in West Papua. She survived numerous hardships as an indigenous woman in a world dominated by men and by the Indonesian security forces, going on to form her own human rights organisation and to gain international recognition as winner of the Goldman Sachs Environmental Prize in 2001.*

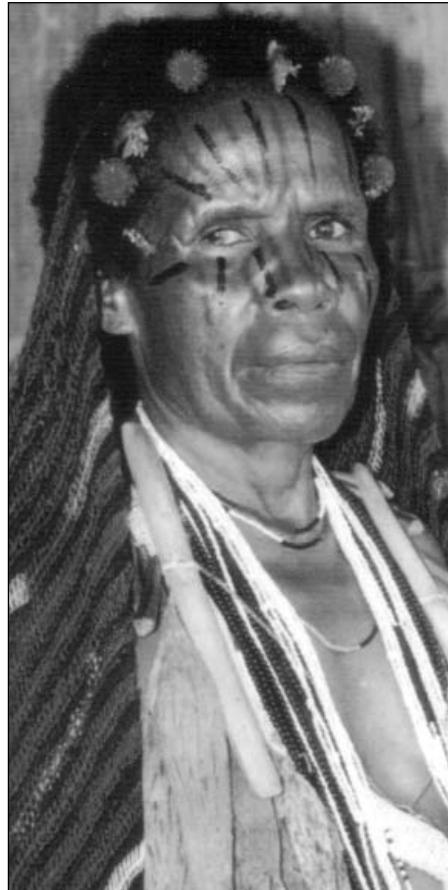
The 2003 book, *Yosepha Alomang, the struggle of a Papuan woman challenging oppression (Pergulatan seorang Perempuan Papua Melawan Penindasan)*, is based on a series of interviews with Mama Yosepha, as she is widely known. These took place at the offices of Papuan human rights group, Elsham in conditions that were far from ideal - the process was being watched by the security forces, and a tribal war which broke out between Amungme and Dani meant that Yosepha had to cut this work short to return home.

For Papuan human rights defender John Rumbiak, Mama Yosepha is a symbol of the suffering of the Amungme people, and her story bears this out. Yosepha Alomang was born in the 1940s, in Tsinga, or Nusulanop in Amungkal (Amungme language). She was orphaned as a baby and lived with her step-father. She moved around a lot during her childhood, along with the other villagers, under orders of the Dutch, then Indonesian governments. She was nine years old when she first saw an Indonesian during one of these forced relocations.

Yosepha married in the early 1970s after a few years at school, by which time she had become skilled at midwifery and, through the Catholic church, had worked to help others.

When her husband failed to pay a bride price for Yosepha as required by customary law, Yosepha saved up for it herself, to allay her family's anger. This was a sign of the determination and self-reliance she had developed from a very young age - indeed this had been forced upon her by her position as an orphan in a large step-family where she was not popular with her step-brothers and sisters.

Yosepha's husband began to drink heavily - for which she blames the Indonesian military, the government and Freeport, as it was they who introduced alcoholic drink into the community, intentionally, she believes, to destroy Papuan families. Yosepha campaigned to get alcohol made illegal in Timika. Once, when Yosepha was away from home, her husband sold her land to spend the money on drink. When her youngest child was 8 months, Yosepha left her husband, because his drinking was destroying the family. She wanted to carry on her work as and with



*Yosepha Alomang on front cover of 'Pergulatan Seorang Perempuan Papua Melawan Penindasan'.*

whom she liked.

Yosepha had 6 children - the first, Johanna, was born in 1974 but died in 1977 from starvation while the family was hiding in the forest from army operations. The military action against the local population was launched after hundreds of Amungme people cut a Freeport pipeline. The protest had itself resulted from the killing of thirty people after a peaceful protest against Freeport's theft of Amungme land in Agimuga. Bombs and bullets then totally wiped out Waa and Kwakmi villages - and villagers fled to hide in the forests.

## Freeport/Rio Tinto

The relationship with Freeport/Rio Tinto has dominated Yosepha's life and work. The book contains an account of Freeport's presence in Papua, from the company's negotiations with

Suharto regime in 1966, through the violent history of the mine's development and the Indonesian military's brutal response to whoever challenged the takeover of indigenous land or wholesale destruction of the environment. This included mass protests in 1994 and a large-scale military crack-down in 1994-1995 which saw the massacre of eleven adults and children in Hoesa village.

Among Yosepha's many protests against the company and the military security guards in its pay, was an attempt to bring some benefits to local people. Assisted by the church, Yosepha and several other women set up a cooperative, called Kulalok, to market their fruit and vegetables. Yosepha felt that Freeport should support the local people by buying from them, but the company imported these goods from outside Papua, flying them into Timika airport. So the women planned a way of drawing Freeport's attention to their group by destroying the imported fruit and vegetables. With the money earned from the co-op, the women paid for homes built with *batako* (concrete bricks) and supplied with electricity.

In 1991, Yosepha held a three-day demonstration at Timika airport, by lighting fires on the airfield, to protest against the refusal by Freeport and the Indonesian government to listen to local people's concerns and against the continuing ill-treatment of Papuans.

In 1994, Mama Yosepha was arrested on suspicion of helping OPM independence fighter Kelly Kwalik. Along with another Papuan woman, Mama Yuliana, she was locked in a container for human faeces and urine, flushed from a toilet. Mama Yosepha spent one month there, up to her knees in faeces.

Two years later, Yosepha launched a civil lawsuit against the Freeport McMoRan Copper & Gold in the US, suing the company for personal injury and environmental damages.

Yosepha also worked to free other Papuan prisoners held in containers by the security forces around the Freeport mine. She has been a constant thorn in Freeport's side, repeatedly demanding that the company answers for the damage inflicted on local people's lands and livelihoods and protesting



against human rights violations.

When news of the Wanagon dam collapse of May 2000 reached Mama Yosepha, she immediately returned to Timika from Jayapura, and phoned Freeport. She secured permission to visit the inundated village downstream of the dam, Banti II. She saw how the flood had swept away all gardens and houses and livestock. Mama Yosepha returned to Jayapura with several other Amungme people. They organised a large demonstration outside the provincial parliament.

In 2001, Mama Yosepha set up Yahamak, the Foundation Against Violence and for Human Rights, using money from the Yap Tham Hien human rights prize, awarded to her in 1999. Its purpose was to continue the struggle for human rights in Timika.

In the end, her dogged campaigns against Freeport were successful in that the company decided unilaterally to award Yosepha funding for her work. Shortly before Mama Yosepha went to the States to receive her Goldman award, Freeport announced that it would give her USD248,000. In the book, Mama Yosepha says she challenged Freeport to put its money where its mouth was. An agreement was signed under which Freeport funded the construction of the Yosepha Alomang Complex - consisting of a clinic, meeting hall, orphanage, human rights violations monument - then used by Yahamak for its programmes.

Questions were raised by contributors to the book as to how far this new financial relationship with Freeport changed or weakened Mama Yosepha's attitude and whether it would curb her criticism of the company. However, late in 2003, after a major pit collapse at the Freeport's giant Grasberg mine killed 9

### Challenging adat

Mama Yosepha's religious faith has been a very strong influence on her life, as have Amungme *adat* (customary) beliefs and traditions. However, by organising direct actions such as the airport protest, by putting herself at the forefront of action and campaigns, and by adopting a challenging attitude towards Freeport, the military and Indonesian government as well as towards Papuan men, Yosepha frequently found she was going against Amungme *adat*. This is evident from what Mama Yosepha says about Lemasa, the organisation set up, with her help, to present a united Amungme voice against Freeport. The male-dominated leadership would not listen to her, Yosepha says, so she did not play a big role in Lemasa, but eventually set up her own human rights organisation, Yahamak.

*I often say openly that if you are hard [keras] I will also be hard. But I say that because I work hard to defend myself and fight against violence towards women and other victims of men or outsiders in military uniforms or from the civil government or Freeport. Whoever they are. You could say I am not like other women. I speak up and fight. Never mind if my Indonesian isn't very good. I convey what I feel as a woman. And*

workers, Yosepha was once again calling on Freeport to get out of Papua. At a joint press conference of Yahamak, Elsham and Walhi Papua, she said:

*"I say Freeport must close this month (December) because many people have died, Freeport must be held responsible for these casualties, including the large scale, and wide*

*I think that my attitude and my struggle represent the attitude and experience of women in Papua every day. I can't turn back now. (p.30)*

*I am aware that I belong to this culture, I myself know that although I am part of this culture, this isn't good because it demeans women. Eventually I became aware that opposing these traditions is right thing for me to do because I'm opposing traditions that aren't right, which demean one group of people.*

In her work, Yosepha was encouraged and supported by human rights defender, John Rumbiak, as well as Pater Nato Gobay and Pater John Jonga. In his introduction to the book, Nator Gobay says:

*Mama Yosepha really opposed the attitude of glorifying men, while women were held in a lower position. So her emancipation was very evident. She challenged cultural currents that demeaned the dignity and position of women. Maybe this wouldn't be a problem in another tribe, but here this was not allowed at all. And Yosepha challenged all this openly - she is a very strong woman. (p.xv)*

*spread, destruction of the environment."*  
(Elsham News Service, 5/Dec/2003)

(Source: Yosepha Alomang, *Pergulatan Seorang Perempuan Papua Melawan Penindasan*, European Commission and Elsham Papua, June 2003. See also *Latitudes Magazine* [Bali] August 2004: 'Mama of Papua' by Margiyono.)♦

### Resources: women and environment

#### International

Amnesty International's violence against women campaign  
<http://www.amnesty.org.uk/svaw/vaw/>

International Women and Mining Network  
<http://iwam.net/>

IWBN: Indigenous Women's Biodiversity Network. Contains background information, strategies and declarations.  
<http://www.nciv.net/spaans/iwbn/IWBN.htm>

Tebtebba: the Philippine based Indigenous Peoples International Centre for Policy Research and Education. Contains links to various statements and declarations made by indigenous peoples about natural resources as well as gender.  
<http://www.tebtebba.org>

IGNARM: Network on Indigenous peoples, Gender and Natural Resource Management, shares, explores and strengthens the participating organisations' experiences and knowledge within the field emerging at the intersection between indigenous peoples, gender and natural resource management. The network is formed by five Danish organizations WWF-Denmark, IWGIA, KULU-Women and Development, Nepenthes and DIIS. <http://www.cdr.dk/IGNARM/>

Women's Environment and Development Organization  
<http://www.wedo.org/>

Women's International League for Peace and Freedom  
<http://www.wilpf.org>

#### Indonesian women's organisations on the web:

Kalyanamitra, founded 1985 with goal to build a movement against all forms of abuse against women.  
[www.kalyanamitra.or.id/](http://www.kalyanamitra.or.id/)

KaPal Perempuan  
[kapalperempuan@indo.net.id](mailto:kapalperempuan@indo.net.id)

KPI - Koalisi Perempuan Indonesia untuk Keadilan dan Demokrasi (Indonesian Women's Coalition for Justice and Democracy)  
<http://go.to/koalisip>

APIK - Asosiasi Perempuan Indonesia untuk Keadilan (the Indonesian Women's Association for Justice), fights for gender justice.  
<http://www.lbh-apik.or.id>

Solidaritas Perempuan - Women's Solidarity for Human Rights  
[soliper@centrin.net.id](mailto:soliper@centrin.net.id)

Komnas Perempuan - National Coalition Against Violence to Women  
[wati@komnasperempuan.or.id](mailto:wati@komnasperempuan.or.id)

## mining

# New pollution study corners Newmont

*The latest and most comprehensive government-sponsored study into pollution at Newmont's gold mine in North Sulawesi, has linked the US-based company's mining activities to ill-health in the local community and declining fish stocks in Buyat Bay.*

*The question now is: will the new government make a break with the past, protect its citizens and take legal action against Newmont, or will the pollution victims' needs be subordinated to the interests of the powerful international mining fraternity and the push to improve Indonesia's investment climate?*

The latest pollution study, conducted by a government-convened Joint Investigation Team, found that levels of arsenic and mercury in fish in Buyat Bay, near PT Newmont Minahasa Raya's gold mine in North Sulawesi, posed health risks for the local community, especially for children. It recommended that villagers reduce their fish consumption and that the possibility be considered of moving the community out of Buyat Bay. Around 300 people live on the shores of the bay and depend on fishing for their main protein supply and their livelihoods.

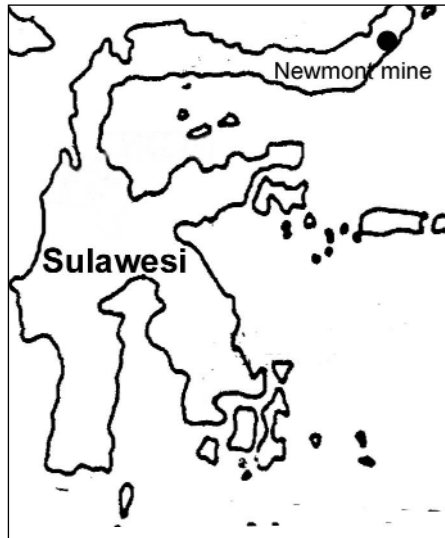
The study, which was presented to the government in early November, found that Newmont's disposal of mine tailings under the sea had affected the marine life in Buyat Bay and recommended that legal action should be taken over the company's breaches of environmental law. This is the most recent of a number of pollution tests which have had contradictory results - leading to conflicting claims and denials by environmental NGOs and the mining company.

The newest investigation, which involved government departments, university scientists and NGO representatives, found extremely high levels of mercury and arsenic in the seabed sediment. Levels of 666 mg/kg were around 100 times higher than those found in control sites. Mercury pollution in the seabed averaged at over 1000 µg/kg. Buyat Bay was found to be polluted with both arsenic and mercury according to ASEAN Marine Water Quality Criteria<sup>1</sup>.

Seabed-dwelling marine creatures (benthos) such as crabs, mussels and worms, were also found to be accumulating mercury - samples contained 1889 µg/kg, ten times higher than in control samples. A poor

diversity index of benthos and phytoplankton - a crucial part of the human food chain - was linked to the high level of arsenic found in the sediment at Buyat Bay<sup>2</sup>.

Based on their actual fish consumption of 0.45 kg/day, the investigation team calculated that the Buyat Bay community was exposed to an unacceptably dangerous level of inorganic arsenic. The team also calculated mercury in the fish intake, concluding that consuming fish from Buyat Bay is risky for adults and exceeds the tolerable level for children.



The Team drew attention to initial field observations suggesting that the local people who have fallen ill display symptoms which may match the literature for arsenic accumulation in the body. It recommended follow-up research by the Health Ministry to look into arsenic poisoning in villagers complaining of symptoms such as skin disease, lumps, breathing difficulties and dizziness.

Previously, NGO and media attention had focused on levels of mercury pollution - raising the possibility of Minimata disease in the community of Buyat Bay. It could well be that the combination of arsenic, mercury and other chemicals, rather than any one substance is a danger to people's health.

The investigation team also found that:

- ♦ There is no protective thermocline layer - a temperature gradient below which the colder denser salt water cannot rise to the surface - contrary to Newmont's claims in its environmental impact assessment. Newmont says a thermocline layer at 50-70 metres depth<sup>3</sup> would act as a barrier to keep the tailings from spreading into the biological productive layers nearer the surface in Buyat Bay.
- ♦ Newmont's dumping of mine waste into the sea breached Government Regulation No 19/1994 on Dangerous and Toxic Waste Management, plus two other regulations issued in 1999 (No.19 and No. 85).
- ♦ Since Newmont's waste dumping has had an impact on marine life in Buyat Bay, Newmont and the government should monitor the situation over the next 30 years or until Buyat Bay recovers naturally.
- ♦ Ocean dumping of waste should not be used in future.
- ♦ Some of the Joint Team results matched previous NGO, government and academic investigations.

### Newmont denies pollution

The Denver-based multinational and world's biggest gold producer, Newmont, insists its mining operations have not caused pollution in Buyat Bay. However, the company's claims are based on seawater tests which do not show high levels of pollution. The Joint Team's latest findings also find no evidence of pollution in the seawater, but they do indicate that hazardous chemicals are entering the food chain nevertheless.

Newmont claims that high arsenic levels in the tailings were expected and were planned for all along. The arsenic was in a chemically stable form locked into the sediment and not released into the environment. The company's vice president for environmental management, Dave Baker, claimed the system had worked as designed - eight years of company monitoring showed arsenic concentrations in seawater to be well below Indonesian and international standards.

Baker also told the *New York Times*

1. According to an additional note from WALHI, the Bay is also polluted with arsenic and mercury according to US, Canadian, Australian and New Zealand guidelines.
2. Information on neighbouring Ratatotok Bay was also gathered - see <http://walhi.or.id> for more details.
3. Earlier reports mentioned the depth of the thermocline as 80-100 metres - see for example DTE 32:6.

that Newmont disagreed with the way the arsenic and mercury levels in the fish were calculated and that the company believed that the benthos is not polluted. In a statement to the media, Baker claimed that "all scientific studies and PT NMR's monitoring data have shown that fish tissue contain normal levels of arsenic as compared to both applicable standards and fish from any other areas in the world. This adds further confirmation that arsenic from the tailings is not being released from the sediment or assimilated into the food chain." (*Miningindo.com* 9/Nov/04)

An independent American scientist, who advises the mining industry and environmental groups and was asked by the *New York Times* to review the findings, disputed Newmont's position, stating that seabed-dwelling organisms were indeed capable of consuming contaminants like arsenic, even as solid particles.

### High profile test case

The Newmont case has attracted a substantial amount of media coverage. This was spurred by the death of a five-month old baby in July this year and findings that over thirty people may have died as a result of pollution from the mine (see *DTE* 62:16). In August, villagers, including the bereaved mother, filed a US\$ 543 million lawsuit against the company, on the grounds that their health had been seriously affected. The two sides are reported to be in mediation.

Media interest was further fuelled by the police questioning of PT Newmont Minahasa Raya's president director Richard Ness and the month-long detention of five Newmont executives - three Indonesians, an American and an Australian. Their detention, was publicly criticised by the US embassy in Jakarta. Meanwhile, in anticipation of the investigation team's findings, the company launched its own media campaign to convince the public it was not polluting Buyat Bay, taking out a series of full page adverts in Indonesian newspapers. The Team's report recommended that Newmont be instructed to remove all such "misleading advertisements." Other methods of spreading the word may also have been used: a *New York Times* journalist who attended a Newmont briefing found an envelope with five 50,000 rupiah notes (around US\$30) tucked into her packet of briefing papers. Newmont said it would refrain from providing such "transportation reimbursements" to national reporters in order to avoid future misunderstandings.

### What now?

The success in exposing Newmont's impacts shows that companies can no longer expect to get away with concealing bad practices. If the government and the judiciary decide to act on the Joint Team's recommendations - specifically on legal action and a ban on future

submarine tailings disposal (STD) - they may also be obliged to look more closely at Newmont's operations on Sumbawa Island, West Nusa Tenggara province. Here a much larger and more valuable copper and gold

mining operation - Batu Hijau - is dumping as much as fifty times more waste onto the seabed and is expected to do so for a further 15 years.

(continued on page 14)

### Poor performance

Throughout its eight years of commercial production (1996-2004), when the company began dumping 2,000 tonnes of tailings per day into Buyat Bay, the Newmont Minahasa Raya mine has been beset by protests and pollution problems. The list compiled from past issues of *DTE* newsletters alone is tellingly long:

1986: Newmont receives Contract of Work including the North Sulawesi and Sumbawa concessions (*DTE* 34:7).

1994: Legal action by villagers over compensation for land and crops (*DTE* 32:6).

1997: NGOs report Newmont to environmental protection agency Bapedal, in an attempt to stop pollution starting March 1996 and getting worse from July 1996. Local legal aid office (LBH) says it has received many complaints from local people about the pollution.

WALHI reports that local fishermen had found more than 200 dead fish floating around 200m from the end of the tailings disposal pipe (*DTE* 35:5).

Newmont receives government approval to start construction at Batu Hijau copper and gold mine, Sumbawa (*DTE* 34:7).

1998: Newmont forced to suspend production for several weeks due to leaking tailings pipe. The problem was detected after fish kills were reported by local fisherfolk (*DTE* 39:6).

1999: JATAM calls for Newmont Minahasa Raya's licence to be withdrawn due to pollution problems. Environment Minister Sarwono promises 'objective' and 'accurate' investigation (*DTE* 44:14).

Batu Hijau starts production using submarine tailings disposal method (STD), dumping 110,000 tonnes of waste per day into the sea (*DTE* 44:15 & JATAM - WALHI - KONTRAS -TAPAL - ELSAM press release, received 6/Aug/04)

1999: Official investigation carried out - high levels of heavy metals found; no thermocline found. WALHI and JATAM accuse the government of being concerned only about protecting foreign investors' interests and ignoring people's health by keeping the results of the investigation secret (*DTE* 45:7).

2000: Operations are forcibly suspended three times in three months when villagers blockade the minesite, demanding compensation for land (*DTE* 47:8).

A WALHI study of the marine ecosystem finds that tailings have caused extensive damage to the marine ecosystem including corals, seagrass and fish stocks plus health impacts among local villagers. Community representatives attend Newmont annual shareholders meeting in Denver. Newmont denies pollution claims. JATAM claims Bapedal never issued a permit for Newmont to dump tailings at sea. Problems with river sedimentation are also reported.

At Batu Hijau mine, a local NGO reports that a waste mud containment dam has collapsed, sending mud downriver, covering farmland. Newmont says the water was deliberately flushed from the dam and it met pollution standards. Samples from around the tailings disposal site in Senunu Bay showed high levels of heavy metals (*DTE* 47:8).

2001: WALHI announces results of blood tests on local villagers showing high levels of arsenic and mercury - Newmont blames local illegal miners for pollution (*DTE* 48:7).

Environment minister Sonny Keraf announces no more STD permits after Newmont's and rejects the company's Environmental Risk Assessment (which should have been done before operations started five years previously) as the company failed to use procedures agreed with the government (*DTE* 50:13)

2003: Newmont agrees to verify WALHI study which finds that cyanide levels in mine tailings are four times the legal safety limit, endangering local people's health (*DTE* 58:4).

2004: JATAM launches urgent action to support community demands for land compensation, environmental rehabilitation, economic compensation for loss of fishing livelihood and health services for the next 30 years (<http://dte.gn.apc.org/jatam04.htm>)  
Villagers report Newmont to police after death of five month-old baby in July (*DTE* 62:16).

[Note: this is not a comprehensive chronology. For further background see <http://dte.gn.apc.org/jatam04.htm>, [www.jatam.org](http://www.jatam.org) and [www.walhi.or.id](http://www.walhi.or.id)].

## Aceh

**Bestari Raden sentenced**

*Bestari Raden, indigenous activist and environmental campaigner, has been sentenced to two years and six months imprisonment. The verdict, handed down in October, found Bestari not guilty of part of the main charge of 'rebellion', but guilty of threatening state security and incitement.*

Bestari Raden was arrested by military personnel from Southeast Aceh district command in March 2004. He was on a government assignment to review sections of the environmentally damaging Ladia Galaska road project, which cuts through the 2.6 million hectare Leuser Ecosystem, one of the world's richest ecological areas. His arrest was believed to be political, since Bestari is a well-known activist promoting indigenous rights and opposing destructive logging in Aceh - campaigns that threatened the business interests of military and police officers. The security forces use Aceh's forests for income-generation and it is an open secret that military and police personnel are protectors of illegal loggers and timber concessionaires. Bestari is a former council member of the indigenous peoples alliance, AMAN.

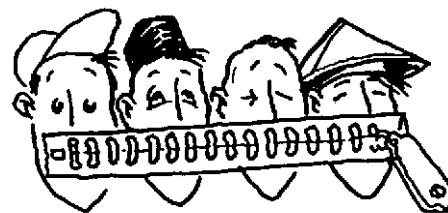
Bestari's trial opened in Tapak Tuan, South Aceh in June, but was put on hold

during the second round of the presidential elections in September. The case prompted an international campaign protesting against his treatment and calling for a fair trial. (see DTE 62 and 61 for background).

The case is a telling illustration of how forests, corruption and conflict politics are interlinked in Aceh. The final defence statement by Bestari's legal team describes how he was originally a sports teacher who became a coach at district and provincial levels and accompanied teams to national events. He also helped set up a cultural group, Rimeung Lam Keulut, which promoted traditional ritual arts. When serious flooding affected Kluet district, PT Medan Remaja Timber, a logging concessionaire, was believed to have been directly responsible for a school being washed away. Bestari Raden and his colleagues in Rimeung Lam Keulut lobbied local and national level authorities to have the company's permit withdrawn. Lack of progress in negotiations led the community to take matters into their own hands and burn down a building at the company's base camp. The forestry minister withdrew the company's logging permit in 1999.

His defence lawyers say that a previous detention, during which Bestari was tortured in police custody, and other instances of intimidation were probably linked to the forest guards' loss of illegal income once PT MRT's operations were stopped. Bestari was also sacked from the civil service and, shortly afterwards, put on the official wanted list by the South Aceh police who claimed he was the local GAM (Free Aceh Movement) commander for Tapak Tuan.

(Source: Defence Team press release 2/Oct/04 and others).

**Community action post-Suharto**

Rimeung Lam Keulut's campaign to shut down destructive logging companies in South Aceh, was part of the local response to new possibilities opened up in the more fluid political climate which followed the resignation of President Suharto in 1998. Deforestation had been rapid in the 1980s and 1990s (see box, p.13). As flooding had claimed lives and livelihoods throughout the 1980s and 1990s, and many incidents were linked to over-exploitation of forests, it is not surprising that logging concessionaires became a major target for community action.

Another local figure in the struggle against destructive logging is Jailani Hasan, an indigenous leader from North Aceh, who is also a member of AMAN's council. Jailani, as profiled in the Indonesian newspaper, *Kompas*, is customary leader of around 40,000 people in seven villages, who follow traditional systems of natural resource management, resource rights and dispute resolution. Under customary law, for example, the use of poison and explosives for catching fish is forbidden as it damages the environment and harms others people's interests: the traditional method of river fishing is using fish traps and nets. People caught using the outlawed methods are fined millions of Rupiah. Disputes are settled and fines set by the indigenous leader, religious elders and the community.

Jailani and his group, together with local NGOs and community groups, have succeeded in getting 21 logging concessionaires suspended by the central government, including a company owned by the man who was once Indonesia's most powerful timber baron - Bob Hasan. This has been achieved in the face of terror, intimidation and violence by employees of the targeted companies. Jailani's goal is to achieve recognition for indigenous claims over the forest and to protect the ecosystem. "Entrepreneurs, investors and rich people can stay in hotels with there's a flood, but the ordinary people drown", says Jailani. However, the ongoing conflict and security situation makes it difficult for this indigenous leader to meet and consult the communities to consolidate their work (*Kompas* 27/Sep/04).

**Ladia Galaska raised at European Social Forum**

DTE and Tapol, the Indonesia Human Rights Campaign, co-hosted a seminar focussing on the Ladia Galaska Road network and conflict in Aceh in September. The seminar was part of the European Social Forum (ESF) held this year in London.

European money funds the conservation body that manages the Leuser Ecosystem - a huge forested area that will be opened up to more logging by Ladia Galaska. The EU has spent 31 million euros (USD39.4) on Leuser since 1996.

A petition addressed to Hilary Benn, the UK development secretary, was circulated. It called on the UK government to use all available channels to bring about Bestari Raden's release and to halt the Ladia Galaska Road project. The petition, with more than 50 signatories was sent to Benn. No reply has yet been received.

DTE's powerpoint presentation on Ladia Galaska is available on CD, GBP 2 postage and packaging - contact [dte@gn.apc.org](mailto:dte@gn.apc.org).

(Source: *EU Business* 17/Feb/04)

## NGOs under pressure

Many of Aceh's NGOs - especially those dealing with human rights and humanitarian aid - have struggled to stay in existence during the years of conflict. Already severely restricted in their movements and scope of activities, and under pressure from the security forces, the situation for NGOs worsened considerably following the declaration of martial law in 2003. Human rights defenders were rounded up and held in detention. Political space for opposition to Jakarta's policies was closed down. Several NGO and student activists have been tried and remain as political prisoners in Aceh's jails. Since martial law was replaced by the civilian emergency status in 2004, it has become easier for some civil society organisations to operate in Aceh. However, there remain serious constraints on people wishing to move around inside Aceh, due in part to the creation of pro-Indonesian militias\*. One of the tasks of militia groups is to report unusual activities in the villages - when an outsider turns up, for example.

Human rights defenders who advocate a negotiated settlement to the war in Aceh, continue to be labelled as GAM supporters by the Indonesian authorities. This propaganda has to some extent successfully served to cut off potential support and solidarity from Indonesian NGO human rights groups in Jakarta.

Civil society is constantly trying to find ways to get around the heavy constraints on their activities. Recent initiatives include solidarity-building visits by Acehnese activists to Europe, plus training courses, organised by the Aceh Civil Society Institute, to build the

capacity of civil society groups working in Aceh.

## Environmental NGOs: threats and violations

WALHI Aceh is an environmental NGO that has maintained a voice throughout the conflict, speaking out against forest destruction, illegal logging and corruption. WALHI Aceh is part of the NGO campaign to stop the Ladia Galaska Road project and has also been involved in advocacy to bring US-based oil multinational, Exxon Mobil, to account for human rights violations around its Aceh gas installations. Director Muhammad Ibrahim told the *Jakarta Post* that it has been possible to continue working in Aceh, where other organisations have been forced to suspend operations, because WALHI deals with environmental issues. Still, the risks remain high: after joining the campaign against Ladia Galaska, Muhammad Ibrahim was targeted. "Some local figures sent a letter to the governor, asking him to take stern measures against Walhi and if he (the governor) failed to do so, they would take the law into their own hands", said Ibrahim. Now he regularly receives threats through phone calls and letters (*Jakarta Post* 23/Apr/04).

Unfortunately, this kind of intimidation happens frequently and there are cases which show that such threats can be in earnest. On January 31, 2000, Sukardi, a volunteer with the Bamboo Thicket Institute (Yayasan Rumpun Bambu Indonesia), a local environmental and human rights group based in Aceh, 'disappeared'. His bullet-riddled corpse was found on February 1 (Human Rights Watch, 2001). An Amnesty

International document stated:

*"It is not known who is responsible for his death or why he was killed. There are unconfirmed reports that a witness heard the sounds of someone apparently experiencing severe pain coming from Sawang police station on the evening of Sukardi's 'disappearance'."*

(Amnesty International, 2000)

In January 2001, a mass grave containing 14 bodies was uncovered in Terbangsan, Kluet Selatan in South Aceh. One of the bodies was identified as that of a researcher from the Centre for International Forestry Research (CIFOR) in Bandung, West Java. Three young researchers from CIFOR and a member of the Gunung Leuser National Park staff had disappeared over a year previously in September 1999 (see DTE 48).

An interview conducted by an Australian academic in February 2000 gives a first-hand impression of how activists who try to prevent forest destruction are at risk:

*"I worked for the Leuser Project... Myself and a friend, [name withheld], who also worked with Leuser tried to tell them it was the local police and military doing the logging. I know this is a fact because my own brother was paid by the military to help clean the trees once cut. He was paid by a local commander Rp 25,000 a day. That's a lot of money, but the work was hot and had to be done quickly... My friend - the one who worked with me - has disappeared. I don't know where he is. The people in the office say he has probably gone back to his village, or gone to Jakarta or Medan to earn money. I don't think so - I think he has been arrested. One day last year, we found some military giving orders to a group of workers about cutting trees. I was afraid and told my friend to come away, but he wouldn't. He had an argument with the military, and told them they should not be cutting the logs. They were very angry. It was about two months after that he disappeared.*

*... Look [shows a long scar], I got this one day when I tried to stop a military catching birds. I cry when I see the birds in the nets, some die. The military officer picked up a rough stick and beat me with it."* (Unpublished interview, Feb 2000).

## No easy answer

Since resource destruction in Aceh is closely bound up both with the conflict and with Indonesia's general approach to natural resource use, it is difficult to imagine a strategy that is capable of reducing deforestation that does not involve conflict resolution in Aceh as well as fundamental

(continued next page)

\* The NGO Eye on Aceh has written a booklet on this topic: Fear in the shadows: Militia in Aceh, see [www.aceh-eye.org](http://www.aceh-eye.org).

## Forest figures Aceh:

Total land area of Aceh	5,671,700 ha
Forest Area (1989)	3,882,300 ha
-of which 'critical' [degraded](1989)	46,088 ha
Degraded forest (mid 1990s)	1,025,858
Forest cover (1997)	3,611,953 ha
Forest cover (2000)	2,753,000 ha
Forest areas released for transmigration sites (to 1998)	39,377 ha
Number of large concessions (1987)	20
Area covered by concessions (1987)	1,498,500
Area covered by concessions (1993)	2,202,900
Number of large concessions (2002)	9
Area covered by concessions (2002)	676,644
Deforestation rate	270,000 ha /year
Gunung Leuser Ecosystem	2,600,000 million ha (in N. Sumatra & Aceh)
-of which damaged	26%
Predicted damage due to Ladia Galaska road project by 2010	40%
Predicted losses in natural disasters by forest destruction	US\$19.8bn not including the potential loss of life.

Source: Provincial Forest Economic Profiles, Ministry of Forestry & FAO, Jakarta Dec 1989; *Jakarta Post* 3/Dec/03; FWI/GFW *The State of the Forest, Indonesia*, 2002, MoF website tables at [http://mofrinet.cbn.net.id/informasi/Statistik/Stat2002/Contents\\_02.htm](http://mofrinet.cbn.net.id/informasi/Statistik/Stat2002/Contents_02.htm)

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change in forest policy in Jakarta.

There is no piecemeal solution to the problems in Aceh. Those interested in preventing forest destruction and loss of biodiversity should also support peaceful initiatives to bring an end to the war in Aceh.

A negotiated peace and military withdrawal from Aceh, would hopefully create better conditions for stopping the destruction of Aceh's forests. It would need to be underpinned by policy change which restores rights over the forests to those communities who have most interest in sustaining them - a move that is urgently needed throughout Indonesia as well as in Aceh. In the immediate term, the Ladia Galaska road project should be halted and alternative ways of developing Aceh's infrastructure properly considered. An Indonesia-wide moratorium on industrial logging, combined with better law enforcement and measures to tackle corruption, would help save the forests in Aceh.

The need for action is extremely urgent - to save lives in the short, medium and long term: to prevent more conflict casualties, to stop more deaths from floods and to maintain the natural resources which will sustain the lives of future generations of Acehnese.

This article is adapted from a longer report, *Logging a conflict zone*, prepared by DTE for the Australia-based NGO, Eye on Aceh - see [www.acheh-eye.org](http://www.acheh-eye.org). ♦



(continued from page 11)

The tailings disposal recommendation may also affect the planned operations of at least four more foreign-owned mining companies, including PT Weda Bay Minerals' proposed cobalt mine on Halmahera Island, North Maluku. Other projects are planned by PT Ingold Maluku Satu in Central Maluku, PT Meares Sopotan Mining in North Sulawesi and PT Jember Metal and Banyuwangi Minerals in East Java. The British-Australian-owned BHP-Billiton, which was previously reported to be planning to use STD in a major nickel-mining project on Gag Island, West Papua, has stated that it would not use the method, and also that it has not yet made a decision whether to go ahead with the mine.

NGOs have called for the Team's recommendations to be followed, but there are signs that the new government may not act as decisively as they hope. While it is encouraging that the complete report will be made publicly available, the new government will be under a lot of international pressure to continue the pro-industry stance of its predecessors. In October, an incomplete version of the study was released - without the team's permission - by the departing environment minister Nabeli Makarim, who indicated that there was no pollution. As reported in the *New York Times*, additional documents released with the Team's findings, show that the environment ministry had found alarming levels of arsenic in fish as long ago as 2000 and, in 2002, had demanded that

(continued from page 15)

sold customary land. When concession licenses expire, the farmers want the land to be returned to them, rather than the plantation permits to be extended or re-issued to new Indonesian or foreign-owned companies.

Letters to the authorities and attempts to resolve the dispute through discussions with the plantation company and the government at local and national levels have proved fruitless. BPRPI has held many demonstrations outside the offices of North Sumatra's local assembly, governor and police chief to press for negotiations - most notably in 2000 and again in 2002 when thousands of people attended.

Now 754 BPRPI members are taking legal action against the plantation company, the minister for state-owned enterprises and the agriculture minister, to force PTPN II to return their land and pay compensation. The basis of the legal action is the Agrarian ministerial decree No.5/1999 which provides some recognition of indigenous land rights.

BPRPI has, through the years, gained support from and given it to others who are demanding their land rights - nationally and

Newmont take immediate steps to improve waste treatment.

Newly installed environment minister, Rachmat Witoelar, said "I don't want to be part of throwing investors out of Indonesia, and yet you have to give protection to the victims." This, then is the real test: carry on business as usual, allowing multinational companies a free hand, or make a stand to protect the villagers of Buyat Bay - as well as many, many more communities in existing and future minesites. The first option would be severely disappointing for such communities and for civil society which has made real progress in securing these findings and recommendations. However, the second option would also not be too surprising given the new president's keenness to attract more investment and his apparent lack of commitment to the environment.

(Source: *Buyat Bay is polluted and a risk to the community: highlights of the joint investigation of Buyat Bay*: WALHI/JATAM/ELSAM, 10/Nov/04; *New York Times* 9/Nov/04; *Miningindo.com* 6/Aug/04; 9/Nov/04; *Jakarta Post* 10&11/Nov/04; *Dow Jones Newswires* via *Joyo Indonesia News* 21/Oct/04; *AP* 24/Sep/04; *Kazinform/Antara* 24/Sep/04).

For more information about the campaign for justice for the Buyat Bay community see <http://www.jatam.org>; <http://dte.gn.apc.org/jatam04.htm>; [www.walhi.or.id](http://www.walhi.or.id). ♦

internationally. Its allies include the *Vía Campesina*, a growing movement of peasant and farm organisations from all the regions of the world as well as the Indonesian indigenous alliance, AMAN.

Abah Nawi is expected to be one of the participants at an international meeting on plantations to be held in Jakarta Nov 28-Dec 1st. This meeting - organised by WALHI and the World Rainforest Movement - will bring together community representatives from all parts of the Indonesian archipelago and the South, plus people from national and international NGOs. The agenda will address the threats to local communities from large-scale oil palm and pulpwood plantations.

Sources: KPA 2/Sept/04; *LBHmedan* <http://www.ngo.or.id/lbhmedan/artikel01.htm> and interview with Abah Nawi.

More information on the BPRPI and the history of their fight for land recognition is in the book *Badan Perjuangan Rakyat Penunggu Indonesia vs PTPN II* by Budi Agustono, Muhammad Osmar Tanjung and Edy Suhartono (1997). It is available from Akatiga, Bandung, in Bahasa Indonesia only. ♦

*indigenous peoples / plantations***Melayu farmers' long struggle for land rights**

The North Sumatran organisation of peasant farmers, BPRPI, is engaged in one of Indonesia's longest running land disputes. Numerous confrontations between the indigenous community and successive state-owned plantations in Deli Serdang and Langkat over the last 50 years have resulted in deaths and imprisonment, yet BPRPI's thousands of supporters continue to fight for recognition of their customary land rights.

"It has been a long and bitter struggle," says BPRPI's veteran leader Afnawi Noeh, widely known as Abah Nawi to his supporters. The most recent incident was when, early in the morning of August 30th, PTPN II employees burned down shelters and cleared crops belonging to villagers of Terjun. Local people tried to protect their property, but were helpless against the plantation company's armed security guards who were accompanied by paid thugs.

The company claims that its actions were essential to protect its oil palm plantation. According to the community, the plantation, which had been established on their customary land, was no longer productive. Many plots along the main road have been claimed by local land speculators and used to set up bars and brothels.

**BPRPI's history**

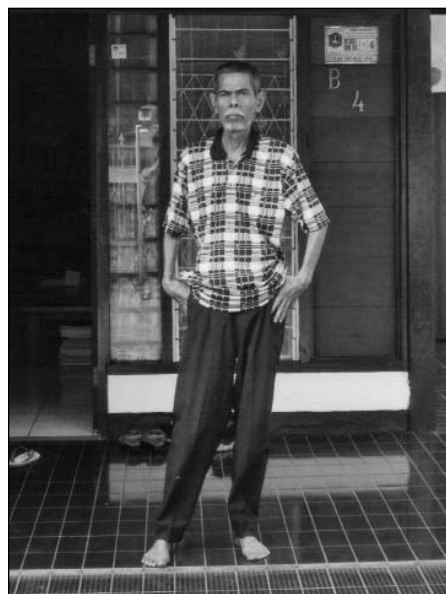
BPRPI (*Badan Perjuangan Rakyat Penunggu Indonesia*) or the Indonesian Group for the Waiting People's Struggle was founded in 1953, shortly after Indonesian independence. The unusual name of the organisation stems from its history. The word '*penunggu*' usually means watchman, guard or attendant. In this context, the word reflects the fact that these people are waiting for justice and for return of their land.

The land in question is a highly fertile area bounded by the rivers Sungai Ular in Deli Serdang and Sungai Wampu in Langkat district which is the home of east coast Malays (Melayu Sumatra Timur). Extensive tracts along the eastern coast of North Sumatra became plantations during the Dutch colonial period. The Melayu's ruler during the 19th century, the Sultan of Deli, rented out 62,000 hectares of communally held customary land to the Dutch for tobacco plantations, on the understanding that land use rights would eventually return to the indigenous community. But, after the Japanese occupation, control passed to Indonesian state-owned plantation companies (PTPN) who paid some compensation to the Dutch, not to the local people who were the rightful owners. The disputed area is now

59,00 hectares or less, as some land has been sold.

Peasant organisations became a powerful element in local and national politics during the early years of Indonesian independence. Even so, by the early 1950s, the people of Deli Serdang and Langkat were concerned that regulations issued by Sukarno's government favoured concession holders rather than indigenous landowners like the Melayu. So they set up the BPRPI to strengthen their position in reclaiming their communal land. Little did they know that their struggle for justice would continue over 5 decades.

Full-scale confrontation with the authorities began after the people's land was included in a state-owned plantation concession (then PTP IX) and a 1968 decree by the governor of North Sumatra denied all indigenous land claims in the province. BPRPI members in several villages immediately occupied their land, but were forcibly evicted by the security forces. The organisation continued to press its case through official local and national government channels, despite the risk of being stigmatised as communist supporters, but without success.



Abah Nawi of BPRPI, in 2004 (DTE)

**Mass occupation**

When Abah Nawi, the younger brother of one of the five original founders, took over the leadership of BPRPI in 1979, the organisation became more radical. BPRPI organised the reoccupation of customary lands long before the wave of 'reclaiming actions' which followed the fall of president

Suharto in 1998. Local groups tried to take back land from the plantation in 1980, but it was only in 1995 that - frustrated by the lack of government response to their attempts to negotiate a settlement - the whole BPRPI membership decided unanimously to reoccupy their customary land en masse. Farmers moved into 27 locations around the villages of Mabar, Kelambir Lima, Percut, Tanjung Morawa, Batang Kuis, Bandar Kalippa and Patumbak from September 1995 to October 1996 where they grew rice, maize and vegetables and set up hundreds of temporary shelters and some simple prayer houses.

PTPN II, the state-owned plantation company which had taken over the concession, used its own employees and guards, reinforced by the local security forces, to force the villagers off their land and destroy their crops. BPRPI has a policy of non-violent resistance. Nevertheless, some people were beaten up and all suffered serious losses through the destruction of crops and property. Six people were shot in another incident when the police mobile brigade was called in to stop villagers from Tanjung Morawa from farming within the plantation concession in 1998. People who have cut down cacao bushes, sugar or oil palm to make room for their own crops have been arrested and sentenced to several month's imprisonment and heavy fines for damaging plantation property.

The local government has done nothing to protect the community; it treats BPRPI supporters as illegal squatters on state land. An official instruction from Jakarta during the Suharto years that 10,000ha should be returned to the community from the plantation concession was ignored. Worse still, according to Abah Nawi, this land was divided up and shared out between local and national officials and some has even become a golf course. Megawati's government added insult to injury by offering to give BPRPI 5,000ha. "We are not asking the government for land," he said, "We want them to return our ancestral lands".

**The people's demands**

BPRPI continues to demand that the local government recognise indigenous communities' land rights and that the police and military stop forcing its members from their homes and land and destroying their crops. Its members are pressing the authorities to investigate and impose legal sanctions on people who have procured or

(continued on page 14)

## oil palm

# Sustainable palm oil: mission impossible?

*Palm oil industry representatives, conservation organisations and NGOs met to discuss 'sustainable palm oil' in Jakarta in October. The Roundtable on Sustainable Palm Oil, an industry-dominated voluntary body, was set up by the palm oil industry and World Wide Fund for Nature (WWF) partly in response to NGO charges that oil palm plantations destroy forests and impoverish local communities.*

*The following is an edited version of Down to Earth's paper prepared for the Roundtable.*

It is fitting that the Second Roundtable Meeting on Sustainable Palm Oil is held in Indonesia - the world's second largest palm oil producer, the third most extensive area of tropical forest and one of the richest centres of biodiversity. With Indonesia's forests disappearing at 3.8 million hectares per year, the area converted to oil palm plantations has doubled during the past decade to nearly 5 million ha.

The first Roundtable Meeting in 2003 (RT1) saw the key issue as the need for a definition of 'sustainable palm oil' and a major purpose of this year's meeting is to work towards one. RT1 and subsequent developments represent a partnership between business players and WWF. The overall aim is 'solution-focused initiatives' for the palm oil industry, not to consider the many problems associated with the rapid expansion of oil palm cultivation.

The fundamental question for local communities and the environment - not addressed at the inaugural meeting or by the Roundtable on Sustainable Palm Oil (RSPO) - is whether large-scale oil palm plantations are compatible with sustainable development. To state that "The best companies and smallholders within the palm oil sector are models of sustainability" is too easy. It increases the vulnerability of the industry to charges of greenwash. Best management practice in plantations is a worthwhile aim, but is not synonymous with sustainability.

The most significant issues associated with large-scale plantations and sustainability are not only social or environmental, but also economic and political. These must be taken more seriously if examples of good practice are to have a wider impact and be taken up across the industry in more than one country. Practical initiatives on sustainable palm oil must be grounded in the broader principles of sustainability. Discussions about criteria for sustainable palm oil need to consider:

- ♦ Governance
- ♦ Land law/tenure
- ♦ Free prior and informed consent
- ♦ Labour rights and welfare
- ♦ Law enforcement and the judiciary
- ♦ Conflict resolution mechanisms
- ♦ Models of development
- ♦ Market forces and terms of trade



*Stretching into the distance: oil palm plantation, Kalimantan (DTE)*

These principles are more easily illustrated in the context of one particular country - Indonesia - but many of the same issues apply elsewhere.

Governance in Indonesia is weak. The difficult transition from decades of Suharto's dictatorship to an effective democracy has been made more painful by a prolonged economic crisis. Indonesia ranks as one of the most corrupt countries in the world on Transparency International's index. The allocation of permits for logging and plantations depends on patronage rather than performance. One consequence is that companies that have caused forest destruction through overlogging have been rewarded with land use permits for plantations run by sister companies. Government agencies have not got the budgets, staff or power to monitor or control business practices. Law enforcement agencies, including the police and judiciary, are weak and corrupt. Witness the small number of successful prosecutions against palm oil companies where fires have been used illegally to clear forested land.

Safeguards already exist on the recognition of customary land rights and people's rights to a free choice of employment, an adequate standard of living and a healthy environment, through international legal instruments drawn up

through the United Nations and International Labour Organisation. These standards should form the basis of any criteria for the definition of sustainable palm oil. However, Indonesia has not signed up to the International Covenant on Economic, Social and Cultural Rights. Nor has it ratified ILO Convention 169 on Indigenous and Tribal Peoples' rights; ILO Convention 110 on Plantations or ILO Recommendation 132 on Tenants & Sharecroppers. Neither has Malaysia, which has substantial investments in oil palm plantations in Indonesia and employs thousands of Indonesian migrant workers in plantations in its own country. Even where Indonesia has signed ILO Conventions, it has not always submitted regular reports on compliance and the Committee of Experts has commented on a number of violations.

Implementing international standards in a country which sets lower standards though national laws is highly problematic. This has been seen in the certification of timber from Indonesian logging concessions under the Forest Stewardship Council Scheme. FSC Principles 2 & 3 require the recognition of communities' land tenure and resource use rights as well as the rights of indigenous peoples. Principle 1 states that national laws must be respected. But, under current Indonesian law, full legal recognition of communities' land rights inside forest concessions is not possible. Even outside 'state forests', there is no formal means of acknowledging and protecting collective land rights. So how are oil palm companies to recognise local/customary land rights when the licences for their forest lands deny such rights?

Even national legislation may not be properly implemented. Indonesia's highest legislative body passed framework legislation in 2001 (TAP MPR IX) to reform all sectoral laws affecting natural resources and land in a coherent way which afforded some protection to 'people following customary law'. Instead, a new plantation law was passed in July 2004. Its primary aim of stimulating investment in the plantation sector is hard to square with its objectives to promote sustainability and environmental protection. Different sections of civil society attacked the legislation at draft stage for its failure to protect the interests of small-scale farmers



and indigenous communities and for giving big business too much power. The plantation law can be used to criminalise peasant farmers and indigenous communities whose rights over land are not adequately recognised.

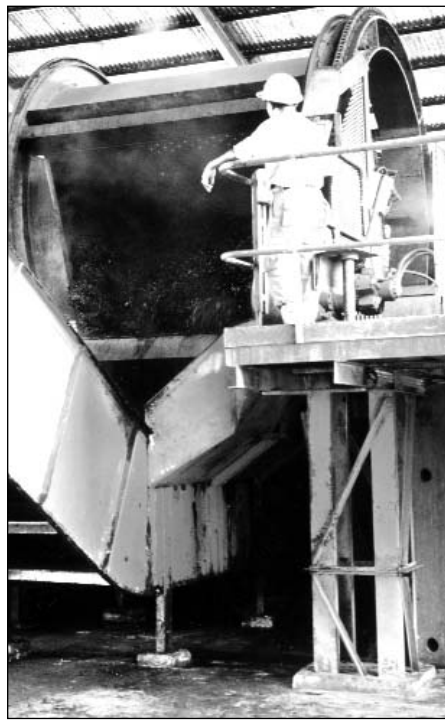
The term 'smallholders' in Indonesia deserves special attention. It can mean farmers who, seeing rising palm oil prices and hearing the government's hopes for a brighter future, decide to plant oil palms on their own small patches of land. In North Sumatra, many individual landowners have made a reasonable living from palm oil for several decades. Far more common are the 'smallholders' who, in effect, had no such choice. Transmigrants, forced to leave islands like Java, Madura and Bali, by poverty, eviction and landlessness, started new lives in the 1980s and 90s in Sumatra, Kalimantan and Sulawesi as labourers on nucleus-estate plantations (NES/PIR). They had to clear forests for the plantation company, in return for a simple house and 2ha of land. Other NES participants were local people displaced from their land by the plantation. Either way, they provided cheap labour, but their future was insecure and wholly dependent on the nucleus estate, the company and international markets. Some were successful; many more found themselves poorer than before. Without the fare to return home and with no other means of supporting themselves, they had to remain as plantation workers.

### State-sponsored poverty

State-owned oil palm plantations in North Sumatra are keeping plantation workers in poverty, according to Indonesian press reports. The three big state-owned oil palm plantations in the province - PTP Nusantara IV in Simalungun regency, PTP Nusantara II in Tanjung Morawa regency and PTP Nusantara III in Langkat regency - employ over 100,000 workers, but most are not covered by the statutory basic insurance plan, Jamsostek. Ginting, Deputy Chair of North Sumatra's provincial assembly, who also chairs the Nusantara Plantation Labour Union Federation, said 31,000 of the plantation workers were underpaid and lived in inhumane company housing.

Another labour unionist claimed thousands of workers on PT Nusantara II oil palm plantation in Limau Mukur are paid a mere Rp315,000 (US\$37) monthly, even though they may have worked for the company between 15 to 25 years. Some are paid on a daily basis, far below the provincial minimum wage. Requests for the statutory insurance have been rebuffed by the management several times. Local government says it has no powers to force state-owned companies to comply with the law.

(Source: *Jakarta Post* 2/Mar/04)



Palm oil processing, Kalimantan

(DTE)

### Debt trap

The debt trap is a serious obstacle to 'sustainable oil palm oil' in Indonesia. This is a characteristic feature of the more recent variant of Indonesian 'smallholder' schemes: KKPA. Typically, communities who have given up their land to plantation companies receive 2ha plots of oil palm and join a co-operative - usually set up by a local official or the company. The smallholders receive subsistence level support for the 4 years or so before the oil palms start bearing fruit. They must then repay this, plus the costs of land clearance, planting, fertilisers and other inputs - including co-operative administration - from the harvest. Where palm mills are scarce and owned by the plantation company, farmers have no bargaining power over the price for their crop. International CPO fluctuations and instability of the Indonesian rupiah mean that smallholders can remain in debt for decades without ever knowing when they will be free of this burden.

Migrant workers on Malaysian plantations are particularly vulnerable to exploitation and forced labour. Indonesians wishing to work abroad have to go through recruitment agencies, which charge them extortionate processing and training fees. They are thus severely indebted even before they start working abroad. They are required to sign contracts, sometimes in a language foreign to them, with little or no power to negotiate their terms. Many migrants end up accepting whatever they are offered, even if it is different from the work they were promised. Neither country has ratified international conventions intended to protect migrant worker rights.

### Conflicts

Conflicts between local communities and oil palm companies are common. The government issues land use permits (HGU) to areas claimed by local communities or subject to communal use rights under customary law. As Indonesian law is, at best, only weak on acknowledging these rights, local people were never involved in land-use planning by local authorities. Companies have exploited poor governance at village level by negotiating with a few selected officials. Communities were not even consulted, let alone asked for their permission before the bulldozers cleared their land. Frustration over land rights violations and little or no compensation turns into protests. Companies pay their own security forces or the police to protect their interests. Intimidation, beatings and even deaths by shooting may result. The authorities send in a team to investigate, with few concrete results and the whole cycle of resentment slowly builds again until the community is too impoverished or dispirited to protest. They accept a company co-operative scheme or are forced to move to another area because they no longer have enough land to support their families.

### Agrochemicals

Plantation workers and communities need more protection in Indonesia from the potentially harmful effects of agrochemicals. Statutory controls are weak and monitoring by government environmental agencies almost non-existent. There is no legislation covering the training of plantation workers in the safe use of pesticides. Sprayers may rinse out their equipment in small streams that supply communities with their main source of water for drinking and washing. In addition to the obvious risk of contamination through skin contact or inhalation, pesticides can also enter domestic water supplies in the run-off from plantations in areas of high rainfall unless preventative measures are taken. Legal requirements for monitoring workers' health and pollution are minimal. The government checklist for testing does not even include many of the agrochemicals most commonly used on plantations. Samples are taken at waste outlet pipes from palm mills, not watercourses which supply worker and local

### Palm oil pollution

Hundreds of kilo-litres of crude palm oil poured into the sea at Belawan, North Sumatra. The spill was caused by a leak in a pipe connecting a storage facility with ships and tankers which transport the oil. Belawan is one of Indonesia's most important ports for crude palm shipments. Between 8,000 and 10,000 tons per day on average are exported.

(Source: *Jakarta Post* 3/Sept/04)

needs. As a result, companies do not even know whether they have such problems, let alone take responsibility for them.

## High-risk

The concept of sustainability includes economic, as well as social and environmental aspects. As the world's most traded vegetable oil, palm oil is vulnerable to price fluctuations. Boom-bust cycles are encouraged because large international buyers for the processed food industry can - to some extent - switch between vegetable oils depending on the price. Palm oil is therefore a high risk development strategy for any country.

Indonesia is still expanding its plantations, not least to satisfy the demands of local governments who were given considerable power over land use decisions and income generation when regional autonomy was introduced in 2001. Large areas have already been allocated for oil palm - 1 million ha in Jambi; 1 million ha in East Kalimantan; 3 million hectares in West Kalimantan - with overall targets of over 9 million ha. Central and local governments are now looking to the plantation sector as the driving force for development and a major revenue earner for the economy. Ironically, this is needed to replace the wood-processing sector - relegated to a sunset industry as forests outside protected areas have been logged almost to the extent they are no longer commercially attractive.

The majority of Indonesia's palm oil plantations have been established on land that was forested only a short time before. Some companies have proclaimed their 'green credentials' by sparing what conservation organisations label High Conservation Value Forests, while clearing forests which - although less attractive - are hugely important to local communities. In too many cases, forest land left fallow as part of traditional rotational practices has been cleared as 'scrub'. The government and industry claim that oil palm plantations constitute development because they can be established on 'neglected' or 'critical' land. Officially, there has been a ban on 'conversion' of forests for agriculture since 2000. However, the private sector is not prepared to invest in the sustainable management of forests. It is more profitable to allow selectively logged forest to be illegally clear-felled or burned to make way for plantations. Furthermore, local authorities in the regions invoke regional autonomy as the reason to ignore edicts from Jakarta and issue yet more permits.

## Conclusions

The RSPO is well-intentioned and may bring about an improvement in local people's welfare, increase company profits and secure a greater section of the international market for certain countries, but this is not sustainability. Without genuine political

reform to bring about democracy and social justice, the production of sustainable palm oil is 'Mission Impossible'. It is much too early to be talking about 'sustainable practices' in countries like Indonesia where national legislation and entrenched corruption result in fundamental social inequalities for local people, smallholders and plantation workers.

Indonesia is among the world's lowest-cost producers. It owes its competitive advantage over Malaysia to low land and labour costs. The costs associated with establishing environmentally and socially sustainable practices are not compatible with creating a competitive plantation industry. In a free market, the result is a 'race to the bottom' in terms of sustainability standards. Better standards are needed, but these are not the same thing as environmental and social sustainability. They need to be legally enforceable, not voluntary codes.

What is happening in Indonesian oil palm sector is important for RSPO and the industry as a whole: Indonesia intends to become the largest producer in the world; and the issues illustrated here are relevant to sustainable resource use and development in

other countries.

We therefore support the recommendations about the general principles for palm oil production made by Sawitwatch and Friends of the Earth/WALHI as a result of consultations with local communities, labour organisations, indigenous peoples' organisations and NGOs (see [www.foe.co.uk](http://www.foe.co.uk) and [www.sawitwatch.or.id](http://www.sawitwatch.or.id)).

DTE also calls on:

- ♦ The Indonesian government to halt the development of new plantations, as, at present, expansion of oil palm cannot be done sustainably in Indonesia. There should be no expansion of existing plantations in the disputed territories of Aceh and West Papua.
- ♦ The Indonesian government to impose, by law, higher environmental and social standards for existing plantations.
- ♦ International investors not to finance the development of oil palm plantations in Indonesia until there has been legal reform - implementation of TAP MPR IX.
- ♦ Governments in the home countries of

(continued next page)

## The palm oil explosion - in figures

**Indonesia:** the world's second largest palm oil producer and rapidly growing.

Crude palm oil production (2003)	10.6 million tonnes [1]
Crude palm oil production (1998)	5.6 million tonnes [2]
Crude palm oil production (2005 - projection)	12 million tonnes [3]
Domestic consumption	2.3 million tonnes [4]
CPO exports (2003)	6.5 million tonnes [5]
Value of CPO exports (2003)	US\$2,454 million [6]
Value of CPO exports (2002)	US\$2,092 million [7]
Total planted area (2004)	5.3 million ha [8]
Owned by smallholders	1.8 million ha [9] (29.7%) [10]
Owned by state plantation companies	0.6 million ha [11] (13.2%) [12]
Owned by private companies	2.8 million ha [13] (57.1%) [14]
Average yield/ha (2003)	3.5 tonnes/ha [15]

Area of oil palm plantation has doubled in last 5 years [16]

Extra 500,000 tonnes production this year expected from new plantations created 1991-2000 [17]

Total area forests (official 2002)	90.9 million ha [18]
Deforestation rate 1997-2000	3.8 million ha/yr [19]
Area of damaged forests and critical land	50 million ha [20]
Forest rehabilitation 2003	300,000 ha [21]

### Notes

[1-3] Agriculture minister Saragih, quoted in *Kompas* 27/Aug/04. Figures quoted below do not add up to this amount as they come from other sources. The split is still approx 1/3 total for domestic consumption and 2/3 for export.

[4] GAPKI quoted in *Dow Jones* 30/Jul/03

[5] GAPKI quoted in *JP* 16/Mar/04

[6] Agriculture minister Saragih, quoted in *Asia Pulse/Antara* 30/Aug/04

[7,8] Agriculture minister Saragih, quoted in *Kompas* 27/Aug/04

[9] Director of Cash Crops Purusuwarso,

quoted in *Antara* 26/Mar/04

[10,12] *Kompas* 27/Aug/04

[11,13,14] Director of Cash Crops Purusuwarso, quoted in *Antara* 26/Mar/04

[15] GAPKI quoted in *Dow Jones* 30/Jul/03

[16] see [7]

[17] see [5]

[18]

<http://mofrinet.cbn.net.id/informasi/Statistik/St at2002/Baplan/>

[19] Baplan, Dec 2003

[20,21] DirGen Land Rehabilitation, quoted in *Antara* 18/Jun/04

# Plantations: fortune of misfortune?

*The case of Nyayat village, as told in a new Indonesian-language publication by Indonesian NGO, PENA.  
Summary translation by DTE.*

Nyayat is a hamlet in Sambas district, West Kalimantan, of only 200 Dayak Bekati. To outside eyes, it looks much like any other small village in the province. Most of its inhabitants farm the land traditionally and tap native rubber. The striking difference is that these villagers have refused to accept oil palm plantations on their land. The cost of their resistance has been jail sentences for three people.

PT Rana Wastu Kencana (RWK) is a plantation company registered to Haji Aman Syafri from Pontianak, the provincial capital. The company originally applied for a permit to grow rubber and cacao on 5,000 hectares near the villages of Maribas and Seret Ayon, later changing their plan to oil palm. The local government granted PT RWK land use rights in 1995 for a 3,000 ha plantation on the grounds that the people of Maribas had given their consent. "But we knew nothing about this deal. No-one from the company ever met us to talk about their intentions for our land. It was the former village head who did the deal", said Manjud bin Sindir, the customary leader of the community.

In 1996, PT RWK got permission from the local land agency to extend the plantation to 9,500ha. The inhabitants of Nyayat watched these developments with growing concern. They did not take action against the land clearance which affected neighbouring communities, but clearly marked the boundaries of their customary lands where they practised agroforestry (*tembawang*). The company took no notice of the boundary markers and, in September 1998, cleared 1,400ha of fruit trees and other crops. A burial ground with 31 graves was also bulldozed.

The Nyayat community was furious by this lack of respect for their property and ancestors and demanded compensation and a halt to operations on their land. When PT RWK continued to ignore them, the villagers confiscated two company vehicles. This

stirred the company into action and they proposed a meeting in West Java, but the local people refused. "We wanted them to come to our village for discussions - why should we go all that way?", one of them explained.

PT RWK was more cunning. It invited a group of representatives from other, nearby communities to West Java together with two district officials where they did a deal in late 1999 - in the absence of anyone from Nyayat. The company agreed to restore the graveyard\*, but compensated for the loss of agroforests by offering to plant fruit trees

on 8ha of land outside the plantation. It also provided Rp66 million (US\$6,000) for a traditional community hall at the village of Sungai Enau plus more than Rp9 million (US\$900) for a traditional celebration. When the Nyayat people heard this decision they went out and cut branches off the oil palms planted on the disputed land, but the trees just grew more.

The Nyayat community continued to press for compensation, but was ignored by PT RWK. In mid-2000, some of the plantation was burned. Nyayat's customary leader was arrested and charged with arson. He denied the allegation, as he was 12km away when the incident occurred. "The police told me to plead guilty or the community would never get any compensation", said Manjud bin Sindir. Although he could not read or write, he put his name to a confession and was sentenced to 18 months probation.

PT RWK completely refused the community's compensation demands (Rp1.4bn - over US\$100,000), so people from Nyayat made several attempts to persuade the base camp workers to leave the plantation. On Oct 15th 2001, they ransacked two buildings. Fifty armed police came to the village in November and took away 3 people, including the customary leader. All three were sentenced to one year's imprisonment by the district court at Singkawang in May 2002.

One of the imprisoned men explained why they had taken such drastic action. "I live here. What is there for me in life if my forest has been destroyed and we just suffer and get no benefit at all (from the plantation)? Once the forest has gone, where will our children and grandchildren go?", said Leobertus.

\*RWK never did repair the damage to the graves. This was done by the community at a cost of over RP5.6 million (US\$560).♦



*PENA's Indonesian language book on the oil palm conflict at Nyayat, West Kalimantan is available for USD15 including p&p (registered mail outside Indonesia).*

Contact [pena\\_kalbar@yahoo.com](mailto:pena_kalbar@yahoo.com) to order.

*(continued from page 18)*

investors, including the UK, to pass legislation requiring companies to adhere to high environmental and social conditions and to report on these to the governments and civil society organisations where the plantations are located. Voluntary codes are not sufficient.

- ♦ Governments in the home countries of investors, including the UK, to enable affected communities to seek damages through the courts for serious negative

environmental and social impacts caused by the policies and practices of overseas companies.

- ♦ RSPO to finance studies into the relationship between poverty and palm oil plantations in Indonesia, and into identifying alternative incomes/livelihoods for communities negatively affected by existing oil palm developments.
- ♦ RSPO to consult on the definition of 'best management practice' and the monitoring of its implementation with civil society organisations, including labour

representatives, indigenous people and women.

For more information on the Roundtable - see <http://www.sustainable-palmoil.org>. For information about the industry's impact in Indonesia see [www.sawitwatch.or.id](http://www.sawitwatch.or.id), past issues of *DTE* at <http://dte.gn.apc.org/> and [www.foe.org.uk](http://www.foe.org.uk) for Friends of the Earth England, Wales and Northern Ireland's 2004 report, *Greasy palms, European buyers of Indonesian palm oil*.♦

## In brief...

### Munir poisoned

In November it was revealed that leading Indonesian human rights defender, Munir, who died in September whilst on a flight from Indonesia to the Netherlands, was poisoned with arsenic. Indonesian and international colleagues have expressed shock at the news that Munir was murdered. Munir - an outspoken critic of the military, was co-founder of the Commission for Missing Persons and Victims of Violence (Kontras) and the Indonesian Human Rights Watch (Imparsial). (Tapol 11/Nov/04)♦

### West Papua military raids

At least three people have been killed and as many as 20,000 displaced after military raids in Puncak Jaya, West Papua, according to Radio Australia. Indonesian special forces, Kopassus, are reported to have fired from helicopters and destroyed crops, forcing people to flee to the mountains, where they have insufficient food. Papuan human rights NGO, Elsham, believes the attack, on October 17th, was in retaliation for the killing of a group of road workers. Indonesian daily *Kompas* reported that five were killed, including a priest. *Kompas* said members of Indonesia's new Regional Representative Council from Papua were calling on President Yudhoyono to stop such operations and to provide emergency relief to the refugees. There is speculation that Kopassus may be trying to pressure the president into giving up his plan to implement special autonomy in Papua, which may hamper the military's business activities, including illegal logging.

A former police chief and five subordinates are expected to be tried for involvement in illegal logging in Papua. However, in November, the *Jakarta Post* reported that the suspects had not yet been arrested and the former police chief was working at police headquarters in Jakarta.

Indonesia's constitutional court announced in November that a 1999 law dividing Papua into three provinces violated the constitution. Nevertheless, the court recognised the existence of West Irian Jaya

province - an effective division of the territory which NGOs predict will lead to increased military and police numbers and a bigger bureaucracy staffed by non-Papuans.

In September, Jakarta imposed a ban on foreign journalists wanting to travel to Papua, Aceh and other trouble spots. (*Radio Australia* 8/Nov/04; *Kompas* 21/Oct/04; *Jakarta Post* 10&12/Nov/04) ♦

### NGOs set targets

The Coalition for Land Reform and Natural Resources Management has listed its key demands for President Susilo Bambang Yudhoyono's new government:

- 1) a minimum 1-year moratorium on new laws related to land and natural resources management and a review of existing sectoral laws;
- 2) a 1-year moratorium on new resource exploitation licences and review of existing projects, especially in the extractive sector such as mining, pulp/paper and plantations;
- 3) an independent conflict resolution body to settle disputes or conflicts over land and natural resources. A draft framework for the establishment of a National Commission for Land and Resource Conflict Resolution has already been proposed by Indonesia's national human rights commission and NGOs;
- 4) law enforcement against Newmont;
- 5) a ban on military involvement in business related to natural resources and withdrawal of military units from guarding resource projects such as mines.

(Memo, Koalisi Untuk Pembaruan Agraria dan Pengelolaan Sumberdaya Alam, 4/Oct/04. The 13-member Coalition includes indigenous peoples organisation, AMAN plus environmental NGOs, WALHI and SKEPHI.) ♦

### President promises clamp-down on illegal logging

President Yudhoyono instructed central and local government heads "not to tolerate illegal loggers and smugglers" and said law enforcers should take firm action against illegal loggers and their backers. The president issued the instruction after viewing evidence of forest destruction in Central Kalimantan's Tanjung Puting National Park by helicopter.

Before his election in September this year, Yudhoyono made no specific pledges on the environment. (*Jakarta Post* 12/Nov/04) ♦

### Hasan-style profits?

Newly-appointed forestry minister Malam Sambat Kaban says he wants to contribute to state coffers by revitalising the forestry industry. "The question is, why can't we do the same thing as Bob Hasan?" he asked. During the Suharto era, Hasan presided over the wholesale destruction of millions of hectares of forests and the impoverishment of forest-dependent communities. Hasan served a six year jail sentence for corruption, but has never been held to account for human rights abuses and forest destruction carried out by his companies. Kaban said his ministry would earn more than the US\$9bn contributed to the state budget by Hasan.

Kaban, who is secretary general of the Crescent Star party (PBB) has no background in forestry. Longgena Ginting, director of WALHI (Friends of the Earth Indonesia) said Kaban's appointment was mere horse-trading, with Susilo rewarding Kaban's political support with the "gold-mine" forestry ministry. (*Jakarta Post* 25/Oct/04) ♦

### Merapi Park campaign

Local organisations have protested against a May 2004 forestry ministry decree turning Mount Merapi in Yogyakarta province, central Java, into a national park. They argue that the decision disadvantages local people who have managed the slopes of the volcano sustainably for generations. The campaigners say the decree goes against the ministry's own legislation which sets out the process of gazettement a national park and contravenes Law No 22/1999 on regional autonomy because it ignores the authority of regional governments in the area. Writing in the *Jakarta Post*, Mimin Dwi Hartono of Wana Manhira Foundation, warns that Mt Merapi National park will go the way of other parks in Indonesia, which have followed a western conservation model ill-suited to Indonesia, have failed to fulfil conservation objectives and have instead meant "more damage to nature and the impoverishment of local communities." (*Jakarta Post* 18/Sep/04, see also *DTE* 55:18) ♦

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