

## **Building Force to Navigate Cross-scale Turbulence where Solo Efforts Fail: Networking Across Indonesia**

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The ability of local indigenous communities in Indonesia to defend their rights against landgrabbers and those extracting natural resources within their territory depends on their strength. This strength is not only in numbers, but in their ability to use customary or *adat* rules to regulate behavior. This is also enhanced by their capacity to mobilize skills of other groups to support their cause. When indigenous communities mobilize support groups, the fight for local or *adat* control over land and resources under threat is strong.

A common feature in a functioning local group structure studied is the belief in *adat* or a set of customary rules, beliefs and practices. As may be described in the illustrative cases, *adat* governs not only the behavior of individuals, families or communities among themselves within a village, but also between villages, especially in daily interactions with the environment. In fact from the West Kalimantan experience, the binding effect of *adat* law, extends to non-Dayaks and to the government.<sup>1</sup> The NGOs, especially those focusing on environment and human rights have direct experience of this. These NGOs agree to a common principle of recognition of *adat* or customary practices and accountability towards local communities. The stronger the local communities, the stronger the NGO supporting it. And it is these types of NGOs that fuel the vehicle for advocacy of rights, at the local, national and international levels.

In the last eight to ten years in Indonesia, an emerging “force” of environmental cum human rights NGOs (or vice-versa) has evolved. This force is also considered a movement. But “force” is much more apt, as it draws its strength from locals – both NGOs and communities directly under threat – to influence a specific course of action that not only benefits the environment, but also creates broader political impact. The experiences from West Kalimantan show that local customary “*adat*” groups, working with local NGOs and supported by strong NGO networks ensure ecological resilience.

For many local village members, the survival of the future generation is what “ecological resilience” translates to. For Biodiversity Support Program -KEMALA<sup>2</sup> or any organization with

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<sup>1</sup> During the forest fires, in October 1997, the Head of the West Kalimantan Plantations Office, Ir. Karsan Sukardi (a Javanese) and a provincial officer, was found guilty under *adat* law, of libel and denigrating community swidden agriculturalists by accusing the latter of causing forest fires. He paid the *adat* fine and apologized. The provincial area military commander supported the process of using *adat law* and even hosted the hearings. See “*Suara Pembaruan Newspaper*” Jakarta, 14 Oct. 1997, p.18.

<sup>2</sup> KEMALA is Indonesian acronym for community natural managers group. This is part of a USAID-Indonesia natural resources management project implemented by Biodiversity Support Program, a USAID funded consortium of World Wildlife Fund - US, The Nature Conservancy, and World Resources Institute. It operates in six regions in Indonesia namely, West and East Kalimantan, North and Central Sulawesi, West Papua and Maluku. It builds

interest in the environment for that matter, it is also sustainable use or biodiversity conservation. There is a difference in perception. The indigenous peoples locally known as “*masyarakat adat*” (adat based communities) or “*masyarakat hukum adat*” (communities regulated by adat law) adhere to principles of stewardship. As caretakers of the land for the future generation they do not see environment as separate from their own life and work. Thus advocacy for land rights is fully encompassing. As the illustrative cases may show, local communities take seriously the process of reestablishing rules governing interactions with the environment. To them, outsiders and insiders are bound by these rules. Even as enforcement mechanisms have become complex, local communities believe strengthening and reestablishing of adat rules is the only chance for the environment, and therefore their cultures, to survive. Understanding this perception separates the real NGOs, those I refer to as the “force,” from the opportunists.

In this paper, I will describe some of the efforts of local adat communities in West Kalimantan to show where and how they use and protect adat land through village agreements, and the critical role of local NGOs in this process. I will also outline how these initiatives strengthened other groups to form networks that spread outside of West Kalimantan to the national and international levels. I will use two examples of networking namely the birth of the Indonesian Indigenous Peoples Alliance<sup>3</sup>, and the mobilization of forces to address forest fires. I will also outline how these networks are changing behavior not only among NGOs but also government in dealing with local communities.

Three prominent groups that operate within different but overlapping fields in this paper are: 1) local community organizations or peoples organizations, 2) non-governmental organizations (local or national groups) that work with locals, and 3) networks (local or national alliances). The three are distinct. The first are village-based groups characterized by their adherence to *adat* rules as described in the first paragraph above. These groups in general take short term, small if not sporadic actions to prevent direct harm to their environment or violation of their rights. The second are registered groups that have very defined vision and mission, generally externally funded and may be directly or indirectly accountable to local partners. They implement programs or projects based on their understanding of issues and problems facing villagers and on their assessment of their own roles. The third are formal or informal groups characterized by multiple players, skills, strategies and tactics that at the minimum share a common vision. Their edge is in numbers and skills. The paper will show the relationship among the three, and the lessons learned from this interaction.

## **Village Initiatives**

What do villagers do in face of imminent danger to themselves and their environment? They adapt. In the six villages in West Kalimantan studied in this paper, all relied on *adat*. These villages tried to mark the threats, including those caused by their own people, and decided to use the one thing they believed could bind each and every village member: *adat*. In these representative Dayak villages, use of *adat* ceremony is commonplace. In activities like land

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partnerships with local NGOs to work on land tenure for communities as natural resource managers, mainly through grants and technical assistance.

<sup>3</sup> Called “AMAN” (*Aliansi Masyarakat Adat Nusantara*) or Alliance of Indigenous Peoples of the Archipelago.

clearing, planting, harvesting, adapting to natural disasters, villagers conduct specific *adat* ceremonies to summon the spirits for help. These practices, even though threatened with extinction by various dominant religions, have been carried over to present times. As recent as 1997, the wave of ethnic conflict that rocked West Kalimantan revived Dayak rules of war. As a consequence, obedience to Dayak *adat* rules acquired renewed strength. On natural resources, *adat* rules in areas surrounding Pontianak, Sanggau and Ketapang Districts govern harvesting activities in primary forests, secondary forests, fallow land, fruit gardens, rubber gardens, honey tree farms, rice farms and swiddens, sacred places, public or village roads, rivers and watersheds, among others.<sup>4</sup> Sets of rules on natural resources management have been revived as can be shown in 21 conservation agreements since 1995 up to present. The focus is to regulate use and access to natural resources both by villagers and outsiders. A sample agreement are shown in boxes 1 and 2 below.

***Jalai Dayak Peoples Adat Community Agreement in Ketapang Regency***

**The condition of the environment surrounding the five villages in Ketapang was deteriorating. This was the conclusion of the villagers after they discussed the maps they made of boundaries and land use. Five representatives from each village met and drew up a joint agreement to bind all five villages, treated as one unit, protecting rivers, watersheds, forests and other remaining resources within that unit. They outlined management actions and assigned tasks and contributions from each village. It vowed to “support the customary and cultural practices for management and conservation of natural resources inside their adat area”<sup>5</sup>. It resolved to:**

- **Disallow all logging, plantations, mining and transmigration projects inside the adat territory**
- **Ban use of chainsaws within adat areas except for local housing and with permission from all five communities**
- **Ban burning of forests**
- **Ban felling of “*Kampung buah*” or fruit tree clumps except if located near homes and gravely endanger lives of villagers or for adat purposes**
- **Prohibit “*menubak-menjanuk*” or poisoning of rivers to catch fish in the adat territory, except if “*tubak*” is conducted for adat ritual to summon rain, in a long drought. In that case, an *adat* Chief conducts the ceremony with village participation and warnings not to use the water are evident.**
- **prohibit *menebang-menabas*, clearing of sloping areas, *gahang-guha*, watersheds, or *utung arai*, areas up river**
- **prohibit hunting of protected animals including birds like “*tingang*” hornbill, other birds like *kakah*, *ruik*, *tiung*, *semialau*, and other animals like *kelimpiau* , *penagung* similar to large cats and *urang hutan*, orangutan.**

<sup>4</sup> Village agreements examined are those from 6 villages, 3 in Sanggu and 2 in Ketapang Districts. See attachments 1 & 2 for summarized, edited English narratives of these agreements.

<sup>5</sup> See documentation of agreement, “*Kesepakatan Masyarakat Adat Desa Tanggerang tentang Pemberdayaan Adat-Istiadat dan Budaya Terhadap Pengelolaan dan Pelestarian SumberDaya Alam Dalam Kawasan Adat Desa Tanggerang*” August 12-14, 1999. PPSDAK Files

- replant “*kampung buah*” rubber farms, “*sungkai*”, ironwood and other plants that are useful to Dayak life
- ban acceptance of bribes “*suap*” or “*sogokan*” which cause the loss or defeat of village adat community;
- disallow the sale of logs to outsiders.

## Critical Role of NGOs

At the outset there was a local NGO called Yayasan Pancur Kasih<sup>6</sup>. It facilitates development-oriented activities of Dayaks in remote villages in West Kalimantan. This includes banking, credit, rubber cooperatives. Yayasan Pancur Kasih assisted the birth of many sister organizations to provide a range of services for Dayak groups. Among others was a group that structures cultural support<sup>7</sup>, and a group that provides legal education and assistance in advocacy<sup>8</sup>. It manages these units as a consortium under the name *Konsorsium Pemberdayaan Masyarakat Dayak* (KPMD), consortium for the empowerment of Dayak peoples. Currently, it has around 13 consortium members with a total of more than 200 staff<sup>9</sup>. In 1991 it organized sets of training for mapping adat territories and landuse. These training involved individuals from Yayasan Pancur Kasih. The trainers included mappers from World Wide Fund for Nature-Indonesia<sup>10</sup>, and some

<sup>6</sup> Yayasan Karya Sosial Pancur Kasih or Yayasan Pancur Kasih, is a non-governmental organization registered in 1981. It was the brainchild of a Dayak, Anselmus Mecer, who was inspired by other Indonesians to take pride in his own ancestry. Contrary to the dominant Indonesian neo-colonialist perception at the time, he wanted to show that Dayak people are not stupid and poor. He began focusing on education for oneself and one’s own people and credit cooperatives to support Dayak business initiatives. Yayasan Pancur Kasih assisted the birth of many sister organizations to provide a range of services for Dayak groups. It manages these units as a consortium under the name *Konsorsium Pemberdayaan Masyarakat Dayak* (KPMD), consortium of the empowerment of Dayak peoples. Currently, it has around 13 consortium members with a total of more than 200 staff. It operates more as a credit cooperative with various business interests more than as a political organization. It provides discounted services to members for the use of its printing press, vehicles and trucks, copying machines, meeting rooms or office spaces, etc. It however responds quickly to threats on rights including the freedom of expression of individual members who are more articulate. Many villages where credit unions organized by KPMD have been accused of being subversive for pushing for reform. KPMD often get the brunt of the accusation. Yet, KPMD does not push for a political position. It respects villagers decisions.

<sup>7</sup> This unit is called Institut Dayakologi and was registered as an organization in 1991. It documents adat cultural practices to aid in revitalization and outreach and is a member of the KPMD.

<sup>8</sup> This unit is called Lembaga Bela Banua Talino and was registered as another organization in 1993. It is also a member of the KPMD.

<sup>9</sup> Box 3 shows the structure of KPMD.

<sup>10</sup> Martua Sirait mapped villages inside the Kayan Mentarang National Park in East Kalimantan in 1991-92 and began discussions with Yayasan Pancur Kasih on the issues arising from this process. At this point, LBBT and PPSDAK were most interested. Sirait wrote and shared his experience in Long Uli village in the Common Property Conference in 1993. The Ford Foundation supported his initiative and ensured that follow through with West Kalimantan NGOs happened. It supported the development of PPSDAK and sent Frank Momberg from WWF-Indonesia to conduct training in West Kalimantan in 1994. Both Martua and Frank were among the first trainers for mapping in West Kalimantan.

### Box 2. Bukit Sapatutn Agreement

Downstream from a key river basin that feed into the Kapuas River, a small community mapped its area and found its rivers badly damaged from activities of villagers upstream. Fish catches were low, diseases attributed to the polluted/poisoned river water increased, and was aggravated by drought. Upon recommendation of villagers from downstream, using *adat binua* structure, nine villages composed of areas upstream and downstream of the river basin of *Nyawan* and *Mempawah* rivers in Pontianak Regency in a special *adat* ceremony signed an agreement and resolved to:

- protect the tributaries and the rivers around the *Nyawan* and *Mempawah* river
- prohibit fishing using poison from chemicals
- prohibit cutting of timber in protected forests which are watersheds
- protect all sacred areas in each of the nine villages
- fine all violations using *adat* law (*6 tahlil tangah jubata 3 buah siam yaitu siam pahar, siam batu dan siam jarikng*)

A year after the agreement was formalized, no poisoning was done in large rivers but in smaller tributaries ; poison used for fishing was only from local tree species; a drastic reduction in timber cutting in *adat* protected and sacred areas and instead hardwood trees are increasingly planted in the villages (based on monitoring in two among nine villages).

contacts from Canada through the Silva Forest Foundation<sup>11</sup>. This training resulted in the formation of a technical mapping unit, PPSDAK<sup>12</sup> managed by other skilled Dayak members of Yayasan Pancur Kasih. This became the sole unit responsible for responding to village requests for mapping. It also specialized in joint planning for management of natural resources in villages mapped. The village agreements and regulations cited above all came about with active facilitation from PPSDAK with participation from other units of Yayasan Pancur Kasih. A Biodiversity Support Program project entitled “Peoples and Forests” (PeFoR) supplemented costs for mapping more areas and training more individuals in 1994. The training spread to individuals in other NGOs outside of West Kalimantan, and also introduced these individuals to mappers in the Philippines, Latin and Central America, Canada and the U.S. From this interaction, Indonesians became much more aware of the utility of participatory mapping in land rights negotiations. These mappers later on decided to organize an Indonesia wide workshop that gave birth to the mapping network in Indonesia, *Jaringan Kerja Pemetaan Partisipatif (JKPP)*.

<sup>11</sup> Alix Flavelle provided sufficient material and hands on training for Yayasan Pancur Kasih and later on its technical mapping unit, PPSDAK. She interfaced technical mapping training with PRA and social analysis. She also encouraged Pancur Kasih to send trainees to Thailand to get comparative perspectives on mapping. Up to the present she continues to assist mapping training of trainers in West Kalimantan, and all of Indonesia.

<sup>12</sup> This means Pemberdayaan Pengelolaan Sumber Daya Alam Kerakyatan or PPSDAK. It is not an independent unit of Yayasan Pancur Kasih, but as well, a member of KPMD.

Village mappers increased in numbers. Many of those who used their maps to negotiate boundaries shared their experiences with others who physically came to Yayasan Pancur Kasih to forward their requests for mapping. There are an increasing number of socially and politically aware villagers, armed only with their oral history of land use and maps to graphically illustrate this story. They figured out that their maps are a communications and negotiating tool, as much as it is “evidence” of long-term occupation. This spatial information has also allowed villagers to make clearer demands from government or concessionaires.

While mapping capacity developed, local communities who often pay for the price of industrial projects set up in their territory, continue resisting the onslaught. The NGOs often provide strategies that offer alternative but peaceful means of resistance. This included negotiations with the local government for recognition of maps, sending a delegation of leaders to government offices, community organizing, paralegal training and apprenticeships. The NGOs also provide analysis of impacts and assist in conflict resolution as mediators or expert advisers. Many times NGOs find they cannot impose their advice or analysis to villagers. Once villagers decide to engage in confrontation, NGOs cannot stop them. Some of these cases included community confiscation of logs or heavy equipment of loggers<sup>13</sup> to stop them from cutting into adat forests; demand payment of adat fines; or to serve as collateral for the making of village roads<sup>14</sup>; burning of base camps; demonstrations leading to actual physical confrontation<sup>15</sup>.

Many issues related to plantations and forestry are too difficult to go alone. Yayasan Pancur Kasih sister NGOs manage by tapping into skills of other NGOs within the KPMD and outside. This functions as a local network, which expands to invite other organizations to join the network or develop sister networks. For example, at field sites, PPSDAK work in tandem with other KPMD units and the local church or diocese. The local church then takes up the NGO role of follow up meetings, negotiations or further support actions with villagers. The same thing with LBBT legal assistance and advocacy actions. It invites other human rights-oriented groups to form a network to respond to many human-rights violations around West Kalimantan. Another example is the work of SHK West Kalimantan. It not only organizes communities around community-managed forest systems recognition issues but sets up links with broader local networks like “Forum Langit Biru”, blue skies forum (groups mobilized for forest fires and haze watch) and “Jubah Hijau”, Green Robe network (groups pushing for community-oriented forest policies). These are examples of working together with groups from KPMD and expanding into other groups in West Kalimantan.

In general mapping, besides providing technical credibility to communities, is mainly a tool that NGOs use to involve more local people in advocacy. It proved the easy entry point for activities in new sites. At the same time it links many NGOs within one geographic area together. This link comes with the awareness that a map is not an assurance of anything. Hence initiatives to develop village agreements or processes leading to developing of new village regulations are important. Specifically, units of Pancur Kasih (mainly, LBBT, ID, PPSDAK, SHK, Credit Union [CU]) form teams of facilitators. These teams function as mediators for a negotiation process for decision-making on natural resources use/conservation at village level. These facilitators bring

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<sup>13</sup> This happened in several sites, i.e.. Ketapang-PT Alas Kusuma, Sanggau-PT , Sintang-PT,

<sup>14</sup> This is in the case of PT Alas Kusuma in Sintang

<sup>15</sup> Thi is in the case of PT Alas Kusuma in Ketapang

crucial information about relevant policies, laws and analysis of current events. Ongoing village visits and discussions led to more politically aware local institutions who are adapting to ecological conditions. This process assists villagers in making rational and informed decisions for taking action.

When opportunity for advocacy at national level opens, Yayasan Pancur Kasih calls upon other NGOs outside of West Kalimantan for assistance. For instance, ELSAM<sup>16</sup> handled legal analysis and policy advocacy in tandem with the local LBBT. Agrarian Reform Consortium<sup>17</sup> gave KPMD members and local government members field orientation sessions about the Decentralization Laws<sup>18</sup>. It conducted a special training for local parliament in Sanggau West Kalimantan on understanding and applying the Decentralization Law at the District and village levels. Other national networks, the Community Forest Systems Consortium (KPSHK) and Indonesian Tropical Institute (LATIN) handle forestry policy research and advocacy using information provided by local NGOs and networks.

Critical role of local NGOs in strengthening local initiatives needs national support. The sphere wherein this national NGO network operates with its local counterparts is the “interface.” This interface occurs formally or informally. The important feature is inter-dependence among players.

### **The Interface with Networks**

There is strength in numbers. The political reason for forming networks and alliances is the ability to show force. Government and policy makers have systematically denied community rights and asserted control over adat territory.<sup>19</sup> Forests are public domain and anyone living in the forest zone are squatters<sup>20</sup> A show of force should move policy makers to recognize adat rights.

The practical reason is to tap diverse skills from multiple players to push for desired changes. In Indonesia, there are a number of strong NGO alliances. In the environment and human rights sectors, these are WALHI (Indonesian Environment Forum), YLBHI (Indonesian Legal Aid Foundation), JAPHAMA (Adat Community Rights Support Network), JAGAT (Network of

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<sup>16</sup> Lembaga Studi dan Advokasi Hukum, Legal Advocacy and Research Institute has a law and community program that works with local public interest lawyers to conduct participatory legal analysis and action at field levels. It develops the skills of these local lawyers for legal research and analysis, at the same time involves local communities in decision-making for action.

<sup>17</sup> Konsorsium Pembaruan Agraria, Agrarian Reform Consortium is a national network that works on issues related to land tenure rights for local people. They have a developed a training module for local leaders and policy implementors for decentralization. It used this module to conduct special orientation sessions and trianing on decentralization in West Kalimantan.

<sup>18</sup> Law No. 22 , 1999 on Local Government and Law No. 25 y. 1999 on Balancing Finances Between Central and Local Government.

<sup>19</sup> Law No. 5, s. 79 on Pemerintahan Desa forces the “Desa” unit of governance from Java into all of the villages in the outer islands. This resulted in the break up of adat areas and governance structures into units of Village (Desa) and Sub-village (Dusun) that ignores existing adat boundaries.

<sup>20</sup> Law No. 5, s. 1967 on the Basic Forestry Law, Law No. 11, s. 67 on Mining, and the more recent, Law No. 5 s. 1990 on Natural Resources and Ecosystem Conservation all impose state control over natural resources and ignore local rights.

Adat Community Movement of East Nusa Tenggara). There are also KEMALA partners, KPSHK (Community-managed Forest Systems Consortium), JKPP (Participatory Mapping Consortium), ELSAM, KPA. The newer ones include FPK (Natural Resources Forum in North Sulawesi), PRO-BELA (Forest Investigation Forum), Jaring-PELA (Coastal and Marine Consortium), KOPENMA (Adat Community Supporters Consortium), JATAM (Mining Network), AMAN (Adat Community Alliance). KEMALA supports many of the older and all of the newer networks mentioned<sup>21</sup>. The impetus for stronger networks and alliances reached its peak when student alliance actions removed Suharto in mid-1998.<sup>22</sup> In the natural resource management arena, JKPP, KPSHK, ELSAM together with WALHI led the process for the forming of a strong indigenous peoples network whose ultimate incentive is protecting the land, sea and environment for the survival of their own cultures<sup>23</sup>. Two types of networks, one to promote rights of indigenous peoples and the other to fight the ever present danger of widespread forest fires, will outline overlapping cross-scale roles of institutions that impact on environment. These two networks show strength in numbers that led to changes in policy. It is important to note that ecological resilience is really not their main target<sup>24</sup>. It is self-determination and survival.

### *Aliansi Masyarakat Adat Nusantara*

In July 1998, two months after Suharto stepped down from power, a meeting of about three hundred Dayak resource managers in Pontianak pressed for a halt to large-scale conversion of community managed lands to concessions (oil palm, industrial tree plantations, transmigration, mining). The meeting wanted to show how well the areas are managed by villagers, and show potential strength of a pan-Kalimantan alliance<sup>25</sup>.

This later became a gathering of local Dayak representatives in West Kalimantan to allow local peoples to tell government directly about the social and political conditions in the villages. During Suharto's time meetings like this rarely happen without arrests or other repercussions. The meeting made use of the political space of the reform period. It culminated in a delegation of Dayak leaders to the local government planning agency, BAPPEDA. They talked about the need

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<sup>21</sup> See BSP-KEMALA Partner Coalitions Table, Attachment 3.

<sup>22</sup> It was mainly the alliance of university students that showed strong and unabated strength, supported by the Indonesian Democratic Party "masses" that finally brought the dictatorship down. The spectators, those NGOs and villagers who watched this drama unfold on radio and television, received affirmation that mass mobilizations and alliance-building is the way to go in asserting their rights.

<sup>23</sup> Immediately after Suharto stepped down these networks positioned themselves to demand from government accountability for the destruction of forests and degradation of the environment. It mobilized groups to press for a dialogue at the Department of Forestry. The network was hastily named "KUDETA" which name was later dropped. These network of NGOs continue to press for changes in policy for sustainable natural resources use in Indonesia under the PSDA (natural resources management network) supported by USAID.

<sup>24</sup> Although BSP-KEMALA partners are reporting on progress in adaptive management under USAID-required project indicators.

<sup>25</sup> At that time, the meeting was organized by PPSDAK and Pancur Kasih Consortium. Its purpose was to allow local resource managers who entered into agreements with neighbors on common resource management sharing, to exchange experiences and field notes with other local managers. They have mapped their land use, boundaries, and other important village features. A handful of participants were local experts in traditional farming systems, in "tembawang" (highly diverse tree gardens), in medicinal plants, in negotiating agreements and maps when there are conflicting claims and interests. From their field experiences they agreed that Dayak traditional systems of resource management and landuse are still strongly practiced, but are under threat.

for the local government to seriously listen to the silent majority – the local Dayak people - in planning any kind of development in the area. The meeting also gave birth to the Alliance of Adat Peoples in West Kalimantan or Aliansi Masyarakat Adat (AMA). This became the inspiration for NGOs to assist in the formation of the much-awaited Indonesia-wide alliance of indigenous peoples.

JKPP, then working closely with ELSAM, Pancur Kasih, KPSHK and WALHI, using AMA as example, organized the regional preparations for a nationwide meeting of indigenous peoples. They formed the Steering Committee to galvanize preparations for the first ever National Congress of Indigenous Peoples or Kongres Masyarakat Adat Nusantara (KMAN) in March, 1999.<sup>26</sup> Unlike West Kalimantan, many of the indigenous peoples groups in most areas are not organized.<sup>27</sup> In Central Kalimantan, for example, the ones selected were head of the District, and a local logging magnate. In Medan, North Sumatra, two NGOs who did not coordinate well selected two sets of representatives exceeding the allowable number by 100%. The Organizing Committee felt there was a need to expand consultations even after AMAN<sup>28</sup>.

International support came in the form of solidarity messages, supplementary funding and direct participation of other networks like IFGIA (International Working Group of Indigenous Affairs), USAID-Natural Resources Management Program-EPIQ, BSP-KEMALA, International Center for Research in Agroforestry, Center for International Forestry Research, Coastal Resources Management Project, R.F.Kennedy Center for Human Rights, Down to Earth, Philippine Indigenous Peoples Network. This assisted in establishing the KMAN as contributing to the international movement of indigenous peoples rights advocacy.

KMAN itself was a success<sup>29</sup>. For the first time, almost 500 representatives from approximately a third of over a thousand ethnic groups in the entire Indonesian archipelago found a captive audience in government for five straight days. They spoke about forest, seas and coastal management systems, tenure rights, culture and history, and the problems they face in protecting their land and environment. The apex of this success was when the representative from the State

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<sup>26</sup> Network representatives from outer islands were: JAGAT, AMA, ID, BAILEO, KPA. Those from Jakarta/Bogor were: JKPP, SHK, WALHI, ELSAM and JAPHAMA. It elected an Organizing Committee responsible implementing the planned Congress. The rule was that no one ethnic group will dominate the representation of the indigenous peoples group in one area, which is pegged at the Provincial level. To avoid this pitfall, a local/regional meeting to select representatives was “encouraged” so that local groups could elect their representatives and decide on their key agenda for the Congress. At least nine regional meetings occurred in W. Papua, West Kalimantan, East Kalimantan, Aceh, West Sumatra, Jambi, Java (only once), East Nusa Tenggara and Maluku.

<sup>27</sup> The Organizing Committee sent eighty two letters to local NGOs in all the provinces that did not hold regional adat representatives selection. The letters invited the NGO to facilitate selection of a given number of representatives. The numbers depended on the size of the provinces. The hope was for NGOs in the same geographic areas to organize a good selection of representatives. That was not easy.

<sup>28</sup> True to its word, the Organizing Committee addressed the need to follow through with local consultations on the processes and vision of the Alliance. Immediately after the Congress, intensive meetings per sub-district or region occurred using resources saved up from Congress. The local facilitators were Alliance representatives from each region. More than two dozen local groups formed after this consultation

<sup>29</sup> During the Congress, a formal organization called Aliansi Masyarakat Adat Nusantara (AMAN) was set up. Indonesian archipelago was divided for purposes of representation into Western, Central and Eastern regions. Each region had one representative elected, and an Executive Secretary. Four of them comprise the Secretariat. The AMAN Council is made up of two representatives from each province. There are 49 Council members to date.

Ministry of Agrarian issues responded positively to local peoples' demands for land rights recognition. After the Congress, Agrarian Ministerial Decree No. 5/1999 outlined ways in which a local adat community may possibly register its land claims to government. This decree illustrates the process that, to many government officials that made similar decisions thereafter, "legitimized" taking sides with marginalized ethnic groups. Six months after the Congress in Western Sumatra, government established by decree the Mentawai District. This area used to be a small appendage to a District in West Sumatra and is occupied mainly by indigenous Mentawaians. In Central Sulawesi, park authorities of Lore Lindu National Park confirmed the rights of Katu people to be inside and to manage portions of the park. More of these similar types of recognition followed in various places. The network of indigenous peoples in the congress showed its sheer number and force. This force contributed heavily to the government awareness of indigenous people's roles and function as legitimate members of Indonesian society.

### *Networking under a blanket of smoke: Forest Fires Centers for Coordination*

During the drought and forest fires in late 1997-1998 when an estimated ten million people in Sumatra and Kalimantan were threatened by upper respiratory diseases, hunger and starvation, several NGOs showed deep concern over the complacency of government. Many of those directly dealing with communities affected by the fires had to respond using their own resources. Local networks for quick response developed. In Kalimantan, there was PLASMA<sup>30</sup> in the eastern side, and Yayasan Pancur Kasih in west. Their work involved organizing local task forces to supply needed masks, medicine, food and recovery measures to affected local communities. Their work also involved documentation, ground truth missions, negotiations with government over issues related to protection of Dayak villages forced off their land due to plantation fires, among others. Emergency measures included in East Kalimantan, provisions for rice seedlings needed to replant the burned farms in the next planting season. Valuable crops and seedlings of staple food rice were also burned leaving vast numbers of local communities under threat of hunger and famine, if unable to plant rice during the next rainy season.

NGOs formed part of the investigation teams needed to study the causes of fires. Several coordination centers of NGOs and government were set up to monitor spread of forest fires and to provide quick response to calls for emergency assistance from local communities. Several hotlines were set up. A movement to drum up action to expose companies involved in forest fires developed. NGOs from Jakarta/Bogor, worked with local NGOs and networks and some sectors from the government. They used satellite imageries of the fires succeeded in naming more than a hundred companies. According to then Environment Minister Juwono, 65% of the fires have

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<sup>30</sup> PLASMA was set up in 1983 as an NGO with the purpose of developing capacity for environmental monitoring and protection. It did not take long, PLASMA found itself defending rights of indigenous peoples over their land and forests which did not endear them to local authorities, especially the military. It led the formation of the East Kalimantan fire command post. Their work focused on disaster relief. Their other challenge was how to prevent conversion of the burned community rattan gardens into plantations. They received reports from villagers that industrial tree plantation companies are quickly taking over razed community land for a minimum fee. They learned from experience that these deals often end up making local farmers as laborers on their own land.

been caused by companies.<sup>31</sup> The International Forest Fire Management (IFFM) project in Samarinda found fires raging in the concessions of fifteen oil-palm and timber companies.<sup>32</sup>

In West Kalimantan, an NGO unit called “NGO Post to Handle Haze Disasters” was set up. This was composed of local adat communities around the areas under threat (through the organizing of Yayasan Pancur Kasih), LBBT, ID local WALHI secretariat and WALHI national secretariat. The local adat communities have informally enlisted through their local adat leaders or government officials who are either adat or non adat representatives. They called themselves “Forum Langit Biru” or blue skies forum to describe their aspiration to look up the bright blue skies without haze cover. This actually became the slogan to call on all concerned, to work on conserving the forests, environment and biodiversity to maintain the balance of ecosystems that sustain life. They effectively used the forest fires and haze to show how human use of nature can destroy ecosystem balance. Environmental consciousness spread very quickly as haze victims topped twenty thousand (usually upper respiratory tract diseases). Adat ways became a public debate in the entire West Kalimantan as accusations fly blaming swidden agriculturists of starting the fires. Dayak community considered the accusation an affront to their culture. The Dayak leaders from six Districts of West Kalimantan used *Kanayatn*<sup>33</sup> adat law “*Capa Molot*” against their accusers. Dayak leaders asked the provincial police (KAPOLDA) to call the erring party to a hearing where the Dayak leaders used adat law. The government official concerned paid the adat sanction and apologized in public for his statements. The media all over Indonesia picked this up. Numerous articles describing the ecologically appropriate Dayak practices, as supplied by NGOs followed into print. The press also received a list of industrial tree plantation and logging concessions that were accused by the Forestry Department as responsible for the haze. Forestry Department used satellite imageries of haze, overlaid with the maps of concession areas of companies, and field updates by NGOs<sup>34</sup> to determine the culprits. It filed charges against these companies but to no avail. The rule of law being scant in Indonesia, many of those accused managed get away from responsibility once the haze dissipated. WALHI filed charges against eleven companies suspected of starting fires in East Kalimantan, for environmental damage.<sup>35</sup> Information was supplied by the local network in East Kalimantan.

The NGO networks at local and national levels contributed to the quick spread of important information that improved public knowledge about forest fires. The NGO and many allies within government used this knowledge to shape policy regarding respect for traditional swidden agriculturists and regarding public accountability of erring forest concessionaires.

## **Building Forces for Survival**

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<sup>31</sup> See, Down To Earth (DTE) No. 37, May 1998, p.2, citing Asiaweek 9/3/98

<sup>32</sup> Ibid.

<sup>33</sup> This law governs *Kanayatn* Dayak areas where most of the forest fires occurred.

<sup>34</sup> A total of 176 companies were listed. Forestry Minister Djamaludin took action but nothing happened. Later, he offered to resign from government over the forest fires. Environment Minister Sarwono Kusumaatmadja who was very vocal about the concessions and plantations criminal liability was dropped from Suharto’s Cabinet in March 1998. DTE 37, citing Kompas 10/2/98, Kontan 23/1/98. See also BAPEDAL/KONPHALINDO book on forest fires, Hira Jhamtani

<sup>35</sup> Nothing significant has yet come out of the case. WALHI documentation; See also, REPUBLIKA 23/1/98.

The alliances across scale led to successes in policy that maintain if not assist in community's regaining control over land and natural resources. The emphasis on maintenance or regaining control is a reaction to current national trends to allow wide access to foreign exchange investments. As Indonesia's natural resources contribute much needed foreign exchange, at least 40 million individuals will have to prepare giving up their ways of life for the state. The more steadfast these true stewards of threatened ecosystems stand against this trend, the higher the hope for ecological resilience.

The State interest for economic recovery is as forceful as the military forces that power it. An organized counter force will have to prepare itself to engage the state in all fronts. These are composed of village institutions, local NGOs and networks, national NGOs and networks all intersecting at various points with help from appropriate government and private agencies. The village institutions rely on *adat* or customary rules to regulate resource use and access. The local NGOs and networks understand these rules and supply communities appropriate skills and services to maintain them. Mapping is one tool used by NGOs to bring awareness of technical as well as political issues involving land and space. The national NGOs and networks fortify these initiatives by pushing a critical mass for rights recognition, by facilitating cross-scale communication and skills sharing and by clarifying strategies and targets for reform.

In the two cases cited above, the alliance served as a vehicle to pressure government to act. It is to summon government response to protection of basic rights assured by the constitution. In both, support groups for governance include many KEMALA partners which are networks or NGOs servicing other local NGOs and communities. These are: JKPP, KPSHK, KOPENMA, JATAM, JARING-PELA, FPK, PRO-BELA, ELSAM, KPA, LATIN. These networks promote larger and more meaningful participation of individuals or organizations in pressing government to recognize rights. Rights include life, property, good environmental quality, and security, among others. Their work and reach span municipal (districts, provinces, nationwide) and international networks. Many of these networks use rules to govern communication and information exchange, joint campaigns, projects and programs, political posturing, accountability to members and local people represented, etc. To the extent that these "rules" are followed, the networks remain strong and reliable.

The show of force by the KMAN yielded results. The cog in the wheel that forced government to respond to current demands is the NGO that works closely with local groups. Together, they show solidarity and force to move the process of recognition along. This process starts with the linking of local groups under threat, to form a local network. Through assistance of NGOs, this local network links up with other local networks to form a national alliance. The national alliance determines how and when to link up with international alliances. Throughout this process, the NGOs served only as facilitators, documentors, linkers. Facilitating needs skill, sensitivity and understanding of local problems, *adat* systems and political demands and most of all trust from the local people. Documenting needs skill to outline important issues that promote the reasons why *adat* communities should receive government recognition. Being a linker needs the experience of an organizer, fund raiser, advocate. Not many NGOs can perform all these functions.

In the forest fires mobilization, it became clear that the most active and reliable elements of society, in cases of emergency, are the NGOs working closely with locals. The command posts for fire assistance could not understate the key roles that many individuals and institutions outside of government played at the field level. Other environmental disasters like floods, earthquakes, volcanic eruptions and the like, commonly experienced in Indonesia were better handled by NGOs on site. Skills developed from their work have been greatly beneficial to local people. These locally defined functions need national recognition and support. That is the strength spelled out in the above two cases. This collaboration of local groups and NGOs also recently received a boost in skills and impact through apprenticeships, cross-site visits, advocacy and scoping processes. These activities proved to enhance local capacity and independence.

## Attachment 1

### *Ngau Dayak Peoples<sup>36</sup> Adat Management Agreement in Sub-district Resak Balai and Adat Village Agreement in Tapang Sambas-Tapang Kemayau<sup>37</sup> in Sanggau Regency, combined.*

Problems in the area included logging and palm oil expansion in Resak Balai and palm oil plantation of PT Multi Prima Entakai in Tapang Sambas-Tapang Kemayau.

Local community decided to reassess *adat* law and make it relevant to current problems of logging and plantation intrusion. They conducted mapping and jointly signed agreements. Two sets of agreements written in two different dialects contain the following rules governing different types of resources:

- *Rimbak* (in both Resak B., and Tapang S.) Adat Protected Primary Forests – cannot be entered or harvested by outsiders, and for insiders, only for personal/family needs. Must be protected/conserved. Owned by the community, and cannot be claimed by individual. If log/timber is cut, or sold or if animals hunted, both log or animal will be confiscated, violator fined using adat law.
- *Rimba* in Resak Balai is also primary forest – wood/log may be cut by a person from the same village, but must be divided 10/2. This means, if ten logs were cut/sold, price for two will go back to community fund. (this community is one which look after the forest, usually located near it). Sanctioned if violated.
- *Gupung* (in both): secondary forests around primary forest areas, owned and managed per family. People from the same village may work in this area with permission from the family managing it. If violated, sanctioned.
- *Jalai*: (in both) community/village roads used to go to the farms. Cannot take firewood, rattan, sugar palm, bamboo, sagu from the trees surrounding the road, causing the road to be blocked. If violated, sanctioned.
- *Tembawang*: (in both) Areas planted with fruits, rubber, other useful herbs and fruits, owned by families or communities. Must harvest at the same time. Violation if a villager takes products without permission from the village.
- *Tembawang*: (in both) Areas planted to fruits of economic value like durian, tengkawang, nangka, owned by individuals. Only the owner can harvest.

In both cases in the *tembawang*, theft of fruits and other products within the area is sanctioned. Thief must return the loot to the owner and pay adat fine. If fine is not paid, will multiply. Further, these areas cannot be converted to become farms, i.e. rice farms and vegetable farms; and cannot burn the areas for any reason. Violations fined per tree cut or burned.

- Rubber farms: Non-owners cannot harvest products, or converted to farms or burned. Sanctioned and fined on the basis of value per tree.

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<sup>36</sup> See documentation entitled: “*Hukum Adat Tentang Pengelolaan Lingkungan Adat: Adat Ngau Ngatur Tanah Ai’, Babas-Rima’, Gupung-Julut, Buah-Layah*”, 10 May 1996, PPSDAK File

<sup>37</sup> See documentation entitled: “*Pekat Adat Masyarakat Tapang Sambas-Tapang Kemayau: Hukum Adat Tentang Pengelolaan Lingkungan Adat*” 15 January, 1998, PPSDAK File

- Other non timber forest products owned by individuals. Cannot be harvested by non owners or stolen. Sanctioned by fine, and/or return the loot.
- Honey trees: various types, “*tapang*”, “*keladan*”, others. Areas where many of these live are protected. Cannot be converted to farms. Cannot be burned, even by reckless fire. Violation sanctioned, fined.
- Farm areas (*babas*): owned individually or per family. Fire cannot stray in these areas. Both intended and unintended burnings are not allowed. If burned, can replace with other farm lot or pay for the loss.
- In Tapang Sambas, there is also *Kebun Kamun/Gupung Temawang*: Combination of burial grounds also planted with fruit trees or rubber trees. Cannot sell this land to non-villagers. Cannot cause the area to have “bad luck” (i.e., hang a dead baby’s wrap on the tree);cannot burn the area. Violation is sanctioned by adat.
- Catching/Harvesting fish using poison. In specified rivers, i.e., Ayak, Semalam, villagers cannot use poison (natural or chemical) to catch fish at all. Violations sanctioned. Fine is quite high, Rp 150,000.
- Rivers for bathing. In these waters, cannot wash raw rubber, especially in the upstream areas. If violation persists, violator will have to give up his/her rubber product to the community.
- Village lands “*tanah kampung*”: adat land within the village. This is for building houses, but fruit trees cannot be cut. Can pick places to build houses without these trees. If violated, sanctioned equivalent to the price of the tree cut and its products. If rubber, Rp. 1,000/tree.
- In Tapang Sambas, things with economic value owned privately (individual/family). Cannot be stolen, theft is sanctioned, fined.
- In Tapang Sambas, plants surrounding the house. Cannot be destroyed by other animals (pig, goat, chicken). If animals are killed or taken as a result of this destruction, it is not a violation of animal owner’s right.
- In Tapang Sambas, planted fruit trees or “*dekerintu*” (tengkawang, durian, other valuable trees) cannot be converted to farms or burned. Violators sanctioned and fined per tree value
- In Tapang Sambas, there is “*Mulah rumah*”: building a house in the village. Cannot be done just in any place. Must consider ownership of the land, existence of valuable and fruit trees in the area. If built in the land owned by others without permission of owner, is sanctioned, fined. Must have a settlement with the owner of the land.
- In Tapang Sambas, there is “*petanam utai*”. Plants in the secondary forests and in farms. Cannot just take any plant/product in these areas without the permission of the owner. If violate, must give back the plant/product or pay fine. Sanctioned like theft.

## Attachment 2

### *Agreement in Kotup, Bonti*

Potential for gold mining exploration and development is high in this area. Local community members started mining the area using machines to suction ore out of the land (locally called “*Dompeng*”). There are four of these machines that local Chinese traders offer for local communities to use.

There are three main villages, where local people participate in the mapping. After the mapping, several actions resulted:

-Villagers confiscated the digging machine of the Chinese trader. His machines were later returned to him and he left.

-Local community developed a joint agreement which included regulations for:

- Forest fires: Prohibits any burning of adat forests without village agreement; and if fire spreads to or burns plants of other villagers, the damage must be paid/replaced.
- Logging: Prohibits logging in adat forests for purposes of selling outside of the village; wood taken from adat forests only for construction needs of Kotup village; prohibits cutting down of resin “damar” trees except for public needs.
- Using poison in rivers: Prohibits using of poison of any kind in catching fish in main rivers Sedua, Komuan and their tributaries.
- Aruana Fish “*skhelrophages sp.*”: Prohibits catching of aruana fish. If outsiders catch it in rivers within the Kotup village area, fined. If local villagers bring outsiders to catch the fish within the Kotup village area, fined. Fish caught will be confiscated by the villagers and returned to the river.
- Outsider Companies: Put sanctions on whoever allows or gives permission to outsider companies to come into the area without negotiation and agreement of all villagers in Kotup. Companies given permission by all the villagers must fulfill the requests of the villagers in accordance with their agreement.
- Adat sanctions of prohibitions in this agreement will be tendered through a process where all of the Kotup villagers will attend. RT, Adat Leaders, or all of the Kotup villagers will deal with those violations outside of this agreement respectively. The magnitude of the violation will determine their attendance.

**Figure 1.** Geographic Distribution of KEMALA Partners

