

Is National Park for Conservation?

Case Study in Merapi Volcano - Indonesia¹

By: Mimin Dwi Hartono²

E-mail: mi2n_dh@yahoo.com

Background

Local conversations about the classification of the Merapi Volcano forest area into a national park often end up questioning why it was established as a park at all, without any considering of local people as a main rights holder in Merapi Volcano forest management.

Merapi Volcano forest ecosystem located at 600 to 2968 meter above sea level, situated in Yogyakarta Province and Central Java Province, Republic of Indonesia. It has 8655-hectare large forest area, and mostly covered by mountain tropical forest which source of living million people in four districts: Sleman, Klaten, Magelang, and Boyolali Regency. Merapi Volcano has been known also as one of most active volcano in the world. The last big eruption happened at 22 November 1994 which caused more than 60 local peoples dead.

By astronomies, this region is located between 0722'30" South Transversal (ST)- 0752'30" ST and 11015'00" East Longitude (EL) - 11037'30" (EL). Climate type in Merapi Volcano is wet tropical. According Schmidt and Ferguson classification type, this include on type C with the value Q is equal to 33,3% up to 66%.

Rainfall is varying with the lowest rainfall equal to 875 mm/year and highest rainfall equal to 2527 mm/year. The wet season is started in November up to May. While the dry season is started in June up to October (with the rainfall which is lower relative)

Surface water that coming from Merapi Volcano is divided into 3 streams direction, that is Progo watershed of the west part, Opak watershed in the middle and Bengawan Solo

¹ Paper presented in 11th Biennial Conference of International Association for the Study of Common Property, at Agung Rai Museum of Art (ARMA), Ubud, Bali, Indonesia, June 19- 23, 2006.

² Environment Rights Activist

watershed east past. These watersheds have been supplying water for consumption, irrigation, and industry in two provinces, Jogjakarta and Central Java, with beneficiary's more than 5 million peoples.

Merapi Volcano environment has been threat because of unsustainable management. Water has been privatize by some commercial company with facilitation from local government owned company (PDAM) that caused thousand farmers in Pakem, Cangkringan, and Ngemplak Municipality can not planting their farm. Sand has been mined exploitative by commercial and military-owned company until 5 million cubic meter/year. Wellspring source which so quickly degraded because of mass development and tourism, destruction of flora and animal and piracy of some medical plant which neglected local wisdom.

The paradigm of government is still same, as well as mostly of private sector, exploitation of resource for income, without any consideration for long terms utilization and respecting of human rights. Economic is always put beyond environment sustainability and human rights concern. Government role has been very passive and less function when faced with environmental destruction. We have several law and local regulation which enable to control and monitor the environment degradation. However it doesn't work well because government officials very weak and powerless when faced with case which often involved someone who has political or business power. On the other hand, community has been very active to control and protect the environment from destruction, such as from sand mining, water exploitation, forest fire, tress planting, as part of their obligations as local people and to assuring their right in managing the forest.

Because of that, many in the area had expressed their opposition to the government's plan to classify the area into Merapi Volcano National Park, when the process began in 2001. By national park, the management will be handled by central and local government, even though government has failed to perform their role to protect and conserve resource at Merapi Volcano.

Despite the protest, the Indonesian Ministry of Forestry on May 4 year 2004 issued a decree Number 134/2004 that officially changed the forest into a protected area.

Who are opposed to the change say the ministerial decree violates legal principles as well as principles of good forest governance, which are transparency, democracy, and human rights protection; and a manifestation of the government's arrogance.

The decree goes against an earlier decree from the same ministry that sets out due process prior to the gazetting of a national park. The decision also contravenes Law 22/2004 on regional autonomy because it ignores the authority of regional governments and legislative councils in the area.

The decree has also broken some of fundamental principle of national and international human rights protection. National Constitution of 1945 has been assured of environment rights as part of human rights which must be respected and fulfilled by the government, in article 28G (1): *“Every person has a right to live in prosperity, to settle, and to get a good and healthy environment and to get health service”*. Article number 33 (2): *“Production branches which important for state and related with common people is managed by the state”*, and (3): *“Earth, water, and natural wealth which included on it is managed by state and had to be use for maximum people prosperity”*.

National Human Rights Law number 39/1999 article number 9 (3): *“Every person has a good and healthy environment”*. Also on Environment Management Law number 23/1997 article 5(1): *“Every person has an equal right for good and healthy environment”*.

International Covenant of Economic, Social, and Culture (ECOSOC Rights) and Covenant of Civil and Political Rights which already ratified by government on September 30, 2005, also give obligations to state to respect, protect, and fulfill human rights.

National Park, Neglected Environment Rights

The proposal to established national park came from Governor of Yogyakarta, Sri Sultan Hamengkubuwono X, and then warmly welcome by Department of Forestry at 2001. Governor said that by changing status of Merapi Volcano forest area into national park will help government to raise some money and project from foreign donor. Clean Development Mechanism, very controversial forest funding mechanism, is one of the potential funding as said by the governor. It was very clear, according people and NGOs, that motivation behind national park project only for “project” purpose, not because of conservation and people empowerment.

Learned from other indigenous people groups and NGOs which affected by national park project in Indonesia, and all over the world, people are very worried. When the minister of economic and minister of environment of Indonesia came to Kaliurang Village at May 2002, several indigenous youth people did demonstration to raise their aspiration to oppose national park. They said that national park process was not clear; manipulate people aspiration, and neglected human rights and local stakeholder participation. The manipulation was happened in several villages, where the government invited people discussed on national park. The people were never said that they agreed with national park, but the government use signature or presence form to be treated that people agreed with national park. By that time, the minister and also governor assure us that they will involve local community and gave punishment to government officer who did manipulation.

However, the process of national park was not better, even worse by the time goes on. There was not improved at all on government mechanism and process to involve people in formulate and decision making process over national park, as part of people rights in managing the forest.

When celebration of International Year of Mountain 2002 toke place in Central Java, the local government was invited Ms. Megawati Soekarnoputri, President of Republic Indonesia at that time, to inaugurate Merapi Volcano National Park in Selo, Boyolali District, Central Java at October 2002. Hundreds of people from many villages came to protest and opposed that inauguration. Some NGOs whose has national link help to lobby government to cancel the inauguration, because conflict would be come up into violence if

inauguration insisted. Even incident was happened when several protester arrested by the police and fight with some civil military from PDIP Party. Finally the inauguration was canceled several hours before the president come. But till today, we have big question, why Freeport Mining Company, the biggest mining corporate in Papua, involved as a main sponsor in that event?

Because the government was very silent and prefers to avoid the conflict than to manage it, the conflict has been rise. At July 2004, some NGOs which coordinated by Walhi Yogyakarta held "People Meeting" which involved more than 3000 peoples from surrounding Merapi in Deles Village, Klaten District. This meeting was held to express people anger and disappointed to the government. At the end of meeting, came out with "community statement" that people was opposed the national park and asked the government to withdrawn the decree. If minister of forestry didn't do so, people would continue the struggle to oppose and not recognized national park at all.

Aside advocacy thru community organizing and campaign till today, at August 2004, Walhi as representation of environmental NGOs (Wana Mandhira Foundation, Lessan, Kappala, LABH, etc) and community representative from 4 districts decided to bring this case into the court. After conducted several consultation with some law experts from university, we have decided to register the case in First level of State Administration Court, Jakarta.

The first level has done 17 sessions, by inviting testimony from public, expert, and government side. Hundreds of people from Yogyakarta and Central Java also came to Jakarta, about 550 km distance from their home, to support Walhi's suit against government. They came to the minister of forestry office and parliament building to express their voice. However, the judge came out with very controversial and confused decision at February 2005. They rejected our suit. The judge said that the decree is final and not yet affected people livelihoods. It was very controversial decision because if the judge has no authority to handle the case, why the session has work with general testimony?

Although disappointed with the first level, we have decided to bring this case up to second level of court. Again, the judge finally decided that our suit was loose without any explanation.

The last chance is Supreme Court, which the case already registered at July 2005. People hope that at the last level, the judge will be fair, transparent, and give justice for people. For this purpose, series of campaign and lobby has been done to push Supreme Court to be more aware on this case.

National Park is Not for Conservation!

The question is, whether the concept of a national park fits Merapi's conservation needs. If we agree that Merapi needs conservation then what kinds of conservation will best suit it, and how should this conservation be carried out?

The concept of a national park first emerged in Western countries and was strongly influenced by classical concepts of conservation – a region was tightly protected with no one allowed to touch it. It later developed into an eco-fascist conservation model that placed the continuation of undisturbed "nature" as a top priority even if it meant getting rid of the local inhabitants considered to have endangered it.

The world's first national park was established in the U.S. in 1872 with the gazetting of the Yellowstone National Park. The park's management did not allow anyone to make use of the natural resources in the park, disregarding the fact it was previously the home of indigenous tribes. Conflicts were unavoidable and so was the forced eviction of the indigenous communities from the region.

Unfortunately, it is also the same concept that has inspired many countries, including Indonesia, in developing their conservation models. In 1980, the Indonesian government established its first five national parks – Mount Leuser, Mount Gede Pangrango, Ujung Kulon, Baluran, and Komodo.

The government seems to have received this concept without considering its suitability to the country's social and economic conditions. It prefers to please Western countries rather than its own people. The fact that 42 national park, today become 50's, have been established across the country one after another without comprehensive studies on how the existing parks have been managed, proves so.

The conditions in many of the regions named national parks have worsened since they were gazetted as such. Instead of preserving the area and generating positive spin-offs, the establishment of national parks has often resulted in damage and disadvantage. The Mount Leuser, Mount Halimun, Kutai, Bukit Tiga Puluh, Tanjung Puting, Mount Palung, Ujung Kulon, Lore Lindu, Rawa Aopa, Komodo, Lorentz, and Wasur national parks are examples where such conservation models lead to social and economic problems and environmental degradation rather than conservation.

This failure in applying the national park concept to Indonesia is not just at a conceptual level, but also at the policy and management level. At the policy level, for example, through the National Park Management Body, the government discriminates between the rights of the management body and those of the people. The people are considered subordinate to the management body. They have to obey the body without question while it applies fascist regulations that were made for the government's interests. Law No 5/1990 on the conservation of natural resources and ecosystems, which makes no mention of the people's role and rights regarding natural resources, is an example of this arrogance.

The management body organization, too, is not only government-biased but, like other state organizations, suffers from corruption. As the manager of national parks, the management body holds almost complete authority. There is no room for the rights of the surrounding communities. That national park management is often corrupt is shown through its cooperation with business and the military in illegal deforestation – activities that have long been well known.

The massive illegal logging that occurs in almost all national parks outside Java, including in the Tanjung Puting and Mount Palung national parks, involves the management body management, businesspeople, and military personnel.

This cooperation also leads to the massive theft of biological resources, the eviction of the indigenous inhabitants and the openings of new mining sites inside supposed "national parks".

National conference which held by Working Group Conservation for People (WGCoP) at November 2005 in Kinahredjo Village, Yogyakarta which attended by groups of indigenous people and NGOs from Kalimantan, Sulawesi, and Java whom advocated against and affected by national park policy came out with several conclusion that national park was not for conservation, but for nature commercialization. The community concluded that national parks are established for western industry, such as bio-piracy, ecological-debt, biodiversity sealing, ecocide, animal trade, ecotourism, privatization, humane and culture eviction.

National parks here do not mean conservation; they mean more damage to nature and the impoverishment of local communities.

One should well ask why the government established the Mount Merapi National Park without conducting comprehensive, participative studies prior to it. To my belief, the same problems in other areas will reoccur in Merapi. Why? Because the local community and the Merapi ecosystem are inseparable and interdependent.

For hundreds or maybe even thousands of years, the surrounding communities have been wisely guarding Merapi because it guarantees their livelihoods through its clean water, green trees and because it provides food, shelter and medicines.

Will the establishment of Merapi Volcano National Park fix the problems caused by sand quarrying on the slope of Merapi that has caused damage to its forest and dried out its spring? Will the management of the National Park care about the fate of the evicted communities after the arrival of new "investors"? I really don't think so.

The National Park system will never be able to answer these problems; it will instead create new ones that will further tarnish this beautiful area, impoverished local people, and human rights violation. It has been proved by zone map which released at August 2005 for public that government allocate very large area for "zone of sand mining (purple color in the map)" in Magelang District. On the contrary, people rights to access and control forest resource, for grazing and using medicine plants, has been limited at all.

- Right to development; is essential to consider within the framework of sustainability. It is to be assured that all development process must be sustainable by involving local people in all stages.
- Right to equality; violated due to the existence of marked disparities in which certain social sectors face disproportionate environmental abuses and degradation.
- Right to participate; this right is essential in every democratic society in order to ensure the implementation of efficient and sustainable environmental policies.

Reference:

- Hartono, Mimin Dwi. *A national park not for Merapi*. The Jakarta Post, August 2004
- Hartono, Mimin Dwi. *Merapi, Pascaratifikasi Kovenan Hak EKOSOB*. Harian Kompas edisi Yogyakarta, Februari 2006
- Hartono, Mimin Dwi. *Membumikan hak atas lingkungan hidup*. Paper belum diterbitkan, Maret 2006.
- Picolotti, Romina. *Agenda 21 and Human Rights: The Right to Participate*. Second International Conference on Agenda 21 in Córdoba Argentina, 1999

