
Indonesian Indigenous Peoples question new forestry law

As part of the 'reform movement' since President Suharto was ousted last May, the interim Indonesian government has introduced several important pieces of new legislation on natural resources exploitation. One of these is a controversial new Forestry Law.

One of the major problems has been that there are two drafting committees working on this legislation both sanctioned by the Indonesian Minister for Forestry and Plantations, Muslimin Nasution: the Department of Forestry's internal committee and the Forestry and Plantations Reform Committee (KRKP), comprising academics and a few NGOs as well as representatives of the government and forestry industry. Neither committee included representatives of indigenous peoples groups. The Government Draft has now been submitted to the Indonesian parliament, but we have received unofficial reports that approval will not be given before the elections (June 7th).

The Yogya-based Community-based Forest Management Communication Forum also consists of academics, NGOs, government officials and commercial foresters. It functions more as a pressure group or 'think tank' and has had consultations with the Minister of Forestry and Plantations over the nature and content of new legislation.

The term 'customary land/forest' is a translation of the Indonesian term 'hutan/wilayah adat' - the 'tribal lands' which have been passed on through generations of indigenous peoples and are traditionally managed according to indigenous cultural practices and regulations.

STATEMENT BY THE ALLIANCE OF INDIGENOUS PEOPLES OF THE ARCHIPELEGO (AMAN)

Jakarta, 25th May 1999 (translation from original in Bahasa Indonesia)

"We will not acknowledge the State, if the State does not acknowledge us!" (extract from decision taken at the Indigenous Peoples' Congress, Jakarta, March 1999)

"We indigenous peoples are the sector of society which has suffered most from the Indonesian government's development of forestry for over 30 years.

Through various pieces of forestry legislation based on the 1967 Basic Forestry Law, the government has unilaterally seized control of tens of millions of hectares of customary forest lands which have been handed down from generation to generation, owned, controlled and managed by tens of millions of Indonesia's indigenous peoples. It changed the status of these forests from customary lands (hutan adat) to State forests without any discussion with or consent from the relevant indigenous communities.

Through corruption, collusion and nepotism, some of this 'State forest' was divided up to be logged by private timber companies, converted to plantations and industrial timber estates or cleared by mining companies.

This centralised, exploitative pattern of development makes indigenous people its victims.

For these reasons -and in keeping with the mandate given by the Congress of Indigenous Peoples of the Archipelago in Jakarta in March 1999- the Alliance of Indigenous Peoples considers it right and proper to observe and comment on the various policy reforms currently in progress which affect indigenous peoples throughout the country.

One of these is the reform of forestry legislation in the form of the government's draft of the new Forestry Law presented to the Indonesian Parliament on April 12th 1999. We have also followed the process and outcomes of the Community Forestry Communication Forum (FKKM), which has produced an alternative draft on Forest Resources Management.

We (AMAN) would like to make the following statement about these two versions of the draft legislation.

- We reject the Government Draft because it does not in any way acknowledge or give legal protection to indigenous peoples' rights over the forests which are part of their customary lands. In our view, this Draft has been drawn up with no consideration of the principles of justice for indigenous peoples.
- We reject the processes of formulating and discussing the Government Draft which have not been accessible and have completely excluded indigenous peoples, who are the component of Indonesian society most directly concerned with forest issues. We conclude that President Habibie's transitional government is incapable of generating openness and participation in the reform of development policy.
- We order the Indonesian parliament to postpone discussion of the Draft Forestry Law until after the elections and the formation of a new government.
- We value and support the Community Forestry Communication Forum's initiative in drawing up an Alternative Draft Law on Forest Resource Management which promotes democracy, justice, sustainability and forest conservation.
- We also demand that the Community Forestry Communication Forum ensures that its Alternative Draft will: a) get rid of the concept of State forest which the government has always used to legitimise its take-over of customary forest lands; b) limit and redefine the authority and role of the government in forest resource management so that it is not possible for the political elite and bureaucracy to use forests as a source of political power as was the case during the New Order (Suharto years)
- We call on the government and parliament immediately to put on the agenda the formulation of legislation specifically intended to provide a legal basis for respecting and protecting indigenous peoples' rights over natural resources in their customary lands.
- We demand that the formulation of all legislation which bears directly or indirectly on the lives of indigenous peoples must involve indigenous peoples from all parts of the country."

Signed by M Basrin (AMAN Co-ordinator), Den Upa' Rombelayuk and M Nasir Datuk (AMAN Deputy Co-ordinators)

Source: Liz Chidley, Down to Earth,

