

# The Movement and Activities of Environmental NGOs in Indonesia

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**Abstract:** The Soeharto regime collapsed in 1998 after ruling the country for 32 years. Despite calls for reform of all sectors, including forestry, the state of Indonesia's forests has continued to decline. NGOs have been carrying out various ameliorative activities to counteract forest fires, illegal logging, and other problems, as well as efforts to achieve fundamental reform of forest policy through community-based forest management. This paper discusses changes in the roles of NGOs working on forest issues, major trends and activities, and challenges faced by such NGOs in the post-Soeharto period.

**Key words:** Local people's rights, sustainable forest management, local participation, decentralization, KKN.

## 1 Forests in crisis

It is said that Indonesia lost approximately 1.5 million hectares of forest each year in the 1980s and 1990s (Gautam *et al.*, 2000). The World Bank warns that the island of Sumatra will be denuded of forest by 2005, and Kalimantan by 2010, if no countermeasures are taken (*Media Indonesia*, 7 Nov. 2001). WALHI, an environmental NGO, predicts that Kalimantan will have no more pristine forests (or frontier forests) in five years (*The Jakarta Post*, 4 Dec. 2001).

Commercial logging, transmigration policies, mining, oil palm plantation development, forest fires, and illegal logging are among the causes given for deforestation.

Many corporations with forest concession rights (HPH) have carried out indiscriminate logging, flaunting the rules of TPPTI (the Indonesian selective logging and planting system).<sup>1</sup> Only one third of the corporations with business use rights are said to be in compliance with these regulations (Yokota 2001). Industrial timber plantation projects (to produce raw material for pulp), as well as recently booming oil palm plantation developments, are supposed to be carried out only in conversion forests that have lost their productive capacity, but it is extremely common for natural forests, etc., to be logged for such projects. It is also common for corporations involved in such projects to disappear from the area once logging is finished. Furthermore, in 1997 and 1998, massive forest fires destroyed 9.76 million hectares of forest (Barber and Schweithelm, 2000). The forest fires were primarily due to plantations, industrial timber plantations, and land clearing for transmigration programs. Recently, illegal logging has also become a major problem. The annual amount of illegally logged wood is estimated to be 57 million m<sup>3</sup> by the British Department

for International Development (DFID), and 42 million m<sup>3</sup> per year by Forest Watch Indonesia (FWI), accounting for some two-thirds of annual log consumption. It is obvious that illegal logging is exacerbating deforestation and forest degradation.

It must also be kept in mind that forest loss and degradation are occurring in the context of a prolonged economic crisis, the thrust towards reform and democratization, political turmoil, and the confusion accompanying decentralization. Despite warnings about the critical state of forests in Indonesia by overseas aid organizations, domestic and overseas NGOs, research institutes, etc., the rate of deforestation has continued to increase. However, forest policy is in a state of confusion, due to the unclear division of powers between central and local governments, inconsistencies between national laws and local ordinances, and other issues.

## 2 NGOs in the post-Soeharto era

### 2-1 The Soeharto era

Indonesian NGOs were active during the Soeharto years despite various obstacles. The Soeharto years were characterized by massive commercial logging and other forest development projects carried out in the name of "development." Since the concessions of state-owned timber enterprises (i.e., Inhutani, Perhutani), forest concession rights (HPH), industrial timber plantation concessions (HTI), and plantation and mining concessions were often established with no regard for the local communities and indigenous people, who depend on the forest for their livelihood, disputes between the local people and the government and/or corporations regarding use of lands and forests occurred in many localities. Since the 1990s, many NGOs have responded to the calls of local people to draw attention to the problems related to the exploitation of forests and natural resources, and to help them to raise their voices and demand respect for their rights. They have thus supported local people victimized by development. In this process, the local people's methods of forest management, based upon customary law and tradition, received

<sup>1</sup> The logging area is divided into 35 blocks, and 1 block is logged each year. The forest is allowed to regenerate during the 35-year cycle until the next cut. Only trees with a diameter of 50 cm or more can be logged.

new attention from the perspective of sustainable forest use.

## 2-2 Change in the government's position

After Soeharto stepped down in May 1998, restrictions on the mass media and freedom of association were greatly relaxed, and democracy, freedom of expression, etc., became possible to some extent. As a result, a large number of political parties, NGOs, etc., were formed in a short period of time—popping up “like bamboo shoots after the rains.” The range of activities and the importance of the roles of NGOs have increased significantly.

Meanwhile, the attitudes of government bodies towards NGOs have also changed dramatically. NGOs are starting to be viewed as partners of the government in policy advocacy and implementation, rather than just as an oppositional force critical of the government. Towards the end of the Soeharto period, Western government bodies and aid organizations began to emphasize “local participation,” and to encourage partnerships between government projects and NGOs, but no such significant trend emerged during the Soeharto years.

Government bodies bear considerable mistrust towards NGOs with regard to their capabilities and mission (whether they really pursue a noble mission to “serve the public,” etc.), but the perception that they are a force to be reckoned with is becoming widespread.

There is also an emerging ethos that all groups in society should cooperate when the nation is in crisis. For instance, in 1999, FKKM (Indonesian Communication Forum on Community Forestry) called upon NGOs, academics, experts, administrative bodies, the timber industry, aid agencies, and others working on forest issues to participate in joint drafting of a new forestry bill. The National Development Planning Agency (BAPPENAS) also announced that not only the central government, but also local governments, NGOs, research institutes, universities, private corporations, and individuals will participate in the drafting of the IBSAP (Integrated Biodiversity Strategy and Action Plan) from the bottom up. (*Media Indonesia*, 7 Nov. 2001)

## 2-3 From mediator to facilitator

Since the latter half of the Soeharto era, many NGOs began to focus on the empowerment of local people, but recently the significance of empowerment work is shifting.

During the Soeharto era, people faced such violence from the army and police that it was difficult for them to raise their voices. Empowerment work consisted of making people aware of their right to raise their voices, and helping them to actually do so, or if that was not possible, speaking out on their behalf. In other words, NGOs mainly played the role of a “catalyst” for change among local people, or “media” to speak out on their behalf. Change of the NGOs themselves was not necessarily envisioned.

However, with the fall of the Soeharto regime, local people have started to speak out on their own. Many have formed their own NGOs to pursue various activities. Accordingly, the work of NGOs has also shifted toward supporting such local people and proposing solutions to the local administration, corporations, etc. (Okamoto, 2001).

## 3 Trends among NGOs

### 3-1 Local people's rights and sustainable forest management

Forest policy during the Soeharto era paid little attention to the knowledge and roles of local people. Instead it prioritized drawing local people into the labor force for logging, industrial timber plantation and oil palm plantation projects run by corporations. The result was devastating for the forests. Now at last, the demands of communities and NGOs in forest resource management, with the active participation of local people, are slowly beginning to be reflected in national forest policy. For instance, the New Forest Law, revised in 1999, recognizes the existence of the customary forest (*hutan adat*) and the rights of local people to manage them. However, NGOs are dissatisfied that the customary forests are classified as national forests. Many NGOs assert that recognition of local people's rights calls for clearly stipulating in law that local people have tenurial rights to communal forests under customary law and the right to determine the methods and modalities of their management. It is their view that recognition of such rights of local people is essential to achieving sustainable forest management.

Local NGOs in particular have played a central role in mapping lands and recording their customary use in order to secure local people's rights. From such activities, NGOs have deepened their conviction that traditional forest management by local people is superior to commercial logging, industrial timber plantation projects (HTI), and agricultural plantation projects in terms of achieving sustainable use of forest resources without destroying the environment. This is based on the understanding that sustainable forest management can only be achieved on the initiative of local people, using their traditional knowledge and techniques; not merely through community forestry (HKM), as promoted with a top-down approach by the government.

#### 3-1-1 Participation in the policy formulation process

##### • Enactment of TAP MPR IX 2001

The “Determination of the People's Consultative Assembly No. IX 2001 on Agrarian and Natural Resource Management Reform” (TAP MPR IX 2001 tentang Pembaruan Agraria dan Pengelolaan SDA) was adopted at the annual general meeting of the People's Consultative Assembly in November 2001. The TAP is a normative legal instrument that is secondary only to the constitu-

tion and that provides an overarching framework for individual laws. The TAP became reality through the efforts of 24 NGOs, including ELSAM, KPA-Bandung, WALHI-Jakarta, ICEL, YLBHI, and AMAN, who spent weeks dug into their hotel rooms persistently lobbying the assembly members. Humor was not forgotten—NGOs distributed cotton swabs to the assembly members as a reminder that they had better clear out their ears to understand their appeals.

The TAP MPR IX 2001 clearly recognizes the failures of earlier policies, such as the fact that previous natural resource management had resulted in environmental degradation and conflicts over the ownership and use of resources, and that there are contradictions among related laws and regulations. It sets a new direction for equitable, sustainable, and environment friendly resource management. It promotes the principles of maintaining national unity, adherence to law, democratization, the full enforcement of law, transparency, promotion of local participation, women's equal rights, sustainable resource use, conservation, and ecosystem protection—in accordance with the social and cultural values of local communities and the rights of indigenous peoples (*hak masyarakat hukum adat*), as well as recognition, respect, and protection of the diversity of ethnic cultures of each region. It also calls for carrying out equitable land reform with due respect for citizens' land ownership, in order to resolve existing and future conflicts over resources, and calls for allocation of adequate funds for this purpose.

In response to TAP MPR IX 2001, the National Land Agency (BPN) began drafting a bill to simplify the types of land ownership. It stipulates that there are just two categories of land ownership (permanent title and provisional title), calls for phasing out "business use rights" (HGU), and states that the demands of local people must be heard in the process (*Bisnis Indonesia*, 8 Dec. 2001).

- **Involvement in enactment of local ordinances**

NGOs have also been active in policy advocacy at the local level. YBH-Bantaya, an NGO based in the province of Central Sulawesi, has been interviewing the indigenous Pakava people to learn about their methods of forest management, and working to have them included in a draft local ordinance. This is in response to the district administration's decision that local people's forest resource management methods be reflected in the ordinance. YBH-Bantaya staff members ask the Pakava people to gather together and talk freely about their forest management methods. The NGO staff record the discussions and have the local people confirm the accuracy of the documentation, which is then used in the drafting process (Sitorus, interview).<sup>2</sup>

APURA, an NGO based in Yogyakarta, conducted detailed research on forest destruction in the Wonosobo

district of Central Java Province, and raised the issue with the district council and local people. As a result, drafting of a community based forest management ordinance was begun, with the involvement of the council and administration, local people, and state-owned forestry corporations. The FKKM and the Forestry Department of Gajamada University have also offered support in the process.<sup>3</sup>

In the West Kutai district in East Kalimantan, NGOs such as SHK-Kaltim and LBBPJ have been working jointly with the local administration, foreign aid organizations, indigenous peoples' community organizations, universities, and other research institutes to elaborate a draft forestry ordinance. SHK-Kaltim and LBBPJ are NGOs that have worked for the empowerment of local people, while investigating traditional forest resource management and methods of sustainable resource management by local people.

RMI, another NGO in West Java, is carrying out activities to incorporate the knowledge of local people in village ordinances (*perdes*). The village of Malasar in Bogor District has a traditional system called *Kebun Tarun* in which trees are intercropped with various crops until the saplings grow large. This is the same method as what is called *Tumpang Sari* by the state-owned forestry corporations. Fodder, food, fuel (firewood), and many other things can be produced under this system. But it was the local administration that did not understand the merits of this system. The practices of *Kebun Tarun* have been documented in each village, and several discussions between the local people and village officials have been held. The officials recorded what was discussed at the meetings, and included it in the draft of the village ordinance. The draft ordinance is due to be submitted to the village council. RMI served as a facilitator for the process, setting up the meetings and other arrangements (Latipah, interview).

Besides these cases, Forest Watch Indonesia explains that there have been NGOs cooperating with local governments to develop local ordinances in Sangau District of West Kalimantan, West Lampung District of Lampung Province, and many other places (Rina, interview).

These activities show that a new trend has developed in the role of NGOs; no longer limited to criticizing the government, but presenting it with alternatives. This demonstrates that there is now political space for NGOs to be involved in politics. ELSAM and other NGOs are putting more emphasis on legal participation activities, such as providing training on participatory legal drafting for NGO staff members and members of parliament, as well as workshops for NGOs on critical law study.

### 3-1-2 Activities for resolution of land conflicts

In order to secure their rights, local people will need to regain their lands and forests taken from them by private and public corporations, but this remains a difficult

<sup>2</sup> A list of interviewees and the organizations they belong to can be found in the Appendix.

<sup>3</sup> Jurnal Studi Kebijakan PSDA, Vol. 2/No. 1/Okt-Des 2001.

task, despite the fall of the Soeharto regime and the calls for reform. Though land disputes are partly due to the government's refusal to recognize native customary rights to land, customary forests, and usufruct rights. Another major cause of such disputes is that often the same land is classified under more than one category; i.e., there is overlap in the classification of land, due to severe inadequacies in land registers and the land registration system. For instance, there is an area in Gunung Halimun National Park that is considered to be a core zone by the national park authorities, but it is classified as production forest by the state-owned forestry corporation (*Perhutani*) and considered a catchment area protection forest under local people's customary law (Latipah, interview). The prevalence of such cases not only complicates resolution of land issues, but also presents obstacles for NGOs and local people working together on new forest management programs.

In the past, NGOs devoted much of their efforts to raising awareness on the importance of land and forests for local people, and the harm they have suffered due to the loss of their means of livelihood, but in recent years they have focused more on finding concrete solutions in partnership with the local people.

- **Participatory mapping**

NGOs are working with local people to make land-use maps or maps delineating the borders of villages and settlements. In the beginning, RRA (Rapid Rural Appraisal) methods were used to prepare rather rudimentary maps, but recently there has been increasing use of GPS (Global Positioning System) to prepare relatively detailed maps. Workshops on mapping using GPS are also being carried out for NGO staff and local people.

The goal of such mapping has been to show to the government and local authorities the location and boundaries of lands and resources used and managed under customary law, and to get them to recognize local people's tenurial rights to these lands. During the Soeharto era, the government never listened to such appeals from the people. Currently, though the authorities recognize the existence of native customary rights land and customary forests, the problem has arisen that the borders of such lands are often unclear, because land surveys and recording of lands in the land register have not been carried out regularly for many years.

- **Holding multi-stakeholder meetings**

NGOs have been arranging dialogues and negotiations between local people and the authorities or corporations they are in conflict with. Recent trends towards democratization and decentralization have made such work much easier than in the past. In the village of Guguk in Jambi Province, the local people and the district government have regained concessions from corporations with forest concession rights (HPH) (Muayat, interview).

- **Information sharing**

NGOs are providing information and organizing people of different communities facing similar problems

by facilitating meetings, sharing knowledge, etc., between them.

### **3-1-3 Traditional forest management by local people**

Efforts are being made in many localities to investigate and document methods of forest resource management based on local customary laws and traditions. Whereas community forestry promoted by the government took a top-down approach, a system of community-based forest management promoted by NGOs, called *Sistem Hutan Kerakyatan* (SHK), has given new emphasis to traditional knowledge passed on in the community, with the aim of achieving forest management based on the initiatives of local people. What is noteworthy about SHK is that it does not view the forest merely as a source of timber resources, but as an integral ecosystem with a wide range of functions, including supply of non-timber produce, maintenance of biodiversity, and environmental conservation. Furthermore, in order that the forest can also serve as a basis for livelihood, not only environmental conservation but also contribution to the local economy (personal income as well as local government revenue) is emphasized. Respect for local culture is also stressed.

### **3-1-4 New people's initiatives in forest management**

An eco-forestry pilot project (*Pengelolaan Lati Tana Benung*) was launched in 2001 in the lands around the village of Benung (50 households) in the West Kutai District in East Kalimantan. SHK-Kaltim had previously done some mapping in the area in 1996. The project was developed jointly by SHK-Kaltim and the villagers, at their request.

The project divides 1500 hectares of customary forest into three areas of 500 hectares each: communal forest, joint management forest (eco-forestry), and contract forest. The communal forest is used by community members to collect forest produce for household consumption. The contract forest is leased out as a concession to a private corporation managed by local people. The joint management forest (eco-forestry) is co-managed by community representatives and SHK-Kaltim members, who first conducted a preliminary investigation (timber cruising) and prepared a sustainable forest management plan regarding issues on, for instance, how much wood it is suitable to cut each month on a sustainable basis. As a result, it was agreed that three to five cubic meters of wood could be extracted each month (the wood is exported to New Zealand), and that the forest would be left to natural regeneration, without tree planting.

SHK-Kaltim cooperated in the investigations and development of the management plan for the introduction of this system, but the community members themselves made all decisions, including those regarding financial management.

### 3-2 Advocacy activities regarding forest destruction

#### 3-2-1 Illegal logging

There are many NGOs that have investigated illegal logging by corporations with forest concession rights (HPH) over the years, but Telapak has used a new method of capturing evidence on video, launching a massive campaign with a video and report titled "The Final Cut." This campaign aroused a large response, partly due to the sensational nature of the incident, in which logging was being carried out in a national park and members of the People's Consultative Assembly were among the actors. It helped to put the illegal logging issue in the public eye. In April 2001, the Minister of Forestry issued a directive that banned logging and all domestic and international trade of Ramin timber (the focus of this case).

Nonetheless, illegal logging continues unabated, driving the forests into a deepening crisis. A temporary ban on log exports was declared in October 2001, but it has had little effect. Many NGOs argue that if Japan and other importing countries would demand that producers have their timber certified, this could help to counteract illegal logging, but no major action has been taken in this regard. This is partly because Telapak, which has led the campaign against illegal logging, has expressed doubts about the effectiveness of certification at this stage. They claim that certification has too many loopholes at present, with corruption, collusion, and nepotism (KKN)<sup>4</sup> still widespread. Telapak is proposing that Japan carry out "timber tracking"<sup>5</sup> as a countermeasure against illegal logging.

Causes of illegal logging include the protracted economic crisis, the end of the ban on log exports, increased demand and insufficient supply of timber, increased imports from China, inadequate monitoring by administrative bodies, KKN, and confusion due to decentralization. Investigations into illegal logging are dangerous, particularly since powerful politicians and bureaucrats, gangsters, the military, police, and the like are often involved.

Recently, illegal logging is being covered in the mass media almost daily. Parliament and the government are serious about rooting out this problem, as it deprives the coffers of the central and local governments of revenue that they should be getting.<sup>6</sup> However, forest policy is in a state of confusion in relation to decentralization, which

is discussed later.

#### 3-2-2 Forest fires

The forest fires of 1997-98 burnt an area of 9,750,000 hectares and caused damage worth approximately U.S.\$ 9.3 billion. Indonesia has suffered from forest fires each time that the El Nino phenomenon has occurred. The forest fires of 1982-83 also caused extensive damage. At that time, shifting cultivation by local people was blamed as the cause of the forest fires. However, during the forest fires of 1997-98, NGOs conducted a campaign blaming forest developers for setting fire to the forests. As a result, at the end of September 1997, the Minister of Forestry published a list of 176 companies responsible for starting the fires, including plantation companies, logging companies, and contractors clearing land for transmigration programs.

In 1998, WALHI filed a civil case against 11 corporations it claims started forest fires in South Sumatra by illegally setting fire to lands they were clearing. They demanded payment of 11 billion rupiah as damages to the nation and as funds for regeneration of the forest. WALHI submitted detailed GIS (Geographic Information System) data, but the court did not accept it as evidence, relying only on eyewitness accounts. As a result, two corporations were found guilty, but they were only given mild penalties, being required to pay judicial costs, establish forest fire monitoring systems, etc.

On the other hand, national NGOs such as WALHI worked with local NGOs to appeal to the international community for donations for medicine and masks, and distributed them among people adversely affected by the smoke from the forest fires. Many NGO members made reports or analyses of the situation of areas affected by the fires, or worked as volunteers at the "pos comando" set up for distribution of relief goods, etc. (Barber and Schweithelm, 2000). In regions facing a food crisis due to the forest fires, NGOs played a central role in distributing seed paddy, relief funds, etc.

#### 3-2-3 The rapid expansion of oil palm plantations

The 1990s in Indonesia saw the rapid proliferation of oil palm plantations. The area planted with oil palm was 105,808 hectares in 1967, but this planted area was due to increase to 3 million hectares by 2000; if the area for which oil palm plantation projects have been approved is added, the total comes to 5.5 million hectares (*Kompas*, 21 March 1998). In theory, conversion forests that have lost their productive capacity are to be used for such plantation projects, but in practice, natural or highly productive forests are destroyed to make way for them in most cases. A forest converted to plantation is impossible to regenerate. However, the 1998 agreement with the International Monetary Fund (IMF) abolished the ban on foreign capital investment in the plantation sector, opening up the opportunity for small-scale investments in this sector previously under a mega-capital oligopoly. The conversion of forests into plantations has accelerated as a result. One major problem with oil palm

<sup>4</sup> KKN, which stands for *korupsi*, *kolusi*, and *nepotisme*, is the popular euphemism in Indonesia for the rampant practice of corruption, collusion, and nepotism.

<sup>5</sup> Timber tracking means cross-checking the figures for timber freight ships that have left major ports in Indonesia against the figures for freight ships that have entered major ports in Japan, to detect any discrepancies between the declared vs. actually transported quantities of timber.

<sup>6</sup> Statement by Mr. Yuhdoyono, Minister of Political and Social Coordination (*Bisnis Indonesia*, 19 Nov. 2001), declaration at Bali conference, etc.

plantations is that they have increased disputes over land and forests due to issuance of business use rights (HGU) without the consent of local people. Many problems also occurred because it was mandatory from 1984 until 1998 (when the system was abolished) for oil palm plantations to adopt the Nucleus Estate and Smallholders System linked to the Transmigration Program (PIR-Trans) (Okamoto, 2001). Oil palm plantations have also caused problems such as ecosystem destruction and forest fires.

NGOs addressing this issue in various localities got together in the late 1990s to form a network called Sawit Watch, which uses the Internet to collect, provide, and exchange information. Sawit Watch disseminates information on general forest issues, as well as oil palm plantations, providing a forum for information exchange among NGOs.

#### **3-2-4 Lobbying and use of mass media**

National NGOs have been playing a central role in lobbying the Minister of Forestry and other leading cabinet members, as well as providing information to the mass media. Campaigns involving the mass media have been gaining momentum ever since the 1997 forest fires. Since there have been more NGO-friendly people assigned as cabinet members since the fall of the Soeharto regime, NGOs have been able to approach cabinet members more actively than in the past.

Recently, NGOs have been calling on the Minister of Forestry for stricter measures against KKN within the Forestry Ministry itself in light of illegal logging and timber smuggling. They have also called for improving the viability of the timber industry by closing down timber companies that have excess debt, restraining the demand of timber-related industries to improve the balance of supply and demand, and preventing sawmill companies from expanding operations into the pulp industry.

#### **3-3 Anti-globalization**

Since the economic crisis of 1998, Indonesia has been under pressure from the IMF, Consultative Group for Indonesia (CGI), and other aid agencies to carry out "reform" as a condition for receiving loans. IMF recommendations on the forestry sector have called for liberalization of trade and foreign investment, deregulation, privatization, reduction of export tariffs for forest products, abolishment of export quotas and other export regulations, and the like.

NGOs have opposed globalization in general, not only in the forestry sector. There is frustration that, despite Indonesia's implementation of such drastic reforms as demanded, the economy has not recovered, and the burden of debt servicing due to the weakening of the rupiah has put further pressure on national finances. Globalization is linked to the debt issue. NGOs also recognize the need for reform. However, equitable rules that are a prerequisite for free trade (and free competi-

tion), and systems for local people to access information and capital have not yet been established. Under such circumstances, globalization is viewed to be a system that merely serves the interests of the industrially developed countries

#### **3-4 Response to decentralization**

Two laws on decentralization have come into force as of January 2001, delegating sweeping powers to districts and cities, which are the second-tier local governments after the provinces. However, since decentralization was carried out in a short period of time without adequate preparation, the central, provincial, and district governments each have different understandings about the powers of local governments. District ordinances and directives by district mayors that contradict overarching laws have also been issued (*Bisnis Indonesia*, Sept. 2001) Previously, it was the Minister of Forestry who had the power to approve forest concession rights (HPH), but with decentralization, the power to grant concessions of less than 50,000 hectares has been delegated to district mayors, and of up to 100,000 hectares, to provincial governors. In light of criticisms that local people have not benefited from forest resources, district mayors were given the authority to approve small-scale logging concessions called HPHH (*Hak Pengumpulan Hasil Hutan* or Forest Products Collection Right) of up to 100 hectares. However, due to increased illegal logging, the Forestry Ministry has been leading a movement to reconsider the devolvement of powers to local governments. The Forestry Ministry has taken issue with the local government employees' lack of ability to develop policy and local councils' inability to monitor the activities of local administrations, as well as the tendency to treat forest resources merely as a source of local revenue without an outlook towards forest protection or long term forest management.

Local governments as well as NGOs have responded strongly to such criticisms by the Forestry Ministry (central government). This is because it is the failure of forestry policy over the last thirty plus years that brought about the current forest crisis. Many people suspect that the Forestry Ministry just does not want to lose its vested interests. NGOs have welcomed decentralization for the most part; one reason given is the decreased distance between the place where policies are made and the forests where they are to be implemented.

It is also true that some local politicians and influential people merely view decentralization as a chance to gain new vested interests, rather than to further the welfare of local people. However, joint efforts by local people (*masyarakat adat*), NGOs, academics, and local administrations to draft new ordinances for improved natural resource management, such as those being carried out in West Kutai District of East Kalimantan Province and Wonosobo District of Central Java Province, are highly praiseworthy. Many NGOs view such initiatives as a

chance to have the demands of local people regarding their rights and sustainable resource management reflected in policy.

#### **4 Problems faced by NGOs—Focus on NGOs in East Kalimantan**

Though momentum is increasing for reform and democracy, and NGOs are finding new inroads to participation in the policymaking process, land-related issues remain largely unresolved, and new problems are also cropping up. These issues are discussed below with reference to case studies of NGOs in East Kalimantan.

##### **4-1 Unresolved conflicts and pressure from public authorities**

Despite the new trends of the times, there are many people who are not only unable to regain their lands but also continue to face pressure from the police and other public authorities. A sense of despair is spreading, and NGOs are running out of means to address the problems.

- **The case of Mancong**

The village of Mancong in the *West Kutai District* has been encroached upon since 1996 by a coal-mining firm (PT GBP) and an oil palm plantation company (PT Lonsum), which have logged large areas of the communal natural forest belonging to the village. With the support of NGOs such as LBBPJ and Komite HAM-Kaltim, the villagers have refused to surrender any more lands to the companies, which are trying to further expand their operations. Mr. Asui, viewed as a central member of this movement, was nearly arrested in April 2000 on grounds of obstructing the company's activities, but narrowly escaped by jumping into a river. He was again pursued by police when he attended a seminar with NGO people in November 2001. Mr. Asui's plea that "the people cannot live without land" is earnest. LBBPJ and Komite HAM-Kaltim have worked tirelessly to resolve this problem, but a solution is still not in sight.

- **The case of oil palm plantations in the Pasir District**

In the Pasir District, PTP Nusantara XIII (state-owned plantation company) began a plantation in 1982, based on the Nucleus Estate and Smallholder System linked to the Transmigration Program, with aid from the World Bank. The total area is 26,800 hectares, comprising 17,200 hectares for cultivation by contracting farmers (*plasma*) and 9,600 hectares directly operated by the nucleus estate. This land was the native customary rights land of the Pasir people. Only 20 percent of the contracting farmers participating in the project are Pasir; the remaining 80 percent are migrants from other regions. The Pasir people were allocated 2 hectares per family, but were outraged that the costs of equipment and land rent had been calculated as debt, even though they considered the land to be their own. People from 10 villages working as contracting farmers then began a movement to demand the return of 7,000 hectares of

land. After 1999, they formed a representative body to negotiate with the plantation company and the district and provincial governments. Police have attended all these negotiations in the name of security. Ultimately, the provincial governor decided in October 2001 that 2,000 hectares of land for which business use rights (HGU) had not yet been established would be returned to the local people. The people were so disappointed that they lost the willpower to continue the movement. Some of the farmers participating in this movement have been arrested for "illegal possession of weapons," because they were carrying cleavers (large knives) for farm use, or have been subjected to other pressures. Such problems, as well as the need to divide 2,000 hectares of land among 10 villages have raised concerns of conflict among the local people. Yayasan Padi, an NGO that has supported the local people, has had to change the direction of its activities. For the foreseeable future, it plans to establish a credit union to support families of villagers who have been arrested, and promote other income generating programs.

In the North Barito District in Central Kalimantan it has been documented that the security authorities threatened villagers protesting logging of their customary forest by a company, saying "You will be arrested if you go to talk to the company without applying for permission" (Plasma, 2000).

The new wave of reform for democracy, decentralization, etc., has still not changed the reality on the ground in outlying regions. The authorities continue to suppress the local people with force in the name of maintaining law and order. A staff member of an NGO working on the illegal logging issue said, "No matter how accurate a report one prepares, it is highly likely that the judge will make the wrong decision in court. The guardians of the law are corrupt in Indonesia."

##### **4-2 Surfacing conflicts**

Decentralization, the new Forestry Act, and other measures have greatly increased the opportunities for local people to access natural resources. There has been significant progress, as local resources had previously been monopolized by a handful of big corporations and political elites during the Soeharto era. However, cracks are appearing in the solidarity of local people, who previously have tended to be viewed as a solid block in confrontation with the government and corporations. Some are due to problems inherent in the local communities, while others have been triggered by economic globalization and other external influences, but both are interrelated.

##### **4-3 Problems inherent in the communities**

"Local participation" is slowly but surely becoming a reality in the process of democratization and reform. As noted above, local governments are asking local people to give their views during the process of policymaking,

and are inviting them to various consultations. However, such participation is usually limited to traditional leaders according to customary law, or influential people in the villages. Marginalized community members such as women and the poor tend to be ignored (Latipah, interview). Opportunities have increased for village heads or traditional leaders according to customary law to be involved in decision-making regarding HPHHs and other business use rights, but such decisions are made without adequately consulting the other villagers in many cases. The atmosphere in the village is not conducive to free exchange of views; people hesitate to criticize their leaders (Kadok, interview).

#### 4-4 Impacts of economic globalization

Local communities include both rich and poor people. Currently, a rich person is defined as one who "has cash or capital." It is a matter of concern that opportunities for local people to participate in HPHH and other projects exploiting forest resources may widen the gap between rich and poor within communities. Conflicts over distribution of profits from the *Hutan Adat* (customary forest) and other shared resources are also occurring.

For instance, in the case of the eco-forestry program in Benung Village mentioned above, a dispute occurred because relatively well-to-do villagers argued that the entire *Hutan Adat* should be used for HPHH contract forestry (Nasir, interview).

In Long Telenjau Village of Bulungan District, 10 units of HPHH (100 hectares/unit) were granted to the same company. All concessions were in the *Hutan Adat* of the village. Since HPHH concessions can only be obtained by local people, the sub-district head and company officials asked the village head and the traditional leader under customary law to collect the ID cards of the villagers, which were then used to do the paperwork. The villagers were told that they would be paid commissions. However, a conflict arose among the villagers regarding distribution of the commissions. The concession area touched the border of a neighboring village. The resulting dispute over demarcation of the border escalated to the verge of armed conflict (Plasma, 2000).

Harvesting of swallows' nests has led to the breakdown of the sense of community in the villages of the Long Apari Sub-District. In the 1980s, when the market price for swallows' nests increased, rights to collect the nests were granted to corporations on the basis of yearly bidding under the auspices of the Forest Conservation Bureau of the Forestry Ministry. With decentralization in 1999, the authority to grant concessions to collect swallows' nests was transferred to the district mayor, and it became possible for villagers also to collect the nests. This has led to reckless exploitation; people are collecting the nests without waiting for the chicks to hatch, throwing the eggs away. Furthermore, it is only the relatively wealthy villagers with connections to middlemen and the money to transport the produce and

pay wages that can engage in such business. They have become richer with this business, but the poor in the village remain as poor as ever (Sellato, interview).

One person interviewed for this study, Mr. Kadok, explained that there are two groups of indigenous people (*masyarakat adat*): those who live in the village, and those who live in the city while maintaining their ties with the villagers through blood relations and contact. The indigenous people living in the city have a big influence on the people living in the village through money and capital.

Another interviewee, Mr. Yan Ngau, described the attitudes of *masyarakat adat* today as follows. In the past, the *masyarakat adat* considered the forest to be an ecosystem supporting their entire way of life, engendering life-enriching culture, and providing a wealth of forest produce. This outlook was harmonious with the practice of forest conservation in the true sense. However, such attitudes towards forest management and traditional values were destroyed with the influx of HPH, HTI, plantations, mining, and other forms of "development." The idea that cash and the economy are everything was driven into people's minds, so that they came to think first and foremost of selling forest produce to make quick, easy money. However, people now feel confused and in a dilemma when NGOs and academics that have learned about their traditional methods tell them that their former ways are the best.

Many NGOs feel that the people's wish for "quick cash" is simply too strong, so have been promoting eco-tourism or other income generation programs as stopgap measures to keep people from doing excessive logging or resource extraction.

## 5 Future challenges and the role of NGOs

As explained above, since the end of the Soeharto regime, Indonesian NGOs have engaged in dynamic activities, ranging from addressing single issues faced by local people to involvement in policymaking processes at the local and national levels. The transition from a corporate-dominated forest policy to forest management based on local participation, such as demanded by NGOs over the years, could be said to be slowly becoming a reality.

However, the situation of forest destruction in Indonesia is grave indeed. Though stopgap measures are also needed, fundamental reform calls for local people to take the initiative in sustainable forest resource management. But as shown above, there are many obstacles on this path. Future challenges and the role of NGOs are considered below.

### 5-1 Community based forest management

#### 5-1-1 The concept of "local participation"

Nowadays the central and local governments are increasingly inviting NGOs and local people to various consultations. However, NGOs and the government do



not necessarily understand "local participation" in the same way. At present, the central and local governments' understanding of local participation mostly goes only as far as "hearing the views of community representatives" or "considering people's views." On the other hand, NGOs working for local people's rights understand it to mean that local people should make the decisions, so that indigenous communities with traditional norms based upon customary law, etc., can make active use of their knowledge and know-how in forest management. In order to make "local participation" a reality rather than mere rhetoric, the concept and mechanisms to achieve it need to be set forth concretely.

On the other hand, there is also a need for work on democratization of local peoples' collective decision-making processes. It seems to the author that the NGOs and the local people themselves have been somewhat inattentive to the obvious fact that indigenous or local communities are made up of individual people. This is perhaps because "local people" have tended to be viewed in contrast with the government, corporations, etc. Thus, though the NGOs lament that customary law is no longer being observed or communities are starting to fall apart, what is really important is that mechanisms be established to allow individual community members to express their views freely and make decisions democratically. A democratic society is one that respects the rights of individuals to have differing views and lead different lives.

Nothing is permanent in this world. Rather than merely holding on to traditional institutions, an effort should be made to set forth a new vision for a more democratic rural society.

#### **5-1-2 The concept of "sustainable forest management"**

Since commercial logging and other forms of large-scale forest development caused dreadful forest destruction during the Soeharto era, NGOs have tended to conceive of sustainable forest management in terms of traditional forest management by local people. Securing local peoples' rights is a prerequisite for achieving this, and has thus been the focus of activities up to now. However, traditional forest management takes various forms, and NGOs do not necessarily share a common concept of "sustainable forest management." With decentralization gaining momentum, there are villages looking for the right way to use and manage their *Hutan Adat*, or that have regained concessions from HPH projects. Local people will have to find methods of sustainable forest management that are appropriate to their locality. For this reason as well, there is an urgent need to clearly define the concept of sustainable forest management.

#### **5-2 Resolution of land disputes**

Resolution of land disputes is essential for achieving sustainable forest management. Overlaps in land classi-

fication by the national government (there are contradictions even within the Forestry Ministry), local government bodies, and local people need to be resolved without delay. Two approaches to this can be considered.

##### **5-2-1 Framework for conflict resolution**

At the national level, NGOs need to work together with concerned agencies, experts, etc., to develop a framework for conflict resolution as called for in the TAP MPR. There are various types of conflict, and many NGOs are struggling to resolve individual cases in each locality. There is thus an urgent need to establish a framework defining the approaches and processes for conflict resolution.

##### **5-2-2 Promotion of mapping techniques**

Mapping is certainly not a panacea, but it provides an extremely important means to document local people's land use patterns and boundaries in a visual form (the map). The existence of maps may also help to prevent conflicts in the future. There is a need to promote mapping techniques among the people.

##### **5-3 Stabilization of forest policy without delay**

Though Indonesia may be in a "period of transition" toward decentralization and other reforms, the chaotic state of forest policy due to decentralization has gotten a bit out of hand. If this were due to debate at the government level regarding the approach to sustainable forest management, it would be one thing, but the reality is that the central, provincial, and district governments are having a tug of war over powers and vested interests. The issuance of numerous ministry directives and local ordinances for various motives has made it difficult to grasp what the law really says. Under such circumstances, companies will hesitate to make investments, so economic recovery will be difficult. NGOs, which have networks that can access both the central and local governments, have an extremely important role to play in improving the situation by bringing stability to policy.

In this regard, it is fruitless to merely question the authority and management capability of local governments to approve HPHH concessions, etc., in the way the central government has. This will only result in a negative reaction from local governments, and more confusion. Pressures faced by local governments to secure independent revenue sources (PAD), the need for local governments to support excess public employees after the merger of local offices of central government mini-

<sup>7</sup> The salaries of public employees whose status has changed from national civil servant to local civil servant are due to be paid from general budget allocations (DAU) from the national coffers for the time being, but nonetheless, the burden for local governments has increased.

<sup>8</sup> It is said that the roster of proportional representation candidates is seldom disclosed prior to the election, so that it is not possible to judge individual candidates' qualifications, character, etc., when voting.

stries into local government departments,<sup>7</sup> election of heads of local government indirectly by local councils rather than by direct election, election of local council members by proportional representation,<sup>8</sup> and other aspects not directly related to forest resource management will also have to be considered if a fundamental solution to these problems is to be achieved.

#### 5-4 Rooting out KKN

KKN is one of the root causes of the severe status of forest destruction. Corruption is an everyday affair at every stage, from illegal logging and approval of development projects to the extraction, transport, processing, and export of forest products. "Illegal tax/levy/commission collection" (*pungutan liar*) has become a commonplace word. One American involved in aid to Indonesia for many years told the author that the Forestry Ministry is so corrupt that reform from within is hopeless. Recently, a parliament member created a sensation by stating that nearly 40 percent of general budget allocations to local governments are unaccounted for or misappropriated. An acquaintance working in the Ministry of Home Affairs tells me that this is unfortunately quite believable. It is a very deep-rooted problem. To make things worse, even the courts have lost the trust of the people.

NGOs have been criticizing corruption, but cannot be said to have counteracted it much. Criticisms of "the government" or the "security authorities" (*aparat*, or *okunum*) are common, but it seems that it is seldom pointed out exactly who is involved in corruption, and how it is carried out. This would require collection of evidence and other meticulous work, which may be beyond the capacity of NGOs. But merely appealing for "enforcement of the law" or "increasing transparency" is inadequate to counteract corruption. NGOs need to make use of their networks to take strategic steps against it. On the other hand, there is a need to propose mechanisms for prevention of KKN. There is a tendency to attribute to cultural differences or economic poverty the relative prevalence of corruption in Indonesia as compared to Japan or western countries, but this view is misplaced. The difference is due to internal/external auditing systems, higher likelihood of prosecution, severe penalties, and other measures. There is a need to propose such concrete countermeasures to KKN. Furthermore, it is essential to take new approaches to heighten people's awareness that KKN is unacceptable.

## 6 Conclusions

NGOs activities are extremely diverse, and it is expected that the role of NGOs will be regarded as even more important in the future. However, achievement of sustainable forest management by local communities will require a long process of fostering democracy not only on the national but also the community level, increasing environmental awareness, as well as monitor-

ing and advocacy for good governance. This will require capacity building and improving the financial stability of NGOs, along with further enhancement of their networks with the involvement of academics and experts as well. On the other hand, local people affected by land disputes are continuing to face unjust pressures from the authorities. NGOs have an important role to play in supporting such local people and monitoring the excesses of the authorities to make sure that such people are not neglected in the process of reform and decentralization.

One of the causes of forest destruction in Indonesia is the huge demand for timber, pulp, palm oil, etc., in markets. Japan and other countries that import timber should be more concerned about what is happening in areas that are being logged, what economic, social, and cultural impacts are felt by local communities, and what environmental destruction is occurring. NGOs in Indonesia have also criticized Japan and other importing countries in Asia for lack of concern regarding these matters. Consumers in European countries have a higher level of awareness, and are calling for certification of imports. However, much of Indonesia's timber is exported to Asian countries. It is said that 90 percent of timber produced in East Kalimantan is exported to Japan, South Korea, China, Malaysia, and other Asian countries (Usher, interview). Indonesia's own eco-labeling/certification system has very stringent requirements, such that only 5 percent of the 375 companies applying for extension of their HPH concessions have obtained certification (*REPUBLIKA*, 6 Dec. 2001).

Consumers in Japan, South Korea, and China can contribute to sustainable forest management in Indonesia by raising their voices against forest destruction in Indonesia.

## Appendix 1

List of NGOs mentioned in the report:

AMAN (Aliansi Masyarakat Adat Nusantara), Jakarta  
 APURA, Yogyakarta  
 BIKAL, East Kalimantan  
 ELSAM (Lembaga Studi dan Advokasi Masyarakat), Jakarta  
 FKMM (Communication Forum on Community Forestry), Yogyakarta  
 FWI (Forest Watch Indonesia), Bogor  
 ICEL (Indonesian Center for Environmental Law), Jakarta  
 Komite HAM-Kaltim, East Kalimantan  
 KPA (Consortium for Agrarian Reform), Bandung  
 KpSHK (Consortium for Supporting Community Based Forest System Management), Bogor  
 LBBPJ (Center for Indigenous People Empowerment), East Kalimantan  
 Plasma, East Kalimantan  
 RMI (The Indonesian Institute for Forest and Environment), Bogor  
 Sawit Watch (NGO Network on oil palm plantation issue), Bogor  
 SHK-Kaltim, East Kalimantan  
 TELAPAK INDONESIA, Bogor,  
 WALHI (Indonesian Environmental Forum), Jakarta  
 WARSII, Jambi

Yayasan Kemala, Jakarta  
 Yayasan Padi Indonesia, East Kalimantan  
 YBH (Legal Aid Institution), Bantaya, Central Sulawesi  
 YLBHI (Foundation of Indonesian Legal Aid Institute), Jakarta

## Appendix 2

Important laws and decrees related to local participation.

1. The Determination of the People's Consultative Assembly No. IX 2001 on Agrarian and Natural Resource Management Reform (TAP MPR IX 2001 tentang Pembaruan Agraria dan Pengelolaan SDA)
2. The Basic Forest Law No.41 1999

## Appendix 3

The following people were interviewed while preparing this report (organization names are in parentheses). I wish to express my gratitude to each of them for kindly allowing me to interview them, and for providing valuable materials, documentation, etc. A separate list of NGOs mentioned in the report is also given (see Appendix 1).

Mr. E. Sitorus (Yayasan Kemala), Ms. H. Latipah (RMI), Mr. A. M. Muayat (KpSHK), Mr. Hapusoro and Mr. R.S. Ridzki (Telapak Indonesia), Ms. A. Rina (FWI), Mr. Kadok (LBBPJ), Mr. Nasir and Mr. Nopilus (SHK-Kaltim), Mr. Yan Ngau (Plasma), Ms. Sarmia and Mr. W. Koesnadi (Yayasan Padi), Mr. Mansur (BIKAL), Mr. Rujehan (CSF-UNMUL), Mr. Graham Usher (Natural Resources Management Program), Mr. Bernard Sellato (IRSEA), Mr. H. Nakata (JICA Expert)

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