

GAUNG KMAN II

Tanjung, 24 September 2003

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Main report:

Report by AMAN's Council interrupted by uproar

The third day of the Alliance of Indigenous Peoples of the Archipelago's congress was still marked by the controversy over the council's accountability report (AR) for the 1999 to 2003 period. The previous day, the meeting had to be adjourned several times due to this controversy. Some of the congress participants raised questions about the report, as is logical in any modern organisation. AMAN's council and executive secretary are the executive arm of the organisation with the duty to work at national level. Following the rules of any organisation, at the end of their term, the executive must give an accountability report to those who gave them their mandate, which in the case of AMAN, is the congress. However, according to some members of the AMAN council during the 1999 to 2003 term, the council is not obliged to report to this congress. Their reason being that the members of the council are elected and invested by the regional congresses - a logical enough reason given the organisational structure of AMAN, as reflected in the organisation's statutes. There is an exception for the members of the council for the term from 1999 to 2003, since they were elected by AMAN's first congress. Their working areas are their respective provinces, because in AMAN's first congress this is what the council members were elected to represent.

This means that each member of AMAN's council must be accountable to the regional congress in their provinces. But the participants of KMAN II would not give up. If that were the case, they argued, then the co-ordinators, who were elected in the AMAN's Council National Working Meeting and whose area of work is at the national level, must give an accountability report to this congress. The coordinators disagreed because, according to the statutes, it was the council members who received their mandate from the congress, not the current three coordinators, who were elected by the members of their respective regional councils during AMAN's second Council Working Meeting in Bali, 2000.

A solution was found that was acceptable for everybody. The three coordinators who represent the working regions of west, centre and east would give their accountability reports as representatives of the entire council 1999-2003. They would merely act as spokespeople, since – as they pointed out themselves - they do not work on their own behalf, but in the name of the council in their respective regions. Hence, they were only prepared to read their accountability reports if all members of the council attending the second congress sit to face the participants of the congress for the reading of the report. This was agreed and that is the way it was done during the third day of KMAN II.

All members of AMAN's council for the 1999-2003 term sat in a row in front, below the chairman's podium, facing the KMAN participants, ready to endorse the reports to be read in turn by the three coordinators. In less than an hour the coordinators had finished reading their reports. The participants of the congress were given the opportunity to respond. Basically, participants from Sumatra, Java, Kalimantan, Sulawesi, Bali, Nusa Tenggara, Maluku and Papua made some remarks on the reports. Those that Gaung KMAN II managed to write down concerned insufficient transparency and organisational management, especially related to the use of funds.

In general, there was nothing out of the ordinary during this session. In the morning session there was an interruption with a position statement. Just when the three reports were about to be presented, someone asked to be given a little time to talk. As it turned out, the speaker was the head of the *Langlang Jagat* (a group of civil watchmen) called *Gempar* (Uproar) who are said to be the most respected in the Tanjung subdistrict. In their position statement they made three points: first, support for the success of KMAN II, second, rejection of any kind of external intervention in the implementation of KMAN II, and the last point was rejection of anyone trying to disturb the course of the congress in the name of *adat*. Why did they wait for the third day to make this statement? According to one of Gaung KMAN's sources within the organising committee, *Bapak* Kamardi, who happens to be the head of the Lombok OC [organising committee – ed] there might have been some connection with the demonstration on the previous day. "Just as each illness has its remedy, and each poison its antidote, yesterday's demonstrators are very scared of *Langlang Jagat Gempar*." Another reason that motivated them to read their position statement was that the demonstrators' words had been too harsh and somewhat rude when addressing several members of the local organising committee, who are also important *adat* leaders in their respective villages. So this was a statement of loyalty to those persons who had already been given their mandate from the people of the Tanjung villages. *Bapak* Kamardi just smiled. (Gaung/ eml)

Miscellaneous

The Newmont infiltrator

By the second day of AMAN's second congress, the rumour that there was an infiltrator attending the congress, was making the organising committee very uneasy. As a result, the organisers became more vigilant.

Coincidentally, Ruka, a committee member, was observing one of the participants in the meeting of the commission on organisational matters. This participant, according to Ruka, kept asking questions that would not have been asked by someone who was a member of an indigenous community. Suspicious, she approached the person, inquired where he was from and asked to see his participant card – at the time, the card was turned around, so it could not be read. It turned out that he was from West Nusa Tenggara (NTB).

Still suspicious, she left the meeting room to look for an organising committee member from NTB she could ask about "Mr X" from NTB. Five minutes later, she

came back to the meeting room to check whether that person was really a participant. The fake participant had disappeared.

Earlier, Junaidi, an observer from Mataram, had caught a member of staff from the mining company Newmont NTB by surprise, wandering about in the congress arena, wearing *adat* clothes and even holding a participant's card. "What are you doing here? Have you been invited?" Junaidi exclaimed. (tjong)

Article 1

Regional Autonomy neglects *Adat*

With the issuing of Law 22/1999 on Regional Autonomy, came a ray of hope that the government system - felt to be too authoritarian and unresponsive to local interests – might be changed. But whatever hope there was disappeared as soon as the distortions and manipulations of the Law 22/1999 began, both in its substance and its implementation. The distortions regarding the issue of village governance are proof of this lack of consistency. A village, as referred to in the 1999 law, is not a social organisation, but a legal entity of people with a structure based on its own system of ancestral rights. This implicitly means that the village is regarded as a subsystem of the government system. This understanding does not take into account a village's uniqueness or life according to people's local knowledge systems. At the same time, it paves the way for too much intervention by the state.

Disregard for the unique village governance systems that exist and are developing in each village, weakens the integrity of the village as a legal entity. Further, by imposing such a uniform structure, villages are made more dependent on the regional and central government. This represents a denial of the basic communal rights which should be recognised.

If the implementation of village autonomy is not linked with a strengthening of village institutions, then people will be denied participation and *adat* law will be marginalised.

This problem is made worse by the fact that there are weaknesses in indigenous peoples' organisations at community and regional level; in indigenous peoples' awareness of participation in organisations, in the consolidation of indigenous peoples organisations, and in indigenous peoples' focus on the struggle for material rights. The principle of political democracy as a basis for achieving indigenous peoples' sovereignty is not often discussed or worked on.

The issue is so complex, that cross-sectoral cooperation is needed in order to handle the problem. The government must immediately solve problems arising from wrong development policies – this refers to conflicts over land, resettlement, the impact of implementing the Law 5/1979 on village governance, and the destruction of *adat* institutions.

The laws and policies issued by the central and regional governments must take into account and reflect the interests and needs of indigenous peoples. Apart from this, the most important thing to do is to revise the Law on Regional Autonomy according

to indigenous peoples' aspirations. Because the key to the nation's success lies with the true safeguarding of *adat*. (Gaung/hnp)

Article 2

Sumbawa Oil cures all Ailments

"Where does it hurt?" asks H Sayid Jafar Baharun

"I have a lump here", says a member of the organising committee, showing a small lump on his left arm.

Then, Baharun rubs some clear oil on the arm and presses the lump with his right thumb.

"Go away!" he says, while pressing harder and harder. He looks serious, his eyes are focused on the arm with the small lump.

He pours some oil on the flat surface of a short piece of wood. Then he presses the wood against the arm with the lump.

"Try lifting your heel", Baharun tells his patient. Then, another piece of wood is placed between the patient's knees. Baharun places the palms of his patient's hands on the patient's knees.

"Come up, up!" calls Baharun, in quite a loud, commanding voice. He knocks on the backs of the patient's hands while they rest on his knees.

"Cured. For your knee, *remote* treatment will do," says Baharun after the treatment, as he gives his patient two bottles of oil. One of them has a red label reading "Original Sumbawa Oil. Effective Massage Oil. "Pengaten" (Bride and Groom) Brand". Unfortunately, the lump is still there.

Abah, as Baharun calls himself, had already "cured" another member of the organising committee before this other patient came with his small lump. And inside the tiny tent that serves as a health post, just beside the community radio tent, people are lining up, hoping that their ailments can be cured, too.

"Thirty thousand, please" says Baharun in English, when one of the patients slips out of the tent with his two bottles of oil. "As a donation, so Abah can make more medicine."

Abah is one of the resource people who spoke during the workshop on spirituality on the 20th of September 2003. He promised to give free treatments for three days.

Some female patients jokingly ask him "Abah, do you have something for people who want to find a boyfriend?" "Insya Allah!" ("God willing!"), he replies.

If anybody else wants treatment, get your 30.000 Rupiah ready for the effective medicinal oil produced by H. Sayid Jafar Baharun. Who knows, maybe your ailment might be cured aswell. (Gaung/ sur)

Book Review

Our only demand: Recognition

"If the state does not recognise us, we shall not recognise the state"
First AMAN Congress, 1999

The demand for recognition is the main focus of the struggle of indigenous peoples to regain control over their land, their livelihoods and their destiny. They have already gone a long way towards achieving this, and the demand has been voiced by *adat* people from many different places. Laws and policies are a double-edged sword which can be used to protect us, but are often used to wound us whenever these laws and policies are not based on the interests of indigenous peoples. That is why national and *adat* laws needs to be understood critically by different groups of people.

There are several basic problems that relate to the issue of recognition: the legal process, the political process, the mechanism to develop *adat* systems and the learning process. Some of these processes cannot be solved immediately. Even the *adat* system has its weaknesses, because not every aspect of it is suitable for today's indigenous peoples.

Moreover, traditional conflict resolution mechanisms have often been subject to intervention by the state or colonial powers. The diversity of indigenous people's autonomy is not accommodated by current policies and there is even a tendency to re-centralise authority. The commitment to establish regional autonomy has not been fulfilled. At the moment, this is the sad truth about the current state of decentralisation in our country. Efforts to achieve autonomy for indigenous peoples must be carried out at all levels simultaneously (national to local), by promoting political, educational, and economic autonomy, as well as the autonomy over indigenous peoples' management areas.

This book is a guide for indigenous peoples to learn about the practice of organising people. The book also presents examples of different indigenous communities in Indonesia and abroad. Although not perfect, it is an important book for all those fighting for indigenous peoples. For further information about this book, please contact:

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ICRAF – World Agroforestry Centre, email: icraf-indonesia@cgiar.org, <http://www.worldagroforestrycentre.org/sea>;

FPP – Forest Peoples' Programme: email: info@fppwrm.gn.apc.org <http://www.forestpeoples.org/> ;

KEDAI – Kelompok Diskusi Adat Indonesia email: M.Sirait@cgiar.org .(Gaung/hnp)

Keep AMAN's second congress safe from infiltrators of any kind!

(Translated from the Indonesian by Eva Castaner for DTE)