

GAWUNG AMAN VII

1. AMAN NEWS:

Let's Consolidate.....

As its second congress draws nearer, the Alliance of Indigenous Peoples of the Archipelago (AMAN) has been carrying out consolidation meetings at various levels, from communities, association or area up to local congresses at provincial or regional level. Consolidation activities are something that any organisation must do, including AMAN. These activities are not just about getting people together but about clarifying and renewing the spirit and the commitment to be part of an organisation. The consolidation activities are also a chance to redefine common goals that the organisation should deliver.

The consolidation discussions focus on the main issues at stake for the organisation. For instance the structure and personnel of the organisation, membership, procedure to become a member, explanation about AMAN's structure as an alliance and its implications for the position of its local organisations, type of the organisation and technical aspects such as membership fees, involvement of NGOs and the representation of communities at the second congress. These discussions are an opportunity for AMAN's members to make suggestions as to how AMAN can become a better organisation.

This consolidation process can also be used as a means to make AMAN known to a larger number of people. It is important that potential new members receive clear information about what AMAN is, such as its organisational structure, what it does, the history of its foundation, the consequences of becoming a member, the requirements for becoming a member etc.

The individuals in charge of this consolidation process (consolidators) verify the content of the forms that have been filled in by the communities declaring themselves to be members of AMAN. The verification includes aspects such as the existence of the community and to what extent their organisation is sufficiently representative of the community. AMAN'S list of members needs some improvement because it is partly incomplete or contains some errors. Instances of this are West Kalimantan and South Sulawesi.

The issue of how communities are represented at the second Congress is important because the participants of the congress must have a mandate from the communities they represent. It is easy to imagine that if the participants do not have a mandate from the communities it will be difficult to distribute the results of the congress to them and this will hinder the course of the organisation and of the indigenous peoples' movement itself. Another important issue to be discussed in depth is the term *masyarakat adat* (indigenous peoples), which is still unclear. One tangible effect of this is the fight for political posts in the name of *adat* that has recently emerged. This is why the term *masyarakat adat* must be properly defined.

The consolidation process aims to reach communities who still live in accordance with their *adat* and who have a true interest in joining AMAN. The consolidators have a busy agenda so the consolidation process needs to be quite efficient. The consolidation process does not differentiate between members and non-members of AMAN. It is not just about preparing for AMAN's second congress but it is part of the overall struggle of the *masyarakat adat*. In fact the core element of the overall consolidation agenda is the consolidation process in each community, focusing on a reflection and evaluation of AMAN as an organisation. This will be useful both to AMAN and to the communities.

The materials needed for a consolidation activity are the TOR for the consolidation process, the organisation's statutes, the organisation's general guidelines, a summary of the history of AMAN, various AMAN position statements and the minutes of the consolidation meeting. A very important aspect of the verification is checking whether communities which are already registered with AMAN still fulfil the criteria to be eligible for AMAN membership.

The table below shows a brief overview of the progress of the consolidation process in those regions that have already reported to the Secretariat for AMAN's 2nd Congress.

Regional Progress

Region	Progress
Aceh	JKMA has received DFID funding for its consolidation process. The consolidation began at community level, moved up to district level and finally a regional consolidation meeting took place in July 2003, attended by 150 participants. The meeting was organised by indigenous people and supporting NGOs who assisted in the administration process. The agenda of the meeting was determined by the indigenous people. As of July 2003 it had not been possible to hold the JKMA congress.
North Sumatra	BPRPI intends to carry out an internal consolidation. KSPPM will assist the consolidation by holding a workshop. The Secretariat should give clarification about holding this workshop. As of July 2003, BPRPI had not confirmed this activity.
West Sumatra	The consolidation process in W-Sumatera is quite complicated. Despite the existing local regulation (Perda) recognising the <i>nagari</i> as customary area, it is difficult to know which communities on the mainland actually do uphold their <i>adat</i> rules and more time is needed to identify such communities. There is currently one <i>adat</i> community in Kotomalintang in the process of consolidation with the purpose of rediscovering its <i>adat</i> . The consolidation process of indigenous people of the Mentawai islands has been going on for quite a long time and this community is already member of AMAN. However AMA Mentawai is uncertain whether they will be able to carry out their local congress.
Riau	There are two communities that are already members of AMAN namely Pejangki and Kuntu. Riau has already carried out their preparatory consolidation meeting, which was attended by representatives of several communities. Each of these representatives will carry out the consolidation in their respective communities. It has been recommended that 3 Kuntu caliphates (<i>kekhalifahan</i>) and the Bengkalis <i>adat</i> communities join the congress.
Jambi	Jambi has already implemented the regional congress while the consolidation at community level is currently being carried out by AKA Jambi after starting in May. However the Secretariat for AMAN's 2 nd Congress has not yet received the report on the development of this consolidation.
South Sumatra	Has yet to give news about the development of consolidation activities to the Secretariat for AMAN's 2 nd Congress. So far they have only sent confirmation of participation of representatives for organisations and communities.
Bengkulu	A consolidation meeting was held from 1st to 3rd of July 2003 involving 10 communities. The meeting chose a person to be in charge of implementing the regional congress. The regional congress will be held after the national congress.
Lampung	So far the Secretariat for AMAN's 2 nd Congress has yet to receive information about the development of the consolidation.
Java	The participants of the regional consolidation activities in Panjalu agreed to form the Association of Indigenous Peoples of Java (<i>Paguyuban Masyarakat Adat Jawa</i>) and also chose 36

	delegates to be sent to the congress. Before holding the regional consolidation, each community had their own consolidation. These consolidation activities at community level brought to light that none of the communities in Java are prepared to fill in the AMAN membership form or to pay membership fees. Both the form and the membership fees were perceived as binding and inconsistent with the nature of AMAN as an alliance. This refusal to fill in forms and pay contributions has an explanation in traumatic experiences related to 1965. Because of this, SC needs to discuss the requirement of filling in a form and paying membership contributions.
West Kalimantan	AMA West Kalimantan feels that the Indigenous People's Alliance (AMA) of West Kalimantan as well as AMAN haven't been sufficiently promoted. Because of this they have decided to promote AMA Kalbar and AMAN across West Kalimantan. Also, they will simplify the membership form. The promotion will be carried out in 6 districts and will be completed by July 2003. The consolidation in the Bengkayang district was carried out at the end of March 2003, the consolidation in the districts of Ketapang and Sintang is currently ongoing, whereas the consolidation in the districts of Kapuas Hulu and Sanggau were completed during the second week of April. The consolidation for Landak district will be organised by H. Nazarius. The second congress of AMA West Kalimantan will be carried out from 10 to 14 of August 2003.
South Kalimantan	In June 2003 AMA South Kalimantan held their local Congress, which was attended by about 700 people. Promotion of AMAN and the membership verification was done in each <i>balai</i> (<i>adat</i> areas) of the Meratus mountains in March 2003. On 21 April 2003 a follow up meeting was held to evaluate the results of the promotion and verification process.
East Kalimantan	The consolidator for the East Kalimantan region has already made the work plan for the consolidation of PeMA Paser. The meeting to prepare the consolidation of Kutai Barat district is still awaiting several NGOs. The <i>Masyarakat adat</i> Punan will host the congress but it would be better if the consolidation at community level is done before that.
Central Kalimantan	Consolidation was carried out in the catchment area of the Barito river between March and mid May 2003.
Bali	At present the interest of <i>adat</i> communities to join AMAN is in steady decline. Because of that it is necessary to promote AMAN again in a more suitable way. The activities have been divided into two phases, one for the local level and another between districts. The consolidations at district level were carried out in Bangli, Karangasem, Singaraja and Denpasar (including Denpasar, Tabanan, and Gianyar) during the third week of May 2003. The meeting between districts was held at the end of May 2003. The participants were the representatives of the different communities who had been elected in each of the meetings at district level, as well as other invitees such as NGOs, academics, local government, etc.
West Nusa Tenggara	Several organisations in West Nusa Tenggara (NTB) are very interested in participating at the 2 nd AMAN Congress. Because of that it is important to be careful in order to avoid the 2 nd AMAN Congress being hijacked by any group for their own political agenda. The consolidation activities will be done on a regional level and will simultaneously be used to map out the existence of communities in that region. The meetings will be held in 8 locations. The Congress for the NTB region will be held on April 27.
East Nusa Tenggara	The <i>Jagat</i> Congress was carried out in Maumere with funding from DFID and Yayasan Pikul from 10 to 13 September 2002. The consolidation on community level was carried out from the first week of April to the end of May to clarify JAGAT/AMAN membership, delegation to the Congress and to strengthen the struggle at community level.
Sulawesi	In the case of South Sulawesi the consolidations at community level were carried out on 12-13 March 2003 by the Kajang <i>adat</i> community, from end of April to 30 May by AMA Toraya, beginning of May 2003 for Seko, Mandar and Kondosapata - Mamasa in separate events. In the case of North Sulawesi, so far there are no news regarding the development of their consolidation activities. However the coordinator for North Sulawesi has already sent a work plan and budget. Gorontalo carried out their consolidation planning meeting on 20-21 March 2003. The regional Congress for Central Sulawesi will be carried out from 28 May to 2 June 2003. For South East Sulawesi, AMATRA has already received funding from DFID to carry out their consolidation from community level up to regional congress. AMATRA recently carried out a reflection and planning meeting for the consolidation. The Congress of Indigenous Peoples of South Sulawesi will be held on 24 - 28 July 2003.
Maluku	In Maluku the consolidation process stagnated because of the long lasting conflict. In areas considered safe such as Southeast Maluku and North Maluku the consolidation activities have started. They are currently at the stage of dialogue and identification of leaders/vocal

	individuals. Aru, Kei, Tanimbar, Buru Island, and North Maluku have completed their consolidation. The Sultanate of Ternate is currently carrying out its own consolidation for AMAN's 2 nd Congress. Many indigenous peoples are keen to become members of AMAN. There are even communities who consider themselves members already, although they have never filled in a form. The Meeting of Indigenous Peoples of Buru Island will be held during the third week of May 2003. Tanimbar will hold their public meeting on 28-30 April 2003. The meeting for <i>adat</i> leaders from across the Maluku archipelago and North Maluku began 23-28 June 2003. This included the seminar on 1-2 July 2003 in Kei, which was attended by Sonny Keraf and Abdon Nababan.
Papua	West Papua already has a work plan for the implementation of the consolidation. The Implementing Secretary of AMAN will visit Papua to discuss the consolidation planning. Activities have been carried out in the districts of Biak, Sorong, Wamena and Merauke since mid May 2003.

Until now the secretariat has received confirmation sheets regarding the participation of representatives for organisations and communities from 10 regions (Seko, Totana lalong, Mandar, Java, Central Kalimantan, Tanah Toraya, Central Sulawesi, South Sumatra, Kondosapata, Jambi).

2. EDITORIAL

The Election Law and its Implications for Indigenous Peoples

Indigenous Peoples' Strategy for Political Participation regarding the Election Law

*The general elections are in sight, gladly welcomed by all
The right to Pancasila democracy is the wisdom of the free Indonesia
Vote as your representative someone who can be trusted to be loyal to his mandate*

When the election song was repeatedly broadcast during the Suharto era, it meant that the "feast of democracy" (=election) was about to begin. Then the three existing parties Golkar, PDI and PPP campaigned noisily, and the result was easy to guess - who else if not Golkar?

After the fall of Suharto, Indonesia has been regarded as a country in transition towards democracy. The general election of 1999 was considered a democratic election in which everyone who fulfilled the requirements to be a voter was free to vote for the political party which s/he trusted without facing intimidation, terror, or threats. Most of the offences that occurred were technical rather than substantial. This means that the mistakes were mainly about the trivia of implementation in the field rather than the content, essence or basic principles of the election itself. This editorial focuses on explaining the Election Law passed in 2003 and considers the opportunities for the participation of indigenous peoples.

The Election Law regulates aspects of the election such as registration, implementation, supervision and offences. This new law contains changes to some articles of the old law. For instance political parties contesting in the elections must consider women for 30% of their proposed candidates. This can become a point of reference for the people to ensure that political parties include 30% women candidates as candidates. It can also become an opportunity for women, including women from indigenous communities, to increase their participation and represent the interests of women. Another aspect that needs closer attention is that it is no longer forbidden for members of the military or police forces to vote. They can even be elected as members of the Regional Representatives Council (Dewan Perwakilan Daerah) if they step down from their post. Then there is

the rule for mass media, printed and electronic, to provide a balanced proportion of space to campaigning candidates and political parties. There is also the permission for political parties to campaign in institutions of education. Further there is the prohibition for holders of public posts such as the president, vice president, governors, mayors, and *bupati* (district heads) to campaign. An important rule perceived as a heavy burden by the contestants is that they need be represented in 50% of the provinces and 50% of the districts.

The 2004 election will use an open list proportional system where the voters vote for candidates proposed by the political parties. This means that the voters need to know about the representative they are voting for. They must know and be able to verify the qualification, accountability and capability of the candidate. For the indigenous peoples' movement, the main aspect to consider is the candidate's past record on supporting the people, especially indigenous peoples.

The allocation of seats in a given electoral district is determined by dividing the number of valid votes by the district's quota (BPP). The number of seats a party wins depends on the ratio between the votes the party has received and the BPP. Using the open list system means that the political parties are given the opportunity to appoint twice as many names of best qualified candidates as the number of seats allocated in the electoral region. It is the voters who decide which candidates on the list rate first, second and so on.

In the 2004 elections, the Indonesian people will elect 5 different levels of government: members of Parliament (DPR), members of the Regional Representative Council (DPD), members of provincial assemblies (DPRD I), members of district assemblies (DPRD II) as well as the president and vice president, through direct election. The Regional Representatives Council (DPD) is something new in the 2004 election. The representatives in the DPD are elected directly by the people using a district system. This means that indigenous people can elect the DPD representative whom they consider suitable to represent them within the national institution. DPD candidates are selected by the Election Commission (KPU). There are four seats in the DPD for each province, filled by the four candidates that win most votes in the province. The registration of DPD candidates is open until 8 September 2003.

After the 2004 elections the MPR (People's Consultative Assembly) will no longer be responsible for electing the president. So who will elect the president? The presidential election will be direct. The people elect the candidates proposed by the political parties. To propose a presidential candidate, the political parties have to fulfil the requirement established by the KPU that they need to win at 25% of the seats in the April elections for the DPR. After the 2004 election the MPR will consist of two chambers (bicameral), the DPR and the DPD. However, the regulation regarding these two institutions is still under discussion and the pertinent law is still a draft. In the draft proposed by the DPR, the DPD would be in a disadvantaged position since its role would only be to advise the DPR at times when the DPR and the president discuss laws.

From the technical point of view, the ballot paper consists of two columns. The first column contains the names of the candidates running for election in a constituency. The second column contains the logos of the political parties running for election nationally. Voters have to vote by marking with an x one candidate out of the left column whom they wish to become their constituency's representative and choose one party which will receive their seats at national level according to a proportional

system. The ballot count will be done at the polling station, in the constituencies and at national level. If the number of candidates in the election is high, the ballot paper will be very large and it will take some time for the voters to establish their choice. Voters might get confused and some political parties might take advantage of that.

Positioning

During April the KPU compiled data about the size of the population and the number of voters. This calculation is carried out to establish the precise number of voters. If indigenous people intend to participate in this election, this process of data compilation needs to be observed closely to avoid any kind of manipulation, especially regarding the handling of ballots at the polling station and the results.

The election -as one political arena- is a process which citizens can use to make a difference mainly in political policies. In the 2004 election with its new system, indigenous people must know their chosen candidates well. Apart from determining the members of the legislative, indigenous people also have the opportunity to determine the head of their district and province. Thus information will be of crucial importance, especially regarding the history of the candidate's support for the indigenous peoples' movement. Because of this, indigenous people should not hesitate or feel embarrassed to request information about the different candidates proposed by the political parties or about the individual candidates running for a seat in the DPD. Indigenous people can also propose a candidate to become a member of the legislative or executive.

The DPD can also become an opportunity for indigenous people to voice their aspirations or to run as candidates. The responsibilities of the DPD members are currently being discussed by the legislative chamber and will be included in the draft Law regarding the Composition and Position of the National Higher Institutions (RUU Susunan dan Kedudukan lembaga tinggi negara). The ongoing discussions can be used to lobby for the DPD's responsibility to go beyond that of giving advice to also having a role in pushing for policies that are pro-indigenous peoples. Indigenous people can become a lobby group to make this happen.

How can indigenous people become a lobby group? One strategy that can be used is to form indigenous peoples organisations at local level to facilitate the articulation and communication of local interests and to structure political participation within the local political framework in order to focus on issues that are relevant for every day life. This strategy has already been used by indigenous peoples in Indonesia so that in 2003 there already were 71 indigenous peoples organisations across the archipelago. Several of these organisations have already been actively involved in making or changing policies.

Given this strength, there are opportunities for planning and establishing policies that have been pioneered by indigenous peoples. If the indigenous peoples organisations work well and are fully trusted by their member communities, then these organisations will have quite a significant political influence so that indigenous people have a potential to contribute to the political processes of the nation.

Anybody can use the political arena to make or change policies. Because of its quality as an open space, the political arena becomes an arena where different stakeholders fight to gain influence and

decision making power within the government institutions through the instruments of democracy. Based on the agreement reached at the workshop organised by AMAN in 2002, the political participation of indigenous peoples will be expanded by creating and making use of open political space at local, district and national level in order to reach targets at local, district and national level.

Closing Remarks

We believe the election is an instrument to build a government that represents the interests of the people. A democratic government is an opportunity for social development with a participatory democratic process. Democracy is an opportunity for citizens to take part in formulating public policies which can effectively increase social development.

Empowerment of civil society is a must in this phase of transition towards democracy. If the empowerment of the people is successful, then their bargaining position when negotiating with the state or the government becomes stronger so that their wish to see their interests taken into account is fulfilled. Empowerment is a shared learning process between citizens so that all increase their critical self awareness and together build institutions that are resilient towards any form of intervention of the state into the realm of civil society. Through empowerment it is hoped that the people will form an independent force with a strong bargaining position so that their interests can be accommodated in government practice.

Indigenous peoples are in the process of organising themselves by forming community level organisations to voice their aspirations. If all these organisations are strong, their bargaining position will be strong, too. This strength can be used by indigenous peoples to communicate to the government their thoughts on the way their lives are governed, so that their aspirations to continue their lives as indigenous peoples are accommodated. To reach this, one must have a strategy. Laws are political products and therefore the political configuration determines the legal products. It was already agreed in the workshop that, in order to regain indigenous peoples' sovereignty, the members of AMAN need to strengthen the base at community level so that they are aware of their rights as citizens of the state.

Something that must really be paid attention to is that the election regulations make it possible for members of the military and police to vote and or be elected members of the DPD. This needs to be paid close attention to because historically -in the name of nationalism- they have only shown an interest in power, not in the people. That is why it is important that the people should know well the background of the candidates and -no provocation intended- should not vote for candidates with a military or police background. Indigenous peoples, especially members of AMAN must be consistent with their basic principle of anti militarism and a policy of a non-militaristic Indonesia.

3. WINDOW

Indigenous Peoples' organisations outside Indonesia

Indigenous peoples all over the world face similar problems as the indigenous peoples of the Indonesian archipelago. The main problem is the seizing/plundering of their land and forests, which violates their right to life, a consequence of the failure to recognise the existence and rights of indigenous peoples. The suffering endured by indigenous peoples has led to a variety of reactions.

Some have held meetings to discuss the problems they face, others have founded organisations in response to pressure, others have even taken to armed resistance. In brief, some react to pressure and others respond to it more actively.

The efforts made to form organisations is an indication of indigenous peoples' awareness of the need to fight together or to organise themselves in a group to fight for their land and resource rights. Once organised, they can resist, free from pressure and free to grow. The history of these organisations begins with negotiations at local and national level and even goes up to the international level. There are many examples from different parts of the world about indigenous peoples' struggle for their rights through forming organisations.

The International Indian Treaty Council is one example. This organisation was founded in 1974 by Native American indigenous peoples movements in a meeting attended by 1000 Native American people. The meeting was used to discuss the problems faced by Native American people from the perspective of international law in order to be able to attract attention and solve these problems. Since 1977 this organisation has often sent delegations to Geneva to put forward the problems faced by Native American people. An important lesson to learn from this organisation is that it is important for indigenous peoples to speak at international forums in order to receive support/solidarity for their concerns.

Apart from using the strength of organisations at local level it is important to regard the organisations that are currently emerging at regional and international level as a strength for the indigenous peoples' struggle. For example, AIPP, the International Alliance of Tribal Peoples of the Tropical Forest, the Non Timber Forest Products Network, etc. AIPP was formed at a meeting in Chiang Mai, Thailand, 1988. During this meeting 16 indigenous peoples organisations from 8 countries shared their concerns and discussed ideas, aspirations and the visions of the different organisations. They were certain that if solidarity was strengthened and an alliance amongst these indigenous peoples organisations was created, then the indigenous peoples' movement in Asia would progress further in achieving the recognition of indigenous peoples' rights.

The AIPP also received support from non-indigenous peoples groups as *associate members*. At present the AIPP counts 18 organisations from 9 countries as its members. Through AIPP the members can network and carry out joint activities such as international campaigns and lobbying. AMAN sent representatives to the AIPP meeting in Chiang Mai in 2000. In this meeting AMAN was invited to become a member. There are several organisations at regional level like AIPP in different parts of the world. Their main work is international advocacy.

Another initiative currently pursued by AMAN is the cooperation with the Tebtebba Foundation in the Philippines to create a regional information network for Southeast Asia. Within this cooperation AMAN collects information about different research related to indigenous peoples and also tries to support indigenous people to carry out their own research about their communities. This kind of information can be useful for international campaign work. This cooperation is another effort to consolidate the indigenous peoples' movement in a wider political arena.

At the global level, the United Nations Commission on Human Rights has a Working Group on Indigenous Populations. Indigenous peoples organisations can participate in the commission's meetings following the specific procedures for participation. Indigenous people participating in the

meetings of the Commission on Human Rights can talk to the members of the commission face to face about their bitter experiences. However, many were not satisfied with the results of the group's work so that indigenous peoples suggested the creation of the Permanent Forum on Indigenous Issues. The forum's mandate has a wider scope than human rights. In July 2000 the UN General Assembly agreed to the establishment of the Permanent Forum as a part of the Economic and Social Council. Half of its members are nominated by governments and the other half are appointed by the president of the Economic and Social Council. This working group is a new forum that indigenous peoples can use to fight for their rights within the UN.

The existence of forums at regional and international level does not mean that it will be an easy fight. There are many constraints that need to be faced such as complex bureaucracy and long processes so that the use of these forums requires seriousness and militancy. Take for example the indigenous peoples of Greenland whose fight for autonomy in regional forums and at the UN lasted for decades.

The organisations described above show that the need for global interaction and relations is one of the main requirements to strengthen indigenous peoples in their struggle. It is important to remember that the indigenous peoples' movement in Indonesia does not stand alone in the world. The same kind of struggle is shared by indigenous peoples in many other places of the world. Mexico is not only known for the Zapatista movement, but also for Rigoberta Menchú, an indigenous rights activist there who succeeded in making traditional rights a political issue and was awarded the Nobel Peace Prize in recognition of her efforts. Several experiences of the struggle of other indigenous peoples outside Indonesia can become a reference for the movement and strengthen it. The main thing to guard against is the domination of large investors over resources of all kinds.

4. MISCELLANEOUS

AMAN has done many things since the 3rd Working Meeting in Liwa. This edition of *Gaung AMAN* tries to summarize what has been done since that 3rd Working Meeting.

a. Preparation of the Congress

The AMAN National Secretariat has assisted in facilitating the regional consolidations and the local congresses. In January 2003 all regional coordinators had a coordination meeting to discuss the preparation and implementation of consolidation in the regions. Several areas have carried out their consolidation at provincial, district and community level.

The Secretariat has also held several meetings with the implementing committee for the congress and once with the implementing committee in Lombok. The secretariat in Lombok has already met five times. In these joint meetings the different implementing committees have coordinated with and informed each other about the progress of the preparation for the congress. So far the Secretariat in Lombok has played the role of passing on information to all other committees as well as to the people in West Nusa Tenggara. It is also responsible for facilitating the preparation of the regional congress and the regional consolidation in West Nusa Tenggara.

The implementing committee consists of several divisions responsible for the Agenda (informal workshops, general assembly, minutes, exhibition, cultural programme), Public Relations (PR) and

Documentation (international issues are included in the (PR) and do not constitute a division in itself), Logistics (accommodation, food, transport, decoration), Fundraising, Finances, consolidation at local level, Recruitment of participants and observers, Security and Health (including legal advice and support). Each division can call meetings for its members. So far the divisions that have handed in their working plans are PR and Agenda.

The deadline for registration of participants for the 2nd congress is July 2003. To date approximately 150 communities have filled in the form. However these still need to be verified. About 64 communities from West Kalimantan have not been registered by the Secretariat and there were some errors in filling in the forms when registering the communities of Seko in South Sulawesi. Each community that is a member of AMAN has the right to send their representative, man or woman. Organisations in the AMAN alliance have the right to send two representatives, one man and one woman.

b. Earth Summit

In 1992 the government of Indonesia signed Agenda 21, the Forest Principles and the Rio Declaration on Environment and Development. As a consequence, the government has to comply with the articles in the conventions and report on them to the Earth Summit. In May-June 2002 AMAN joined the preparatory meeting to the Earth Summit (PREPCOM IV) in Bali as the major organisation of indigenous peoples' groups responsible for meetings on sustainable development. PREPCOM IV in Bali was followed by the Earth Summit in Johannesburg in August 2002. In September 2001 AMAN and other civil society organisations jointly formed a forum called the Indonesia People's Forum. This forum provides an umbrella for nine main groups related to sustainable development, such as indigenous peoples, farmers, fishermen, workers, urban poor, young people and children, women.

The issues discussed in the IPF were explored through regional consultations in Medan (Sumatra), Yogyakarta (Java, Bali and West Nusa Tenggara), Banjarmasin (Kalimantan) and Makassar (Papua, Moluccas, Sulawesi and East Nusa Tenggara). The result of these regional consultations became the shadow report by civil society groups on the implementation of the Rio Convention. PREPCOM IV attracted much public attention because it succeeded in gathering more than 2000 marginalized civil society groups from all over Indonesia to meet, communicate and stand up together for their rights, which have been violated in the name of DEVELOPMENT. For AMAN the IPF Forum provided space to develop solidarity links with other civil society groups.

During the PREPCOM IV, AMAN along with the Indigenous Peoples' Caucus issued an indigenous peoples' political declaration as well as several other position statements concerning aspects of the agenda discussed during PREPCOM IV, such as Indigenous Peoples' Caucus Statement for The Multi-stakeholder Dialogue on Governance, Partnership and Capacity Building and the Position Statement of the Major Indigenous Peoples Groups of Indonesia on PREPCOM IV. In their position statement the indigenous peoples of Indonesia stated that indigenous peoples, as one of the important elements in natural resources management, need to be given rights and legal guarantees of participation in determining natural resource management policies in their indigenous lands. Because of this all stakeholders involved in natural resource management must respect and honour the rights of indigenous peoples, their rites and their law. Indonesia's indigenous peoples also managed to draw some attention with a demonstration in the Convention Centre where the meeting was being held.

On 19-23 August 2002, AMAN and approximately 300 representatives of indigenous peoples from all over the world held a meeting called The International Indigenous Peoples Summit on Sustainable Development in Kimberley, South Africa. The aim of this meeting was to develop a strategy to influence the results of the Earth Summit.

In that meeting indigenous peoples from all over the world agreed to use the phrase: "We reaffirm the vital role of indigenous peoples in sustainable development". The formulation of this sentence became a tool to ensure that all energy was poured and focused on this demand in order to increase the possibility of it being adopted by the Earth Summit. This sentence was then presented to the plenary of the Indigenous Peoples' Summit on 23 August and was adopted through consensus. It was then taken to Johannesburg as material for lobbying, particularly the government delegations from Finland, Norway and Denmark who had previously assured their support to any input from the Indigenous Peoples' Caucus.

Before departing for Johannesburg on 24 August, the indigenous peoples presented the formulation of this sentence in a discussion forum. This discussion was attended by several government delegations, some international organisations such as IFAD, Arctic Council, IUCN as well as some NGO representatives. The Kimberley Declaration was distributed and the indigenous peoples urged all stakeholders to lobby government delegations to adopt the results of the Kimberley meeting.

c. Empowerment of Indigenous Peoples and Natural Resource Management

Both Law No. 10/1992 on Population Development and Family Planning and Law No. 23/1997 on Environmental Management mention that the term environment includes a social aspect. However, the social aspect is often disregarded in development practice and there are many cases where people's concerns were not taken into account, especially when it comes to the issue of regulating the use of natural resources between indigenous peoples, companies and/or the government.

Extractive use of natural resources marginalizes indigenous peoples in the processes of policy drafting, decision-making, implementation, monitoring, control and evaluation of environmental management. Large investors have access to political channels and existing laws which indigenous peoples lack.

Indigenous peoples are also exposed to the risk of social and cultural change as well as natural disasters. All indigenous peoples experience the scarcity of natural resources as a cause of food shortages and health problems.

On the right to control and to use natural resources, there is a difference between the rules that apply to indigenous peoples and the ones that apply to the government. Until now, the substance of positive law [*hukum positif*] has neither recognised nor protected the rights of indigenous peoples. This problem arises due to different perceptions, interests and legal references. To resolve such conflicts one of the two sides needs to make sacrifices. The beliefs and views of indigenous peoples regarding natural resources are not easy to understand by others.

Social change has introduced new (economic) values that have turned indigenous people into hired workers or labourers for investors. The use of destructive technologies has pushed ecosystems out

of balance and caused pollution. Indigenous peoples are not in a good position to take an active part in the management of the environment.

As part of their empowerment, indigenous peoples need to become clear about their own terminology so that it does not stand in the way of fulfilling an optimal role in environmental management. Indigenous peoples need to gain the strength to be able to uphold their customary law and fulfil their obligations regarding environmental management, as well as preserve ecological wisdom.

It was with these thoughts in mind that the Ministry for the Environment in cooperation with AMAN organised a workshop. The aim of the workshop is that the different stakeholders arrive at a common understanding of the existence of indigenous peoples and the problems they face as well as come up with ideas for joint efforts to empower indigenous peoples, enabling them to take a stronger position and to play a strategic role in the management of Indonesia's environment.

d. Customary Judicial systems

On 10-12 October 2002, AMAN and Japhama organised the workshop "Opportunities and Challenges in the Strengthening of Customary and other Local Judicial Systems". The workshop was used to discuss the issue of customary judicial practices in several regions and from different perspectives. The workshop then divided into the following three groups for further discussions: government officials, academia and NGOs; indigenous peoples from Java-Sumatra-Kalimantan; and indigenous peoples from Sulawesi-Papua-Bali-East Nusa Tenggara-Lombok. Each of these groups discussed activities that might be carried out as a follow up of the workshop.

The discussion about customary judicial practices can be divided into three levels: practical, conceptual and ideological. On the practical level, the kind of problems covered by customary jurisdiction are civil cases. In some places even criminal cases are tackled through an approach based on restoration by imposing a sanction which is oriented towards the victim's interests. The main aspect in these cases is the sense of justice for the suffering endured by the victim and his/her family.

On the conceptual level, customary judicial practice is a reflection of the values system held by indigenous peoples and it has the character of social punishment. When receiving a sanction, the culprit is regarded as a member of the community. Therefore it is judged that he does not only cause individual harm but also harms the entire community, society as a whole and even further than that. This is why customary judicial practice always applies the principle of the community as a family and seeks to reach consensus through deliberations.

The values system of indigenous peoples is implicit in their judicial practice - that is: humanism. Customary laws mirror the essence of genuine humanism. *Adat* represents a small part of nature's life system which is much wider and more complex. Indigenous peoples are part of and inseparable from nature and their social environment. Thus *adat* gains religious, cultural, individual, social and economic dimensions.

All customary law practices mentioned above were analysed from different perspectives such as the relationship between the formal judiciary and the community, justice across social classes in *adat*, regional autonomy, as well as the position of customary judicial systems within the formal legal

system. These are important aspects to consider because customary judicial practice is often accused of favouring local elites, being feudal, discriminating against disadvantaged groups, especially women, and of lacking the capacity to solve the cases that arise within the communities. In the workshop the participants tried to respond to these issues and to dismantle the negative assumptions that are often made about customary judicial practice. The conclusion of these discussions was that the condition of a customary judicial system depends on its interaction with the political environment.

For instance some civil society groups made use of the decentralisation and regional autonomy policies to revitalise customary judicial practices as part of a comprehensive effort to fight for the interests of indigenous/local people. The aim is to give customary/local law a respected place within the national legal system.