

Gaung AMAN VIII

April 2004

AMAN & THE SOCIAL CONTRACT

The general elections are here again. People from all walks of life welcome this celebration of democracy. They all share the same hope: change. To avoid further disappointment in the next period, AMAN has signed a binding social contract with various candidates.

It is only natural that people should feel disappointed. Indigenous peoples, who have lost their right to life, have suffered too much already. Ironically, during the last months before the elections, at least 5 cases of conflict were reported. These were in

Bulukumba [Sulawesi] (indigenous peoples from Kajang village vs. PT Lonsum), Halmahera Utara [Maluku] (Kao and Malifut peoples vs. PT Nusa Halmahera Mineral), Sebuku [Kalimantan] (Permada - the Indigenous Peoples' Association of South Kalimantan and indigenous peoples from Sebuku island vs. PT Bahari Cakrawala Sebuku, Mabar village (BPRPI - Group for Popular Struggle to Guard Indonesia) vs. PT Kawasan Industri Medan), and Manggarai [in Flores Island, Nusa Tenggara *trans*] (Kolong and Tenda peoples vs. Manggarai district government). The only response of those in power to this resistance is violence. The oppression of indigenous peoples continues to bring death and material loss.

A political contract is an effort to hold political candidates to their promises. This kind of vigilance seeks to prevent possible disappointment amongst voters, particularly members of AMAN. Thus, the contract becomes something like a debt - which can be called in by the voters - in case the elected candidates forget about their commitments. Elections may come and go, but AMAN will never abandon its efforts to resolve conflict. While still fighting for the state's recognition of indigenous peoples existence, of course. AMAN is making use of the publicity surrounding this election to ask the candidates for the Regional Representatives Council (*Dewan Perwakilan Daerah*) to sign a letter of agreement. The purpose of this is to ensure that the candidates remain consistent in their fight to improve indigenous peoples' livelihoods, using the formal mechanisms offered by the state.

On the other hand, the International Decade of the World's Indigenous People declared by the UN will end this year. One of its influences has been the founding of AMAN. Does the end of this decade represent a threat to indigenous peoples? Or will it become a special challenge for the indigenous peoples' struggle to face global politics? Certainly, enthusiasm, hard work, and unity will be needed. Together, we - the indigenous peoples of the archipelago- must stand shoulder to shoulder to continue fighting for the rights of indigenous peoples.

We hope that the efforts undertaken by Landak district, in inviting other ethnic groups - Malay - to the indigenous peoples' congress may become an inspiration for others. The celebrations of AMAN's anniversary by different groups such as BPRPI, youth groups of Bengkulu, AMASUTA (the Alliance of Indigenous Peoples of Central Sulawesi), and AMA Toraya (the Alliance of Indigenous Peoples of Toraya) who also invited other ethnic groups, are other ways to strengthen the indigenous peoples' struggle. @

SOCIAL CONTRACT:

An experiment for change

In the midst of the hullabaloo of the recent general election campaign, one group of people launched the idea of a social contract. One form of this is to make an agreement with the candidates. The Alliance of Indigenous Peoples of the Archipelago (AMAN), acting as the umbrella organisation of all indigenous peoples across the archipelago, took this step by approaching the candidates for the Regional Representatives Council (Dewan Perwakilan Daerah - DPD). Can such a social contract become a tool for the people to influence the performance of their candidates? What kind of social contract will be considered effective in changing the fate of indigenous peoples?

Over the last few months, a lot of disappointment has been expressed over the performance of the people's representatives elected in the 1999 elections. These statistics of failure are difficult to ignore, because they are gaining a lot of publicity, including in the campaigns of political parties. The accumulating debt, growing unemployment, frequent human rights violations, and legal uncertainty are the hot topics being "sold" by some political parties. One reaction to this has been the movement against corrupt politicians initiated by a coalition of several NGOs.

For political parties, the social contract discourse has become a "sexy issue". Apart from becoming an instrument to seek votes, it also helps to increase the popularity of a party and its workers. It is not surprising that some parties, such as the Partai Merdeka (Freedom Party), are prepared to sign a social contract with their voters. But not all parties are like that. Akbar Tandjung, general secretary of Golkar, refused to sign such a social contract.

The social contract idea is not entirely new. The Greek philosopher Plato, put forward the idea in his writings, published in *The Republic*. Later, the idea was developed further by Hugo Grotius, Kant, Rousseau, and Hobbes. According to them, power lies in the people's hands. Rousseau stressed that the only powers that should be handed over to government should concern social welfare.

Ideally, the people's mandate, which politicians receive through general elections, should bind them to keep fighting for the interests of the people, not for the interests of individuals or their parties.

In this way, those in power must attend to the will of the people, not their own or their group's interests.

The mechanism for this transfer of power is what we know as general elections. Within this a mechanism, the political parties become the instrument to fulfil the people's power.

Over the years, the Indonesian election system has undergone some changes. In the general elections of 1971 to 1999, the people voted by merely punching a hole in the logo of the political party of their choice. However, according to the electoral system of 2004, the voters don't just punch the party's logo but also the name of the candidate of their choice. The successful candidates will be the ones who genuinely represent the interests of the people, whether as members of the government or of the representative institutions.

Ideally, the people's mandate, which politicians receive through general elections, should bind them to keep fighting for the interests of the people, not the interests of individuals or their parties. However, history proves that representatives are not held accountable for misusing their authority. In fact, there are cases where the representatives' actions go directly against the aspirations of their voters.

Just take the regulation in lieu of law (*Perpu*) No.1/2004 on permits for mining in protected forest areas. If we look at its legal context, this regulation is clearly incompatible with Law 41/1999 which does not permit mining activities in protected forest areas. But all efforts to counter this regulation have been ignored by those in power in order to protect investments that have already been made in those areas.

This kind of phenomenon clearly shows that the peoples representatives apparently do not feel bound in any way to their voters. The implication is that they do not seem to take responsibility for keeping the promises they made before taking their seats. This is the basic rationale behind the need for a social contract, which ensures that the candidates to the Regional Representatives Council (DPD) are accountable to their constituencies. Not just some sort of moral obligation.

AMAN's social contract

On 25th March 2004, AMAN signed a cooperation agreement with several DPD candidates. The agreement was signed by eight people, on 25th March 2004, in Hotel Indonesia, Jakarta. (*The names of the signatories are listed below*).

The main purpose of the memorandum is to ensure that these candidates will fight for and protect the rights of indigenous peoples from the threat posed by state regulations. They also commit themselves to assist in cases of public interest which harm indigenous peoples in their constituency.

Apart from that, they also have to provide information about national and local policies, as well as development plans that are going to be implemented on indigenous peoples' land by the government or the private sector, particularly if this affects their constituency. (for more details *see below*).

1 ZONSON MASRI, aged 39, leader of the Dayak Meratus indigenous peoples' movement and Chairman of Permada, the Indigenous Peoples' Association of South Kalimantan.

2 LA ODE OTA, 33, initiator of the environmental movement and advocacy support for cases of conflict affecting the rights of indigenous peoples in Southeast Sulawesi.

3 M. NATSIR ABBAS, 54, environmental activist and lecturer at Tadulako University (Central Sulawesi).

4 NYOMAN SUETHA, 53, *Bendesa* (*adat* leader) of Pekraman Catur village and also AMAN Council member from Bali.

5 ZADRAK WAMEBU, 45, son of the Duguena/Ondoafi *adat* leader, Kemtuk, and initiator of the strengthening of *adat* law in Papua.

6 YUNUS JEFFRI UKRU, 45, initiator of the social movement and facilitator of the cooperation network between *adat* communities in Maluku and North Maluku.

7 ANTON YOHANIS BALA, 39, motivator and lawyer for indigenous peoples in East Nusa Tenggara .

8 MARIA GORETTY TAMEN, 32, journalist and initiator of several media to protect the rights of indigenous peoples in West Kalimantan.

9 IDHAM HASIBUAN, 51, currently an active member of the PDI Perjuangan faction in the North Sumatra provincial assembly.

AMAN has not signed any contract with parliamentary candidates because it would not be very effective. Despite the fact that in this election the voters will also directly choose their candidates, the power of political parties is very strong and will determine these

people's attitude and political stand once they have their seats in parliament or as members of the government. History has proven this. Therefore, it is not easy to establish an accountability mechanism for candidates belonging to political parties.

As is common knowledge, in the April 5th elections, a ballot paper was considered valid if both the candidate's name and the party's logo had been punched. Ballot papers where only the party's logo was pierced were valid, too. This system makes it difficult to hold elected candidates accountable when they make and adopt policies that harm indigenous peoples.

Actually, the idea of a social contract is not limited to those candidates aspiring to become the people's representatives. Many people would also like to sign similar contracts with candidates for the posts of governor, head of district (*bupati*), or mayor. However, this would be of no use, since they can easily dodge their commitments, using the pretext that they are just applying the law. However, many of these laws go against the interests of indigenous peoples.

AMAN chose to focus on the DPD candidates because they represent the communities' choice and they are elected as individuals. Automatically, they are free from the kind of structural commitments of other candidates, who are put forward by a political party. AMAN hopes that this cooperation agreement will be something like a candidate's debt to his or her voters. If candidate does not implement the different points of the agreement, the voters can call for them to resign from their post. That is, provided that all indigenous peoples jointly vote for those candidates who have signed such a contract.

After signing this agreement, the next job is to check up on the successful candidates and evaluate whether they are fighting for the interests of indigenous peoples. If they do not, then indigenous peoples can withdraw their mandate at any time, or sue them according to the constitution. The least they can do, is not to vote for the same people again in the next election.

The time has come for the people to realise that they possess the highest power in this country. @ (Novi Siti Julaeha)

OBLIGATIONS OF THE DPD MEMBERS WHO HAVE SIGNED THE COOPERATION AGREEMENT

1. having received their mandate from the members of AMAN and indigenous peoples, they must fight for:
 - a. the implementation of MPR Decree No. IX/ 2001 on Agrarian Reform and Natural Resources Management by revoking and/or changing those laws that violate the rights of indigenous peoples and making new cross-sectoral laws to prevent further social and ecological destruction and repair previous damage.

- b. the implementation of the second amendment to the constitution of 1945, article 18 b paragraph 2 which stipulates that a law be issued that recognises and protects the rights of indigenous peoples.
- c. a higher allocation of funds within the national development budget for rural development and rehabilitation of areas affected by destruction of the environment and natural resources.
- d. implementation of the abolition of the Dual Function [*dwi-fungsi*] of the Indonesian Armed Forces, especially dissolving military institutions in rural areas, like Babinsa (village level Commander of the Indonesian Armed Forces) and Koramil (military sub-district commands).

They must:

- e. reject and prevent the issuing of regulations, laws and development programs which are likely to cause violation of the rights of indigenous peoples and/or destroy their livelihoods.
 - f. facilitate political processes necessary for the resolution of cases of conflict related to the rights of indigenous peoples throughout the archipelago.
2. Act as a source of information on national policies, development plans, public projects to be carried out by the government or the private sector on customary land, with special attention to the candidate's constituency.
 3. Act as a protector and supporter of indigenous peoples in their constituency if there are public cases of conflict that harm the interests of indigenous peoples.
 4. Always consult with their constituents, especially on issues that are relevant to their interests. These consultations will be carried out according to need, or at least every six months.

Jakarta, 25 March 2004

THE LONG ROAD TOWARDS A UNIVERSAL DECLARATION ON INDIGENOUS PEOPLES

By: Erasmus Cahyadi

The International Decade of the World's Indigenous People declared by the UN in 1995 will end this year. Will indigenous peoples succeed in pushing through the universal declaration on the rights of indigenous peoples?

The declaration of the International Decade of the World's Indigenous People shows the UN's tangible concern for social reality, especially that of indigenous peoples everywhere in the world. It is also a positive response to the fact that indigenous peoples in different parts of the world are becoming more able to assert their identity. However, their rights are often violated by national policies that are not participatory and do not accommodate the interests of indigenous peoples.

The aim of this Decade is to achieve a universal declaration on the rights of indigenous peoples from the perspective of collective human rights. This, it is believed, will counter-balance the perspective of individual human rights, as insisted upon by industrial nations. The currently dominant perspective of individual human rights has been proven to actually undermine the basic values of humanity.

The road towards a declaration

Various efforts undertaken during this decade have been aimed at achieving a universal declaration on the rights of indigenous peoples. Although it will not be legally binding, it is believed that this declaration would have considerable moral strength. This could be key in achieving recognition of and respect for indigenous peoples both internationally and at national level.

1. International Level

The fight for the recognition of indigenous peoples at international level started as early as in the 1920s. At the time, a leader of the Iroquois people addressed the League of Nations (now the United Nations) in Geneva. He spoke of the situation in Canada and asked the League of Nations to mediate in the long-standing conflict between the indigenous peoples and the government.

It is this intervention that is believed to have awakened the League of Nations' concern for this issue. (The League of Nations became the United Nations in 1946.) After that, many efforts were made to continue this initiative. One was in 1948, when the government of Bolivia proposed the creation of a sub-commission to study the social problems of indigenous peoples. Unfortunately, this initiative failed.

By the end of the 1960s and beginning of the seventies, indigenous peoples movements in various countries had grown into large-scale movements. These became the embryo of indigenous peoples' organisations at local, national, regional, and international level.

The efforts at international level were aimed at obtaining support from the UN. These efforts succeeded in getting support from various nongovernmental organisations and independent experts, who eventually succeeded in obtaining a commitment from the Sub-Commission on Prevention of Discrimination and Protection of Minorities (which is now called the Sub-Commission on the Promotion and Protection of Human Rights) to formally consider

and pay attention to the problems of indigenous peoples. In 1972, ECOSOC [Economic and Social Council of the United Nations] gave this Sub-commission the authority to carry out a special study on discrimination against indigenous peoples. This study began with the appointment of José Martínez Cobo to lead the research from 1972 until 1984. While this study was still being carried out, the Conference on Discrimination against Indigenous Peoples of the Americas was held in Geneva in 1977.

One of the most important recommendations from this conference was the setting up of a Working Group under the Sub-Commission on Prevention of Discrimination and Protection of Minorities. In 1981, the Sub-Commission recommended that the Commission on Human Rights create a Working Group. In 1982, ECOSOC gave the Sub-Commission the authority to create a Working Group. This body was placed as a subsidiary organ to the Sub-Commission. Its main tasks were:

- to monitor all issues related to strengthening and protecting the human rights and the fundamental freedom of indigenous peoples, and
- to give special attention to changes in international legal instruments related to the rights of indigenous peoples.

Besides these two functions, the Working Group also facilitated and promoted dialogue between governments and indigenous peoples. One of the results of the Working Group on Indigenous Populations is the Draft Declaration on the Rights of Indigenous Peoples, which was started in 1985. The final text of this draft was endorsed by the working group in 1993 and received by the Sub Commission on the Promotion and Protection of Human Rights. In 1995, the Commission on Human Rights deliberated over the draft and decided to form an Intersessional Working Group with the mandate of reviewing the draft and submitting it to the General Assembly.

The Commission on Human Rights created the Working Group on the Draft Declaration on the Rights of Indigenous Peoples to follow up on the first draft. The main task of this Working Group is to continue the discussions on the Draft Declaration and to submit it to the General Assembly to be checked and endorsed within the period of time already established as the International Decade of the World's Indigenous People (1995 - 2004).

The purpose of this Decade is to strengthen international cooperation aimed at solving various problems experienced by indigenous peoples, related to human rights, environment, development, health, culture, and education. The General Assembly launched the following programmes to achieve the aims of the Decade:

- a) Draft Declaration on the Rights of Indigenous Peoples to be submitted to General Assembly
- b) creation of a permanent forum on Indigenous Issues within the UN system

The Permanent Forum was finally created in July 2000 by ECOSOC resolution. Although this Forum was enthusiastically welcomed by many and considered to be a great step forward, unfortunately the other major target for the International Decade of the World's

Indigenous People is not likely to be achieved within the set time frame. In 2004, despite this being the last year of the decade, the discussions of the Draft Declaration are still ongoing.

The basic problem hindering the discussions on the Draft Declaration is that there are major differences between the various indigenous peoples groups actively involved in the discussions. There are mainly two groups. One defends the "no changes" position, and wants the draft declaration to be proclaimed as it is. This group opposes the additional wording "and Individuals" after the words "Indigenous Peoples". The other group, the "open for negotiation" group, supports this additional wording.

2. In Indonesia

Long before the proclamation of the International Decade of the World's Indigenous People, indigenous peoples in Indonesia had already begun their struggle to obtain state recognition of their rights. One example of this is the Badan Perjuangan Rakyat Penunggu Indonesia (BPRPI) in North Sumatra. This group has been resisting efforts to seize their land since 1953. This is an indication that indigenous peoples in Indonesia have been actively defending their rights well before the UN's proclamation of the International Decade of the World's Indigenous People and before the creation of Alliance of Indigenous Peoples of the Archipelago (AMAN).

Their struggle gained strength and inspired others to follow once they joined in the Alliance of Indigenous Peoples of the Archipelago (AMAN), in 1999. In the same year, AMAN's first national congress made a declaration that has become widely known internationally: "If the state does not recognise us, we shall not recognise the state".

AMAN has voiced the demands of indigenous peoples on various occasions. Among their demands are legal and policy reform to ensure the protection of (1) land rights, (2) control over natural resources, (3) respect for *adat* systems and cultural identity, (4) self government through *adat* institutions, and (5) recognition of *adat* law.

One of the more outstanding activities that AMAN has carried out so far, was the Workshop on Customary Judicial Systems, in Bogor in 2002. The workshop was held at a time when the Indonesian national judicial system was in steep decline. This inspired indigenous peoples to re-examine their own customary systems.

The workshop found that customary judicial systems existed in several *adat* regions. Some of these systems are still "alive" and are being applied. If customary judicial systems are to be considered as a solution to the decline of the national judicial system, then we need to build a solid foundation in order to gain strong legitimacy.

Eventually, the state started to recognise the existence of indigenous peoples, whether as a result of the efforts of indigenous peoples in Indonesia, or as a response to the International Decade of the World's Indigenous People proclaimed by the United Nations. Since 1998, it has been easy to find regulations referring to indigenous peoples in various

pieces of legislation. Among others, in Law No. 22/1999 on local government, Law No. 39/1999 on human rights, and in Law No. 41/1999 on forestry. A number of draft bills are currently being prepared, which contain several stipulations regarding indigenous peoples. In general terms, the state does not recognise the existence of indigenous peoples. However, there are "notes", like (1) if they are proven to exist, (2) adjusted to modern times, (3) in accordance with national interests, and (4) as affirmed by local government regulation (*Perda*). In other words, indigenous peoples are only recognised if they fulfil these four requirements.

Ricardo Simarmata, coordinator for the Civil Society Coalition for Participatory Policies, criticises these multiple pre-requisites and says that this kind of recognition is no different from that under the New Order.

It's interesting to look at how the state has responded to the International Decade of the World's Indigenous People. At the same time that indigenous peoples are fighting for recognition, they experience injustice from the state. No matter how many regulations begin to recognise the rights of indigenous peoples, the state still does not want to hand over the management of its "riches" to the people. The killing of several members of indigenous communities in Manggarai, the action by the peoples of Sebuk Island in South Kalimantan, and the action of members of BPRPI in North Sumatra, are examples of this.

Meanwhile the International Decade of the World's Indigenous People is coming to an end. Unfortunately, the main aim of proclaiming this decade - the universal declaration on the rights of indigenous peoples - has not been achieved. When in fact, it was believed and hoped that this declaration would provide the power to morally oblige the nations of the world to obey this declaration.

What will the future bring for the indigenous peoples of Indonesia? Will they wait for this declaration in silence while they continue to be subjected to repression by the state? Or will they choose to play an active role in the final discussions of the draft declaration while continuing to resist injustice by strengthening their organisation? This is a big piece of "homework" for AMAN and the indigenous peoples of Indonesia. @

FROM BULUKUMBA TO MANGGARAI NEVER-ENDING RESISTANCE

By: Novi Siti Julaeha

This year, a sad chapter was added to the history of indigenous peoples' struggle. In Manggarai, East Nusa Tenggara Timur, four people were shot dead by police personnel in March 2004. However, this is not diminishing the indigenous peoples' courage to fight against the violation of their rights.

PROTESTS IN BULUKUMBA

On 21 July 2003, indigenous people demonstrated against PT London Sumatera. The company had planted rubber trees on customary land, affecting a total area of 5,784 ha in the village of Bonto Mangiring, Bulukumba, South Sulawesi. The local communities demanded their right to the land, since PT London does not have a permit (HGU) to operate in part of the affected area.

However, the police responded with violence and, as a result, five people were killed and 40 others injured. That's not all. The police also raided the village.

People who had been at the demonstration were detained by Brimob (police mobile brigade). As a result, many indigenous people fled into the forest. Some of them chose to leave their village because they were frightened by the terror and intimidation. Over 50 people have had to leave their village because they have been put on the police wanted list.

DEMANDING THE FULFILMENT OF A PROMISE IN TOGURACI

On 6 January 2004, 850 people from 13 villages joined a demonstration at the gold mining operations area of PT Nusa Halmahera Mineral in the Toguraci region. They demanded the company keep its promise to involve the Kao Malifut and Jailolo peoples, in Halmahera district and to attend to their welfare. This was patently a false promise. PT Nusa Halmahera has even used customary land, destroying people's livelihoods.

The protest against PT Nusa Halmahera was answered by Brimob with gunshots. And there were victims. One person died as a result of this violence and the police also beat and detained 250 people.

ULTIMATUM ON SEBUKU ISLAND

The Indigenous Peoples' Association (Permada) of South Kalimantan and indigenous peoples from Sebuk island have presented an ultimatum to PT Bahari Cakrawala Sebuk to leave Sebuk island. The local communities judge that the company's presence in the area does not contribute to their welfare and only causes environmental destruction.

The ultimatum was presented on 16 February 2004. As it turned out, the company's manager had already left the mining area. In the end, the demonstrators were met by police and Brimob.

The demonstrators did not stop there. On 25 February, they took hostage PT Bahari's heavy equipment. The demonstrators suspended the action after being threatened by the security forces. The company answered the demands with a compensation payment of 800 million Rupiah and promised to rehabilitate the environment. The compensation was paid to four villages: Serakaman, Mandin, Sekapung, and Kanibungan.

BPRPI's STRUGGLE

On 2 March 2004, members of Badan Perjuangan Rakyat Penunggu Indonesia (BPRPI - Group for Popular Struggle to Guard Indonesia) staged a protest against decree No 538.3/732/Ek I/2004 issued by the Governor of North Sumatra. The decree officially endorses the purchase of 314.75 ha of PTPN II's land by PT Kawasan Industri Medan in Saentis village, Percut Sei Tuan subdistrict, Deli Serdang district, North Sumatra. The protest led to the detention of one member of BPRPI, Amat (50 years), from Kampung Kelambir village, by police of the Labuhan sector, Deli Serdang.

BPRPI does not accept the governor's decree. The reason is that on May 2-4, the governor made a speech on the occasion of BPRPI's 47th anniversary and one of the things he said then was that the government of the province of North Sumatra recognised the right of the indigenous peoples of BPRPI to that land.

On another occasion, the governor had promised to support the resolution of this conflict by inviting all parties to a meeting. He offered to facilitate the negotiations between BPRPI and the other parties. This promise was made in front of many people, on 1 February 2004.

Members of BPRPI have managed to tear down the boundary fence put up by PT KIM. They have taken an *adat* oath to continue their fight to regain their land, even if it this means bloodshed.

BLOODSHED IN MANGGARAI

In 2003, the government of Manggarai district launched a policy to clear the coffee gardens that local people had planted on state forest land. This increased the poverty of those farmers in the sections RTK 111 and 118, whose livelihoods depend on their coffee plantations. For over fifty years, people have planted coffee in the area. The government has often patrolled and checked those areas that have now been cleared.

Farmers from the Kolong and Tenda communities have opposed this. They have continued to work in their coffee gardens, despite having to hide from the police. On 9 March 2004, 6 farmers were detained by the police.

It was these arrests that made the farmers angry. The following day, the indigenous community came to the Manggarai police station and urged the police to free their fellow farmers. The police responded harshly and a fight ensued. Five villagers died and tens were injured in this incident.

The victims of police violence who were hospitalised are not receiving proper treatment. Relatives who have come to visit them have been arrested by the police and taken to the police station at Manggarai. As a result of this incident, 14 civilians remain under arrest, as suspects. Moreover, the head of the Manggarai local police, Chief Superintendent Bonivascius Tompoi, who admitted having given the order to fire, has been suspended from his post and is now a suspect in the case.

Still related to this case, around 100 members of the Alliance to Kick Out Bagul demonstrated in the Hotel Indonesia (HI) roundabout in Jakarta, on 27th March. The protesters demanded that Anton Bagul, who is the head (*Bupati*) of Manggarai district, East Nusa Tenggara, be removed from his post and that he be taken to the human rights court.

Some demonstrators were carrying placards demanding that the *Bupati* step down, reading "Stop violation of farmers' human rights, Stop murdering farmers, Take Bagul to court".

The demonstrators belonged to various organisations, like Forum Masyarakat Manggarai Jakarta (Manggarai Peoples Forum in Jakarta), Forum Florette Flores, Kontras (the Commission for Disappearances and Victims of Violence), Walhi (Friends of the Earth Indonesia). They were carrying placards reading: "Coffee is the Farmers' Life" ; "District assembly kick out Bagul now"; and "Ministry of Home Affairs stop protecting Bupati Bagul". Some demonstrators were wearing the traditional embroidered *songket*, *selendang* and *peci* of the Manggarai region.

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Cases like these are nothing new. BPRPI, for instance, has been struggling [for land rights] since 1953, when the government of the Old Order nationalised the Dutch companies. BPRPI has strong proof that the land used by PTP II is theirs. According to the Van Concessie certificate, the official land contract between the Dutch colonial power and the indigenous communities, the Dutch colonial government rented the land from the Melayu Deli people of East Sumatra. This agreement was recognised by Soeharto in Setneg (Secretariat of the Cabinet) Decree No. D. 3230/Setneg/12/1980 dated 18 December 1980 and in Decree of the Director General for Agrarian Issues No 44/DJA/81.

In many cases, the indigenous peoples' struggle has a strong basis. But this is what the government tends to leave out of consideration. Frequently, such cases are "solved" by compensation payments. This is not really an effective way of solving these conflicts, because it does not address the core problem.

If one looks at recent trends, this kind of case is likely to happen again and again. This means that indigenous peoples will need to be strong and united. Their struggle has clearly not ended yet. @

COMMUNITY NEWS

CREATION OF THE ASSOCIATION OF INDIGENOUS COMMUNITIES OF LANDAK DISTRICT

Around 200 Dayak and Malay people participated in the Landak District Indigenous Peoples Congress, from February 25 to 27 2004. The congress was held in Nangka village, Binua Kaca Idir, Landak district, West Kalimantan.

The participants agreed to create a modern organisation of indigenous peoples at district level. The organisation is to be led by a presidium council with its secretary general acting as the executive secretary. According to Ahwan, who attended as a representative of the Malay communities, this congress will help to improve communication among all indigenous peoples of Landak district, and it will serve as a common forum to defend the rights of indigenous peoples which have been annihilated by the state.

106 *binua* were represented at this congress. Within the customary system of the Landak peoples, a *binua* is the area under the leadership of a *Timanggong*, who is assisted by 7 *adat* leaders. These seven persons each have their own function, like *Tuha Tahutn*, *Pasirah*, *Paraga*, *Pangarah Laki*, *Pangarah Bini*, *Tukang Pantatn*, and *Pangarabanan*.

Each *binua* was represented by 3 people, each representing the *adat* leadership, women, and the young generation. Women and youth were involved as representatives in the congress because they are also part of the indigenous community and their voices need to be listened to.

This is the first time in Landak district that the two largest ethnic groups, as well as women and young people have met to talk about their problems. The congress was inaugurated with an *adat* ceremony chaired by *Timanggong* D. Djumin from the Kaca Idir *binua*. This ritual is carried out to ask the spirits of the ancestors for their blessing, so that the congress may achieve its purpose and be protected from any disturbance.

The congress participants identified a series of issues that have marginalized indigenous peoples. Land, the basis of their livelihoods, is the main issue.

Education was discussed, too. The demand was that the government increase the funds earmarked for education in the national development budget, as well as a fair distribution of teachers. They also consider it necessary to include indigenous languages, local knowledge, and customary law in the school curriculum, from kindergarten to upper secondary school.

Indigenous peoples also want to be asked for their consent to, and to be involved in any project or programme to be implemented by the government or the private sector within their customary area.

The decision to create a modern organisation under the name of **Association of Indigenous Communities of Landak district** is a positive response from the congress participants given the area's recent history. The basic principles and structure of this organisation are those of a umbrella organisation for the indigenous peoples struggle. The congress participants realise the important political role played by the organisation's executive leader and therefore the position is to be called *Secretary General*, and not *Executive Secretary*.

Other important results were the organisation's position statement and its work programme. There are seven main programmes for the next three years: (1) Strengthening *adat* institutions for Natural Resource Management; (2) Empowerment of Indigenous Women; (3) Increased Political Participation by Indigenous Peoples; (4) Socio-Cultural Programme, (5) Multi Ethnic Reconciliation / Peace Building; (6) Education and Empowerment of the Young; (7) Strengthening the People's Economy.

@ Rukka Sombolinggi

GAUNG CORNER:

GETTING TO KNOW THE COORDINATORS OF AMAN'S COUNCIL

AMAN's second congress, which was held in Tanjung village, Tanjung subdistrict, West Lombok, West Nusa Tenggara, elected 39 members to AMAN'S council, covering all provinces. Their election was documented in Decree No. TAP/05/KMAN II/2003.

The six coordinators of AMAN's council were approved during the working meeting of AMAN's council, held on 26 September 2003 in Mataram, West Nusa Tenggara. They were selected by the council by consensus. In addition, for the next six months, Amos Soumilena will act as the coordinator for the region of Papua, until its Regional Assembly determines the regional AMAN Council for Papua.

The working meeting of the coordinators of AMAN's council, on 26 September 2003, issued decree No. 01/Kpts./Koord.Dewan AMAN/IX/2003. This decree sets out the division of tasks and functions of the 7 coordinators of AMAN's council. These are:

- Executive Coordinators: H. Jailani Hasan and H. Nazarius;
- Organisational Development: L. Ranggalawe and Wael Mansyur;
- Supervision: Ronny Toningki and Ugis Suganda;
- The tasks of Amos Soumilena will be recorded in the minutes of the working meeting of the coordinators of AMAN's council.

At their second meeting, held in Wisma Bogor Permai, Bogor, on 30-31 Oktober 2003, the coordinators of AMAN's council specified their operational functions and tasks for the

2003-2006 period in their decree No. 01/Kpts/Koordinator Dewan AMAN/X/2003. They agreed on 3 areas of work covering various tasks each:

EXECUTIVE ISSUES: H. JAILANI HASAN & H. NAZARIUS

- Organise coordination meetings and working meetings;
- Sign cooperation agreements with others;
- Coordinate AMAN's council to attend meetings related to organisational issues, in Indonesia and abroad;
- Sign position statements;
- Respond and follow up on requests from members facing conflicts in their region;
- Coordinate AMAN's council to organise political and policy dialogue at national level;
- Act as official spokesmen for AMAN (results of meetings on basic policies)
- Organise the rotation of AMAN's representatives in other organisations.

ORGANISATIONAL DEVELOPMENT: WAEL MANSYUR & L. RANGGALAWE

- Commission studies on indigenous peoples and related issues;
- Organise AMAN'S capacity building activities;
- Development of AMAN's internal cooperation mechanisms;
- Coordinate AMAN's organisational consolidation at all levels;
- Develop a fundraising strategy.

SUPERVISION: RONNY TONINGKI & UGIS SUGANDA

- Monitoring and Evaluation of the performance of AMAN staff in organisational matters.
- Coordinate monitoring & evaluation activities with the regional and local organisations;
- Administrative issues (Statutes, Budget, Decrees).

GAUNG AMAN is

Published by the Secretariat of the Alliance of Indigenous Peoples of the Archipelago (AMAN)

Responsible: AMAN Council Coordinators.

Editorial team leader: Emil Kleden.

Executive Editor: Novi Siti Julaha.

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Yuyun Indradi.

Distribution: Snik, Senda.

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GAUNG AMAN is published every two months and covers AMAN's activities and organisational development

(Gaung AMAN was translated from the Indonesian by Eva Castaner for DTE)

