

Dayak Leaders' Memories and Dreams

Report on a survey of oil palm plantations and indigenous peoples in West Kalimantan July 2005



Almost all Dayak lands in Sanggau have now been allocated to oil palm plantations



Interview notes from Kalimantan Barat, 16-23 July 2005

1. Pak Willem Amat, Sanggau



'Since the end of the Orde Baru there has been no real progress – there is still the same poverty among the people and the modus operandi of sawit establishment is the same – if a bit more complicated.'

Pak Willem's father was a rubber grower and tapper, and Pompakng Dayak, who paid with his own earning for his son to be educated in social and political sciences at three Universities. Emerging well qualified from his studies, Pak Willem first worked as a teacher at the Catholic Mission between 1962 and 1965. From there he went to work for the regional governor, at that time Pak Donatus' father (see below), from 1966-1968. He was promoted to head of human resources from 1968-1970. He then became the *bupati's* assistant in Sanggau from 1970-1971 with responsibilities for education and health. In 1971 he was very involved in the first national elections and helped set up the first unit of GOLKAR – at that time not really a political party – in the *kabupaten*. He campaigned for GOLKAR and although he was not on the list of GOLKAR candidates was nominated as the civil service representative of the ABRI to the DPRD. As military representative on the DPRD he soon became disenchanted but felt it was no use fighting the system from where he was so he resigned in 1973. His resignation was not accepted but he was replaced in his position as military representative and reassigned as Chair of the DPRD. He was Chair for over ten years and later served on the DPRD of the Province for seven years. He is now retired and active as an NGO volunteer with GRPK. He is also a *timanngong* (customary chief) of the Pompakng Dayaks.

The first sawit that he experienced in the region was PT PN VII in 1978, which later became PT PN XIII. It was consolidated on the basis of land from a previous Dutch rubber plantation (PT Agria) and 'land from society'. No compensation was paid to the locals for the takeover of their lands. In fact the local people got no benefit at all from the plantation which only benefited people from far away. Actually, although the company did pay some money to the locals none of it reached them but was taken by others. What happened was that we tried to negotiate an agreement between the government, the company and the people. The company then paid up about 2 billion rupiah and said that was a final settlement and that they did not want to hear any further complaints from the people. But the people did not actually receive the money! The company did not ensure that the money got to the community members. The local people never knew their land was going to be planted with oil palms and they never got any compensation. Those who got the money were mostly people from outside.

The fundamental problem is the gap between the people and the government – so many kinds of gaps. The Dayak were pure traditional and the company and national society were very different. It was like a gap between high tech and custom. It was hard. How to manage sawit when the people they don't know what it is. They did not know what it was at the time. They only knew rubber. As you know, the nucleus sawit does not really involve the people. True, at first they employed some as workers on the new estates but they were not engaged as smallholders. When PT PN VII came in they made many promises to the people: that they would be employed and would get all sorts of benefits. They said they would educate the people for several years and that they would then become foreman and even managers on the estates. But this was all lip service. Still, now after 27 years, these promises have not been realised.

Indeed between then and now there has been no real change. Since the end of the Orde Baru there has been no real progress – there is still the same poverty among the people and the modus operandi of sawit establishment is the same – if a bit more complicated.

Q: Can sawit ever benefit the people?

A: The first time when the sawit came in the people were poor. Now there is economic growth but the growth is uneven and what progress there is not widely shared. It may be true that the people's incomes have slightly increased but overall their situation and condition remains poor. The process does not really benefit the people as it should.

Q: So what is needed to ensure that sawit can benefit people?

A: First the indigenous Dayak should be trusted to manage the sawit themselves. Second, whoever or whatever the company that comes in to use Dayak land, they must consult us and get our permission. Not come in and develop their plantations merely with government approval. Thirdly the government should recognise our rights to our customary lands. (He hands over a signed petition from the organisation which sets out their demands). This document was handed to the *bupati* on the 16 July

2005. Fourthly, the government must also respect and recognise customary law and practices and our traditions.

There are indeed quite a few DPRD members with links to the sawit industry but there are also people in the DPRD who resist. Paulus Adi is a DPRD member who is now also involved in this issue. His task is to advocate and facilitate on behalf of the local people. He is engaged in the demand for people's rights.

Even back in 1978, we on the DPRD did complain about what was going on and opposed the local government concept. We filed a complaint in writing with the local government but the *bupati* did not care. He took no notice. But even under the Orde Baru we did have some influence, we worked seriously on the people's problems. We were somewhat unique and brave in those days.

Q: Were you ever threatened or intimidated for this?

A: Yes, I was reported to the military KODAM. At that time there were three KODAM in Kalimantan, one in Kal Bar. I was reported to the military office in Pontianak. It was alleged that we were fighting for an independent Dayak State, for Dayak freedom like in Aceh. I was condemned as a subversive, of being anti-pancasila and PKI. The accusation was made against 11 of us. This was all in 1977-1982. [From later in the interview it sounds like it was mainly about 1979].

Q: How did you convince the government of your innocence?

A: Thanks be to God, he guided me! We heard about the accusations and were informed about them by people in the military intelligence in Pontianak. I have got a copy of the allegations somewhere in my house. We countered the accusation in a traditional way. We asked for a meeting with the local parliament members and the head – the Chairman – all the Dewan. Then we held an adat ritual in front of them. We invoked the spirits to punish with death whoever had made these false accusations that we were subversives. And thanks be, 5 months later Pak Sukarna - the Sundanese man who had made the accusations and was Chairman of the DPR at the provincial level - died. That's what happened. Maybe it was a coincidence and nothing mystical or maybe it was the power of the *adat* spirits. In fact, after his death I temporarily replaced him as Chair until 1980.

The infighting was about PTPN VII and also about political things. I had been nominated by my friends to be *bupati* in 1978 but at that time GOLKAR vetted anyone for the position of *bupati* and appointed by the party. I was not successful.

We again contested the 1982 elections. We Dayak were fighting for positions on the legislature but there were very few of us as candidates. We were fighting to get representation for our peoples in the parliament. At that time in Sanggau about 75% of the people were Dayaks but we only got about 20% of the seats. There were no Chinese representatives at all. We tried to create a political movement of Dayaks and we were always being followed around by the military. But since we had managed to prove our innocence we were able to contest and win places in the 1982 election. In fact, since it was known that I was not anti-government, I was made Chair of

GOLKAR for the election. GOLKAR was glorious in those days. We got 86% of the vote whereas previously in the 1970s we only got 69-70%.



'Dayak intellectuals must come back to, and work and live in, their villages and work in the customary institutions to reinforce them.'

Q: Are Dayak institutions strong enough to deal with modern companies, the modern State and 'global' trade?

A: Any struggle needs organising. So we must start with organising the people in every village. But we have customary institutions in every village and every sub-tribe. These institutions now need to be organised and strengthened to make them bigger and stronger and they must be complemented by a regional Dayak Council to unify all the different tribes. That way we can unite all the sub-tribes into one much bigger organisation. This organisation must also be strengthened with educated Dayak intellectuals, who need to get involved and strengthen Dayak institutions. Such leaders must care about their people in each village and kampong. We have not got this yet. Dayak intellectuals with B.A.s don't yet care. They must come back to and work and live in their villages and work in the customary institutions so that they can reinforce them by being their and living in them. Today most educated Dayak just live in the towns and leave it to (uneducated) village leaders to deal with local affairs. Now three of us – Pak Willem, Pak Donatus and Pak Djelani are working with our people – we all come from the same tribe – the Pompang Dayaks. We have just started this association. I think that without this we cannot strengthen our institutions enough to deal with the current situation.

In the Orde Baru system, one of the major causes of destruction of the Dayak culture, customs and way of life was the imposition of the 1979 Village Administration Act.

This merged together the previously separated kampong and so undermined customary institutions. This totally changed the system of governance in the Dayak villages. Symbolically too, the village names were changed to Javanese ones. The culture was systematically changed.

Q: So how can Dayak customary institutions now gain legal recognition?

A: According to TAP MPR on Autonomy and the revised constitution, indigenous peoples are already recognised but these provisions have not been given effect in other laws. So it is part of our struggle to now get this. We need recognition and we need to fight for it. There are now many Perda being approved under 32/2002. Although the district level DPR has the power, it is not easy to use it. For example, two years ago with Pak Djelaini and other colleagues, we advocated for a Perda Kampung, the objective was to recreate the original system of governance. It was actually approved by the DPR but the *bupati* has still not made it operational.

Q: Can Perda be used to change the way sawit affects people?

A: Indirectly there may be a way to effect change. When the *desa* are split up into kampong again, the people will recover their right to self-governance in accordance with *adat*. This should ensure the more effective consultation between developers and the communities. No longer will the company be able to just go to the *kepala desa*, now they will have to interact with the individual kampong and village institutions. The local people will have to agree first before the sawit can be established on their lands.

The spirit of village autonomy is being revived with this Perda. There are workshops being held in all the villages to identify the customary institutions of governance. The spirit and values are already there. For example, we already reject the *desa/ dusun* system, we again talk about kampong. The kampong are asserting their autonomy anyway. They no longer respect the *kepala desa* – they don't care ! Some even already say there is no *desa*! It means that there already is a struggle for village autonomy.

GRPK is our movement to empower the kampong. How can we strengthen our position and our organisation. In fact we are very weak in understanding how to operationalise and act to implement plans of action. At the moment we are 100% volunteers. How can you help us? Our plan is build customary halls – *rumah adat* – in each village for cultural events and customary meetings. We have already built two. We are prioritising the villages with higher incomes and more capacity.

[Usual discussion about fundraising strategies and tactics follows.]

Ends.

2. Pak Donatus Djaman



'I soon realised the sawit system would not benefit the Dayaks. They were just being exploited as a labour force, not being treated as landowners. I was quite idealistic at that time. I wanted the Dayaks to be treated as landowners.'

Even though my father was a *bupati* I was not under any obligation to follow him or be under my father's control. In fact I was sent away to boarding school from ten years old and spent little time at home. That experience made me independent-minded. When I was in secondary school, I was actually expecting to become a teacher and so I did then go to teacher training but after completing the diploma I realised that I did not have this vocation and that what I really wanted was to be a government official. So I then went to APDN – the elite school for training civil servants – very suited to qualifying people to be *camat*. That was 1969. At that time very few people had such qualifications. I was only 23 years old.

I was appointed to be *camat* and at 23 was the youngest *camat* in Kalimantan Barat. I was posted to Bilitan Hulu. It was a very isolated area which was only accessible by canoe and where the *camat*'s office was just a bamboo hut. The sub-district 'capital' was just 14 houses. The Dayak people lived very dispersed over a very big area in small settlements and nomadic huts: there were about 118 houses in the whole *kecamatan* which was about 60,000 ha.

At that time my father was *bupati* of Sanggau but where I was *camat* was the base area of the GPS-Paraku movement. They were PKI rebels – Malays, Chinese and Dayaks – who felt betrayed by the Orde Baru and the British transfer of Sarawak and Sabah to Malaysia – and wanted to set up an independent State of North Kalimantan, a free country. They hated Indonesia. They kidnapped several people from the *kecamatan*. Nowadays the case (for regional independence) is rising up again but it is not clear who is behind it nor what is their relationship to the previous movement.

My main task in running the sub-district was to calm down the movement. There was no time or resources to do anything about health, education and development. The group was trying to recruit as many troops as possible in their struggle against Indonesia. It was my task to try to calm things down.

After that I was *camat* in several other areas (see list).

Q: When did you first witness sawit coming in?

A: My first experience was when they came in to survey the land. It was not the company at that time but researchers from several Indonesian Universities – UGM, IPB, USU, UI – who carried out feasibility studies and my job was to facilitate them as they checked out whether the land was suitable. At first I thought it was just research but in 1977 we realised that sawit would come in: the researchers' findings did lead to a plan to establish a plantation. Then in 1978 I was sent by the governor of Kalimantan Barat to go to North Sumatra. When I got there, I realised that I had been sent there in order to appreciate oil palm and understand how the plantation system worked. After spending 6 days in N. Sumatra I returned to Meliau – where I was *camat* at the time – with instructions to identify 32 *kepala desa*, *kepala kampung* and *kepala adat* to do the same tour as I had been on. Actually the people were from two sub-districts, Bodok (Parinda) and Meliau. Of course, at that time, North Sumatra was much more developed than West Kalimantan. It was very different from Kal Bar, so the 32 leaders were really impressed by the progress there. The choice seemed to be between sawit and development or to remain in poverty with no sawit. So they all said they really wanted it for their area too, so they could be well developed in their area like in North Sumatra.

Q: Was this FPIC?

A: No this was not FPIC, just the opposite!! This was a modus of lying, just showing the good side of things – just propaganda. I realised even then that it was just a trick. And that we were being snared, so I gradually came to oppose this agenda. In fact at that time I too was opposing government policy.

After this initial socialisation process, we realised the system would not benefit the local people, especially not the Dayaks. They were just exploiting the people as a labour force, not treating them as landowners. I was quite idealistic at that time. Just as the communists in Java wanted the workers to have good pay, so what I wanted was that the Dayak should be treated as landowners. That's why I resisted, I rejected, the system. I tried to prove that the sawit system would not work. I knew that the companies would not compensate the people for their lands only for their crops, huts and fruit trees. So I tried to defend my own land – I own 15 ha. of rubber gardens

which I established myself – in fact they are still there. I have always refused to release my land.

The main actors involved in land acquisition were government, military and the [para-statal] companies. People with certain interests in getting the land. After I had proved that the system was not good and was not going to benefit the people and I resisted the process of land acquisition, I was removed from Meliau and reassigned to work on the bupati's staff in Sanggau. By that time, 1979, my father was no longer bupati and a military man had the position. So I lost touch with what was really happening in Meliau.

There were disputes about land and compensation related to sawit in many communities. So, because of my experience with sawit, the bupati then appointed me to be camat in Parinda (Bodok), where my main job was to calm down the people who were upset by land acquisition. I felt like I had been kidnapped but they hoped I would calm things down!

When I had first been appointed to Meliau I hadn't really understood the system fully but I then learned how it worked. When I was in Parinda I fought for improvements in the system of sawit development. I could see that inti was never going to benefit the people and so I pushed for plasma. In Meliau there are still some villages which never got plasma whereas in Parinda people did get plasma land.

Q: Was there transmigration at that time?

A: The transmigration process came later. It was difficult for us to refuse TM whether we were government or local people. It was very dangerous to resist. The risk was that the government would make false accusations against you and you would get fired or punished by higher officials. In 1979, the government came up with a plan to bring 3000 kk to Parinda. I tried to dialogue with the TM officials but it was hard to talk with them. I knew that TM would not benefit the local people, but finally we had to accept one settlement of 350 kk in Parinda. It is still there, it is called Sukamulia.

TM is really a discriminatory development process. Of those 350 kk only 35 kk of local people were provided the same kinds of facilities. If we had allowed in the full 3000 kk the local people would have been evicted from their own lands, and outnumbered, as in comparison the number of local people was very small. There was a lot of tension about this issue at the time but it was a very hard struggle to defend our ideas. One of my colleagues was in fact detained and imprisoned.

Q: I read in a Dutch journal that the government burned longhouses in West Kalimantan around this time. Is it true?

Yes. At the time the government didn't want the Dayak to have longhouses. Maybe it was around 1969, an instruction was given out to destroy longhouses and as a result some of them were indeed burned down. Other were destroyed more directly. People were afraid to admit what was really happening. It went on for years. There were also military interventions at this time. The military would come to Dayak villages and make the people destroy their long houses. If they refused they would machine gun the ceilings and walls, to intimidate the people and destroy them anyway. You could

see what was being done all along the river banks and at the same time all along the river all the tall trees were just cut down. It was exactly the opposite of what the Dutch had done. They had prohibited land clearance along the rivers to control erosion. But the government cut down all the trees all along the river. You can still see the evidence to this day all up the Kapuas.

I think this was a way for the government to demonstrate its power policy at the time of the hand over of power [to the Orde Baru]. It was all related to Suharto's national development policy. It carried on for about 10 years.

By my estimate there were 1176 settlements in Sanggau of which about 60% were Dayak. All these had longhouses. These were the targets of the government's programme of destruction.

The government now realises that this policy was wrong, so they have tried to make reparations. The thing is the longhouses were symbols of Dayak culture. Destroying the longhouses was not the main purpose. The main point was to destroy Dayak culture.

Q: Did they ever experiment with the recognition of hak ulayat in accordance with the BAL?

A: Basically, before the sawit came in hak ulayat was recognised. But once the plantation process started the government said that it was all State land. The term State land was also used to facilitate TM. In the villages, of course, people knew they had hak ulayat. And, before, the government used to meet the local people and get their permission for development like putting in roads and other facilities. The government would get their permission. Those who played these roles were the adat leaders themselves in discussion with the government. Money was never involved in these discussions. No one talked of compensation or of buying land – there was recognition of Dayak rights. For example, when they built the road from Bodok to Meliau there was negotiation and consultation with the community – but no talk of selling or buying land or of compensation. It was agreed together with the people because ulayat is respected as areas of collective property.

Until 1974, the land for the Camat's office, schools, soccer fields, all these things were provided by the Dayak. Indeed at that time the Camat was trusted by the leaders and adat people who were involved and the Camat trusted the people and the customary leaders. They trusted each other.

It was different after sawit. Before customary rights were well respected but not after. The explanation is quite simple. When oil palm and transmigration were introduced by the government, then the local people thought that if our land was to be allocated to estates or settlements, then they should at least get the proceeds of selling their land instead of getting nothing for it. So that is when we started to think about selling our lands and getting compensation. This is when private land claims started and people got an idea of setting up their own sawit plantations.

Q: What kind of connections were there between sawit and the members of the DPRD, which you later became a member of right?

A: Yes. Yes, these links are in the system. In the past, the local DPRD used to represent the local people and seek to act on their behalf and they were not under the control of central government. The central government controlled the staff at the kabupaten level, especially the bupati and he was the person who really controlled the DPRD. The bupati had very strong rights – like at the UN – he could ‘veto’ DPRD motions. He could reject and stop the implementation of DPRD agendas – just by sending a letter. He was a powerful man who exercised power on behalf of the central government. In fact the bupati has twin roles – he is the regent acting on behalf of central government and he is the kepala daerah – the regional head on the DPRD. So this lack of separation of powers – he was both legislature and executive – gave him great influence. It is a kind of ‘dwi fungsi’. Indeed, at that time the military dominated Indonesia, and of course Sanggau, through GOLKAR. GOLKAR won the elections but the majority of the administrators were actually military persons. So there has always been a direct connection between plantations and development, government and the army.

Q: So what has really changed to today?

A: One thing that has really changed since Suharto stepped down is reformasi. I mean there has been a real democratisation. The bupati is no longer higher than the DPRD. There is real decentralisation and the bupati is no longer an appointee of central government. So there is less control from the centre.

Q: So why is the bupati resisting the perda kampung?

A: No, the Perda Kampung is already recognised by the central government. There is no dispute about its legality. The problem is that the bupati has no capacity to act and is afraid of implementing the system. He has no capacity, no budget, to make it operational. One of his reasons or justifications is the financial problem. There is not enough in the regional development budget to allocate funds to each kampung. It will be more expensive to give each kampung its own budget. Besides the State budget is still designed in terms of the old administrative structure. The funds are allocated to the desa and the bupati does not have the authority to reallocate these funds to other purposes. If he did he might be accused of corruption.

Q: You have long been critical of the government’s approach to sawit. What is needed to make it really benefit the Dayak? Or, rather, can anything be done to make it really benefit them?

A: (Summary of long rambling answer). First I thought the answer was for them to be on the plasma instead of workers in inti. Now I think the company needs to invest more in ensuring plasma are productive have good transport and communications and training. There should be greater benefit-sharing. We have tried to implement a perda about this. Sanggau is the regency with the largest area of oil palm in West Kalimantan but it makes no contribution to local development. The Perda would require the companies to make a greater contribution to the regency. However the central government is trying to get the perda revoked.

3. Pak Djelani



'The problems were, in the first place, the Orde Baru and secondly the imposed desa system which cut at the roots of Dayak self-governance in their kampung. The people could no longer autonomously manage their own affairs anymore. This was also when the longhouses were destroyed.'

Q: I have been talking with the others mainly about the past and the problems caused by sawit. If you permit, I would like to talk more about the future. How do you hope to resolve these problems and what is the agenda of GRPK?

A: First I want to also explain what I think are the problems. In the first place it was the Orde Baru system. The second problem was the imposed desa system. This was derived from Java and did not suit the Dayak. There was a process of regrouping all the Dayak villages into larger settlements. This even led to the merging of people from different ethnic groups, like Dayak and Malay. The implementation was gradual and went on until about 1987.

The villages were reorganised to suit the government administration but it cut the roots of kampong self-governance. The people could not autonomously manage their own affairs anymore. That was when the local practice of meeting communally to make common decisions was finally undermined. No more could people meet to develop their common understanding and decide how to respond. This was also when the longhouses were destroyed.

With the implementation of the Village Administration Act of 1979, new positions were created and imposed on us like kepala desa in place of positions like

timonggong, war commander and tuah kampung. This weakened Dayak culture. The new leaders were used by the government as a political means to control and rule the people. This was the context.

So when law 22/1999 on decentralization and autonomy was passed, we saw this as an opportunity to restore and mobilise autonomous kampung. We brought this to the attention of the government.

This opportunity was a good one to influence the DPRD. We asked for a hearing and for a week we had a discussion with the DPRD about our proposals. We had workshops and carried out other activities to try to explain our ideas to the DPRD about restoring self-governance and get out of the desa system that had caused the Dayak so much suffering.

We faced some difficulties influencing the DPRD to adopt the kampung system. The DPRD insisted on its own concept while the local government also drafted its version and the DPRD also insisted on their own draft. So it was a long hard process of negotiation to get our draft accepted. They tried first to import the systems that had been developed for other regions – like the negeri system of the Minangkabau and two others, but we rejected these ideas. Eventually, we managed to get the DPRD and administration's drafts rejected in favour of our draft.

Q: But how will all the non-MA, like transmigrants and other settlers who now live in the district, fit in with this system?

A: First, the majority of the people in the district are still Dayak but this doesn't mean that the perda will affect other people. We should build on a principle of mutual respect and recognition.

Q: So what happens in mixed villages?

A: The system will not be imposed on others. The idea is to try to respect outsiders (orang luar) just as the outsiders should respect us, we the people who are here. There will not be threats to the newcomers. In the process of lobbying for the kampung system we were not fighting alone. When we held a demonstration we were joined by about 500 people including Malay people. They realised our ideas would help them too. Finally we established an indigenous peoples working group to oversee and coordinate the process of drafting and lobbying for the perda. I was the chair but the secretary was Muslim – a Malay. There were also Javanese in our group. There is a real feeling of solidarity. If a Dayak is sick, the others feel sick too. We are all suffering together. We feel for each other.

We created an enabling team to lobby for the kampung perda and went from kampung to kampung to mobilise the people to press for the customary governance system. The people had to come and lobby and they also went to Javanese, Malay and transmigrant villages.

Q: Who in the DPRD resisted this and which interests were behind them?

A: The first group resisting this were the Dayak legislators in GOLKAR, the reason being that they were concerned that there would be no budget for kampong if they abolished the desa system. The second group were the executive. This was a stronger opposition. They also were worried that there would be no desa budget. But they also thought that it would be difficult for them to carry out any development activity. They said it would become impossible to provide enough money for each kampong as there is barely enough for each desa. Besides it would be difficult for them to control the newly elected leaders of so many kampong. They would be unable to control them, especially if they used customary laws and systems of governance.

Q: Were there any sawit related interests opposing the perda?

A: Yes, of course. The reason is simple. Indeed the resistance to self-governance is related to the government's agenda of developing sawit. The companies and their representative realised that if there was self-governance it would be hard for them to get land, expand their estates and get HGU. It would be hard for them to force them through and get our consent. First there is the army faction which is behind the oil palm agenda. They support the oil palm companies. Even though the majority of the DPRD members realise the bad impact of oil palm, they lack the power to resist. There were a lot of government interventions especially by the bupati. The oil palm companies were suspected of paying money to the DPRD. Indeed it is well known, though hard to prove, that members of both the legislature and the executive get monthly cash payments from the companies. There is no written document to prove this but almost all the companies say they pay monthly fees to legislature and executive members. They have confessed.

Q: Did this get into the press?

A: [The secretary has all the clippings.] It is common for the companies to make big contributions for public celebrations like on Independence Day. So the mouths of these people have been closed by money. The government has been bought by the companies. Therefore whenever there is a problem, the company evades its responsibilities and is able to hide behind the government. They leave to the government to sort out the people.

The companies are therefore afraid of our self-governance movement. We often get threatened. For example, I and my friends have been denounced as arrogant, educated people who do not want to share their knowledge. We have also been accused of being agents provocateurs. We are accused of being anti-government or even of being the richest group because we supposedly get funding from foreign countries. For example, your coming here for this meeting will probably be interpreted as you coming to give us money. To counter this we filed stories about GRPK in the newspapers. There were also stories about oil palm bribery in the press. Cion has all the clippings. Cion has the responsibility to compile all the clippings about this. There are testimonies too.



The problem is the HGU are on customary land. That is why those who are living there will sooner or later be evicted as HGU are conceived as leases of State land and when the lease expires the land reverts to the State. If this policy carries on the conflict will never end or find no resolution. The problem is in the status of the land itself .

Q: Given this situation – money politics versus the people – how did you win?

A: Well, yes we really did win the battle but the final contents of the perda kampung are not all that we wanted. The final version that was adopted did not include some key elements, so the changes that the perda introduces are not so radical as we would have liked. And the government has still not implemented it. This is why the local people disagree with the final draft and are rejecting its implementation. In fact I tried to organise the Dayak to sanction Pak Donatus and the bupati for modifying the draft contrary to the wishes of the people and as developed in our workshops in all the kampungs. [We arrange for copies of the original they wanted and the final version : see photocopies].

Q: How can hak ulayat be restored fater so much privatisation of land thought land salesm, SKT, rubber lands being used as collateral even with the Credit Union and the individual incorporation into plasma lands?

A: The ideal concept is to have community control of customary land. The proper application of adat means that landa are never sold. But what is happening is that people are being forced to sell their lands.

Q: yeah I know there are various pressure but the fact is that land sales have been going on now for a long time. Especially with people's rubber gardens sales have been going on for over 30 years. How do you accommodate this reality?

A: The principle must be that customary lands belong to the collective. So if there are actors whp sell and buy the principle must be enforced. The land must not be seen as empty. The land has its own value and is filled with spirit(s). It cannot be seen as just land. It has precious values and strong spiritual meaning. People who have sold their land must be fined and sanctioned for these actions.

Q: Are the sawit and adat systems inherently incompatible or can sawit work for the benefit of the people and adat?

A: The most important thing is - even though there is already much sawit – to get the government to recognise that our rights are not extinguished. Even though sawit is already there. Therefore we resist the idea of HGU because this is conceieved as a lease of State land and when the HGU expires the land reverts to the State.. So HGU is incompatible with customary rights in land.

The problem is the HGU are on customary land. That is why those who are living there will sooner or later be evicted from their customary land. If this policy carries on the conflict will never end or find no resolution. The problem is is the status of th land itself.

A good example of a viable customary land m,anagement system can be seen in my own village, Lintang Berlaman. There we still have the customary land, customary forest and we regulate fishing according to customary law. It isd still a true Dayak indigenous system. There is no HGU or sawit there.

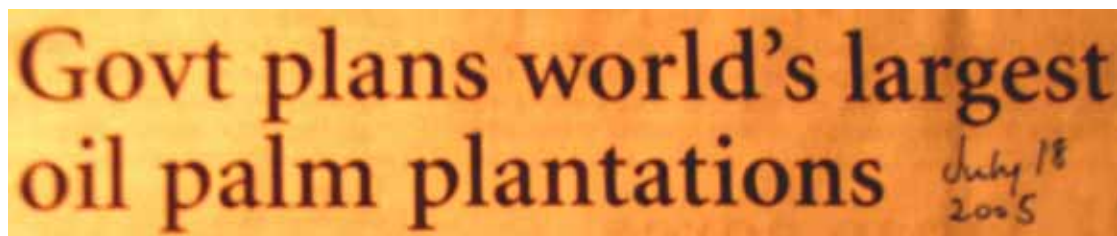
Q: Can you imagine a sawit company accepting that all land belongs to the people who just sell ffb to the company? Would it require a change in the law to accommodate this?

A: First, yes, the system must be changed so there is respect for the customary rights of the people themselves. If customary land has been bulldozed or flattened, the company must compensate the community for their losses. The agreements and promises made must be fulfilled or renegotiated again with the community. Development must be realised. And there must be fair play. If the people are demanding rights to their lands or compensation, then the company must not use other parties like BRIMOB, TNI, the police or the security apparatus to stop the people from demanding their rights. The last point is that there must be a regulation, policy or agreement that must be adopted together with the smallholders, peasants, indigenous peoples, company and government. If one party breaks the agreement there must be enforcement. Those who break the agreement should be dismissed (forfeit). That is the way – something that is accepted as fair by all parties – not just by the company. The Government should be sued if they fail. For example, customary courts should be used to sanction the bupati if he fails to uphold his agreements. The customary courts are crucial to this to ensure justice. To enable effective realisation of this process there must be a comprehensive study of the real situation that involves all parties in the study, including educated people and independent experts.

No companies yet seem willing to go for such a thing. Nor do I believe a logging company could do this.

Q: So are we all dreaming?

A: The only way is for the Dayak to fight for their rights in a really determined way, like in a revolution.



On 18 July 2005, the day we flew into West Kalimantan, the **Jakarta Post** announced a massive government scheme to develop palm oil plantations all along the 850 kilometre border with Malaysia in the centre of Borneo. Dayak lands will be settled with Transmigrants to fill the labour demand on the estates. The scheme will start in 2010 and cost US\$ 657 million.



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