

The Sakai

Asia Pulp and Paper and the indigenous peoples of Sumatra: towards remedy?



Balai Adat (Customary Hall) in Bathin Sobanga

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The entrance to Mandi Angin customary village

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Executive Summary

Asia Pulp and Paper (APP), a member of the Sinar Mas Group, is one of the world's largest pulp and paper companies with operations on three continents. In Indonesia the company runs the giant Indah Kiat paper mill in Siak district in Riau, Sumatra, which is supplied from *Acacia* and *Eucalyptus* plantations in three provinces in Sumatra and others in Kalimantan. The company has a long and notorious reputation for land grabbing, human rights violations, deforestation, peat drainage and clearance of High Conservation Values. Since being disassociated from the Forest Stewardship Council (FSC) in 2007, APP has made sustained efforts to recover its reputation and has made commitments to halt destructive practices. FSC's new policies allow disassociated companies and others that have cleared forests or violated rights between 1994 and 2020, to rejoin the FSC system as long as they make remedy for destroyed forests and the social harms associated with conversion. In alignment with international human rights laws, FSC requires companies to respect human rights and the customary rights of indigenous peoples and local communities with customary rights.

The Sakai are one of several indigenous peoples within the area of APP's operations in Riau. This report examines the situation of one of these peoples and results from an invitation by Sakai spokespersons to visit their area to verify their status as an indigenous people and explain how they might strengthen their land claims in the context of APP's recent commitment to re-associate with FSC. This review found that APP's policies do broadly align with FSC standards but are unclear or ambiguous about how they will respect customary rights to lands and forests that have been overlooked by the Government.

The Sakai were a widely dispersed forest people living in the extensive forest ecosystems of what is now Riau Province, practising shifting cultivation, foraging, fishing and trade in forest products. They have been resident in the area since pre-colonial times and have close links to specific and defined territories overseen by traditional leaders (*Bathin*) who are still recognised and respected by their people. They maintained their traditional belief system until the 1970s and retain to this day much of their customary law.

A series of interventions in their lands have brought rapid social change including from extensive petroleum extraction since the 1920s and then logging, forced resettlement, imposed transmigration colonies, oil palm plantations and spontaneous settlement by migrants. Since the 1990s, APP's pulpwood plantations have dispossessed them of large parts of their remaining forests and lands. Since the Government classed these areas as State Forest Areas and did not at that time recognise Sakai's rights, the plantations were established without the Sakai's consent, seriously impacting their livelihoods and leading some villages enclosed within the plantations to abandon their areas. Land disputes have inevitably arisen and in several cases been suppressed by State security forces.

Since the fall of the Suharto regime, Government policies have started to change. The provincial government has recognised some of the Sakai as customary villages (*kampung adat*), their territories have been mapped and some of these areas officially designated as customary forests. However, measures have yet to be taken by the Government



PT Arara Abadi plantation on the Sakai people's customary territory

to recognise all the Sakai as customary villages and their territories have not yet been protected. APP's renewed commitment to comply with FSC's policies and re-associate with FSC is welcomed by the Sakai we interviewed. Procedures now need to be developed by APP, in consultation with the Sakai and other communities with customary rights, on how APP will respect customary rights and engage with the communities to ascertain the extent of these rights and then make remedy for harms.

Asia Pulp and Paper and the Forest Stewardship Council

Asia Pulp and Paper (APP) is one of Asia's – and the world's – largest pulp and paper companies. It is part of the Sinar Mas Group a consortium that includes pulp and paper companies, palm oil operations, mining, banking, real estate, e-tech and retail enterprises, among much else. According to NGO reports, APP controls 2.6 million hectares of forestry lands in Indonesia, operating via 31 subsidiary companies in the provinces of Riau, Jambi, South Sumatra, West Kalimantan, and East Kalimantan.⁶ Its operations have long attracted NGO criticism of their social and environmental impacts.⁷

Although APP is a global player in pulp and paper supply chains and sees the need for market acceptance of its products, it was prevented from seeking certification by FSC in its early years as the FSC standard excluded from certification any operations that had converted forests after 1994, the date FSC became operational. The adoption of the 'controlled wood' standard in 2006, however, opened up an opportunity for companies to market wood products that were not associated with any ongoing forest conversion or damage to high conservation values.⁸ APP therefore began applying for 'controlled wood' certificates for some of its products soon after.

In 2007, FSC decided to disassociate APP based on substantial publicly available information that the company was still involved in destructive forestry activities.⁹ Then in 2012, APP re-approached FSC claiming it had changed its ways and sought to re-associate with FSC. In 2013, APP adopted a new Forest Conservation Policy which included protection of High Conservation Values. The policy was cautiously welcomed by NGOs, and FSC agreed to consider re-engaging with APP if there was evidence that the policy was actually being implemented. To that end, FSC and APP agreed that APP should commission an independent evaluation of its performance to see if the policy had been adequately implemented.

The study, carried out by Rainforest Alliance and shared in 2015, showed substantial progress and led FSC to initiate a multi-stakeholder process to develop a 'roadmap' of the measures that APP should undertake to make good the harms it had caused, which might then allow it to re-enter the market for Controlled Wood. While Greenpeace agreed to work with APP to ensure effective implementation of their 'no deforestation' pledge, parallel attention was focused by a consortium of international and Indonesian NGOs, including the Rainforest Action Network, Scale Up and Forest Peoples Programme, on the social impacts of APP's operations that had taken over the lands of indigenous peoples and local communities without consultation let alone their Free, Prior and Informed Consent.¹⁰ According to the NGOs, even flagship conflict resolution procedures were seriously flawed.¹¹ Local NGOs such as Scale Up, which had collaborated with APP staff in their conflict resolution efforts, reported that APP was not operating in good faith and was pressuring community leaders into accepting compensation offers without open communications with their wider communities.¹²

Scoping studies carried out for the roadmap estimated that several hundred communities were affected by APP's operations including indigenous peoples, local communities also with customary rights, long term settlers in forest areas and newcomers brought in by the logging and plantations' roads. In negotiating an adequate roadmap that would bring APP back into compliance with FSC's Policy for Association, considerable effort was taken by all parties to ensure the agreed roadmap would require the identification of 'traditional and human rights', the language used by FSC in its Policy for Association, and ensure a mechanism whereby any harms to these rights be remedied subject to communities' free, prior and informed consent. These requirements to a substantial extent prefigured what would later be incorporated into FSC's Remedy Framework (as described in the next section).

However, in early 2018, NGOs tracking the roadmap process became concerned that APP was not revealing the full extent of its majority-owned operations, which APP was claiming were independent suppliers of its mills.¹³ Studies showed that 24 of the 27 companies supplying timber to APP were closely linked to Sinar Mas through a web of shell companies and nominees.¹⁴ Moreover tens of thousands of hectares of forests had been cleared by these operators since the new APP policy had been adopted in 2013.¹⁵ Investigative journalism revealed yet more connections between APP and operations clearing forests.¹⁶ Aware of this controversy and in the light of the detailed corroborative information provided, and the failure of APP to reveal its corporate group linkages, in August 2018, FSC decided to suspend the development of an agreed roadmap for APP to reassociate with FSC.¹⁷

FSC's new policies on Deforestation and Remedy

FSC has long been reviewing how it should deal with companies that have already converted forests, exploring how it could encourage companies to halt any further deforestation and make remedy for past environmental and social harms, rather than just exclude such companies from certification. There has likewise been a lengthy discussion about how to encourage companies to make remedy for human rights violations and environmental damage rather than immediately excluding operators from association with the FSC. These discussions have been going on within the FSC for over 12 years and FSC has begun discussions about such matters with some of the implicated companies in Indonesia since at least 2015. The aim has been to make FSC a promoter of social justice and environmental restoration in forests.¹⁸

In 2022, FSC agreed to a bundle of policies designed to set a new path that would encourage more responsible forest management across corporate groups. A new Policy for Association and linked declaration procedure were adopted by the FSC's International Board of Directors in September 2022. This policy redefines what is a corporate group and the procedure sets out how companies should declare the extent and performance of their operations. The new policy became effective in January 2023.¹⁹ At the same meeting, the FSC Board also agreed a new Policy to Address Conversion, which would allow companies that have converted forests or damaged HCVs between 1994 and 2020, to associate (or re-associate) with the FSC on condition they commit to, and make remedy for, any social and environmental harms associated with conversion. Taking the lead from international human rights norms, the policy likewise requires companies that have acquired lands where such conversion has already taken place to make partial remedy, including for all violations of human and customary rights. This policy was dependent on the FSC membership agreeing to a change in the P&C. In November 2022, the General Assembly of the FSC voted to amend the P&C so that this new policy can come into effect.²⁰ This policy became effective in mid-2023.

A critical element in this new policy is the 'Remedy Framework', which sets out the procedure that companies should follow both to remedy any violations of the Policy for Association and any social and environmental harms associated with conversion. This Framework was adopted by the Board of Directors in December 2023, and included amendments recommended by the FSC's Permanent Indigenous Peoples' Committee and in accordance with a Motion passed at the 2022 General Assembly requiring significant strengthening of the draft Framework as endorsed in September 2022 by the Board, subject to refinements.

Under the Remedy Framework, corporate groups that have converted forests between 1994 and 2020 – or acquired lands where such conversion has taken place – will be required to commit to uphold and implement this remedy procedure. This will include an independent assessor determining which social harms have been done and to whom, and then negotiations between rightsholders and the corporations involved to agree a remedy plan and its implementation. At several points in this process, FPIC will be required from customary rightsholders that they accept the identification of harms, the remedy plans and that adequate progress has been made for the company to be reassociated with FSC and progress towards certification.

Adoption of these policies by FSC now provides an avenue for APP, along with the wider Sinar Mas corporate group, to end its disassociation from FSC, as long as it complies with the Remedy Framework and these other policies. APP has already informed FSC that it plans to comply with these new policies and a new Memorandum of Understanding is being negotiated between APP and FSC International. For the authors of this study a key question that remains outstanding is: how will APP, and Sinar Mas more widely, now recognise the rights, in particular the customary rights, of communities impacted by its operations and how will they negotiate remedy in conformity with FSC's standards?

APP's policies on human rights, remedy and indigenous peoples

APP's Forest Conservation Policy of February 2013, which focused mainly on its 'no deforestation' commitment, also committed the company to respect human rights (3.8), uphold the principle of Free, Prior and Informed Consent (3.3) handle complaints and grievances responsibly (3.4), resolve conflicts (3.5), and offered a programme of community development and empowerment (3.7). In implementing this policy, APP also committed to seek input and feedback from communities (3.2).²¹

Some of these elements were then incorporated into APP's Sustainability Roadmap, which includes the objective of 'empowering and involving communities to be part of our sustainable operations' and commits APP to resolving land conflicts with indigenous peoples and local communities based on the principle of Free, Prior and Informed Consent.²²

In resolving land disputes, APP has devised a typology to distinguish between different kinds of conflict. These categories include: villages inside concessions; customary land; livelihood; speculators; non-procedural land use and; overlapping licenses.²³

APP states:

Our approach for resolution of typology one (villages inside concession) is to accelerate recognition of community areas, aligning with the Government of Indonesia's policy. This is done through delineation of areas used by communities, resolving disputes during the mapping process, finding agreement between APP suppliers and the community on the functional boundaries, as well as maintaining the consultation and alignment with the Government's policy. We strive to do our best in managing all land disputes as part of our commitment to sustainable and responsible operations through engaging with the Government and others related stakeholders as part of the resolution process.

In its sustainability report for 2022, APP commits to 'Respect the rights of local communities and indigenous people through increased multi-stakeholder engagement'. It has a target of resolving 75% of conflicts by 2030 and claims that 63% of these have already been resolved by which it means it has reached an agreement and / or is now in the process of implementing what has been agreed. It also claims to have established partnerships with 3,243 community groups.²⁴

APP is aware that it needs to address the rights of indigenous peoples, which it has defined as

a community that lives by ancestral origin on a native territory. They have sovereignty over this land and its natural resources, and cultural social life, which is governed by customary law and institutions that manage the sustainability of community life.²⁵

What remains less clear from the publicly available information, and from discussions with APP staff, is how APP will address the customary rights of the indigenous peoples and local communities, whose existence and rights may not yet be fully recognised by the Government. APP's public policy seems contradictory or ambiguous, on the one hand, appearing to recognise 'native' territories and indigenous sovereignty, but, on the other hand, limiting recognition to 'alignment with the Government's policy' and prioritising the Government in consultation about the extent of these rights.

Asia Pulp and Paper's Commitments

In a letter to FPP in December 2023, APP states that it is firmly committed to its Social Commitments as outlined in its Sustainability Commitment and Sustainability Roadmap Vision 2030. APP further notes that these commitments:

... include the practice of Free, Prior and Informed Consent in our engagement with communities with whom we share our concessions, our continuing efforts to catalogue and resolve all community conflicts, as well as our rural community livelihood programs that create economic opportunities and measurably improve outcomes.

APP also affirms that we remain fully committed to undertaking the Remedy Process as detailed by the Forest Stewardship Council (FSC), including working with Independent Assessors to complete Social Remedy and the subsequent verification by Third Party Verifiers. We recognise that the issues surrounding Land Rights in Indonesia can be complex and nuanced. We trust that the processes developed by the FSC, executed in accordance with the laws of the land, shall go a long way in ensuring just and equitable remedial outcomes.

As mentioned to FPP, APP's work with the communities extends beyond resolving social conflict, which is also to elevate the lives of the communities living in and around APP and its supplier concessions.

APP launched its flagship Desa Makmur Peduli Api (DMPA) program, based on the Integrated Forestry & Farming System concept, in 2015 because we recognized that ending poverty and other deprivations must go hand-in-hand with efforts to improve health and education, reduce inequality, empower women and spur economic growth – all while tackling climate change and working to preserve our oceans and forests. We are encouraged that by the end of December 2022, the DMPA program been implemented in 421 villages with a budget of USD3.7 million, benefiting more than 80,000 people and partnering with 223 BumDes, 9 corporations, and 189 farming groups (with a target of adding 30 more villages in 2023). There are currently 135 women's groups actively involved in the women's empowerment program, which has been running since 2018-2022.

The DMPA was conceived from the outset not just as a token CSR activity to help us check off the community engagement box, but was designed to achieve the dual purpose of moving villagers away from harmful farming practices that could lead to

deforestation, while creating opportunities for communities to embark on alternative sources of income and build sustainable livelihoods, including empowering women to work, own and run businesses. DMPA has spurred other partnerships including the development of a guideline to develop a business model for the community, originating from the desire to replicate DMPA in other villages outside APP's suppliers' concession areas to support the government in local economic development while at the same time ensuring environmental protection.

Another key outcome of DMPA is the Business Incubation program which provides a comprehensive curriculum that covers various aspects of entrepreneurship. Participants received training on essential business elements, including production processes, product development, diversification, group management, and strengthening, as well as financial literacy and product marketing. By equipping the entrepreneurs with these skills, APP is not only supporting individual businesses but also laying the groundwork for sustainable economic growth in the regions where it operates.

The ultimate goal of the Business Incubation program is to create independent entrepreneurs who can drive positive change in their families and communities. By fostering a supportive ecosystem and providing the necessary knowledge and skills, the program aims to create job opportunities in local communities and transform MSME actors into champions of family income who will inspire other women to become entrepreneurs as well.²⁶

Methodology for this study



Community consultation in Kesumbo Ampai

This study was undertaken by Forest Peoples Programme, YMKL and Bahtera Alam in direct response to an invitation by Sakai representatives who wished our organisations to give the same attention to their situation as we were giving to the situation of the Suku Anak Rawa and Akit peoples affected by the operations of APP's rival company, APRIL, further south in Riau.²⁷

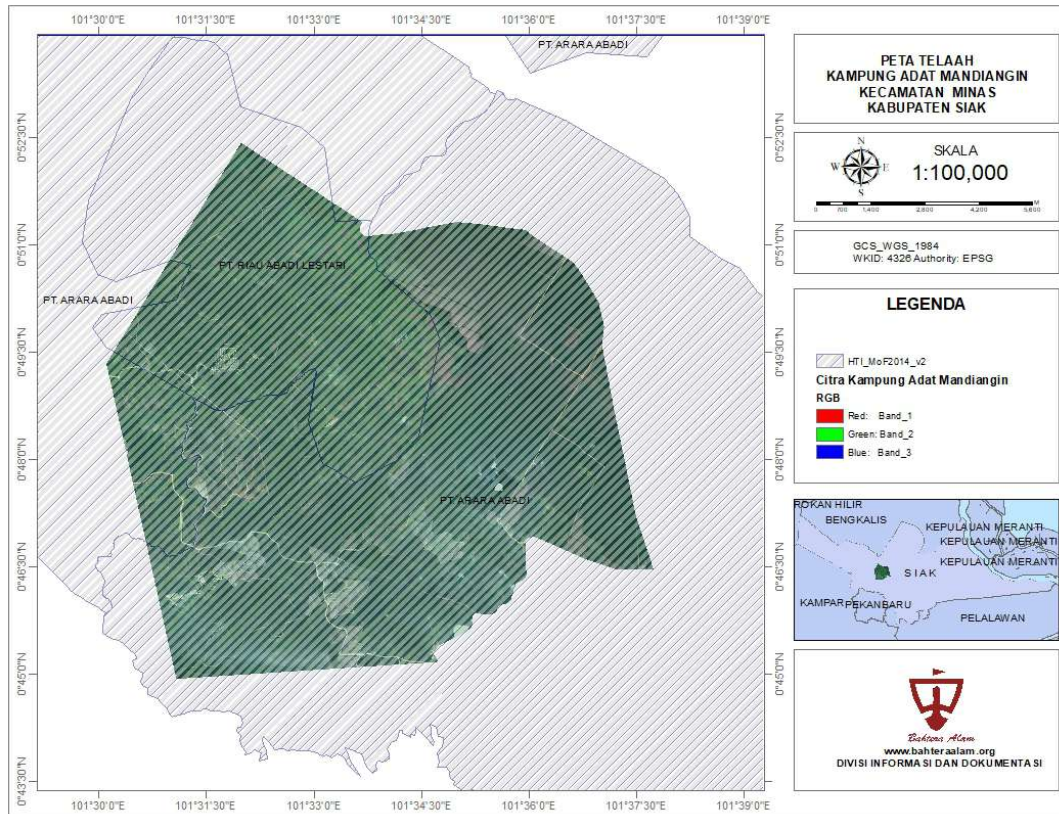
As with the previous study, the aim was to scope out the situation of the Sakai people in their relations with APP through a short participatory survey undertaken in close collaboration with the communities. This was followed by a literature review and compilation of other relevant information through desk research.

Visits were therefore undertaken to three different villages – Mandi Angin, Minas Barat and Kesumbo Ampai - to get a sense of the range of situations the Sakai are currently experiencing. Sakai from other villages also joined the discussions to give a broader perspective on their current situation. A questionnaire was used to guide discussions with participants in each village and some of their associated hamlets to interview community members through focus group discussions, semi-structured interviews along the lines of the questionnaire, one-to-one conversations and directed interviews with women's spokespersons.



Discussing land conflicts in Mandi Angin customary village

While staff of Bahtera Alam have had regular contact with the communities over several years, the research team spent only three days among the Sakai in August 2023, stayed with the communities in their houses and used the time available to clarify in more detail the intentions of the researchers, the commitments being made by APP, the policies of the FSC and the prospects for improving their situation offered by the FSC's new Policy to Address Conversion and the Remedy Framework. The intention was not to fully document the communities' situations nor make full inventories of all impacts and alleged human rights violations – as will be required when the FSC Remedy Framework is rolled out – but to assess what methods should work to ensure that both APP and these assessors can identify customary rights and do not overlook them in their future assessments.



Map showing extent of customary rights of Mandi Angin customary village, in Siak

After the conclusion of the study and after the draft of this report was written up and checked by the communities for accuracy, it was also shared with APP and a short meeting was held in Jakarta with the APP Sustainability Team to clarify how APP would now be engaging with the FSC remedy process (and see box above).

Findings

History

The Sakai are one of several indigenous peoples in Riau, along with the Bonai, Suku Anak Rawa, Suku Laut, Akit, Petalangan, Duano, Talang Mamak and Malay. The Sakai lived widely dispersed in what are now Siak, Bengkalis and Rokan Hilir districts. Based on how they make a living, the Sakai tribe people are sometimes referred to as the Outer Sakai and Inner Sakai, the Inner Sakai being those who still today live semi-sedentary lives in the jungle, with livelihoods based on hunting, fishing and collecting forest products.

The Sakai's oral histories tell of a time when they fled from the Minangkabau people who were expanding their control over the lowlands. To get away from them, because they did not want anyone ordering them around, they took refuge in the forests. They wanted to maintain their independence. In the forests they became shifting cultivators, hunters, fishers and gatherers of forest products. Other peoples in the area fled down to the coasts and to the islands.

We were the first people to arrive here in these forests. We owned the land and the forest, and the land comes down to us from our ancestors not from the Sultanate (kerajaan) of Siak. Before, we were one people, but we gradually broke up into various smaller groups.

The Sakai trace their origins back to the pre-colonial era when they had relations with the Siak Sultanate that asserted suzerainty over the eastern seaboard of Sumatra between what is now North Sumatra and South Sumatra.²⁸ Their first Bathin, the traditional leaders of the Sakai, were two, Bathin Limo and Bathin Solapan. They were recognised by the Sultan of Siak and since then the role of Bathin has been passed down from father to nephew, as long as the nephew is deemed capable of leading his community. If his nephew is not ready to lead, then his position, or 'Bathin throne', is assumed by his son.

Today the Sakai are grouped into two territorial clusters, a western group of five Bathin, the Bathin Limo, who share a territory, and an eastern group of eight Bathin, the Bathin Solapan, who likewise share their own territory. To demonstrate their ownership of these areas, the Bathin Solapan mark their boundaries with wooden markers made of two species of timber (*Kayu Kapur* and *Kayu Sialang*), while the Bathin Limo build small hillocks for the same purpose. Customarily, each Bathin has four assistants, referred to collectively as the *Tungkek Nan Ompek*, being the *Uwang Sao* (the customary secretary), the *Datuk Manao* (who oversees customary law), the *Anjung Kayo* (who oversees community relations) and the *Juu panteh* (who looks after the forests). Their role was to keep order among their people and they had authority over administration, community relations and the forests. The Bathin would oversee the boundaries of the farmlands and forest fallows and keep a memory of who owned what. In cases of disputes, the Bathin with his assistants took on the role of judge and adjudicated, in line with their substantial body of customary law.



Sakai customary forest of Imbo Ayo near Kesumbo Ampai

The Bathin could fine people or require them to provide food to the wider community. For example, they would extract a fine that must be met by the community members for violating customary laws against fighting or causing bloodshed in quarrels. They recall a time when they had links with Bathin across the Malaka straits in what is now Malaysia.

They recount that it was during the Dutch colonial period that the Sakai were organised into the 13 groups under their respective Bathin, who were originally chosen by their people although thereafter the role became hereditary by descent in the lineage. The Dutch accepted that the area was subject to customary law and recognised the Sultan of Siak as having authority over the interior.

The Sakai recall that in those days when the communities were widely dispersed across the forests, before the forced resettlement programme, the people had more freedom, yet they still respected customary knowledge, customary law and the authority of the Bathin. Still, the Bathin admit, it was a challenge to be coordinated as everyone was widely separated.

However, their system of self-governance was changed abruptly in 1979, when they were reorganized by the government into administrative villages which gave leadership roles to village headmen (*kepala desa*), who in those times were government appointees. Despite this, the Bathin retained their authority and they are still respected by the people to this day. Today, people in each village can recount the movement of their group within their traditional territory that has led them to now being settled in their current sites.

The Sakai that we interviewed were aware that the name, 'Sakai', has a negative connotation meaning rough, stupid or dirty people, and it is not really how they refer to themselves. They prefer to use the term *Orang Pebathinan*. Nevertheless they have come to accept the term Sakai as it is how everyone refers to them.²⁹ According to some of the Sakai we interviewed, the word Sakai has been used since colonial times and referred to their nomadic lifestyle, moving about near to rivers, which were essential as a source of life. Other experts say that the Sakai people come from the old Malay Pagaruyung kingdom of West Sumatra, founded by Adityawarman.

Religion

In the past the Sakai had their own body of beliefs (*agama pebathin*) and they took their cues from their surroundings particularly from sacred places and from the flights and calls of birds. There were also areas in the forest that were considered sacred, where you could go to get healed especially near the rivers and other areas were kept for graves. These were sacred areas where people should not go except to bury the dead. In the past, villages tended to move to new sites after the deaths of prominent people.

A few leaders started to get educated in State schools in the 1960s and began to adopt Islam. They recall that a leader or cleric from the Rokan area did seek to introduce Islam as early as 1919. However, the majority maintained their traditional religion right up until the 1970s. The Bathin were their religious leaders. In those times they had their own shamans (*bomo*) and there are still some practising shamans today, even though they have now mostly become Muslim.

Lands and Livelihoods

The Sakai made their living from the forests, swamps and rivers in their territory and they had developed their own unique technology such as a container of animal skin (*timo*) used for holding honey from the forest and a press (*geggalung galo*), made of bamboo and timber, for extracting starch from sweet potatoes. They lived by hunting, fishing in the rivers using rattan traps, gathering, shifting cultivation and trade in forest products including rattan, damar resin, fish and wild rubber (*getah*), which they would exchange for metal, salt and other things. They would sell or barter their goods to various traders, Minang, Malay and Chinese, and these transactions were not mediated by any authority. There were regular interactions with neighbouring Sakai groups especially for ceremonies. Marriage among the Sakai was not strictly regulated and people were free to marry people from other Sakai groups or even settlers. People could choose whether to live with the husband's or the wife's family but more commonly it was the wife who came to live with her new husband.³⁰

The land was considered open to all, but anyone opening a new area would usually first confer with the Bathin or his assistants. Farmlands were owned by the families who initially opened the land and were inherited equally by male and female children. Abandoned lands without claimants could be taken over by other Sakai. People also claimed ownership of any fruit trees that they had planted but all the other resources in the forests were free for anyone to use. There was no way of reserving hunting grounds or fishing areas. It was all free (*bebas*). The wider territory was held collectively but not in a formal way.

In those days no one talked about boundaries. We had our area but it was not [formally] recognised by any outsiders. (Minas Barat)



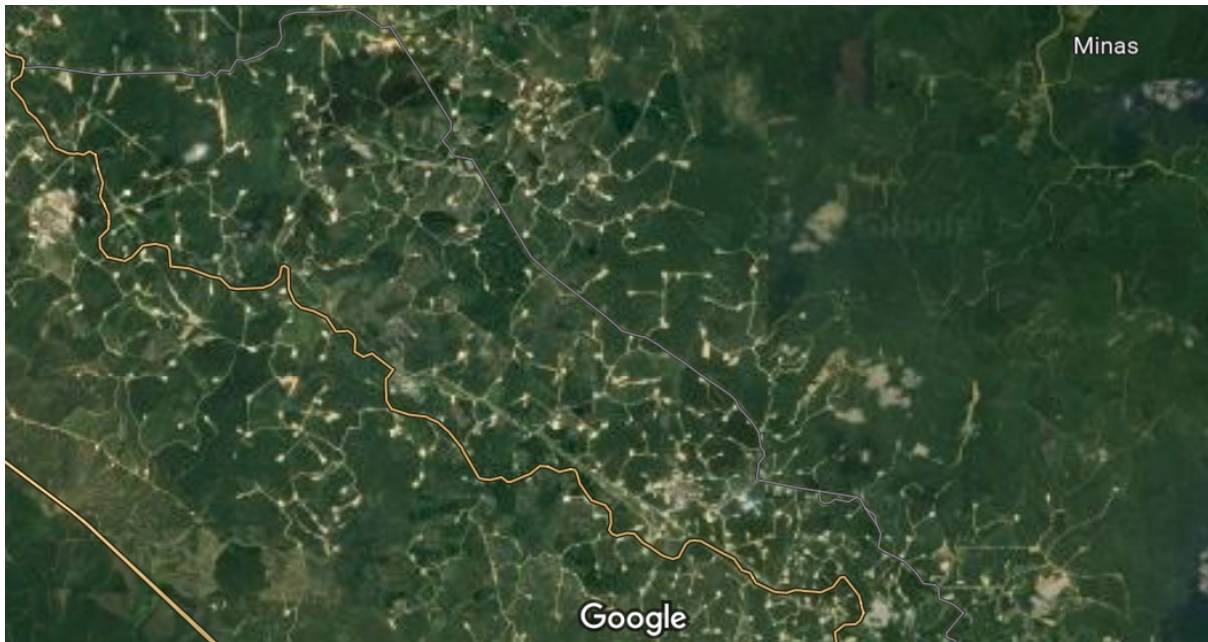
The first oil well in Siak

Chronology of Social Change

The discovery of petroleum in Siak in the late 19th century triggered major changes in the Sakai's situation. The first oil well was opened up by a group of American investors, PT Pan American Petroleum, in 1918 since when these oil wells have expanded over a major part of the Sakai's traditional territory.³¹ The extensive oil and gas fields and associated pipelines, serviced by a road network, also opened up the whole region to other industries.

Initially, in the 1920s to the 1940s, the Sakai did not reject the oil companies. At that time the forests were quite extensive and so they could move off into other parts of their territory. They recall that some individuals would leave their life in the forest and go off to work outside. They were free to do so and some chose to go and live in permanent dwellings. The main changes came in the 1980s.

As a prelude to the development projects that were to follow, in the 1970s and 1980s, the Ministry of Home Affairs started to implement among the Sakai its policy to sedentarise indigenous peoples. In the early years, the Government referred to such peoples as *suku suku terasing dan terbelakang* (backward and alien tribes).³² The resettlement policy was later renamed as *Pemukiman Komunitas Masyarakat Terpencil* (PKMT – Community Settlement of Remote People), and the peoples were classed as *Komunitas Adat Terpencil* (Remote Customary Communities).³³ The aim was to integrate the indigenous peoples into the national mainstream and provide them with opportunities to modernise and develop their economies, and at the same time free up land for other interests.³⁴



Screenshot showing the Duri Oil Field, just west of Minas.

Today the Sakai recall that this programme was imposed in such a way that they could not really refuse and most of them acceded to it but with a heavy heart (*hati berat*). The people felt very limited by the small amount of land that they were provided with to make a living.

We used to live widely dispersed in the forests but now we have become a village people. The idea was that we would become model citizens by force. (Kesumbo Ampai)

It was not beneficial and quite costly. Each household just got 2 hectares which we received with a heavy heart as we were accustomed to making use of all the wealth of resources in our territories. It was a way of depriving us of our territories and it led to the forests being cut down. It was enforced by the military and there was no way to resist – that was in Suharto's time. (Dusun Sulu Bongkal)

Although this programme aimed to settle down the Sakai in fixed settlements, not all the Sakai stayed in these new villages. The Sakai report that a lot of social problems then began to affect them such as drug-taking among the youth. In practice, unaccustomed to intensive farming on fixed plots, many of the adults continued to practise shifting cultivation and move about their territory to trade in forest products.

The emerging road networks facilitated the entry of logging companies into the Sakai's forests.³⁵ In their experience logging depleted the forests of game and fish and made their trade in forest products more precarious, 'so we ran away' (Mandi Angin).

In Kesumbo Ampai, the logging started around 1981 and a year later PT Indah Kiat opened its mill, which was initially largely supplied with timber from the forests. The plantations came later.

The main problem was that they took all the forest and then all the land. (Kesumbo Ampai)



Oil palm now provides an alternative income for those with secure access to land

There were objections from the people, even in that time, but they were dissuaded from pursuing their claims by soldiers of KOPASSUS (*Komando Pasukan Khusus*, Special Forces Command), the Indonesian army's counter-insurgency troops. The final clearance of lands for plantations and the establishment of *Acacia*, and then later *Eucalyptus*, plantations came in the 1990s.

In Mandi Angin, the oil fields expanded into their area in 1986 when Caltex opened up a road through their immediate forests. Not long after, we were told, APP started opening up their land too and took off all the timber to supply their mill. This started in the late 1980s and continued into the 1990s, which was when the company actually started planting the *Acacia* and later *Eucalyptus*.

They never asked for permission from the Bathin before coming in to destroy our resources, neither PT Kulim [the logging company] nor PT Arara Abadi and PT RAL [APP]. They only had permits from the government. (Minas Barat)

They just cut down all the forest and carried it off and we lost all our forests and all our farmlands (ladang). This meant there was no rattan, no damar, the fish have gone and now we have to buy our food. (Mandi Angin)

Because of the plantations we have lost all our assets, our way of life. (Minas Barat)



APP plantations extend to very edges of Sakai cemeteries

The customary village of Mandi Angin, which has about 680 families, now lies wholly within the HTI concession of PT Arara Abadi, which is now mainly given over to *Eucalyptus* plantations supplying the Indah Kiat pulp mill in Perawang, Siak. The community estimate that they retain about 20% of their lands still unplanted with *Eucalyptus*.

The Sakai we interviewed in Mandi Angin recall that they commenced complaining to the government and the company about their situation in the late 1990s. They note that there have been many demonstrations and they sent letters to the Ministry of Forestry with the help of the NGO Jikalahari. Jikalahari also brought in a Japanese NGO (JATAN) to investigate their situations and a film was made about their condition by a TV company RCTI from Jakarta, as well as another by an international TV company. About a decade later they recall holding a discussion about the land dispute in Hotel Aryaduta in Pekanbaru where they explained their situation to the government and the company but with no result. 'We have been ignored by everyone from the President down.' (Mandi Angin)

According to interviewees in Minas Barat, there was resistance and several demonstrations but they were heavily suppressed. Most of this action started after *reformasi* from about 2000 onwards. 'Only after *reformasi* did people become brave, as before they were too afraid of the army and the police.' In 2013, one of the disputes escalated into a violent confrontation when the company's security guards expelled them from their farms.



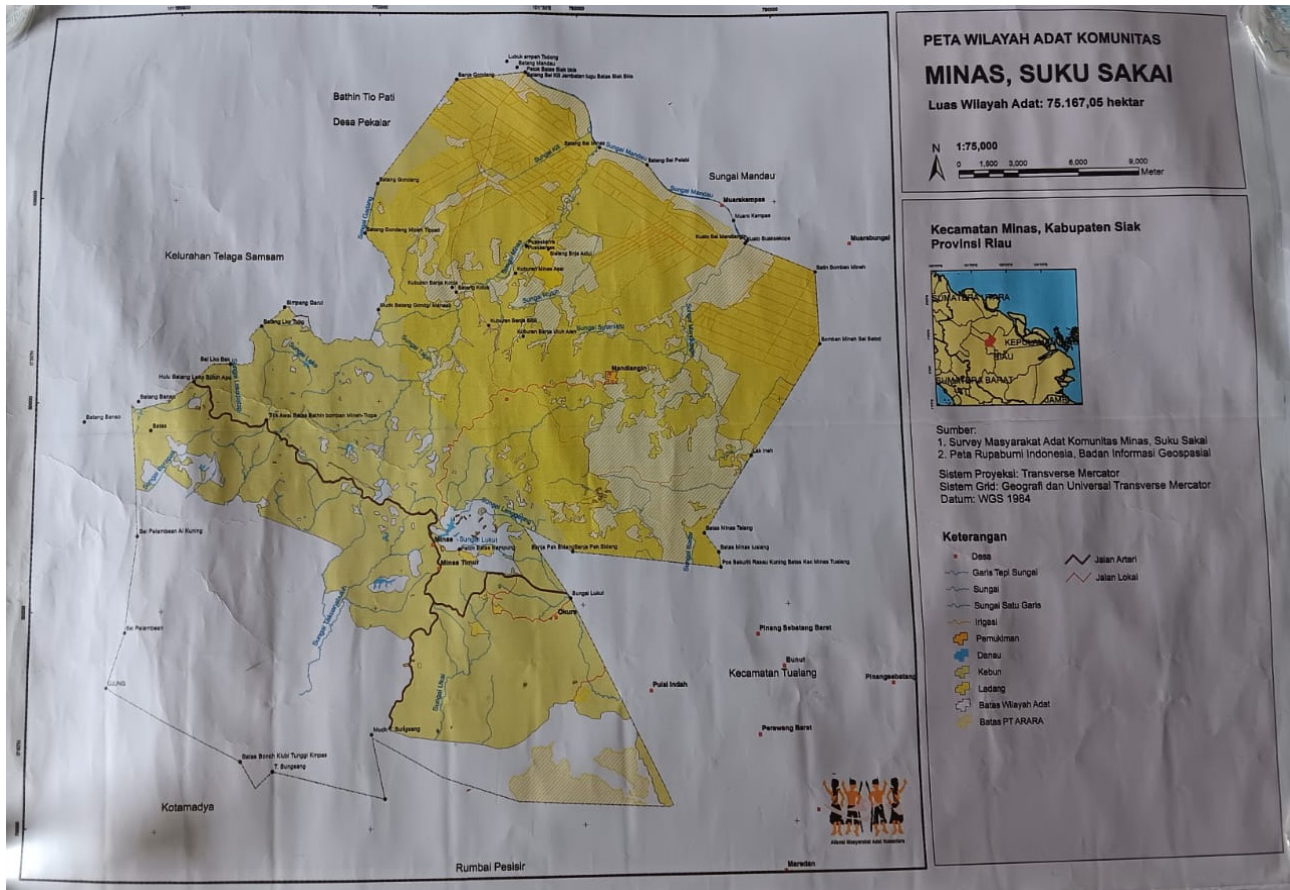
One of the graves of Mandi Angin leaders has been included in an HCV 6 site

The Sakai have planted some of their remaining lands with oil palms, which have allowed some of them to grow comparatively wealthy. However, this was achieved with some difficulty. They claim that in 2016/7, some 5-600 ha of their own oil palm plantings were cut down and replanted with *Eucalyptus*.

Similar problems have been faced by the Sakai in Bengkalis district where the majority of the Sakai of the Bathin Solapan live. Their traditional lives in the forests, where they complemented their hunting, fishing and gathering with shifting cultivation of dry rice and cassava (*ubi racun*), were seriously affected. As recounted to us:

We can no long make a living there, all the forests have been cleared. They have planted the whole area with Eucalyptus. They have an aggressive military approach. They don't negotiate and they don't pay compensation. We have often sent letters appealing for a solution but there has been no result from either APP or from the government. They are the civet cat (musang) and we are the chickens! (Dusun Sulu Bongkal)³⁶

They experienced a similar sequence of events to the western Sakai. Logging took place in the 1980s, HTI plantations commenced in the 1990s, initially with *Acacia* and then replaced with *Eucalyptus* in the 2000s. In this area too many village sites had to be abandoned because of the loss of land. Here too there has been a history of protests and demonstrations, notably in 2013, but in this case the police came in to suppress the action.



Participatory map showing Sakai territory in Minas sub-district

Whereas the company has been granted permits to clear the forest to plant its *Eucalyptus* and *Acacia*, the Sakai state that they face criminalization if they pursue their traditional farming methods or plant oil palms.

There are young people who go out and some never come back because there is no future for them here, as they can't pursue their traditional farming and are prevented from burning to clear their lands.

The National Indigenous Peoples' Alliance (AMAN) helped the Sakai of Mandi Angin to map their customary territory - *wilayah adat* - in 2017.

We are tired of this conflict which has been going on for all these years and the situation never seems to improve. Everyone says that what is happening [the takeover of their lands by the company] is illegal and must not happen, but it is still carrying on.

Today, the Sakai see themselves as part of the indigenous peoples' movement (*gerakan masyarakat adat*) and they are becoming more organised. Some Sakai representative institutions have been established to coordinate among the different Bathin and they understand that their claims to their own territory are part of a wider process for recognition.

The Sakai seek to regain control over their traditional land – *tanah ulayat* - even though it has not yet been recognised by the government. There are many land conflicts that have escalated since these companies have come in.

Migrants

Another significant impact on the Sakai came with the Transmigration programme which, as they recall, was implemented in their area from the late 1970s up until the 1990s. There were early attempts to create self-sufficient settlements of Javanese growing rice, mainly in the 1970s and 1980s, then the government started to implant PIR-Trans programmes for oil palm plantations, where transmigrants were given smallholder plots in schemes alongside company estates and mills. While most of these migrants were Javanese, some Sakai were also offered plots in these schemes as local transmigrants (*translok*). This set in motion a process of spontaneous migration into the Sakai's territory.³⁷

In Minas Barat they told us that, today, about 200 families out of 1,400 are Sakai and the rest are Javanese, Minang, Batak and Nias, so they have become a minority in their own lands. In Kesumbo Ampai the proportions are similar, about 250 Sakai families out of 1,500 families in all.

As the Sakai explained. It is very hard for the people to refuse these settlers, even though there have been conflicts with them. Some Sakai have begun selling lands to settlers using SKT. The interviewees realise this is a problem and that even though the land is held communally they are allowing lands to be sold off. 'We are like people who have no father. It is very serious that we are selling off our land'. (Minas Barat) They explained that under customary law the Sakai cannot sell land but, especially among those who have moved to be near to the roads, a land market has developed. People get hold of SKT from the village administration and then make land sales.

The newcomers move about looking for fresh lands, new opportunities, employment and suitable farming sites.

They come in thinking the lands belongs to the State, but they don't know that it really belongs to the Sakai. We were worried, we were suspicious but there was no way we could reject their presence. This happened even though the Bathin knew clearly the boundaries of their territory - the Sakai here, this side of the river - the Malay over there on the other side. These were sacred territories and should have been respected. But gradually people did come in without permission, although some were obliged to pay fines. In that time everyone was related, so we all knew who was who and who could and should live where. (Kesumbo Ampai)

The Sakai recognise that they are now a minority on their own land and accept that they now have to share the land with the newcomers, not least as they have become neighbours and even intermarried with the Sakai.

The settlers can stay here so long as they respect our ways and our regulations. We want there to be justice. If the land comes back we want to stop all this buying and selling of land. People can use it but no more buying and selling. As for those that have already bought lands from us, they should be allowed to keep it. We don't want these permits to be imposed on top of our territory. We want everything to be done with the people's agreement, with the full involvement of the community. (Minas Barat)

We are not going to deny the rights of those who have legally acquired land but unfortunately some lands have been taken without due process. (Dusun Sulu Bongkal)

Summary of Indonesian legal framework in relation to the Sakai

Indonesian laws related to indigenous peoples are confusingly contradictory. On the one hand, Indonesia as a member of the United Nations, has ratified the main international human rights treaties and made these part of Indonesian law (although it has not ratified ILO Convention 169 nor the previous ILO Convention 107). In 2007, Indonesia also voted in favour of the UN General Assembly's adoption of the UN Declaration on the Rights of Indigenous Peoples. After the fall of President Suharto's New Order regime, the revised Constitution recognised the rights of indigenous peoples (*masyarakat hukum adat*)³⁸ 'as long as they still exist'. In 2001, the People's Consultative Assembly (MPR) legislated the need to secure indigenous peoples' rights and ordered the House of Representatives (DPR) to adopt appropriate legislation to achieve this.³⁹ Various Presidents over the past twenty years have since made public statements, including in international forums, promising to pass such an organic law recognising indigenous peoples' rights but, although various drafts of this Bill have been circulated in the DPR, and it was for over decade in the national legislative programme (PROLEGNAS), it has been blocked by vested interests and is no longer being actively discussed by the legislature.

On the other hand, the current legal framework and its application has not been effective in securing indigenous peoples' rights. The 1960 Basic Agrarian Law (BAL), which remains the main law regarding land in Indonesia, does accept that collective customary tenures (*ulayat*) exist. Moreover, somewhat like the English Common law concept of 'Aboriginal Title' noted above, *ulayat* rights are considered to derive from customary law and precede any act of the State.⁴⁰ However, the BAL treats *ulayat* rights as usufructs (use rights) encumbering State land which must give way to national development.

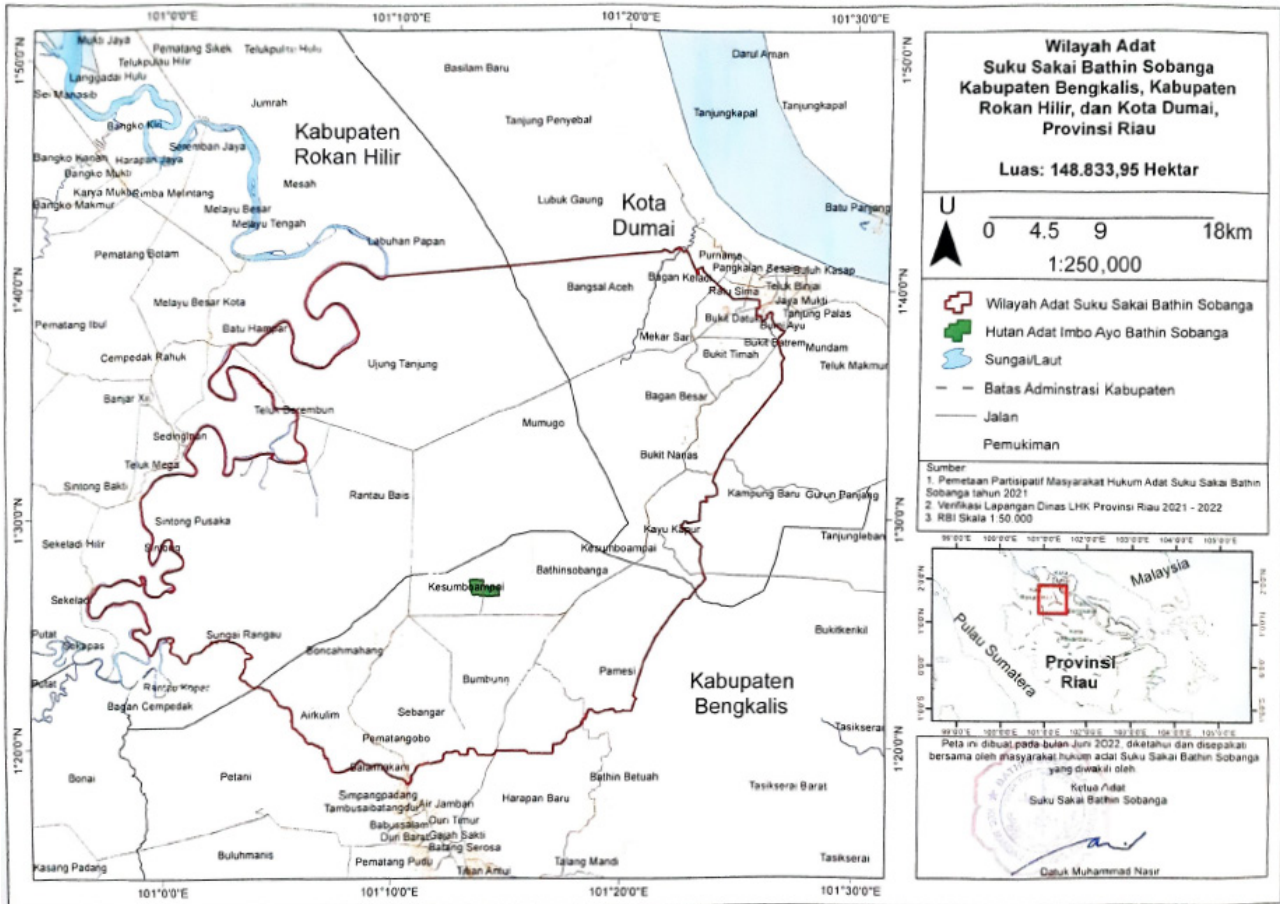
Similarly, until 2012, the Forestry Law, under which 70% of the country was classed as Forest Area (*Kawasan Hutan*), was interpreted by the administration as treating the whole Forest Area as State Forest Areas (*Kawasan Hutan Negara*), defined by the law as forest areas 'where there are no rights'. This continued despite a belated acknowledgement by the Ministry of Forestry that some 33,000 administrative villages (*desa*) were within or overlapped areas classed as *Kawasan Hutan*. The Ministry treated customary land and forest use by communities as legacies of a pre-modern era and the Forestry Law classed 'customary forests' (*hutan adat*), as lying within State Forest Areas, thereby implying that customary uses might be tolerated but were not based on a right, explicitly noting that these should give way to forestry development plans. Consequently, some 60 million hectares of logging concessions and over 6 million hectares of timber estate concessions have been handed out by the Ministry of Forestry (now the Ministry of Environment and Forestry) to private companies without considering the rights of prior residents including indigenous peoples. The result has been an escalation of land and forest conflicts throughout the archipelago, as amply documented by the Indonesian national human rights commission, which has called on the Government to effectively recognise indigenous peoples' customary rights to their lands and territories.⁴¹

The contradictions between these two bodies of law came to a head in the early 2010s in a case brought to the Constitutional Court by the national indigenous peoples' organisation (*Aliansi Masyarakat Adat Nusantara - AMAN*). In 2012, the Constitutional Court recognised that, in line with the Constitution, indigenous peoples do have rights in lands and forests, 'so long as they still exist'. According to the judgment, where indigenous peoples' customary territories overlap areas designated as Forest Areas, these overlaps are to be considered as customary forests not State Forest Areas. The ruling left unclear exactly what the status of these areas was and what this implied about any overlapping concessions. Since then, after much hedging, the Ministry passed a regulation clarifying that customary forests are 'rights forests' (*Hutan Hak*), an almost unused category in the Basic Forestry Act,⁴² and a further, baffling regulation has been issued requiring that, where forestry concessions overlap customary forests, any differences should be resolved in accordance with 'customary wisdom'.⁴³

This has left indigenous peoples seeking to secure their lands and territories in the challenging position of having to prove that they 'still exist'. In the absence of the much-needed organic law on indigenous peoples, the Ministry delegated this matter to district or provincial governments to address. An arcane process is required, in which academic opinions are sought to provide evidence that certain communities do still identify as indigenous peoples with separate identities and continue to exercise customary law. Once such information has been assembled and reviewed by the local government and committees set up by the local legislatures, these decentralised legislatures may then pass a regional legislative regulation (*Peraturan Daerah [PERDA]*) recognising the existence of certain specifically named indigenous peoples, implying, often without much clarity, that they thus have territorial rights. It then falls to the communities to apply to the Ministry of Environment and Forestry for it to agree which areas of these, often unmapped, territories can be designated as customary forests. The process usually takes years, sometimes decades, and consequently only some 244,000 ha. of customary forests have been recognised, out of between 40 and 75 million hectares of customary territories which indigenous peoples, researchers and NGOs estimate exist in Indonesia. To date something like 20 million hectares of claimed customary territories have been mapped by communities with NGO help, but only one percent of these mapped areas are recognised by the national government.⁴⁴

These legal and administrative realities create challenges for forestry companies operating in Indonesia. They have to follow national laws and administrative practice but in order to comply with international human rights standards and voluntary certification schemes, such as FSC, they must also go beyond these minimal requirements.

Mandi Angin was one of four Sakai villages of Siak district that was recognised as a customary village by the district legislature through a regulation, PERDA, in 2015 leaving only one of the Sakai groups still unacknowledged. However, in Bengkalis district, where the majority of the Bathin Solapan live, so far none of the Sakai have been recognised yet they are the same people with the same history and the same relationship with their territories. It is an example of how arbitrary and incomplete the Government's process is for recognising indigenous peoples.⁴⁵



Map showing the extent of the customary territory of the Bathin Sobanga Sakai

In 2022, the Governor of Riau also issued an official letter (SK Kpts. 1183/VIII/2022) both recognising the Bathin Sobanga Sakai as an indigenous people (*masyarakat hukum adat*) and according them ownership rights over the Imbo Ayo forest as a customary forest (*hutan adat*).

Conclusions

According to the Malays, Adat is considered the 'mother' and Islamic law is the 'father' of justice. Hoekoem and Adat are consubstantial, like God and his qualities.

Octave J.A. Collet, 1925.



Pak Safrin from the Sakai Bathin Solapan in Bengkulu

This study makes clear the presence of an indigenous people, as defined by FSC, in the area of APP's operations. We anticipate that more detailed surveys would show many other indigenous peoples, or others with long-term customary rights to their lands and forests, in areas impacted by APP's operations. The Sakai, clearly have customary rights to a very extensive area of the lands and forests, from which they used to make a livelihood



The skull of a water buffalo paid by APP as a fine for violating customary law

as hunters, fishers, gatherers and shifting cultivators. Much of this area has since been handed out by the government as concessions to forestry companies, including APP, and agribusinesses, especially for oil palm.

The investigation also shows that the Sakai have been in the area since 'time immemorial', that is to say since before historical records exist. They were recognised by the Siak Sultanate and were present in the area when the Dutch asserted hegemony over the area in 1857. At that time, the Siak Sultanate had sought British protection to fend off the Dutch but this not being forthcoming the Sultan felt obliged to sign a treaty with the Dutch in 1858, an action that was repudiated by the Malay rulers further north in Serdang and Asahan in what is now North Sumatra. Jambi acceded to Dutch authority the same year.⁴⁶

During the early part of Dutch colonial control of Sumatra, in the latter part of 19th century, initiatives were taken by the Dutch to diversify the economy through the promotion of plantations for coffee, tea, rubber, pepper and tobacco, even sisal. Experiments began with the production of palm oil. Oil palm covered 11,000 hectares of Eastern Sumatra by 1922. Most of this expansion of plantations occurred north of the Sakai territories whose forests remained an important source of non-timber forest products including benzoin, damar and

rattan. These NTFPs continued to make up an important part of the region's economy into the 1920s.⁴⁷ As Koizumi notes, 'until the first half of the 20th century, Riau Province was under-developed, sparsely populated, and densely covered with tropical forests, except for trading hubs along rivers and coastal port towns.'⁴⁸ Early Dutch records that mention the Sakai even provided maps of the Sakai's territory, recognising their important role in the regional economy.⁴⁹ We conclude that the evidence - based on the testimony of the Sakai and amply corroborated by historical and ethnographic sources - is clear that the Sakai are an indigenous people of Riau.⁵⁰ As such they comprise one of several such forest-dwelling peoples of Riau, others being the Bonai, Talang, Talang Mamak,⁵¹ Suku Anak Rawa and Akit.⁵²

In their interactions with APP, the Sakai have had mixed experiences. On the one hand, the company is alleged to have taken over their lands without prior consultation - let alone consent - and without paying compensation for the lands taken, the resources destroyed or the forests which have been removed. As detailed above, this has seriously impacted the Sakai and made their traditional way of life impossible. For many Sakai, this has forced them to abandon their lands and move to roadside dwellings or migrate to towns and cities.

These impacts have been exacerbated by other interventions in their area, by logging, road-building, oil and gas exploration, government resettlement schemes, new administrative systems that deny the authority of their traditional leaders, imposed transmigration, oil palm plantations, and colonisation by settlers. The Sakai are now a minority on their own lands.

Whereas some Sakai have been able to take advantage of these changes to get jobs with the oil industry or transform themselves into rubber and oil palm smallholders, and some have made a reasonable income from these initiatives, others - seemingly the majority - have not fared well and have become relatively impoverished. Deprived of lands and forests and thereby deprived of subsistence and access to the forest products that they used to trade, most Sakai now struggle to earn the cash they need to buy rice and staples and other necessities from local stores.

For its part, APP has provided a limited CSR programme to some impacted communities, as required by Indonesian law. It has also made financial contributions to the Sakai in some villages for schools, other services and, in Kesumbo Ampai, has contributed to the refurbishment of a customary hall (see front cover). The Sakai in Bengkalis reported that they have been provided by APP with small areas designated as livelihood plantations (*tanaman kehidupan*) planted with *Eucalyptus* from which they get a small income when harvested by the company. These have been accepted reluctantly, although the Sakai indicated that they do not consider this a fair return for the huge area of land and forests which they have been obliged to vacate. 'The company lives and the people die' (Dusun Sulu Bongkal).

What is less clear from these accounts is whether or not APP accepts that it has intruded on the Sakai's traditional territories. On the one hand, it has not made any public declaration that it recognises the extent of the Sakai's customary rights, nor according to the Sakai whom we interviewed, has APP provided fair compensation for the lands and forest resources it has taken without the Sakai's free, prior and informed consent. Instead,

APP justifies this expropriation through it having acquired licences from the government. On the other hand, in some cases, APP has conducted ceremonies when entering Sakai lands and in one case, still memorised by the Sakai, the company agreed to pay a fine to the Sakai for violating customary law (see photo above).

The possibility that APP may now be implementing a new policy which entails providing remedy for the harms associated with conversion of the forests in their customary territories is welcomed by the Sakai whom we interviewed, although some of them noted that NGOs with various stories and offers have come and gone in the past and yet their situation has barely improved.

What they would want from such a process is clear. They seek recognition of their existence, respect for their customary authorities and the return of their lands.

We want our land back. We want our rights back. We want them to stop their activities on our land. (Minas Barat)

We want a process that is transparent, we are not fully rejecting them, but we don't want to continue being treated as dupes (dibodohi). (Kesumbo Ampai)

They need to recognise that this land belongs to the Sakai. Then we can talk. We are not 'anti-State' nor 'anti-company', we just want justice. (Dusun Sulu Bongkal)

The Sakai are also aware that in the past they have been manipulated. 'The company is very clever. They do provide some CSR like help with schools, provision of cattle and other services' but this is not considered to provide adequate recompense for everything that they have lost.

The Sakai also told us that they would like their Bathin to again be recognised as having authority so that customary law could be reinforced. The Sakai we talked to recognised that there needs to be a conflict resolution process with the company but that this will need to be professionally mediated as, they explained, the conflicts are very deep-seated and even the efforts of the government show that it lacks competence in this matter.

Recommendations

The recommendations made in relation to our previous report on what APRIL needs to do to uphold customary rights and align with the FSC's standards and new Remedy Framework apply equally to APP.⁵³ Companies should make use of all the information available from land cadasters, provincial and district regulations and decrees to ascertain where customary rights have already been recognised. However, the FSC standards require companies to go further. They need to go beyond the limitations of national law to explore and respect customary rights that are **not** yet recognised by the State.⁵⁴ To do this they must consult with the affected local communities to ascertain their views of their rights and interests in lands and forests.

APP's current policies and commitments are not very clear on this matter and we recommend that the company consults with indigenous peoples' organisations and competent local NGOs with acknowledged expertise in indigenous peoples' rights to develop clear operational procedures on how to identify the existence and extent of customary rights.

This study was focused on the Sakai people but the broader lessons must be applied to the other affected indigenous peoples and local communities with customary rights whose rights and interests also need to be respected and upheld.



Endnotes

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- 6 <https://www.wrm.org.uy/bulletin-articles/expansion-of-pulp-and-paper-companies-app-and-april-in-indonesia-more-deforestation-and-violence#:~:text=APP%20controls%202.6%20million%20hectares,companies%20in%20the%20different%20provinces>
- 7 For example see Rivani Noor and Rully Syumanda, 2006, Social conflict and environmental disaster: A report on Asia Pulp and Paper's operations in Sumatra, Indonesia, CAPP, WRM and WALHI, Jakarta.
- 8 <https://anz.fsc.org/forest-management-certification/controlled-wood>
- 9 <https://connect.fsc.org/actions-and-outcomes/current-cases/asia-pulp-and-paper-app> . Although APP was disassociated APP owned companies continued marketing using CW certificates as late as 2013 <https://fsc-watch.com/2018/11/15/how-can-products-from-an-asia-pulp-and-paper-company-have-carried-an-fsc-label-for-the-past-seven-years-when-fsc-disassociated-from-app-in-2007/> .
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- 28 See also Porath, N. 2002. A river, a road, an indigenous people and an entangled landscape in Riau, Indonesia. *Journal of the Humanities and Social Sciences of Southeast Asia* 158: 769–797. Porath, N., 2018, The Orang Batin/Orang Sakai in the Malay Kingdom of Siak Sri Indrapura, *Asian Ethnology* Vol. 77 (1&2): 285–305.
- 29 Porath (2002) makes the same point. The negative connotations of the term Sakai, which in Malaya was considered to refer to inferior peoples subject to enslavement are explored in detail in Porath (2018). For a discussion of the meaning of the term Sakai in Malaya see Marie-Andrée Couillard, 1983, Les Malais et les "Sakai": quelques réflexions sur les rapports sociaux dans la péninsule malaise, *Anthropologie et Sociétés*, 7(2): 91–109. <https://doi.org/10.7202/006137ar>
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- 38 Article 18B. This report translates as 'indigenous peoples' both the Indonesian term masyarakat hukum adat, as used in the Constitution, and the term masyarakat adat, as used in the vernacular and by peoples who self-identify as such. This is also how the English term is applied by international agencies such as the World Bank, Asia Development Bank and many other aid organisations, as also by the Indonesian human rights commission, national and international NGOs working in Indonesia, and also by FSC.
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- 45 Some of these complexities are explored in: Ulfa Dina et alii, 2021, Legal Review of the Existence of Customary Land of the Sakai Tribe in Kesumbo Ampai Village, Batin Solapan District, Bengkalis Regency Based on the Basic Agrarian Law. In: *The Cross Culture, and Challenge of Sustainability*, Vol 2, 2021 E-ISSN 2964-1179 available at: <https://www.conference.unja.ac.id/ICMI/>
- 46 Octave J. A. Collet, 1925, *Terres et Peuples de Sumatra*, Elsevier, Amsterdam.
- 47 Ibid p.170-177.
- 48 Koizumi Yusuke, 2022, The Expansion of Oil Palm Smallholders and Migrants' Upward Social Mobility in a Frontier Area of Riau Province, Indonesia, *Geographical Review of Japan Series B* 95(1): 37–53 at page 39.
- 49 Referenced in Porath 2018 citing Max Moszkowski, 1909a, Auf neuen Wegen durch Sumatra: Forschungsreisen in Ost-und Zentral-Sumatra. Berlin: Dietrich Reimer; Max Moszkowski, 1909b, "The Pagan Races of East Sumatra." *Journal of the Royal Asiatic Society of Great Britain and Ireland* 41(3): 705–20. <https://doi.org/10.1017/s0035869x00039228>
- 50 See also: Suparlan, Parsudi. 1995. *Orang Sakai di Riau: Masyarakat terasing dalam Masyarakat Indonesia*. Yayasan Obor Indonesia, Jakarta.
- 51 Tenas Effendy, 2002, The Orang Petalangan of Riau and their Forest Environment, In *Tribal Communities in the Malay World: Historical, Cultural and Social Perspectives*, edited by Geoffrey Benjamin and Cynthia Chou, International Institute for Asian Studies and Institute for Southeast Asian Studies, Leiden and Singapore: 364–83.
- 52 Marcus Colchester, Patrick Anderson, Harry Oktavian, Radiansyah and Hasri Dinata, 2023, Customary Rights in APRIL plantations: findings from a field investigation. Forest Peoples Programme, Bahtera Alam and YMKL.
- 53 Ibid.
- 54 The need to go beyond the limitations of national laws and titling is a key consideration for the protection of customary rights. See for example The Land Rights Standard which notes that 'realization of this Standard should be grounded in the understanding that land, territorial, and resource rights are defined by customary use and ownership for Indigenous Peoples, and many Afro-descendant Peoples and local communities': https://rightsandresources.org/wp-content/uploads/Land-Rights-Standard_Updated-04-2022.pdf