INDIGENOUS PEOPLES/ETHNIC MINORITIES

AND

POVERTY REDUCTION

INDONESIA

Environment and Social Safeguard Division
Regional and Sustainable Development Department
Asian Development Bank, Manila, Philippines
June 2002
This publication was prepared in conjunction with an Asian Development Bank (ADB) regional technical assistance project on Capacity Building for Indigenous Peoples/Ethnic Minority Issues and Poverty Reduction, covering four developing member countries (DMCs) in the region, namely, Cambodia, Indonesia, Philippines, and Viet Nam. The project is aimed at strengthening national capacities to combat poverty and at improving the quality of ADB’s interventions as they affect indigenous peoples.

The report was prepared jointly by Ms. Myrna A. Safitri and Mr. Rafael Edy Bosko, ADB consultants based in Indonesia, under the guidance of Mr. Roger Plant, the leader of the consultant team. The findings contained herein are the result of several activities under the technical assistance, including two provincial workshops in Palu, Central Sulawesi, on 5–6 June 2001, and Samarinda, East Kalimantan, on 28 June 2001, respectively; and a national workshop in Jakarta on 25–26 September 2001. Extensive fieldwork and consultations with high-level government representatives, indigenous peoples themselves, and nongovernment organizations (NGOs) were also undertaken. The findings of this study were shared at a regional workshop held in Manila on 25–26 October 2001, which was attended by representatives from the four participating DMCs, NGOs, ADB, and other finance institutions.

The project was coordinated and supervised by Dr. Indira Simbolon, Social Development Specialist and Focal Point for Indigenous Peoples, ADB. The assistance of Jay Maclean in editing and of Anita L. Quisumbing and Lily Bernal in production is acknowledged with thanks.

The publication is one of a series of documents produced by the project. They comprise four country reports (on Cambodia, Indonesia, Philippines, and Viet Nam, respectively), a regional report covering these four countries, and the proceedings of the regional workshop that resulted in recommendations for a regional action plan for indigenous peoples/ethnic minorities. In addition, a regional report on the subject in Pacific DMCs was prepared under a separate consultancy.

It is hoped that the information in this publication series on the issues and concerns of indigenous peoples/ethnic minorities will help guide national governments and development partners in improving future interventions to recognize, promote, and protect the rights of these peoples.

ROLF ZELIUS
Chief Compliance Officer and Deputy Director-General
Regional and Sustainable Development Department
ACKNOWLEDGMENTS

This report could not have been completed without the support and cooperation of many people and institutions. We would like to thank the Directorate General of Human Rights Protection of the Department of Justice and Human Rights for its role in the implementation of this Project. Special thanks and appreciation go to Dr. Hafid Abbas, its Director General, for his active involvement from the very beginning of the Project.

Appreciation and thanks also go to all those government departments and institutions, adat community organizations, particularly the Aliansi Masyarakat Adat Nusantara (AMAN), universities, aid agencies, and nongovernment organizations in Jakarta, East Kalimantan, Central Sulawesi, and West Sumatra, that provided support, cooperation, and valuable input during discussions and during the project's national workshop in Jakarta.

We particularly extend our thanks to the adat communities in the villages of Sekolaq Darat and Benung in East Kalimantan, and Kalora and Toro in Central Sulawesi, for their warm and sincere welcome during our visit and discussions with them. Our thanks and appreciation also go to our partners in organizing the provincial workshops: the Center for Social Forestry of the University of Mulawarman in East Kalimantan; and the Consultant Office of the Sulawesi Rainfed Agriculture Development Project and Regional Planning Agency, both in Central Sulawesi.

We also extend our gratitude to Dr. Roger Plant (consultant team leader) and Dr. Indira Simbolon (ADB task manager) for their great support and guidance during the execution of the project.

Myrna A. Safitri and Rafael Edy Bosko
# CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foreword</td>
<td>iii</td>
</tr>
<tr>
<td>Acknowledgments</td>
<td>iv</td>
</tr>
<tr>
<td>Abbreviations</td>
<td>vii</td>
</tr>
<tr>
<td>1. Introduction</td>
<td>1</td>
</tr>
<tr>
<td>Rationale</td>
<td>1</td>
</tr>
<tr>
<td>Methodology</td>
<td>1</td>
</tr>
<tr>
<td>Structure of the Report</td>
<td>2</td>
</tr>
<tr>
<td>2. Adat Communities in Indonesia: Identification and Issues</td>
<td>3</td>
</tr>
<tr>
<td>Different Contexts</td>
<td>3</td>
</tr>
<tr>
<td>Who are the Indigenous Peoples in Indonesia?</td>
<td>7</td>
</tr>
<tr>
<td>Identifying Adat Communities for Poverty Reduction</td>
<td>8</td>
</tr>
<tr>
<td>Conclusions</td>
<td>9</td>
</tr>
<tr>
<td>3. Adat Communities in Indonesian Legislation</td>
<td>13</td>
</tr>
<tr>
<td>Existing Legislation on Adat Communities and their Rights</td>
<td>13</td>
</tr>
<tr>
<td>Latest Developments</td>
<td>18</td>
</tr>
<tr>
<td>Conclusions</td>
<td>20</td>
</tr>
<tr>
<td>4. Poverty Reduction Programs for Adat Communities</td>
<td>21</td>
</tr>
<tr>
<td>Review of Poverty Reduction Programs</td>
<td>21</td>
</tr>
<tr>
<td>Conclusions</td>
<td>24</td>
</tr>
<tr>
<td>5. Poverty of Adat Communities: Trends, Causes, and Perceptions</td>
<td>27</td>
</tr>
<tr>
<td>Poverty Trends</td>
<td>27</td>
</tr>
<tr>
<td>The Reality of Adat Community Life</td>
<td>28</td>
</tr>
<tr>
<td>Perceptions of Adat Communities about Poverty</td>
<td>37</td>
</tr>
<tr>
<td>Recent Trends</td>
<td>42</td>
</tr>
<tr>
<td>6. Lessons Learned from Asian Development Bank-Supported Projects</td>
<td>47</td>
</tr>
<tr>
<td>Project Review</td>
<td>47</td>
</tr>
<tr>
<td>General Analysis</td>
<td>52</td>
</tr>
</tbody>
</table>

Bibliography .................................................................................................................... 63
Annex 1 Location and Size of Isolated Adat Communities .............................................. 67
Annex 2 Adat Community Organizations that have joined AMAN .................................. 67
# Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADB</td>
<td>Asian Development Bank</td>
</tr>
<tr>
<td>AMAN</td>
<td>Aliansi Masyarakat Adat Nusantara (Alliance of Indonesian Indigenous People)</td>
</tr>
<tr>
<td>BAL</td>
<td>Basic Agrarian Law</td>
</tr>
<tr>
<td>CERD</td>
<td>Community Empowerment for Rural Development</td>
</tr>
<tr>
<td>CGI</td>
<td>Consultative Group on Indonesia</td>
</tr>
<tr>
<td>CSIAD&amp;CP</td>
<td>Central Sulawesi Integrated Area Development and Conservation Project</td>
</tr>
<tr>
<td>IDT</td>
<td>Inpres Desa Tertinggal (President’s Instruction on Backward Villages)</td>
</tr>
<tr>
<td>JPS</td>
<td>Jaring Pengaman Sosial (Program on Social Safety Net)</td>
</tr>
<tr>
<td>KUB</td>
<td>Kelompok Usaha Bersama (farmers’ business-oriented group)</td>
</tr>
<tr>
<td>NGO</td>
<td>nongovernment organization</td>
</tr>
<tr>
<td>PPK</td>
<td>Program Pengembangan Kecamatan (Subdistrict Development Program)</td>
</tr>
<tr>
<td>PRA</td>
<td>participatory rural appraisal</td>
</tr>
<tr>
<td>PRPTE</td>
<td>Proyek Rehabilitasi dan Pengembangan Tanaman Eksport (a project on rehabilitation and development of export crops)</td>
</tr>
<tr>
<td>SRADP</td>
<td>Sulawesi Rainfed Agriculture Development Project</td>
</tr>
<tr>
<td>TCSSP</td>
<td>Tree Crop Smallholder Sector Project</td>
</tr>
<tr>
<td>WALHI</td>
<td>Wahana Lingkungan Hidup Indonesia (Indonesia Medium for the Environment, a national NGO in environment issues)</td>
</tr>
</tbody>
</table>
INTRODUCTION

RATIONALE

In 1998, the Asian Development Bank (ADB) adopted a Policy on Indigenous Peoples that reflected the need for indigenous peoples/ethnic minorities to be given attention in any development project it supports. ADB believes that poverty is one of the crucial problems of these groups in the context of development. Many of them live in poverty despite the abundance of natural resources in the territory in which they live. This poverty is not only a problem of household income and basic needs fulfillment, but also one of opportunities to participate fully in the development process. Therefore, the poverty of indigenous peoples/ethnic minorities cannot be solved solely by aid and charitable programs; it requires also—and mainly—access to participate in the development process in order for them to determine their own future.

For this purpose, ADB provided technical assistance to the Indonesian Government through the Directorate General of Human Rights Protection, Department of Justice and Human Rights. The technical assistance, implemented during April–June 2001, was intended to develop a complete understanding of the problems of poverty of these groups in Indonesia. It was hoped that this technical assistance would contribute to an understanding of their basic problems. In this period of reform, regional autonomy, and the shift in ethnic relations, many assumptions related to indigenous peoples/ethnic minorities and poverty need to be reexamined. New understanding of these issues, by linking them to the contextual changes in the country, will help the Government in designing more systematic programs to protect these peoples. ADB can also make use of the findings to determine its role in this area.

METHODOLOGY

In implementing this technical assistance, many stakeholders were consulted. At the national level, discussions were held with government officers, especially those in departments having relevant policies or programs on poverty reduction or indigenous peoples/ethnic minorities. Discussions were also held with representatives of indigenous peoples/ethnic minorities, academe, nongovernment organizations (NGOs), activists, business persons, and funding organizations. Many other stakeholders could not be consulted due to time constraints. Reviews were also made of policies, programs, and projects that affect indigenous peoples/ethnic minorities.

In June 2001, two provincial workshops were conducted in Palu, Central Sulawesi, and in Samarinda, East Kalimantan, respectively. These provinces were chosen in view of activities and issues affecting indigenous peoples/ethnic minorities there. In Central Sulawesi, there are several projects funded by ADB, such as rainfed agriculture development and integrated area development and conservation, which affect them. In East Kalimantan, a project on empowerment of village communities began in March 2001. Many of the village communities involved are considered indigenous communities or masyarakat adat. There are also many problems in East Kalimantan related to the implementation of development projects in sectors such as forestry, mining, and agriculture (plantations), because of the impact on these communities. In this era of regional autonomy, some new trends in this province include the rise of indigenous peoples and ethnic community identity and the shift in the balance between central and local government.
The provincial workshops were intended as a forum for participatory discussion. Stakeholders discussed various problems related to indigenous peoples/ethnic minorities and made participatory assessments of development projects, especially projects supported by ADB. To obtain more concrete information and to understand the problems in a participatory manner, representatives of indigenous peoples/ethnic minorities were invited from some villages. They addressed their real problems, needs, and perception of poverty. Consultations with some stakeholders were also conducted in the two provinces.

Fieldwork was carried out in four villages in Central Sulawesi and East Kalimantan. Each consultant spent several days in each village, having discussions with villagers and conducting participatory observations of the villagers’ daily life. Personal interviews and focus-group discussions were conducted with various segments of the community such as men, women, and old and young people. In-depth discussions with and observations on poor families were conducted. It was difficult to find out who were the poor in each village due to the shortage of time. They were chosen based on the perception of the majority of people in the village. Stories of poor families in this report are not intended as a basis to discuss poverty indicators, but simply to show the real conditions and perceptions of these people.

The findings of the consultations, workshops, and fieldwork, and a proposed action plan for the Indonesian Government and ADB were discussed in a national workshop held in Jakarta on 25–26 September 2001.

**STRUCTURE OF THE REPORT**

The report consists of seven chapters. Brief descriptions of the contents follow.

The next chapter contains a general overview of indigenous peoples/ethnic minorities in Indonesia. It analyzes the debates on the concept of adat communities, the accepted term for these peoples, and attempts to identify communities that come under this category. It also discusses the changing social and political context, which also influences how the concept of adat communities is understood. An analysis follows of the relevance of the Indonesian adat community concept to ADB’s Policy on Indigenous Peoples.

Chapter 3 analyzes the policy and legal framework related to adat communities in Indonesia: how policies and laws recognize and protect the rights of these communities and their impact. This is important because the nature of further interventions by ADB and other agencies will depend on the government policy on adat communities.

Chapter 4 briefly describes programs on poverty reduction and development of adat communities. Although there is no program directly targeted at adat communities, some programs take place in their areas/territories and benefit them. These initiatives come not only from government but also from other stakeholders such as NGOs, funding institutions, and adat communities themselves. It is impossible to cover all these initiatives. Examples are given to point out that programs and projects related to development of adat communities with different approaches and impact, have taken place.

Chapter 5 describes adat communities’ perceptions of poverty and its causes and trends. From discussions with various stakeholders, especially with adat communities during fieldwork, various factors that are believed to contribute to the poverty of adat communities are revealed. The main finding is the reality of poverty as perceived by adat communities themselves.

Chapter 6 reviews the implementation of projects supported by ADB in Central Sulawesi and East Kalimantan. The aim is not only to review the projects, but also to learn from the lessons derived from their implementation.

The final chapter highlights important issues for a proposed action plan on the protection of adat communities and improvement of their living conditions. The action plan, which was discussed in village-level meetings, provincial workshops, and the national workshop, is addressed to stakeholders.
There is ongoing debate on the definition of indigenous peoples in Indonesia. Many terms have been used to describe their communities: native people, isolated people, rotational forest farmers, *adat* communities or *adat* law communities, and many others. Each term has different program implications. This section explains their use, rationale, and implications, and why the “*adat* community” term is used in this report.

**DIFFERENT CONTEXTS**

Indonesia has a population of around 210 million people, including 500 ethnic groups speaking more than 600 languages. This ethnic diversity is understood as an asset of cultural riches supporting state unity, which is reflected in the national slogan, *Bhinneka Tunggal Ika*, unity in diversity. During the New Order period, *tunggal ika* (unity)—which usually was understood as unified, standardized effort—was more strongly emphasized than *bhinneka* (diversity). Many efforts were made to limit the expression of ethnic identity through policies and programs on development emphasizing uniformity. Raising ethnic identity was considered dangerous to state unity.

Politics to eliminate ethnic identity could be seen in the Suharto policy on deactivation of so-called SARA (*Suku, Agama, Ras dan Antar Golongan*, meaning ethnic group, religion, race, and group-based interest) in institutions and sociopolitical interaction. The anti-SARA politics were parallel to efforts to unify sociopolitical life. The government’s unified name for every community’s territory was *desa*, a Javanese term for territory, although all other ethnic communities had their own names to indicate their territory. The use of the term *desa* had great impact, of course, such as changed sociocultural systems because of the changed structure of local governance. The unification also affected education curricula. Students received the same lessons even though they lived in different situations and environments. Only a few religions were officially recognized, namely Islam, Protestantism, Catholicism, Buddhism, and Hinduism. The communities were encouraged to convert from their traditional beliefs to the officially recognized religions. Interventions also occurred in consumption patterns. Paddy fields were established throughout the country, which made rice the most consumed and valued food (over such other carbohydrate sources as maize and cassava). In addition, agricultural patterns and resource use, especially in the outer islands, were directed to intensive rice farming and monoculture plantations. Other land uses such as swidden (slash-and-burn) agriculture and agroforestry were neglected.

Culture as a system includes all aspects of communities’ life and unification meant disintegration of that system. This loss was also felt through the government’s policy of limiting cultural expression to activities in the arts.

Efforts to define *indigenous peoples* took place within this limited environment. The term was frequently associated with native people, native groups, isolated people, swidden farmers, forest squatters, and *adat* communities or *adat* law communities.

Ethnic groups occupied Indonesian territory long before the nation was established. Therefore, they are called indigenous peoples of Indonesia. Based on this, some parties consider all ethnic groups throughout Indonesia to be indigenous peoples.

Another term used to define the indigenous peoples concept was *isolated people*. The term as...
Indigenous Peoples/Ethnic Minorities and Poverty Reduction: Indonesia

described in the Social Minister’s Decree, No.5 of 1994, referred to "groups of people who live or are nomadic in geographically remote and isolated areas and are socially and culturally alienated and/or still underdeveloped compared to other Indonesian communities in general." Underdeveloped in the definition was in regard to health, education, housing, clothing, and ways of life. BAPPENAS (National Agency for Development Planning) suggested some characteristics of isolated people, namely that they (i) live as nomads or are scattered in small groups; (ii) depend on nature through hunting, fishing, gathering, and swidden farming; (iii) have low health or environmental standards; (iv) have a low standard of housing; (v) have limited knowledge and technology; (vi) have animistic beliefs; and (vii) are strongly tied to their culture and beliefs, which isolate them.

These isolated peoples are considered a social problem in Indonesia. The Social Ministry mentions that some 227,000 isolated peoples households have not been empowered, 10,500 households have been empowered, and a further 10,000 households are being empowered. Based on these data and assuming that those who have been empowered are not now included in this category, it can be roughly estimated that there are 1,200,000 people under the isolated people category. These people are in 18 provinces in the outer islands (see Annex 1). According to statistical data, there are about 6,000 households (or about 31,000 people) in Central Sulawesi under the isolated people category, associated with 15 ethnic groups.

In addition to the locality factor and limited access to “modern life,” indigenous peoples are also identified by their use of forest resources. During the New Order period, the term forest squatters was frequently used by the Forestry Department. In the 1990s, forest squatters received special attention from the Government, which established the Department of Transmigration and Forest Squatters. The existing data are insufficient to estimate the numbers of swidden farmers and squatters. In the early 1990s, the Forestry Minister stated that there were 6 million swidden farmers. However, there has been no update since, and it was suspected that after the financial and economic crisis that began in 1997, dependence on forest resources increased.

Another term to define indigenous peoples is adat community or adat law community. This term originally came from a legal discourse. Indonesian law experts translated them from rechtsgemeenschappen, which is often translated into “legal communities” or interchangeably translated as “autonomous group” or “autonomous community.” The concept came from the Dutch lawyers Van Vollenhoven and Ter Haar in the early 20th century. The rechtsgemeenschappen concept was used to explain the reality of the communities in the “East Indies,” whose members were able to manage their lives without knowing western laws. Rechtsgemeenschappen refers to communities that establish their own regulations and social control.

For many years, the definition proposed by Ter Haar was a reference for legal experts and bureaucrats to identify indigenous peoples (adat communities). Unfortunately, the reference was not used properly. In general, only the last part of Ter Haar’s definition of the adat community was used—as self-regulated people who are permanently settled. Thus, the adat community was interpreted as living permanently in an area within certain generally acceptable boundaries. This interpretation excluded nomadic people and implied that the latter do not have rights over their territory and natural resources.

The adat community discourse within the bureaucracy during the 1970s, 1980s, and even 1990s was dominated by this interpretation. By using the “settled community” and “clear spatial boundaries” criteria, the bureaucracy would find few adat communities outside Java, except in Minangkabau (West Sumatra) and Bali. In addition, the bureaucracy also considered that many smaller adat communities’ territories were taken over in the past by some large kingdoms, such as the kingdom of Kutai in East Kalimantan and the kingdom of Gowa in Sulawesi, and which provided a reason for the Government not to recognize their existence.

Questions of the adat communities’ existence have been raised in debate within the bureaucracy, academe, and NGOs. There are two views. First, based on the abovementioned argument, there are few adat communities in Indonesia, except in Bali and Minangkabau. However, using the broader definition of Ter Haar, adat communities are still widespread. The characteristics suggested by Ter Haar should be understood critically. The basic concept of rechtsgemeenschappen is an ability of communities to govern themselves, i.e., the concept of a self-governed community. The “origin” factor is important: the longer a community has resided in a
Adat Communities in Indonesia: Identification and Issues

During the New Order period, the discourse on adat communities was little developed. Raising the issue meant equally to threaten integration of the nation or fight against development. The adat community became a concept that worried the Government. Anxiety that the issue would threaten national integration was one of the reasons why the Government has been reluctant to ratify international instruments related to indigenous peoples, such as International Labour Organization (ILO) Convention 169. Those who argued that adat communities are autonomous social units did not view recognition of adat communities as a threat to national integrity at all. Their sovereignty over their territories does not conflict with state sovereignty. What needs to be done is to reach agreement on the limitation of the state’s and the adat communities’ authority.

One Forestry Department policy shows progressive use of the term adat community. During 1970–1993, the Forestry Department did not mention adat communities. They used terms like people who live within and around forests, rotational farmers, and forest squatters. These kinds of people had more rights than the adat communities. They could collect and manage products such as rattan, sago, and nipa palm, while the adat communities’ rights to use forest resources were subject to the interests of forest concession holders. In 1993, adat communities’ rights to collect forest products for subsistence became regulated through a decree by the Forestry Minister (No. 251/Kpts-II/1993).

During the 1990s, the issue of adat communities slowly entered the public arena. In 1993, NGOs founded a network dedicated to defend the adat communities’ rights (JAPHAMA). During their workshop in Tana Toraja, South Sulawesi, they agreed that efforts to defend and help adat communities should start with clear criteria for an adat community. They defined adat communities as “groups of people who have origins intergenerationally in a certain geographic territory and also have their own value system, ideology, economy, politics, culture, society and territory.”

The adat community discourse was also taken up to a lesser extent by bureaucrats. The Department of Home Affairs released a regulation (No.3/1997) on empowerment, conservation, and development of adat traditions, social custom, and institutions.

The 1998 reform that led to the fall of Suharto’s regime was an important moment for discourse and action on adat communities. In March 1999, a congress of Indonesian indigenous peoples was held, attended by 208 adat communities representing 121 ethnic groups in Indonesia. Prior to this, a number of discussions at the local level were organized with adat communities. The congress agreed to establish an alliance of Indonesian indigenous peoples (AMAN; see Box 1), which is expected to become a vehicle for the indigenous peoples’ movement in Indonesia.

AMAN uses much the same definition as that of JAPHAMA for an adat community, i.e., “a community living together based on their origins intergenerationally in adat land, who have sovereignty over the land and the natural resources, sociocultural life regulated by adat law and adat institutions which manage the sustainability of the communities’ lives.” Based on these criteria, AMAN estimated there are 50–70 million people in such communities. AMAN’s membership is based on communities or indigenous institutions. The organizations of adat communities currently listed by AMAN are spread over 24 areas of the outer islands.
AMAN’s existence has increased public awareness of adat communities and strengthened their bargaining position against the Government. The adat communities’ congress resulted in a common demand expressed in the following sentence: “If the state does not recognize the adat communities, then the adat communities will not recognize the state.” This statement is based on the fact that the Indonesian nation state was formed because of the existence of various adat communities throughout the country. Therefore, if adat communities withdraw their recognition of Indonesia, automatically Indonesia will lose its foundation.

AMAN has five major programs at present. The first is the development of its organization and network, and of indigenous institutions within the adat communities. This is done through empowerment by AMAN as a civil organization, through the legal system, and through adat governance at the grassroots level.

The second is advocacy and protection of adat communities’ rights in self-determination; (vii) rehabilitating victims of human rights violations; and (viii) encouraging the Government to respect and sign international agreements ensuring adat communities’ rights, such as the ILO Convention 169 and the United Nation’s draft Declaration on Indigenous Peoples.

AMAN’s membership is open to any community identifying itself as an adat community and collectively agreeing with the principles, vision, and main objectives of AMAN. The organizational structure of this alliance starts at the grassroots level. There is also a district level (either district or other level based on cultural and historical background as agreed upon), and provincial, regional, and national levels. At the regional level, AMAN recognizes three regions: West (Sumatra), Central (Java, Kalimantan, Bali, and Nusa Tenggara), and East (Sulawesi, Maluku, and Papua). Each region is led by a coordinator selected at the AMAN Council meeting. At the national level, AMAN is managed by the AMAN Council, which has 54 members who select an executive secretary to manage the national secretariat.

There was interesting progress in 1999 in using the term adat community. The Social Department changed the term isolated people to remote adat communities, to mean a sociocultural group that is local and scattered, with lack of involvement in social networks and service in terms of society, economy, and politics. The characteristics of these people are: (i) small, closed homogenous groups; (ii) kinship-based social institutions; (iii) geographically remote, living in areas difficult to access; (iv) simple tools and technology; (v) high dependence on environment and natural resources; and (vi) limited in access to social, economic,
This change by the Social Department was an effort to eliminate the negative connotation of the term isolated peoples, following years of criticism by NGOs and academicians, who argued that it is communities’ right to live and develop according to their own culture without pressure to change. The term, they argued, is an insult and reflects an integrationist view.

After enacting the new Forestry Law (Act No.41 of 1999), the Forestry Department prepared a new policy on adat forests. The Ministry of Environment recognized adat communities in its formulation of an Act on natural resource management. Local governments in some places have released policies recognizing adat communities and their adat territory. Stakeholder dialogues are starting to include them. However, there are still different nuances in use of the term, indicating that it will take some time to develop a common understanding.

In line with the enactment of regional autonomy in 2001, many parties identified themselves as adat communities. Retired government officials in some regions are involved in indigenous peoples’ organizations. National and regional politicians are establishing adat institutions and initiating forums for helping adat communities.23

In the past, the adat community was understood as the symbol of the oppressed and the underdeveloped. This same symbolism is now used to reclaim rights from the socioeconomic groups that were established by and received benefits from the previous regime. In addition, this symbolism is used to challenge relations between the regional and central Government in the context of regional autonomy.24 The ethnic conflicts that occurred in West and Central Kalimantan involving Dayak and Madurese, for example, were a trial to test various competing interests on behalf of the adat communities.

The other phenomenon that frequently emerges is a horizontal conflict within adat communities themselves in the struggle to obtain strategic resources. The Kamoro people in Papua (Irian Jaya) received, as compensation for environmental damage, a fund of up to US$1 million per year from PT Freeport Indonesia, a multinational mining company operating in that area. The struggle to secure the fund resulted in conflict among the communities, which compete for as large a share as possible by making proposals for development projects that tend to be consumptive, such as building luxury houses. As a result they neglect productive activities that were formerly implemented. Conflicts also happen because of the right to fell trees granted them by the local government. The adat elite in some areas in Kalimantan and Papua, who generally act as brokers in the tree felling business, are considered unfair by their communities, especially in the matter of profit distribution after selling the wood.

If in the past, the challenge used to be the repressive politics of New Order period, it is now the manipulation by various vested interest groups including the elite of adat communities.26

WHO ARE THE INDIGENOUS PEOPLES IN INDONESIA?

As mentioned earlier, the diverse terminology concerning indigenous peoples indicates that there has not been agreement on which groups can be so categorized.

This study assumes that indigenous peoples in Indonesia are the adat communities or adat law communities.27 The definitions of these two terms, as mentioned above, are in agreement with some characteristics of indigenous peoples, namely: (i) they have been inhabiting a certain territory for generations; (ii) they maintain their culture, including aspects of language, belief, production patterns, law, and social institutions; (iii) self-identification and recognition by other groups or the State as community groups with their own characteristics; and (iv) deprivation of rights, marginalization, and discrimination.28 Other characteristics include their relationship with the land where they live, not only in physical terms but also in communal magic or religious beliefs.29

In this context, it is relevant to note the “revised” definition of indigenous peoples by the World Bank. In its draft Operational Policies (a document that is supposed to replace its Operational Directives 4.20 on Indigenous Peoples), the Bank also links “social and economic status” with “the capacity to defend interest in and rights to land and other productive resources, or that restricts ability to participate and benefit from development.”30

The adat community concept is more comprehensive in its description of the reality of these communities,
including the sociocultural system and community autonomy. The use of the term is not discriminatory.

The term native people or native Indonesian is the same as bumi putera, a colonial legal concept referring to a group of people other than Europeans (the first cluster) and Timur Asing (the second cluster).31 The bumi putera concept is not relevant to the indigenous peoples in Indonesia because not all native Indonesians meet the criteria of indigenous peoples, such as maintaining their specific culture; historical deprivation of rights, marginalization, and discrimination; and other characteristics related specifically to their territory, which is related to the existence of adat land or hak ulayat (community right of disposal).

Regarding the isolated people concept of the Social Department, there are two issues relevant to indigenous peoples. First, the status of isolated peoples was a one-sided decision by the Government without involving the people classified as masyarakat terasing (isolated people or isolated communities). This does not agree with the indigenous peoples’ criterion of self-identification. Second, the concept seemed to relate to the government’s intervention program for the resettlement of certain groups of people, coupled with efforts to educate and motivate them. With that intervention, it is then assumed that the category of masyarakat terasing no longer exists. This was the case in Central Sulawesi where the population of masyarakat terasing was decreasing over the years as evidence of success of the government’s intervention in their lives.32 This is also not in agreement with the concept of indigenous peoples, because the latter are permanent groups whose numbers do not fluctuate with external interventions.

The terms forest squatters or rotational farmers suggest forest destroyers, which the Government would like to resettle in permanent, well regulated locations where they can no longer destroy the forests. These terms are difficult to equate with indigenous peoples. Similar to masyarakat terasing, these terms are discriminatory, integrationist,33 and subjective.

IDENTIFYING ADAT COMMUNITIES FOR POVERTY REDUCTION

For its operations, ADB defines indigenous peoples as those with a social or cultural identity distinct from the dominant or mainstream society, which makes them vulnerable to being disadvantaged in the process of development.

The absolute application of the above definition in Indonesia will face difficulty. The definition suggests that uniqueness of sociocultural identity is linked to relationships between communities and cultures. There are communities with strong cultures that dominate other communities and their culture. The dominant communities have the social strength to define life patterns, in general or in particular, for other communities to follow.34 The question now is which are the dominant communities and cultures in Indonesia at present? As explained earlier, the sociocultural identity of ethnic groups in Indonesia is going through a process of reawakening. Thus, there will be changes in the relationships between and among communities and cultures. In the past, the Javanese were considered dominant because they controlled the national political system, which strongly determined the rules of the game in local social, economic, and political systems. Nowadays, with the rise of regional autonomy and ethnic identity, the dominant communities are not always Javanese or in Java. Other parts of the country also appear to have dominant and subordinate classes in this context.

Given the shifts in relationships between the different communities, it is important to observe that many of them meet the criteria set up by ADB for indigenous peoples. Those characteristics are

- descent from population groups present in a given area, most often before modern states or territories were created and before modern borders were defined; and
- maintenance of cultural and social identities, and social, economic, cultural, and political institutions separate from mainstream or dominant societies and cultures. Included here are cultural minorities that have migrated into areas to which they are not indigenous, but have established a presence and continue to maintain a definite and separate social and cultural identity and related institutions.

There are additional characteristics exhibited by communities in Indonesia, namely (i) self-identification and identification by others as being part of a distinct indigenous cultural group, and the display of a desire to...
Adat Communities in Indonesia: Identification and Issues

preserve that cultural identity; (ii) a linguistic identity different from that of the dominant society; (iii) social, cultural, economic, and political traditions and institutions distinct from the dominant culture; (iv) economic systems oriented more toward traditional means of production than to mainstream production methods; and (v) unique ties to traditional habitats and ancestral territories, and to the natural resources in these habitats and territories.

Given the current changes in interethnic relationships, awakening feudalism, and political use of adat communities in Indonesia, it is important to include the following characteristics—also proposed by ADB—in defining adat communities: that they be “marginalized communities in the political, social, cultural, and economic systems.”

It is these marginalized adat communities that deserve protection and assistance. By emphasizing this aspect in the definition, the poverty issue is also covered. Poverty is defined as “a deprivation of essential assets and opportunities to which every human is entitled.” Beyond basic income and services, individuals and communities also become poor—and tend to remain so—if they are not empowered to participate in making the decisions that shape their lives. Those who are marginalized in the political, sociocultural, and economic sense are those who have no access to participate in decision-making processes.

Broadening the definition of adat communities to communities marginalized from mainstream sociopolitical, economic, and cultural systems and with lack of access to decision-making processes, does not mean eliminating the other characteristics. They may have different sociocultural identity, language, and territories; they may live in villages, remote areas, or suburbs; but they still lack access to the existing system.

In this regard, the identification of adat communities as target groups of poverty reduction programs cannot be based on assumptions, but should be viewed in many different contexts including changes over time. The initial social assessment required by ADB in this process is an important step to determine whether the target group is indeed marginalized. There are at least two questions to be answered in the assessment. First, which group dominates the social, cultural, economic, and political systems, thus defining and regulating relationships within these systems? Second, which groups lack the strength to function within these systems? Observing the relationship between the groups is important in determining the target groups for a poverty reduction program. Also important is that domination within a system occurs at all levels, even within the concerned communities. Many cases show how the local elite dominate the existing system and manipulate the community identity for their own interests. The adat communities needing most help are the most marginalized.

Adat communities live in many parts of Indonesia, in forests, mountains, and coasts. Some are nomadic, some sedentary. They may carry out gathering, rotational farming, agroforestry, fishing, operating small-scale plantations, and mining for their subsistence needs. However, this does not mean that they are never involved in trade. Indeed, it is difficult to find communities really isolated from the external world. Interaction occurs to different degrees. A description of life in such communities and the processes of change are given in Box 2.

**CONCLUSIONS**

Although there has not been a common understanding of the concept of indigenous peoples in Indonesia, their existence is not ignored. Lack of basic information on community reality makes their identification difficult. There are no comprehensive data on adat communities.

Within this limitation, the identification process has revealed many issues. The existing terms reflect the diversity of views on the relationships, interactions, pressures, and problems that occur. Changes in the social and political context also influence the terminology. Interaction between this context and ability to see problems determines the way adat communities are identified, including the awareness that it is their right to identify themselves. However, development programs require clear criteria on adat communities that need to be protected and helped.

This study suggests the following criteria for adat communities: (i) they have lived for generations in a certain place or in an area identified by themselves or other parties as an adat area; (ii) they have unique ties and attachments, which are not only physical but also cultural, to the area where they live; (iii) they maintain
distinct cultural characteristics that include language, belief system, production methods, law, and social organization; (iv) they have self-identification and identification by other ethnic groups or the Government as a community group with distinct characteristics; and (v) they have a history of revocation of rights and marginalization or discrimination in the social, economic, and political system.

These criteria are satisfied by various ethnic groups across Indonesia in both big and small islands. The Mentawai in West Sumatra (Box 3) are an example of an adat community on a small island. Such communities in Java are frequently assumed not to meet the criteria of an adat community. However, the Kasepuhan people in West Java, for example, do meet the above criteria.

Identifying adat communities using the above criteria should be seen as an attempt to protect and assist certain communities that are more vulnerable than others. With such understanding, the rights of the communities to identify themselves as adat communities should be respected. Not all adat communities, however, need protection and specific facilities. This is why complete identification is necessary. Discussions between these communities and other stakeholders, especially government, from the grassroots to the national level, will result in agreement as to which adat communities need specific protection.

Box 2. The Forest Resource Management System of the Meto People in Gunung Mutis, East Nusa Tenggara

| The Meto are the indigenous peoples of Gunung Mutis. They are native to this area and believe that their ancestors came from Gunung Mutis. It is believed that the Meto have occupied Gunung Mutis for some 13,500 years, practicing hunting and gathering, and that they began domestinating livestock 4,500 years ago. According to the Meto themselves, Gunung Mutis is divided into three zones where various forest management instruments applied until recently. The zones are (i) nuni le’u or sacred forest, believed to be the place where their ancestors originated. Nobody is allowed to enter a sacred forest other than a particular clan. Usually the sacred forest is entered to carry out spiritual activities and to gather natural medicines; (ii) nais talas or prohibited forest, in which they can hunt and collect honey, wood for house construction, firewood, and sandalwood, but they cannot convert the forest to other uses such as agriculture. The use of the prohibited forest is fully controlled by the local leader (usif, the king) and his assistant, who is in charge of managing the forest (tobe); (iii) suf ma autuf or convertible forest, which is forest that can be converted for agriculture and housing with the consent and permission of usif and tobe. |
| This zonal forest management has been going on for generations. During the Dutch colonial era, Gunung Mutis was made a conservation area. The Dutch prohibited hunting and swidden farming. However, the Japanese heavily extracted the forest resources during World War II. In 1953, the Indonesian Government started rehabilitating the area and in 1983, 12,000 hectares of Gunung Mutis were declared a nature reserve. This policy deprived the Meto of their use of the forest. At each entrance to the area, there is a warning notice of sanctions. Consequently, the local institutions for managing the forest no longer function. Other policies also influence the forest management practices. A development program to replace traditional houses (rumah bulat) with modern ones, for example, is depleting the forest because modern houses need more timber. Sandalwood exploitation by the local government goes on in defiance of the nature reserve. The local government also built a road through the nature reserve. Such policies and activities both weaken the local people’s institutions for sustainable management and encourage extractive uses of the forest. Also, the people begin to feel less responsible for the forest resources, resulting in many cases of forest fire and overgrazing by their livestock. |

Source: Bangun (1999).
Box 3. The Mentawai of Siberut: Change Amid Repression

Siberut is the biggest island in Kepulauan Mentawai, West Sumatra. It is inhabited by 23,000 people, mainly Mentawai with a minority of Minangkabu immigrants. Their settlements are generally small, each with only 20–80 people. The settlements, called uma, are located on the edge of rivers. There are around 250–300 umas. The people usually practice hunting, fishing, and collecting edible roots. Sago is the main carbohydrate. Also, they raise pigs and chickens, and plant banana and other fruit trees. Each family fulfills its own daily needs. In some cases, they are assisted by relatives or friends, especially when building a house or beginning a new farm.

The Mentawai divide their territory into several zones: (i) the natural forest, which is used for hunting, gathering fruit, medicine plants, and honey, as well as wood to build houses and rattan for their own needs or for sale; (ii) sago farms, usually on the edge of rivers or small lakes, not only for food but also for house roofs, using the leaves; (iii) plantations or farms in forests, usually for bananas, cassava, pepper, medicine plants, and fruit trees; (iv) piggeries; (v) vegetable gardens in swamps for potatoes and other root crops, and where frogs and small fish are caught; (vi) rivers and lakes for catching fish and shrimps; (vii) mangrove forests for timber to build houses; (viii) small islands and coastal areas for coconut trees and gathering shellfish; and (ix) yards for fruit trees, medicine plants, and chickens. The Mentawai people generally do not burn forest for agricultural purposes.

The Government views the Mentawai as underdeveloped and entirely dependent on nature, and has implemented programs to change their way of life including resettlement. In the new settlements, they are introduced to rice farming, which is intended to reduce their sago consumption. Pigs are being replaced by cows, buffaloes, and ducks because the Government says that pigs are dirty animals.

Commercial tree felling began in Siberut on a small scale in the 1920s. Large-scale logging started in the 1970s. In 1973, the forests were opened to exploitation. The Government ignored the settlements and existing management of the natural resources in this island and assumed it as state-owned forest. All logging on the island terminated in 1994, partly as a result of pressure from scientists, NGOs, and other groups. The presence of logging companies brought changes in the settlements. Gradually the people moved to beaches where company camps were located.

Even though HPH has ended, the island is still a focus for business by outsiders. If, in the past, the forest used to be the main target, now the land is the main interest. Many companies plan to own land in Siberut and develop plantations. One way is to hire local people to form a cooperative and to request the rights to cultivate the land from the Government. This practice has caused internal conflicts in the communities, especially because the cooperatives get little profit from it.

The development programs have greatly changed the life of the Mentawai in Siberut. Besides the changes mentioned above, some Mentawai now prefer planting trees for trade as the result of their change from hunters to permanent farmers. They are now market oriented; they view the forest merely as a logging area and have no interest in hunting. However, there are some people who still follow the traditional lifestyle and others who try to combine both ways of life.

As yet, there is no generic law in Indonesia that specifically and comprehensively deals with adat communities. Provisions related to the recognition of adat communities and their rights are dispersed in various parts of the Constitution, sectoral Acts, and implementing regulations.

A thorough examination of these provisions shows that (i) they are general in nature and open to multiple interpretations; (ii) they are still directive-normative, and consequently not instrumental; (iii) they have the spirit of centralism and integration; (iv) they are still limited to the recognition of the existence of adat communities and certain rights, and do not guarantee the protection, much less the promotion, of these communities; and (v) they are only sectorally and partially regulated.

The spirit and characteristics of these provisions have directly or indirectly led to the marginalization of adat communities as groups having their own system of values and institutions, and to dispossession from their adat land and natural resources.

EXISTING LEGISLATION ON ADAT COMMUNITIES AND THEIR RIGHTS

1945 Constitution

The existence of adat communities is recognized in the Constitution, namely in Article 18 and its Explanatory Memorandum, which underline that in regulating a self-governing region (zelfbestuurde landschappen) and adat communities (volksgemeen schappen), government needs to respect the ancestral rights of those territories. After amendments, recognition of the existence of adat communities was provided in Article 18 B Para. 2 (concerning regional government) and Article 28 I Para. 3 (in the Chapter on Human Rights). These two articles, however, use two different terms, namely “adat law community” (Article 18 B) and “traditional community” (Article 28 I). Since they do not refer to the same entity, there is inconsistency in terminology. Further, use of phrase “in line with cultural evolvement and civilization” (emphasis added) in Article 28 I Para. 3 leads to the question: whose culture and civilization? Without further explanation, this implies an approach based on integration and assimilation, and can be used as a legal base to apply such an approach to adat communities. In addition, these articles mention “traditional rights,” a term that is new in the Indonesian legal vocabulary, especially when associated with the adat law community. The use of this term can lead to a range of interpretations.

Act No. 39 of 1999 on Human Rights

Article 6 of Act 39 provides an explicit formulation of the recognition and protection of adat communities and their cultural identity, and considers this recognition and protection as part of the implementation of human rights. Rights over ulayat (communal right) land are considered by this Act to be part of the cultural identity (rights to cultural integrity) of these communities and must be protected. Seen from the perspective of international human rights instruments, namely, the International Covenant on Civil and Political Rights, this notion—that ulayat rights constitute a manifestation of or a part of the rights to cultural integrity—is in line with the meaning and scope of the rights to cultural integrity of ethnic minorities that also include their collective rights over natural resources.

According to another human rights instrument, the Universal Declaration of Human Rights, ulayat land is considered a property right that must be respected.
and protected.\textsuperscript{41} Seen from this perspective, articles 36 and 37 of Act 39 of 1999 concerning property rights and acquisition of property rights, respectively, become relevant in the framework of protection of adat communities’ ulayat right. Thus, acquisition of ulayat land by government must be done through due process of law following the free and prior informed consent of adat communities. Unilaterally determining that compensation for ulayat land taken for public use is to be in the form of social facilities, as regulated in Presidential Decree, No. 53 of 1993, is not in agreement with the principle of protection of and respect for human rights as guaranteed in Act No. 39 of 1999.

**Act No. 10 of 1992 on Population and Prosperous Family**

This Act does not explicitly mention adat communities, but Article 6 implies recognition of the right to cultural integrity as groups and rights to use ancestral lands (territories). This article provides that the right to use ancestral territory guarantees that a population that has developed a territory based on its adat land, is not to be subjugated in its interests by newcomers. If the ancestral territory is used for development activities, then such population is given priority to benefit from the added value of such development activities.

Regarding the right to cultural integrity of populations as groups, Article 6 guarantees the right to preserve and develop a cultural system in both its physical aspects (relationship to land) and nonphysical aspects, such as special aspects of lifestyle. This agrees with a principle that has been long voiced by indigenous peoples—that tribes or groups with distinct lifestyles cannot be forced to change them in order to conform to the lifestyles of others. Change can only take place if it is desired by such a population.

Emphasizing respect for cultural integrity, this provision underlines the principle of nonassimilation or nonintegration, a principle that rejects the imposition of change to one group’s culture by another (dominant) group or community; a principle that underlines the idea that changes to a group’s culture can only happen from inside the community, not because change is imposed by an external power.\textsuperscript{42} However, this principle seems to be an exception in the policies and practices of government regarding adat communities as can be seen from the policy on resettlement of shifting cultivators, the policy on alienated communities, and from legislation such as Act No. 5 of 1979 on village government.

**Act No. 22 of 1999 concerning Local Government**

This Act, especially its provisions in Chapter XI (articles 93–111) on villages, replaces Act No. 5 of 1979 on village government. The latter, which was based on the spirit of uniformity and centralism, was very much predicated on the existence of adat communities. Act No. 5 made village institutions, including adat institutions, uniform. Some adat communities were divided into formal desa (villages) while others were merged into a single desa. Desa were included in the centralistic government bureaucracy, and were made the lowest level of government, directly under the subdistrict (kecamatan) level. The structures of traditional village governments, which formerly were diverse, were made uniform by this Act, and consisted of a head of village and village council (Lembaga Musyawarah Desa; LMD), assisted by a village secretary and heads of subvillages (Kepala-Kepala Dusun).

The old Act had the following consequences. First, there was limitation on, and even elimination of, the autonomy of traditional adat institutions as a main pillar of sociopolitical, economic, and cultural aspects of life in adat communities in Indonesia. Second, the forced division or merger of traditional communities to form one or several new formal desa weakened social and political solidarity in the community. Third, there was a leadership crisis in the communities. Village government as formed through this Act was not fully accepted by them. The village institution and leadership were not deeply rooted in the community. As a consequence, many roles that should have been played by village government did not function well. At the same time, traditional adat leaders were marginalized from political and economic processes and natural resource management; their function was relegated to adat ceremonies. Leadership dualism or lack of strong leadership in the villages led to low participation of the communities in governance activities and the development process. A further consequence was that communities became more dependent on the central Government.\textsuperscript{43} Fourth, village leaders, both formal and
Act No. 5 of 1960 concerning Basic Regulations on Agrarian Principles (or Basic Agrarian Law)

The Basic Agrarian Law (BAL) provided general principles that accommodate recognition of adat communities, ulayat land rights, and adat laws, as can be found in Article 2 Para. 4, Article 3, and Article 5. As basic law, this Act needs implementing legislation to make it effective. To date, only a few implementing regulations have been promulgated. As a consequence, there have been many deviations in the implementation of the Act. These deviations have been partly due to the concept of “eminent domain” or right of control by the State, which is provided as a basic principle in Article 33 of the Constitution, and which has been interpreted and understood in such a way as to lead to the denial of the ulayat right of adat communities (see below).

Regarding the recognition of ulayat rights in this Act, there are some points needing comment. First, Article 3 is limited to “recognition” of ulayat rights. To guarantee that this right is respected and protected, this general provision in Article 3 needs to be spelled out in implementing regulations covering key issues on the existence of adat communities as holders of this right (for example, criteria of the existence of adat communities and mechanisms for determining their existence), on the existence of ulayat rights, and on guarantees for protection and respect of this right by the State.

Second, the recognition given by Article 3 is conditional. One condition is “as far as this right still exists.” Tied to this condition, such recognition becomes meaningless, because there was the intention by the drafter of this Act to let the right weaken and be extinguished over time. In other words, “national agrarian law policy has given the signal not to perpetuate or to preserve the existence of ulayat right.”

Thus, Boedi Harsono, who was involved in the drafting of BAL, wrote: “Regulating ulayat right, according to the drafter of BAL, will hamper natural development of ulayat right, which actually tends to weaken. This trend is accelerated by making stronger individual rights, via regulating this individual right in written law and by arranging its registration resulting in the granting of land certificate. The weakening or even the extinguishments of ulayat rights will be accommodated in the framework of the implementation of the eminent domain or right of control by State...”

Third, recognition of ulayat rights in Article 3 of BAL is ignored through the concept of “eminent domain” or right of control by the State, as originally understood by some of the drafters of the BAL. Iman Soetikno, another of the BAL drafters, wrote: “...since national tribes and adat communities are no longer autonomous because they have been part of one nation, Indonesia, then, power related to land rights which is derived from ulayat rights and which formerly was in the hands of head of tribes/adat communities/villages as highest authority holder in their respective territories,...now automatically shifts to central government as the highest authority, who function as holder of right of control by state or state ulayat right over all territory of state. However, authority derived from this state ulayat right can be delegated in its implementation to self-governing regions and adat communities if deemed necessary (Article 2 Para. 4 BAL).”

This way of understanding of the eminent domain or right of control by the State has led to the process that Noer Fauzi calls “statization of adat lands” (negaraisasi tanah-tanah adat). There has also been a perception that ulayat land should be categorized as “state free land,” meaning that this land is basically not covered by any claims. This way of understanding the right of control by the State, which is also used in order...
to ignore *ulayat* land, also occurred at the regional level. For example, in Central Sulawesi, the Head of the Provincial Land Board promulgated an Instruction in 1992 that all lands in Central Sulawesi are state lands, except land having been granted certificate of rights. This is based on the argument that because Central Sulawesi was formerly a self-governing region, then, since BAL has been in force, all lands in Central Sulawesi—which were formerly lands of that self-governing region—became state lands. This argument clearly ignores the fact that the existence of a self-governing region before Indonesian independence did not extinguish the existence of *adat* communities. *Adat* communities still existed—and continue to exist until now—together with their *ulayat* right. And when BAL came into effect in 1960, the existence of this *ulayat* land was, and still is, recognized, and not extinguished as lands of a former self-governing region.

Fourth, the meaning of the concept “national and State interest” is not defined. Lack of a clear definition of this concept has caused the Government to deliberately interpret it so as to include almost all development activities. In national agrarian legislation, Presidential Decree (*Keppres*) No. 55 of 1993 uses a narrow approach in defining “public interest.” However, this decree does not provide alternative forms of compensation for *adat* communities, because Article 14 unilaterally determines the form of the compensation, namely development of public facilities or other forms thought to be useful for *adat* communities.

Fifth, the centralistic nature of BAL is apparent in the context of eminent domain or the right of control by State. The holder of the eminent domain (state *ulayat* right) is the central Government. Authority to implement this right can be delegated by the central Government to *adat* communities or self-governing regions if the central Government deems it necessary, not contrary to national interest, and based on the provisions of government regulations. No such government regulation has been promulgated; the delegation of authority has never taken place.

However, there has been an interesting development in the area of agrarian law through promulgation of Regulation No. 5 of 1999 of the Minister of Agrarian Affairs/Head of National Land Board, concerning Guidance for Resolution of Problems of Ulayat Right of *Adat* Law Communities. Promulgation of this regulation is a positive development, because it can be seen as a starting point toward respect and protection of *ulayat* rights. It provides some general criteria for the existence of *ulayat* rights and underlines the need for study and identification of the existence of this right. The regulation also provides that, following identification, *ulayat* land that still exists will be recorded on base maps used for land registration by placing a cartographical sign on the maps. If possible, the boundaries should also be drawn on the maps and recorded in the land register.

Determination of boundaries of *ulayat* land, followed by registering it in the land register (without certification of the right) will provide legal certainty of the existence of *ulayat* right, and is in line with one main character of *ulayat* right: that it is permanently inalienable. Certification of *ulayat* rights will make it easy to be alienated (by way of transferring or selling it to another party).

However, this regulation has some weaknesses. First, it reduces the content or scope of *ulayat* right by defining it merely as a right to “reap the benefits of the natural resources, including land, in the said area, for survival and livelihood.” In other words, it defines *ulayat* rights as merely a right of usufruct rather than a right to land. The contents of *ulayat* rights, which constitute the highest tenurial right in *adat* law and which have both public and private aspects, are far broader than merely usufruct rights. *Ulayat* rights give authority to (i) regulate and manage the use of land (for residence, for agriculture, etc.), determine the availability of land for future use, and land/soil conservation; (ii) regulate and determine the legal relationship between persons and land (e.g., issuing specific land rights for community members); and (iii) regulate and determine the legal relationship between persons and legal acts concerning land (transfer, inheritance, etc.).

Second, the regulation does not retroactively correct past infringements on *ulayat* lands. *Ulayat* rights identified under this regulation cannot be enforced against land already acquired by government agencies, companies, or persons “in accordance with applicable provisions and procedures.” Previous location permits and other inequitable methods of land acquisition will probably be seen as having been in accordance with these provisions and procedures.
Forestry Acts

Promulgation of various sectoral Acts following BAL, such as the Forestry Acts (Act No. 5 of 1967 and Act No. 41 of 1999), Mining Act (Act No. 11 of 1967) and the Protection of Biological Natural Resources and the Ecosystem (Act No. 5 of 1990), has led to further marginalization of adat communities.

If BAL provides recognition of adat communities and their ulayat right (right of disposal), these various sectoral Acts promulgated since 1967 (since the New Order period began) tend to ignore the existence of those communities and their ulayat right.

Act No. 5 of 1967 concerning Basic Forestry Law, promulgated in the first year of the New Order period, was based on the goal of accelerating development to improve economic growth through extraction of natural resources, including forest resources. This Act and its implementing regulation facilitated the issuance of forest concessions to big companies.

The Act divides the forest area into two categories, namely, state forest and proprietary forest. State forest is defined as forest growing on land not covered by any proprietary rights. Included in the category of state forest is ulayat or adat forest. Proprietary forest is forest growing on land covered by proprietary rights. By including ulayat forest as state forest, this Act ignores ulayat rights of adat communities over their forest area. Based on this policy, the Government, without prior consultation with adat communities, granted forest concessions to logging companies.

Priority on the interests of the State (i.e., Government) and companies over the interests of the community can be seen in Article 7 of this Act, which provides that in the area where forest concessions have been granted, “implementation of ulayat right should not hinder the fulfillment of the aims of this Act.” The implementing regulation of this Act, namely Government Regulation No. 21 of 1971 concerning Right of Forest Exploitation and the Right to Harvest Forest Products, further stipulates that “rights of adat law communities and their members to extract nontimber forest products...shall be arranged in a proper order so as not to interfere with implementation of forest utilization.” (Article 6 Para. 1). Even implementation of this right of adat communities can be suspended in an area where logging operations are being conducted (Article 6 Para. 3).

The approach in this Act has, obviously, seriously marginalized adat communities because they now have much less area of exploitable adat forest for their subsistence. This also triggered agrarian conflict between the communities on the one hand and government and companies on the other.

This Act was revoked and replaced by Act No. 41 of 1999 on Forestry, which takes the same position as the former Act regarding recognition of ulayat rights over forests. As with the former Act, the new Act divides forest into two categories: state and proprietary. Adat forest falls into the category of state forest, using the concept of eminent domain or right of control by State as its legal base.

This Act seems to deviate from the main trend emerging in the reform era, which strongly voices out, inter alia, respect and protection of human rights. Adat communities and their ulayat rights are recognized and protected in People’s Assembly Decision No. XVII/MPR of 1998 (concerning Human Rights) and Act No. 39 of 1999 on Human Rights. Yet, recognition and protection of ulayat rights of such adat communities are ignored in Forestry Act No. 41.

Act No. 11 concerning Basic Provisions on Mining

As with Act No. 5 of 1967, Act No. 11 is based on the goal of economic development through the extraction of mining resources. Giving priority to large companies (including foreign investment) in the exploitation of mining resources, this Act ignores the people’s traditional mining rights. The rights of local people (including adat communities) are not sufficiently accommodated in this Act, which does not give local communities (including adat communities) the right to be consulted before a mining concession is granted. There is, however, compensation for land taken for a mining concession. Strict safeguards regarding protection of the environment are not included. When there is negative impact on local people as a result of mining activities, compensation will be paid by concessionaries. However, the Act does not say anything about the need for consultation in order to determine the form and amount of compensation to be paid (Article 25).
**Act No. 5 of 1990 concerning the Conservation of Biological Resources and the Ecosystem**

Marginalization of adat communities and denial of their rights over natural resources also occur as a result of Act No. 5 of 1990. This Act, also using the eminent domain or right of control by the State as a legal base, places the State (Government) in the central position to manage protected areas (articles 16 and 34). In this capacity, the Government is to direct and motivate people to participate in the conservation of biological resources (Article 37 Para.1).

This Act does not say how protected areas will be established or determined, except that this will be covered by government regulations. Considering that the establishment of protected areas has great impact on people, for example by taking land for reserves, such regulations are not appropriate in the context of protecting rights. However, no such government regulations have been promulgated yet, and in practice the establishment of protected areas, including buffer zones, is carried out unilaterally by the government without prior consultation and consent of the people, including adat communities. An example is the designation and establishment of Lore Lindu National Park in Central Sulawesi.

Comparing this Act with the same legal product from the colonial period, namely Natuurbeschermingsordonantie 1941, it can be said that the colonial Act was more tolerant and respectful of the rights of people. It provided that the establishment of protected areas in land controlled by third parties can only be carried out with consent of those parties (articles 2 and 13 of the Ordinance).

**LATEST DEVELOPMENTS**

Since the Act on Regional Autonomy came into force, rehabilitation of adat institutions and norms has become possible. In this context, the role of local government is important, because Act No. 22 of 1999 can be used in either a positive or negative way with respect to adat communities' rights. In some districts, such as in Luwuk Banggai district in Central Sulawesi, the district government formed an adat council at the district level without participation of adat communities and with no real representation of local adat communities.

Future development in the area of policy and law will likely be influenced by principles of democratization, community participation, and respect for human rights. Act No. 25 of 2000 concerning the National Development Program (Program Pembangunan Nasional; PROPENAS), for example, stresses that the legal system for management of natural resources must have the perspectives of sustainability, respect for human rights, democracy, gender equality, and good governance. Also, this Act asserts the importance of active participation of communities in making use of, access to, and controlling the use of, natural resources in the framework of protecting public rights and rights of adat communities.

These principles seem to be influencing current national initiatives to develop laws that directly or indirectly relate to adat communities and their adat rights. It is difficult to predict the outcome of these initiatives. However, the process and mechanism for preparing and discussing such initiatives have begun to use a participatory approach, in the sense that various stakeholders are participating in the process.

One of these initiatives is the Draft Decision of the People's Assembly on Implementation of Agrarian Reform, which contains some articles based on respect for human rights and existing adat law, and recognition of the right of adat communities to agrarian resources.

Regarding natural resources management, there are two initiatives, namely the Draft Decision of the People's Assembly on Sustainable and Environmentally Sound Management of Natural Resources and the Draft Act on Management of Natural Resources. Both contain the same principles as elaborated in the above Draft Decision of the People's Assembly on Implementation of Agrarian Reform.

In the area of forestry, the Government (i.e., the Forestry Department) reached an agreement in 2001 with the Consultative Group on Indonesia (CGI) to make some commitments related to the rights of adat communities to forest resources. The Government recognizes the importance of community participation (including participation of adat communities) in developing a policy on forest tenure and has made a commitment to recognize the rights of adat communities in forest management. In this regard, some action plans...
have been established, including law reform (preparation of draft government regulations on adat forests), mapping adat territory in forest areas, and making inventories of other ownership rights of adat communities to forest resources. All these are directed to guarantee the long-term relationship between people or community groups (including adat communities) and forest resources.61

However, there remain legal reform initiatives that do not provide such recognition and protection on adat communities and that do not involve intensive consultation and participation of communities, including adat communities, for example in the Draft National Act on Land and the Draft Act on General Mining.

In the Draft National Act on Land, as in BAL, recognition of adat law is again tied to “national interest” (by stating that its implementation must be in line with national interest), a concept that is not specified or defined in the Draft.

Marginalization of adat communities is continued in Article 11 of this Draft. Ulayat land, as long as it still exists, is recognized and protected by law. Identification and determination of its existence are to be carried out by the district/city government according to district regulations, with the participation of adat elite and adat law observers/academics. It is implied in this article that determination of the existence of ulayat land is the business of the elite, whether the political or cultural elite, and academics. There is no room for adat communities themselves to be involved, although they have the most at stake in this issue.

Furthermore, such recognition on ulayat land is almost meaningless. Although recognized, ulayat rights cannot retroactively be implemented over (former) ulayat land that has been acquired by government, local government, legal bodies, or individuals. Where then does “free” land exist? Forestlands now under the control of the Forestry Department and for which it is granted public-use rights, cover around 70% of the total land area of Indonesia. Much of the rest is under the control of plantation authorities. It is, therefore, difficult to find “free” land over which ulayat right may still exist according to this draft Act.

Moreover, control of such lands by government institutions, legal bodies, and individuals is presumed in the draft Act to be valid. It does not matter how those lands were acquired. The draft does not question whether such lands were acquired from adat communities in an equitable process.

Further, the draft reduces the scope of ulayat rights by defining them as only “right of control of adat law community over certain area, which is a living space for its members to reap the benefits of the natural resources, including land, in the said area.” Interpreting ulayat rights in this way does not follow the original concept of ulayat rights that include the public aspect of control and allocation of the land, and makes it impossible to adopt self-governance by such communities.

The draft Act on General Mining states that the legal extent of mining covers all Indonesian territory—land, water, and continental shelf. Article 14 stipulates that “Unless permitted by an authority or rights holder, mining activities cannot be carried out in cemeteries, sacred sites, historical buildings, or prohibited or protected areas, based on relevant legislation.” Thus, there is inadequate protection of these areas without formal laws to determine whether such protection must be granted or not. With the phrase “based on relevant legislation” in this article, it is possible that protection over sacred forests, cemeteries, and adat houses can be ignored in relevant legislation.

Although not expressly addressing adat land and rights of adat communities, this draft Act provides that acquisition of land for mining activities will be carried out through, inter alia, transaction, granting of compensation, lease, conversion of stock, or product sharing (Article 35 Para. 2). It can be interpreted from this stipulation that this mechanism also applies if the land acquired is ulayat land. However, that depends on whether the land is recognized as ulayat land or not. Experience so far shows that ulayat land is also categorized as “free state land.”

Neither does the draft Act mention what principles are to be fulfilled when the area for a mining concession is determined. Further, there is no mention of the need to inform and obtain the consent of people, including adat communities, who live in or around the proposed mining concession area.
CONCLUSIONS

Existing legislation does not provide a strong legal base for the protection of adat communities and their rights. Law reform is, therefore, very important. A reform agenda for the protection of adat communities should be set up by the Government. Such an agenda could include preparation and promulgation of a special Act concerning adat communities and their protection in the process of sectoral development. Law reform is needed not only in substantial issues, but also in the process and mechanism of participatory lawmaking.

Preparation of the legislation should be carried out through public participation involving adat communities. Ideally, the consultation should be carried out gradually from the lowest (village) level to the national level, where representatives of adat communities should be assisted to express their needs and desires. Consultation would provide inputs about and discussion of the real problems faced by adat communities. It is realized, however, that this process is costly and will take time. For now, at least, the consultation process could be initiated from the district level. Considering the importance of this agenda, support and participation should come from various stakeholders, such as government, representative bodies, NGOs, and the communities themselves.
The Government of Indonesia has over the years paid attention to the problem of poverty in the country. Since the early 1970s, the Government has carried out efforts to reduce poverty through various development sectors, although the activities have not explicitly referred to poverty. Beginning in 1993, mandated by the Peoples’ Assembly through Broad Outlines of the Nation’s Direction, the Government started intensive efforts to reduce poverty, beginning with the *Inpres Desa Tertinggal* (IDT; President’s Instruction on Backward Villages) program and followed by other programs that expressly referred to poverty reduction.

However, the approaches and programs carried out to date to handle poverty problems lack coordination. Each department has its own approaches and programs. Lack of coordinated policy and program can be seen in the use of different criteria to measure poverty. The Department of Social Affairs, for example, uses the following indicators to measure poverty: monthly income of rupiah (Rp) 34,000 (approximately US$3.40 in January 2002) or less, only two meals per day, two or three items of clothing, a house smaller than 15 m², house floor made of soil, and walls of wood or bamboo.

The National Coordination Board for Family Planning (BKKBN) also used criteria related to the fulfillment of basic needs to measure poverty (or prosperity) of a family. The BKKBN defines a preprosperous family (or very poor family) as a family that cannot fulfill one or more of the following three criteria: (1) in general, the family members eat twice or more a day; (2) the family members have different clothes to wear at home, at school, and when travelling; and (3) part of the house floor is made of soil.

These criteria are generalized and applied nationally. Because there are differences in local conditions and needs, some programs do not reach their real target. This happens, for example, with the criteria of BKKBN for preprosperous families. The criterion of a floor made of soil might identify poverty in urban areas, but does not apply in certain rural areas, such as in West Lombok, where such flooring is part of the local culture; many houses there have dirt floors, but the families own a number of cows and definitely should not be categorized as poor.62

In addition, the targets of poverty projects are usually individuals, families, or groups. Interventions aimed at these three target groups are expected to improve their lives. It is very rare that the target group is an ethnic (e.g., *adat*) community.

**REVIEW OF POVERTY REDUCTION PROGRAMS**

There are few programs or projects, especially by the Government, aimed at the *adat* communities. In general, programs and projects are related to one or more sectors of development. There are, however, various projects by the Government, NGOs, and other agencies that aim at reducing poverty and do influence *adat* communities. Some of these are described briefly in this section.

**President’s Instruction on Backward Villages**

An umbrella program for poverty reduction was launched through the President’s Instruction No.2 of 1993 (IDT) on poverty eradication directed at the poor people in “backward” villages. The program was implemented with involvement of both the public and
private sector, including universities, peoples’ organizations, and many others.

The program, which began in 1994/1995, has been applying the principles of people empowerment. This was meant to increase active participation of local people in handling their own poverty problems. Cooperatives were founded through the establishment of self-reliant peoples’ organizations based on local sociocultural conditions. These organizations, known as *Pokmas* (peoples’ groups), functioned as a medium for economically productive activities managed and owned by local people. The fund was given directly to the people through *Pokmas* in the form of a Rp20 million (US$8,500 in 1995) revolving fund for each poor village, and facilities and facilitation by a technical assistant.\(^{63}\)

A top-down approach in implementing the IDT program can be seen in determination of the poor populations eligible to join the program. In Buol Toli-Toli district, Central Sulawesi, for instance, the selection of poor people was done through participatory processes involving the local people. However, this process only took place during the first year. Since then, the village leader, local facilitator, and *Kasi PMD* (the Head of Section for Village Community Empowerment, a subdistrict agency handling issues of community empowerment) of the subdistrict became very dominant instead of people participation. The village leader was very dominant in forming *Pokmas*, including giving its name, determining the number of members, and selection of its executives. This also happened in Donggala district (Central Sulawesi).\(^{64}\) Given the strong top-down approach taken, the *Pokmas*, which was supposed to empower the local people, became incidental only. It was formed only for the project and once the project was over, it was terminated.

**Program on Social Safety Net**

The Program on Social Safety Net (JPS) was implemented following the financial and economic crisis that began in 1997. Its aim was to encourage economic recovery by creating productive job opportunities for the jobless, increasing people’s income and willingness to pay, improving social welfare, and coordinating various programs that addressed the impact of the crisis and poverty eradication.

The JPS programs were classified as

- food security, including programs of (i) operation of rice markets, (ii) development of seedlings and chicken raising in villages, and (iii) development of small-scale fisheries;
- job opportunities, including (i) urban labor-intensive projects, and (ii) specific facilities for women who were jobless;
- social security in the education sector, including (i) scholarships and operational financial support for high schools, (ii) similar scholarships and support for higher education, and (iii) operational and maintenance funds for elementary schools;
- social security in the health sector including (i) health services, (ii) social services, and (iii) additional nutrition programs for school children; and
- empowerment of the regions in overcoming the impact of the economic crisis.

Support in the form of food and occupations was not enough to overcome the problems of the poor during the crisis period. Therefore, the Government also provided social protection by abolishing some school fees and giving free health cards. Funded by foreign loans, each program was implemented by relevant government departments based on the planned projects.

A survey conducted by the Social Monitoring and Early Response Unit regarding the implementation of the program for empowerment of the regions to overcome the impact of the crisis found a lack of transparency and use of a top-down approach. The program aimed at providing grants and a revolving fund for the poor and the jobless, as well as job opportunities including small businesses that could improve their income. A good plan and people involvement were important to ensure the success of the project. However, the project was implemented hastily, resulting in problems such as

- the senior officers (a coordinating team at the district level and a management consultant) had a good understanding of the project, but the poor people themselves did not;
Poverty Reduction Programs for Adat Communities

- selection of activities at the village level was done by the village team, usually consisting of the government officers with little participation by villagers; and
- it was difficult for people to find out the amount of and allocation of funds for each project.

Subdistrict Development Program

The Subdistrict Development Program (PPK) was one of the government’s programs to alleviate poverty. It started in 1998 with the aim of assisting regional governments to apply principles of democracy and participation through empowerment of subdistricts and villages. The program had support from the World Bank, which was used to build facilities and to pay for small-scale economic activities based on those principles. Targets of the program were underdeveloped subdistricts. During the 2-year implementation period, the program was active in 67,925 villages in 4,028 subdistricts covering 28 provinces.

Activities of the PPK were basically similar to those in other poverty reduction programs. It provided funds to build facilities and develop a productive economy. What made the program different from the others were, first, participation of villagers, especially women and poor groups, and second, transparency and sustainability. Although it did not result in substantial changes, the PPK contributed to the process of participation. The people designed the plan and monitored its implementation for the regional government. Monitoring was also done by external groups such as the Independent Journalist Alliance and credible NGOs such as Lembaga Penelitian, Pendidikan dan Penerangan Ekonomi dan Sosial (LP3ES; Institute for Research, Education, and Information on Economy and Social Issues), which conducted self-monitoring on PPK implementation.

PPK faced problems of delayed implementation. Active participation of residents in some villages was made difficult by the elite, who dominated the decision-making processes. There also were problems in transparency, triggered by insufficient information distribution. The system of receiving and tracing complaints worked well but the system for handling the complaints was cumbersome. There were no sanctions for corruption or loan violation.

Multistakeholder Forestry Program

The Multistakeholder Forestry Program is being carried out by the British Department for International Development (DFID). The main focus is to alleviate poverty among people highly dependent on forest resources. The program is not dedicated to adat communities but most of the forest villagers belong to adat communities.

DFID views poverty in the context of political or structural problems regarding policies, institutions, bureaucracy, culture, and law enforcement. The program aims at changing the existing regulations by encouraging more transparent policymaking so that there will be fair rules of the game for poor people. DFID provides funds for central and local government, NGOs, and universities to stimulate initiatives in poverty reduction for forest villagers.

Projects proposed by such stakeholders as government, NGOs, and universities are not always suitable for adat communities. For this reason, DFID is preparing “mini donors” in localities close to the target people, to receive and channel the funds. Adat community organizations have potential to play the role of mini donors. The program, which began in 2000, is ongoing.

People Empowerment in Nawaripi-Tifuka, Papua

Yayasan Sejati (Sejati Foundation) is a Jakarta-based NGO that has an office in Nawaripi-Tifuka, Papua, where the mining company Freeport Indonesia operates. In 1997, the Foundation initiated a program on People Empowerment in Nawaripi-Tifuka, looking for more useful ways of using funds given by Freeport to the villagers in recognition of the communities’ adat rights. As a result of the mining operations, the Nawaripi-Tifuka people lost their indigenous territory and the village split up. The Sejati Foundation tried to bring the villagers together in another locality, Nayaro, which the Government has recognized as indigenous land or adat land/ulayat land. They made a participatory map and negotiated with the local government regarding the issuance of communal certificate for the land.
During the first year, Sejati Foundation helped people to build infrastructure such as houses in order to show the people the benefits of cooperation. In the following years, they helped the development of the village economy by introducing agroforestry, fisheries, and other activities related to efficient use of natural resources. The project was designed to last 10–15 years with 14 staff, mostly from Java, and 51 local facilitators. The problems that the project faces include lack of support from local NGOs and limited understanding by new local members of parliament on the project.

Credit Union Development in West Kalimantan

Yayasan Pancur Kasih (Pancur Kasih Foundation) in West Kalimantan developed a credit union\(^6\) in 1997. Originally, this scheme was to meet the needs of the organization’s members to get easy and cheap loans. The credit union is not a new concept to the people in West Kalimantan. The Catholic Church developed this activity there in 1975 and shortly after there were about 80 credit unions. However, because of mismanagement and misunderstanding of the meaning of a credit union, only 5 were still operating by 1980.

Given this experience, it was difficult for the Pancur Kasih Foundation to find members at the beginning. At the end of the first year, they had only 61 members, most of whom were their own activists. The credit union organizer realized that the concept would not work if based only on economics; the union should belong to the people. Eventually, through educational activities, a spirit of solidarity became a basic feature of the economic activities.

The credit union was then understood as an effort to develop the adat communities’ economy, especially that of the Dayak in Kalimantan. The awakening of Dayak people started with a Pancur Kasih-induced movement that introduced new strategies and approaches, including the credit union.\(^6\) From the latter, the Dayaks were made aware that they were among the marginalized “backward” people and that they could progress through solidarity in the credit union.\(^6\)

This spirit of solidarity and enthusiasm developed\(^6\) and made the credit union movement progressive. The Pancur Kasih Foundation then helped in credit union development in East Kalimantan, Siberut, and South Kalimantan. Their credit union is no longer a simple credit cooperative but a holding company with many business units. In 1992, the members established a community credit bank with assets of more than Rp1 billion.

Participatory Mapping, Facilitated by NGOs

In Kalimantan, a local NGO named PPSDAK (a unit of the Pancur Kasih Foundation) has helped in community mapping of Dayak land and natural resources use based on their adat laws, knowledge, and wisdom. Through this participatory mapping, communities have also been strengthened, because the mapping process enabled the Dayaks to speak out with great clarity and strength about their natural resources rights, demanding that they be respected and protected. So far, PPSDAK has facilitated the mapping of 112 villages in Kalimantan.\(^6\) In Central Sulawesi, participatory mapping has also been carried out, facilitated by another local NGO, the Tanah Merdeka Foundation.

CONCLUSIONS

Despite different visions and activities, there have been many programs of poverty reduction carried out by various stakeholders that have directly or indirectly benefited adat communities. Given their varying degrees of success or failure, these programs offer a number of lessons. The government-initiated projects on poverty reduction have the following characteristics.\(^7\) First, from an institutional aspect, the Government tends to position itself as the owner, giving the projects and programs to the people as recipients. Second, from a planning aspect, the people do not participate to a large extent; the top-down approach is still used. Third, from an understanding aspect, the people see their assistance as charity; thus, it is difficult to define management responsibility and obtain repayments. Fourth, there is lack of preparation for recipients and lack of extension services to people who have already received assistance.

Anecdotal evidence reveals that poverty reduction programs by stakeholders other than the Government are usually more receptive to community consultation
processes in the planning and implementation stages. This results in a more widely shared ownership of the programs by the community, a better understanding of the significance of the programs to community livelihood improvement, and more importance given to fulfilling community responsibility to sustain the programs. However, it is the small-scale nature of such poverty reduction programs that has made possible the higher degree of community participation. The question now is how to up-scale the lessons learned from such small-scale poverty reduction programs.

Many poverty reduction programs do not address the root cause of the impoverishment problems, such as agrarian issues or limited access to natural resources. Ignoring basic problems means that the programs are only short-term remedies that do not strengthen the people but instead make them more dependent on the Government.

However, these experiences have led to better initiatives by the Government, NGOs, and other agencies. Poverty reduction programs are related to efforts to obtain and reinforce the legal certainty of people’s rights over natural resources as well as to influence policymakers. The programs are also exhibiting participation, transparency, and accountability. However, good substance and processes need to be supported by strong common values, such as solidarity and cooperation.
Poverty is a continuously debated concept. Different people have different definitions and indicators for poverty. There are at least three basic causes of poverty in adat communities. First is the problem of inadequacy of access and unavailability of facilities and services for fulfillment of basic needs. The absence of means for education and health services, and of roads, markets, clean water, and other services is regarded as a reflection of a low quality of life. Second are sociocultural problems that include values and behavior inimicable to improvement of community life. Low work ethics, lack of creativity, consumptive behavior, and a short-term outlook are some values said to reflect a culture of poverty. Third are structural problems, namely, policies and regulations rooted in the wider system that do not favor adat communities. In this perspective, poverty does not derive from adat communities, but from those groups external to the communities that control the wider system. It is injustice embedded in the system that impoverishes adat communities. In short: “an adat community is not poor, but is made poor.” Thus, the problem is not “poverty” but “impoverishment.”

This Chapter does not debate the concept of poverty. Rather, it describes the causes of poverty as perceived by adat communities. First, there is a brief description of poverty trends in rural communities, to which most adat communities belong. This is followed by a description of existing conditions in adat communities in four case-study villages in Central Sulawesi and East Kalimantan. Perceptions of adat communities about poverty follow.

### POVERTY TRENDS

One problem in understanding the extent of poverty of adat communities is the lack of accurate data, even about the number and location of adat communities. The statistical data only provide the numbers of poor village people. However, these data give a rough picture of poverty in adat communities because many adat communities live in villages.

From 1976 to 1999 (Table 5.1), the numbers of poor people in villages decreased significantly; from 1976 to 1996, the proportion of poor dropped from 40.4% to 12.3%. Thereafter (especially in 1997 when the economic

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Poor People (million)</th>
<th>Proportion of Poor People (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1976</td>
<td>44.2</td>
<td>40.4</td>
</tr>
<tr>
<td>1978</td>
<td>38.9</td>
<td>33.4</td>
</tr>
<tr>
<td>1980</td>
<td>32.8</td>
<td>28.4</td>
</tr>
<tr>
<td>1981</td>
<td>31.3</td>
<td>26.5</td>
</tr>
<tr>
<td>1984</td>
<td>25.7</td>
<td>21.2</td>
</tr>
<tr>
<td>1987</td>
<td>20.3</td>
<td>16.1</td>
</tr>
<tr>
<td>1990</td>
<td>17.8</td>
<td>14.3</td>
</tr>
<tr>
<td>1993</td>
<td>17.2</td>
<td>13.8</td>
</tr>
<tr>
<td>1996</td>
<td>15.3</td>
<td>12.3</td>
</tr>
<tr>
<td>1996*</td>
<td>24.6</td>
<td>19.8</td>
</tr>
<tr>
<td>10/1998*</td>
<td>31.9</td>
<td>25.7</td>
</tr>
<tr>
<td>2/1999*</td>
<td>32.4</td>
<td>25.0</td>
</tr>
<tr>
<td>8/1999*</td>
<td>25.1</td>
<td>20.2</td>
</tr>
</tbody>
</table>

* These figures are based on calculations by BPS-World Bank in Penyempurnaan Metodologi Penghitungan Penduduk Miskin dan Profil Kemiskinan, 1999.

crisis began), the number of poor people increased and reached 25.7% in 1998 but by August 1999 had decreased to 20.2%.

The statistic data also show that provinces rich in natural resources such as East Kalimantan and Papua are the poorest provinces. In these provinces, there are many adat communities. Papua has the most adat communities in Indonesia, with 147,153 households; East Kalimantan ranks fourth, with 7,335 households (see Annex 1).

Poverty assessment made by the Government with ADB assistance used socioeconomic indicators such as income, basic education, health, nutrition, and access to clean water and good sanitation. The data show that there has been progress. Life expectancy for women, for example, increased from 54 years in 1980 to 67 years in 1997. However, adat communities still consider themselves poor, suggesting that there is a gap in understanding their poverty. The perceptions of adat communities about poverty and the conditions of members’ lives are explained below.

THE REALITY OF ADAT COMMUNITY LIFE

Portraits of village life and perceptions of poverty from field studies in four adat communities in Central Sulawesi and East Kalimantan are presented in this section.

Two villages were studied in Central Sulawesi, Toro village in Kulawi subdistrict, and Kalora village in Marawola subdistrict, both in Donggala district. Several stakeholders, especially the NGOs Tanah Merdeka Foundation and the NGO Wahana Lingkungan Hidup Indonesia (WALHI) of Central Sulawesi, felt that Katu village, located in a national park, would provide a good case study. However, the security situation in the area was quite unfavorable when this participatory study began (June 2001). Toro village was selected instead; according to information obtained during the project’s provincial workshop, its traditional values and institutions are still strong, the majority of its adat areas are in the buffer zone of a national park (Lore Lindu), and the people show a strong commitment to preserving that buffer zone.

The selection of Kalora village was based on information obtained during a visit to the area. The people said they belonged to an adat community and still had adat land (forest). This village, in a very poor enclave in Central Sulawesi, is very close to the city of Palu, where part of its population works. Proximity to Palu was a factor for the selection of this village, to see whether its adat values and institutions remain strong despite its intensive contact with values and patterns of urban life.

In East Kalimantan, two villages in West Kutai district were selected, Benung in Damai subdistrict and Sekolaq Darat in Melak subdistrict. Their selection was also based on discussions with stakeholders in the provincial capital and during the provincial workshop. Benung, which is far from cities, is considered to have a strong traditional structure because two longhouses are maintained there as dwelling centers. One initiative in Benung is mapping the ancestral territory with the support of a local NGO. Further, amid the intensification of logging activities in other villages as a result of the regional government policy that gives logging rights to villagers, Benung was not tempted to do the same. This village also developed a credit union on its own initiative.

Sekolaq Darat village is situated close to the district capital. Access to the village from the town is very easy. This village was the first location of the smallholders’ rubber plantation project, which was supported by ADB. Discussion with different parties in this consultation process shows that Sekolaq Darat is an exemplary village in which the people have succeeded in overcoming poverty through the rubber plantation project.

Ngata Toro, Central Sulawesi

Geography and Demography

Ngata Toro, in Kulawi subdistrict, Donggala district, Central Sulawesi Province, is 15 kilometers from the subdistrict capital, Bolapapu, and about 86 kilometers from the district capital. The road from the district capital to Toro has been asphaltered but the trip takes about two-and-a-half hours by car because the road winds through mountains. Toro itself is a mountainous area with rivers flowing through it. Based on participatory mapping conducted in cooperation with
the NGO Tanah Merdeka Foundation, the area of this village is about 22,950 hectares including part of its adat forest, which has been made part of the buffer zone area of Lore Lindu National Park, and part of which is an old coffee and cacao plantation. Another part of the village area, about 475 hectares, is lowland where rice is cultivated. The population in 2000 was 1,859 (415 households).

Origin and Environment

The villagers call themselves Toi Toro (Toro people); ethnically they belong to the Kulawi group. They see themselves as original (indigenous) people as opposed to immigrants from South Sulawesi (Rompi and Bugis people), from North Sulawesi (Minahasa people), and from Poso (the Pamona people). There are also some Javanese and Chinese immigrants. The Toro believe that they have inhabited the village for four centuries, before any other ethnic groups arrived.

Most houses are made of wood and bamboo, although a few are of cement. The subvillages are scattered and the connecting roads are not reliable. Transportation into the village is relatively good: a minibus passes through once a day. This is partly the result of an ADB-supported project, the Central Sulawesi Integrated Area Development and Conservation Project, through which three small bridges and an asphalt road were built in 1999. A public bathing and toilet facility was also built, but of poor quality.

Local Institutions

According to the village head and some adat elders, Act No. 5 of 1979 weakened and marginalized, but did not destroy, their adat institutions. After the adoption of Act No. 22 of 1999, they rehabilitated these institutions and adat norms, including those regarding land tenure and natural resources (forest) management. They changed the name of the village from desa to their native term ngata. They have an adat council that formulates and enforces adat norms in line with the development of the community. The adat council head and adat elders who sit in the council are chosen based on, inter alia, their knowledge on adat norms, their authority and relative position in the genealogy, their reputation, and charisma. Since many of these qualities are naturally developed within the adat community itself, the community members know their leaders very well. The Toro people have their own jagawana (persons who function as forest police in the government system), consisting of 10 persons, with the task of enforcing adat norms related to the forest and forest product use. Women are active in the adat council; they have a significant voice in cases of violation of adat rules, especially violation of adat morality norms such as rape.

Tenure and Use of Land and Forest

Toro people divide the forest area in their territory into six categories:

- **Wana ngkiki**: a 2.3-hectare area at the mountain peak; cold, mossy with some bushes. This area is believed to be sacred.
- **Wana**: a primary forest of 11,900 hectares, which functions as a buffer zone for their water source; people are prohibited from harvesting in this forest, except to take rattan, damar, and traditional medicine, and for hunting wild pigs.
- **Pangale**: a secondary forest mixed with primary forest, both in the mountain and lowland. This forest area, about 3,000 hectares, is preserved for future use for agriculture. This is also an area where people can extract wood and rattan for household needs.
- **Pahawa kongko**: another secondary forest, which has grown over a former agricultural area.
- **Oma**: previously rainfed agricultural land, but because it is continuously cultivated and planted with coffee, cocoa, and clove trees, this area is regarded as forest area. The area is about 1,820 hectares and is included in the buffer zone area of Lore Lindu National Park.
- **Balingkea**: an area used to grow corn, cassava, and vegetables.

Most of the area of wana ngkiki, wana, pangale, and part of oma have unilaterally been included in the buffer zone of Lore Lindu National Park by the Government.
Toro people recognize two categories of land and forest ownership: collective or communal and individual. Collective ownership by the adat community as a social entity applies to some categories of forest such as wana ngkiki, wana, and pangale, including natural resources available or contained in those areas. Areas with collective ownership are not alienable, especially to "foreigners," i.e., people from outside ngata Toro.

Individual rights develop or exist when a member of the ngata continuously cultivates part of pahawa kongko, oma, or balingkae. Transfer of such land, especially to foreigners, can only be done with the consent of the adat council.

Ngata Toro is one of 60 villages whose forest areas have partly been included as buffer zone areas of Lore Lindu National Park. The establishment of this park, and the inclusion of most of the adat territories of these 60 villages in the buffer zone area of the park, were done without prior their consultation, let alone consent. Their adat territories, partly cultivated with coffee, cocoa, and clove trees, were unilaterally declared by the Government to be areas in which human activities, including plantations, are forbidden.

This policy certainly led to strong resistance from adat communities, including the Toro people. Responding to this strong resistance, the National Park Authority created a policy to accommodate the right of the people to use the forest (but not tenurial rights). The policy permits the people to continue cultivating the land or forest where they have grown estate crops such as coffee and cacao, under the condition that at the same time they preserve the forest and the environment in the buffer zone area. From interviews with the Toro village head and some adat elders, it seems that they are ready to take that responsibility. They believe that they are more capable than the Government to do so, and to enforce adat norms related to the management and conservation of the national park. As stated by one adat elder:

Indeed, the Government didn’t believe in the capability of the people, whereas, in fact, we can do better than the Government. One thing that is important is whether the Government is willing to trust and give responsibility to the people. We want to enforce adat law. Although the Government does not recognize it, we will implement and enforce our adat law.

However, the policy taken by the authorities is provisional with no legal base and might be changed/replaced in the future. Communities also complain because they are only permitted to continue cultivating the area they have been cultivating, and are forbidden to open and cultivate new areas they still claim as their adat territory. One villager, for instance, a 60-year-old farmer, is a household head with 7 family members. He has agricultural land of about 2.25 hectares, part of which is rice fields (0.90 hectares), part dry agricultural land (0.60 hectares) where he usually grows corn and peanuts, and the rest is under cocoa trees. Every year he harvests approximately 2 tons of rice, 250 liters of peanuts, 500 kilograms of corn, and 300 kilograms of cocoa. In 2000, these products yielded around Rp4,900,000 (US$490 in early 2002), of which about Rp1,500,000 (US$150) was from cocoa. For him, income from the cocoa farm is very important, especially when the price of cocoa is high. He was one who strongly resisted the inclusion of adat areas/forests in the buffer zone of Lore Lindu National Park. He accepts the policy of the National Park Authority, but worries whether this policy will continue or will change in the future. He also worries because with five children, his 2.25 hectares of agricultural land will not be enough to pass on to his children.

Means of Livelihood and Income

The main livelihood of Toro people is rice farming. Most farmers have their own rice field with simple irrigation. Water comes from the rivers that flow through this area. Farmers usually grow two crops of rice each year. Most farmers also have land in which they grow cocoa and coffee. However, much of this land has been included in the buffer zone of the park. The Toro also undertake animal husbandry, using pigs, chickens, or cows. Some people also collect rattan and resin from the forest under strict regulation by the adat council. Some people work part time as rice farm laborers. Per capita annual income of the Toro people averaged Rp528,000 (approximately US$66) in 2000. This is well below the poverty line of Rp873,360 (US$110) per capita.

One problem they face and which also influences their level of prosperity is lack of capital when they need it, for instance in the planting season and when there is an adat ceremony to commemorate and pray for deceased family members. The easiest way for them to
get money is from a usurer by selling their agricultural products to the usurer (usually at very low price) before harvesting time. Women farmers have established a credit union, but it does not function well due to lack of capital and knowledge of credit union management. They expressed their desire for capital support and management training.

**Education**

Another problem in this village is the low level of education of community members. There are three elementary schools, but no high school. If children want to continue their education after elementary school, they have to go to the subdistrict capital. Most children finish their elementary school, but few continue and finish their junior or senior high school due to lack of money and lack of motivation of both parents and children. In the village, there are only three graduates from tertiary institutions.

**Health**

There is only one village health care center, serviced by a village midwife (bidan desa). Although now decreasing, malaria is still the main disease. Every month a health aide (mantri kesehatan) visits the village, but a doctor’s visit is rare. Prices of medicine are considered very high by the Toro people, especially when they have to buy it from the provincial capital Palu. There is a Social Safety Net program that provides free medicine, but only for those families that are categorized as preprosperous. The medicines provided by this program are limited, both in kind and quantity.

**Kalora Village, Central Sulawesi**

**Geography and Demography**

Kalora is situated on steep slopes of Gawalise Mountain, 2 kilometers from the provincial capital Palu. The soil is poor and dry as a result of erosion, and floods occur in the rainy season. The village is 14 kilometers from the subdistrict capital. The main road to the village is in poor condition; the inter-village roads are not paved. The population in 2000 was 1,134 (234 household heads) and the village area is about 994 hectares.

**Origin and Environment**

Most of the Kalora people are of the Kaili Da’a ethnic group, one of the indigenous tribes of Central Sulawesi. Using the Kalora people’s criteria in measuring wealth and poverty, housing conditions in the village are considered bad. Nearly all the houses in this village (215 houses) are classified as temporary, mostly of wood and bamboo, 12–16 m², and occupied by families of 4–7 members. Only 13 houses are permanent or semi-permanent. Electricity is only available in one dusun or subvillage, covering 25 households; the rest use oil lamps. Most houses do not have toilets or facilities for washing or bathing. Neither are there public facilities. In the past, water was from a fountain, about 40 minutes walk from the village. In 2000, an ADB-supported project provided piped water to the village with a water tank for each of the subvillages. The flow of the water from this facility is low, but enables the people to have clean water for cooking and drinking, and for watering small house gardens.

**Local Institutions**

Act No. 5 of 1979 also affected this village. However, proximity to the city of Palu seems to be another factor that has weakened adat norms, values, and institutions. Many villagers work in Palu as market laborers, transport drivers, or cleaners. Villagers also visit the city for shopping, selling products in the city market, or visiting recreational facilities. Frequent and intensive contacts with the city, where individual values tend to dominate, weaken the loyalty of the villagers to adat norms and institutions. In this village, the village head is more dominant than the adat elders. The role of the adat council is still recognized only in the area of conflict resolution and in solving the problems related to the breach of adat norms, including moral crimes and petty thefts. With the promulgation of Act No. 22 of 1999 concerning local government, there has been an effort to revitalize the adat values and institutions and to form an adat council both at village and subdistrict levels. However, the idea and the effort mainly come from adat elite; most villagers, especially the youth, are not interested.

Participation of women in the revitalization of adat is low. In one subdistrict level meeting to discuss the formation and revitalization of adat institutions, there
was no woman among the 60 participants who represented four villages.

In Kalora, *adat* values on natural resources use and management seem to be forgotten. The existing *adat* council, named Wayanga Adat institution, and its role in regulating and controlling the tenure and use of *adat* land by community members are weak. The villagers still have an *adat* reserve forest, which community members clear for agriculture whenever the need arises. However, in 1999 and 2000, some Kalora villagers cleared the *adat* reserve forest to start a farming area without prior consultation with the *adat* council. The village head and some *adat* elders said that the *adat* council did not have any role in allocation of the reserve forest.

**Means of Livelihood and Income**

Most people in this village are rainfed farmers. No rice is cultivated. Socioeconomic data collected by the ADB-sponsored project show that average ownership of land by farmers is 1.3 hectares. The farmers generally grow corn, cassava, and peanuts. Most of them also have small household husbandry activities, raising goats and chickens. The others work part time as temporary laborers as cleaners, or as drivers in the main market in Palu. This part-time work contributes significantly to their total income. The farmers' annual per capita income in 2000 was Rp344,487 (approximately US$43) or Rp28,700 per month, well below the poverty line (Rp72,780 [US$9] per capita per month). However, the income in 2000 was a slight improvement of their 1999 annual income, which averaged Rp330,400 (US$41) per capita.

Many farmers in this village are selling agricultural land to outsiders, especially from Palu. These farmers then depend for their livelihood on nonagricultural sectors, such as the informal sector in the city, which cannot give them security because the work is not permanent. Some farmers who were interviewed acknowledged that their total income decreased after they sold part of their land. However, they felt that economically they had no choice than to sell their land. This trend has led to another consequence: people are forced to open more forest areas for agricultural land. This, of course, worsens the overall condition of land in this village.

Poverty in Kalora is classified as serious and has been a target of many government projects related to poverty reduction, such as IDT, JPS, and projects supported by ADB. The IDT program, for example, came to this village in 1994, giving priority to the development of animal husbandry. This was carried out by a community group established in the framework of the program. The program was said to have increased villagers' incomes. However, the community group and husbandry activities stopped when the IDT program ended.

The ADB Sulawesi Rainfed Agriculture Development Project (SRADP) came to this village in 1999/2000. Based on participatory rural appraisal, priority was given to the farming sector, especially development of candlenut trees, and to animal husbandry, especially of chickens and goats. As part of the project mission on community development, a farmers’ business group was formed using the participatory approach and based on natural groups that exist in the village, the *mapalus*. Farmers are responding enthusiastically to the project activities. The participatory rural appraisal, for example, in their view gives them the chance to participate in identifying and voicing their own problems and needs and to take part in planning the program activities in their village.

**Education**

The level of education of villagers is very low. There is one elementary school. Distance from the farthest dusun to the elementary school is about 2 kilometers. The high school in the district capital is also close, about 5 kilometers. Nevertheless, very few adult villagers finished elementary school. Parents cannot afford to educate their children and need their labor to help on the farm or working in the city. Low motivation of children and parents is another factor. However, some villagers express their need for assistance in the area of education, especially scholarships for their children.

**Health**

Although there is only one village health center, served by a village midwife, health facilities (health center, hospital, and doctors’ services) in Palu are relatively close. Villagers do not express any complaint on the availability of health facilities, except their inability to buy medicines or to pay for hospital or doctors’ services. Many women still go to traditional
Poverty of Adat Communities: Trends, Causes, and Perceptions

healers to control their pregnancy or to help them give birth. The Social Safety Net program provides free medicine for preprosperous families, but as mentioned above, the medicines are relatively limited and only for minor illnesses.

**Benuaq People in Benung Village, East Kalimantan**

**Geography and Demography**

Benung village is situated in Damai subdistrict, West Kutai district. This village is separated from the subdistrict capital by a distance of around 18 kilometers, or about an hour’s car travel. The provincial capital is 18 hours away by motor boat along the river. The village consists of 257 inhabitants with 67 family heads. Most of the population are the elderly and children. Youths are not numerous; they move to the towns to study and subsequently seek employment there.

**Origin and Environment**

The Benung community identifies itself as Benuaq people, whereas outsiders generally call it Dayak or Dayak Benuaq or Dayak Benuaq Idatn, the latter referring to the location of the village in the Idatn River valley, a tributary of Kedang Pahu River, which is in turn a tributary of the largest river in East Kalimantan, the Mahakam.

The residents of this village are convinced that they are descendants of Ningkah Olo, the first man to descend to Earth. Before they settled in this location, they lived in the site of the present subdistrict capital, which they call lou bereg or the center of the Benuaq people's kingdom. Because of a family dispute, a part of the population moved from lou bereg to the site of the present Benung village. It is not known for certain when they arrived in the present location. An old man in the village guessed that they had been there for more than six generations.

There are two centers of settlement in this village. In each, there is a traditional longhouse called lou or lamin. The longhouse consists of several rooms, where each family lives. The first lou collapsed a long time ago. It was said that all the inhabitants, about 60 families, lived in this lou. The oldest surviving lou was built in 1936. Around 11 families live in this lou, which is almost derelict. On the ground around the lou one can find pigs, chickens, and dogs. Another lou was built in 1957. It is smaller; 6 families live in it. The traditional leader lived here also. Other families live in single houses. Some of these families said there was not enough room in the lou; others had returned to the village after living and working in another village for some time.

At present, a 10-meter wide road is being constructed in the middle of the village to connect with surrounding villages. The people welcome this construction enthusiastically. According to them, this is concrete evidence of development efforts they have been enjoying since the position of district head was occupied by a Dayak. Nevertheless, the inhabitants, the majority of whom are women, confessed that they are afraid. Improved access to their village will result in more outsiders arriving. They worry that theft, nonexistent at present, may occur, so that they will be less confident to leave the house.

**Local Institutions**

The policy of uniformity of village administration in Act No. 5 of 1979 also affected Benung village. There is leadership dualism in the village in the presence of both the village head and the traditional leader. The village head deals with administrative and developmental matters, whereas the traditional leader deals with sociocultural problems. With the change brought by Act No. 22 of 1999, a village representative body (Badan Perwakilan Desa; BPD) with legislative function is currently being formed. Other changes have been in renaming village as kampung and village head as petinggi.

The traditional leader is elected from among community members who have a good knowledge of adat regulations. Disputes arising in daily life usually are resolved by the traditional leader, who continues to play an important role. In addition to his personal capacity, the present traditional leader is of noble blood and is well respected. There is almost no conflict of interest between the traditional leader and the village head. The present village head is still young and has family ties with the traditional leader.
Control and Utilization of Land and Forest

Benung community divides its territory into four parts, namely umaq, bengkar, lou, and simpukng. Umaq is a farming area that is still used or is temporarily unattended. Bengkar is the primary forest containing perennial trees; it has never been used. Lou is the dwelling area. Simpukng is the name for an area that has special functions, for example, areas of local fruit trees, an area where rattan grows or is grown, or an area where the tanyut tree (a kind of tree frequented by honey bees to build honeycomb) can be found.76

In 1998, facilitated by an NGO, SHK (Community Forest System) of East Kalimantan, Benung community undertook participatory mapping of different land uses in the village (Table 5.2).

### Table 5.2. Land Use in Benung Village

<table>
<thead>
<tr>
<th>Name of Area</th>
<th>Size (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bengkar (primary forest)</td>
<td>860.46</td>
</tr>
<tr>
<td>Bengkar Soyaq (burned forest)</td>
<td>57.54</td>
</tr>
<tr>
<td>Rubber</td>
<td>93.67</td>
</tr>
<tr>
<td>Ongko Jarik (forest preserve)</td>
<td>503.30</td>
</tr>
<tr>
<td>Rattan</td>
<td>596,147.30</td>
</tr>
<tr>
<td>Simpukng bua (fruit orchard)</td>
<td>453.10</td>
</tr>
<tr>
<td>Simpukng lati (forest reserve)</td>
<td>353.30</td>
</tr>
<tr>
<td>Tanyut (honey tree)</td>
<td>142.25</td>
</tr>
<tr>
<td>Urat Tuhaq (field abandoned long ago and filled with large trees)</td>
<td>176.90</td>
</tr>
<tr>
<td>Uratn (abandoned field)</td>
<td>502.61</td>
</tr>
</tbody>
</table>

Source: Benung Land Use Map, March 1998.

Control of land is both individual, as in farming, and collective, such as for primary forest, forest reserves, and the area around the longhouse. Land control is either by opening the forest for agriculture, inheritance, selling-buying transactions, or forfeited in an adat conflict resolution.77

In 1989, a forest concessionaire, PT Timber Dana, began operations in the area of Benung community, but stopped in 1992 because there was inadequate commercial timber in this area. This fact was a blessing for Benung community. Traders have visited many other villages to finance logging activities, but not Benung.

The commercial forestry product in this village is rattan. Rattan grows well under cultivation by the population. The buyers are traders who routinely visit the village.

Rubber was initially expected by the people to be a cash crop. In 1997, agricultural extension officials came to Benung with the offer of a rubber cultivation project. Upon hearing that the prime rubber trees would be introduced, about which they had heard success stories in other places, the people accepted the offer enthusiastically. Moreover, at that time the price was very good (Rp4,000 [approximately US$1.60 in January 1997] per kilogram). Subsequently, villagers received fertilizer and equipment from the agricultural officials. The seeds would be given later. However, since that time, the seeds have not materialized and the officials said they did not know when the seeds would come. Meanwhile, the fertilizer, which was kept under a longhouse, was damaged and the equipment was lost. However, after their initial disappointment, the villagers now feel fortunate not to have converted their land to rubber plantations in view of the decreasing prices and economic difficulties of many rubber farmers in other villages.

Meeting Daily Necessities

Most of the people’s daily necessities are met from the field and forest. They produce enough rice for the whole year. They also grow fruit trees. Neither product is sold, being solely for their subsistence. They also grow and collect rattan for sale. At present the price for rattan is so low (Rp800–1,000 [US$0.08–0.10] per kilogram) that many are leaving the rattan in the forest. Pigs and chickens are also reared. For some people, such animals are investments. In time of need, they can be sold. Generally, they are needed for traditional ceremonies.

Other necessities like salt, sugar, detergent, bathing soap, and cloth are purchased from outside. There is no store in Benung village. However, lately some traders have begun visiting the village to offer clothes and household equipment.

In 1997, a severe forest fire swept Kalimantan and field crops were reduced to ashes. Fruit trees and forest produce were also burned. The people then had to buy all their necessities from outside, at a time when prices
were skyrocketing because commodities had to be sent in from the city by boat, and the fire was in the dry season when rivers were shallow and boats found it difficult to pass through. “We Benuaq are dead,” said a mother who tried to describe their difficult condition.

They still continue to find it difficult to obtain daily necessities. Increases in fuel oil resulted in increased boat transportation costs, such that commodities brought in by boat have continued to grow more expensive.

**Education**

There is a primary school in Benung, shared with another village. About 40 pupils attend from Benung. Generally, children who have finished primary education go to other villages or towns to pursue further study. Some of them go to Tering village, around 45 kilometers away, where there is a junior high school and a technical vocational high school. Others go to schools elsewhere, even in the provincial capital, Samarinda.

Several people from Benung village have succeeded in graduating from universities. Most of them live in towns, returning for a family program or holiday. Many families living in the longhouses consist of only husband and wife. Their children live in Samarinda for school or work.

For old people in this village, education is seen as an important way to change their lives. As well, education in towns brings other benefits. Students become acquainted with NGO activists. This association opens up a new horizon for them concerning issues of indigenous peoples, which they share with their parents and other members of the village community. Some of these young people are presently helping advocacy and empowerment movements in village institutions.

**Health**

The fulfillment of health needs is deemed important by the people of Benung village. They complain about the absence of a community health center or health officials in their village. When somebody becomes ill, the villagers first try to cure him/her with medicinal herbs. Likewise when a woman is about to give birth, the service of a midwife is sought. However, when diseases cannot be cured, the residents go to the nearest hospital, which is in Tering village.

The villagers consider medical expenses quite costly, especially if the patient has to be hospitalized. There are also transportation costs to reach the hospital. A villager who suffered from tuberculosis said that he once was hospitalized for 5 days in Tering, which cost Rp500,000 (approximately US$60 in 2000) in addition to Rp100,000 (US$12) for transportation. A visit by medical personnel costs about Rp50,000 (US$6). Usually when a disease has not been cured after being treated in the hospital or by medical personnel, a traditional healing ceremony called belian is held. According to village belief, this ceremony is a method to remove evil spirits that disturb the patient. A healer leads the ceremony; offerings are given, including pigs and chickens. Residents have asked the local government on several occasions for a community health center. The new district head has responded to the proposal favorably and the center may be built in the near future.

**Clean Water**

Village water comes from a spring located 30 minutes walk from the village. In a cooperative venture, the villagers bought a pump to draw water and channel it to the existing houses. A public water reservoir was built near a longhouse. However, in dry seasons water frequently cannot be drawn. At these times, the inhabitants have to take water manually from the spring.

**Tunjung People in Sekolaq Darat Village, East Kalimantan**

**Geography and Demography**

Sekolaq Darat is situated one hour by car from the district capital, Sendawar, to which it is linked by an asphalt road.

The village was inhabited in 2000 by 1,219 people, forming 346 families. Most are Tunjung people. The area of the village is uncertain; the settlement area covers 70 hectares but other parts have not been measured. The village head complained that it is difficult to establish data, because of the people’s suspicion that such data on their lands would be used as a basis for taxing. Sekolaq Darat village borders Kersik Luway natural preserve. In this natural preserve covering 5,000 hectares, there is a well-known plant, the black orchid (*Ceolodune pandurata*), and a waterfall that is expected
to become a tourist attraction together with Kersik Luway. The village also has borders with transmigration villages.

**Origin and Environment**

The Tunjung people in Sekolaq Darat village believes that they are descendants of Aji Tulur Jijangkat, the first man to descend from the sky. This community originally lived in Melak near the district capital. Later, it moved to a place where big rattan (sekolak) grew in the upper reaches of the river (darat), giving the village its name. Sekolaq Darat is a medium-sized village in transition to becoming a town. The settlement pattern resembles that of a town. The houses are situated in rows and are separated by named streets around 5 meters wide. Longhouses have not been in use since 1958, when the Government asked the inhabitants to leave them because they are sources of contamination. Most inhabitants live in settlement centers in the village, although some live in nearby fields.

At the beginning of the 1980s, a resettlement program was introduced. The inhabitants were resettled in individual houses built by the Government. Not all the inhabitants were ready to live in such houses, known to the local population as respen houses, and some abandoned them. However, others voluntarily moved to these houses. According to them, government officials promised to give assistance to build houses. However, such help has not been forthcoming.

The village has all necessary public and socioeconomic facilities. There are primary schools, a junior high school, medical service center, market, some stalls, workshop, and an office of cooperative organizations.

**Local Institutions**

In addition to administrative institutions led by a village head, there is also an adat council led by an adat leader. The latter is elected according to his ability and knowledge of adat and subsequently appointed by Sultan Kutai. The incumbent adat leader is a retired employee of the Agricultural Agency. The village administrative matters are managed by the village head, while conflicts among community members may be resolved by either the village head or adat leader. The village head frequently requests the adat leader to settle a conflict if it is considered to be related to adat. The latter resolves conflicts in a meeting attended by prominent public figures. Sanctions are given as fines, previously in the form of articles such as a jar or dish, now in their monetary equivalent. Occasionally, the adat leader is called upon to assist in criminal and family cases.

Conflict resolution through the adat council also takes place in cases related to family matters and petty crimes. Catholic couples who want a divorce seek the assistance of the adat council because they cannot get approval from the church. In this regard adat law has become one option among the existing plural legal system.

**Land Control and Utilization**

In addition to the settlement, Sekolaq Darat has agricultural areas—dry fields, wet fields, orchards, and rubber plantations—and secondary forest. Rubber plantations make up the majority of the area. In the early 1980s, this area became a pilot project on rubber development. Through Proyek Rehabilitasi dan Pengembangan Tanaman Eksport (PRPTE) (Rehabilitation and Development of Export Crops) and a subsequent project funded by ADB, a vast tract of land was converted into rubber plantation.

It is quite common for the villagers to own an orchard, a field or a rubber plantation. They obtain their agricultural land by opening the forest, inheritance, buying, or borrowing. Usually land borrowing takes place among those having close kinship relations. A provision to be observed by the borrower is that the latter is not allowed to grow perennial trees.

Respect for land owned by fellow villagers who are temporary emigrants is a value prevailing in this community. “Birds preoccupied with looking for fruits hanging on trees return to their nests if they no longer find fruits,” is a proverb in this community. It means that a community member who leaves the village will return if he/she does not find an adequate livelihood elsewhere. For this reason, vacant land in the village cannot be used by a community member seeking land to farm.

**Meeting Daily Necessities**

Sekolaq Darat inhabitants are mainly farmers, but some are also traders, teachers, or health officials. Despite such occupations, they continue to cultivate fields or rubber plantations. Their rice requirement is
usually obtained from the field. Only those who have a low harvest buy rice in stalls or markets in the village. It is not difficult to get basic necessities like rice, salt, sugar, and oil.

With an economic system that is already market-oriented, the only problem in meeting basic necessities is raising money. The inhabitants are highly dependent on cash crops such as rubber, coffee, pepper, and coconut. Problems arise when the selling price of these commodities drops. At the time of the present study, rubber farmers in Sekolaq Darat and in West Kutai district were complaining. The rubber price had dropped from Rp3,000 (US$0.27) to Rp2,600 (US$0.24) per kilogram. Ironically, at the same time, the fuel oil price increased, which meant that prices of basic commodities also increased.78

Education

There is a primary school and a junior high school in Sekolaq Darat. The buildings are good and there are few drop-outs—which are usually for economic reasons. Some of the teachers live in the village. The national curricula are used in this school.

After graduating from junior high school, many students continue their study at senior high schools or vocational high schools and universities in the district capital or the provincial capital. Community members are happy about the recent opening of a private university in the district capital.

Health

Modern health services reached the village in 1980, when an affiliate community health center was established. Now, three health personnel manage the center, one of them being a local villager. Assistance with childbirth is given by a village midwife. Several women have become family planning acceptors. The center administers the Social Safety Net health program, distributing so-called health cards to poor families. The criteria used for a poor family comprise: inappropriate housing, no permanent jobs, or old-aged people. The health personnel have another criterion: “Those who do not have a rubber plantation or whose plantation has not produced latex.” The Social Safety Net health program frees poor families from payment of health services, although recently they were being charged Rp2,000 (US$0.20) for immunizations. Other medicine is given free of charge. PT KEM, a multinational gold mining company operating in West Kutai formed the Rio Tinto foundation to help village communities in West Kutai; it supports the affiliate community health center in Sekolaq Darat.

Water

The difficulty in securing clean water, especially during dry seasons, gives rise to many complaints. The importance of having a clean water supply has led the village community to plan the construction of nine water reservoirs and purchase of an electric water pump.

PERCEPTIONS OF ADAT COMMUNITIES ABOUT POVERTY

Based on discussions with adat communities, both during the project workshop and during field studies, and on previous studies, adat communities perceive poverty to cover a wide spectrum of issues, including structural problems such as lack of protection of their rights to, and inequitable allocation of, natural resources; behavioral and cultural problems; and problems related to the availability of basic social facilities or services. These factors are described below.

Lack of Recognition of Adat Rights Over Land and Natural Resources

During the project’s provincial workshop in Palu, Central Sulawesi, 5-6 June 2001, many adat community representatives and supportive NGOs stated quite strongly that the main cause of adat community poverty is lack of recognition and protection of their rights to their land and natural resources, from which many have been dispossessed. They stated that the problem they are facing now is not poverty but pauperization.

In this province, a decree by the Governor, promulgated in 1992, legally ignores and extinguishes ulayat rights over land. As mentioned, much adat land and adat forest was claimed for the buffer zone Lore Lindu National Park. The process of taking and allocation was carried out without adequate prior consultation and consent of the communities.
An adat elder in the village of Rachmat, subdistrict of Palolo, Donggala, in Central Sulawesi, which was visited by our team, stated:

_How can we afford to live, if the State or Government takes our plantation to be part of a conservation area? The designation and establishment of our land and forest as part of a conservation area will not only make us poor, but will make us unable to live. We will defend our land no matter what the risk._

In East Kalimantan, because of this lack of legal recognition and protection of customary rights over land and natural resources, lands and forests of adat communities have been taken by the Government and allocated for logging concessions, mining, and plantations without prior consultation with or adequate compensation to the affected communities.

As a result, land conflicts take place. A conflict at the time of the project’s provincial workshop was that between the adat community of Paser and PTPN XIII, a state-owned company in the oil palm business. The adat community demanded to own and use certain areas of the plantations within their existing adat land area. The plantation management said that the case was concluded long ago; the company always tried to get the adat community involved in the plantation projects but the adat community refused. One of the adat community members of Paser who attended the provincial workshop said that the Government does not understand the community’s values. “We believe that the things that do not produce today should not be planted. This was the reason why we used to refuse to plant oil palm.”

Adat communities in East Kalimantan realize that they are wealthy in terms of natural resources. Rather than getting benefit from this wealth, they feel that they are discriminated against by the Government. A member of one adat community said: “The Government only thinks about the incoming people and not us.”

_Pollution and Degradation of Land and Natural Resources_

Representatives of adat communities in the project’s provincial workshop in East Kalimantan stated that their poverty is also caused by various development activities, mainly logging, mining, and plantations, coming to their areas. Because of these activities, the natural environment of adat communities has become polluted and degraded. A member of an adat community living in the area where a plantation company operates, said:

_Before the plantation came in, our life was prosperous. If we needed fruits, we just went to the forest. It was the same if we needed medicines, we just went to the forest. But since this company came in and burned our forest, everything has gone. Our life became difficult. The forest fire has been a disaster for us._

As mentioned earlier, a big forest fire in 1997 in East Kalimantan destroyed adat communities’ farms. When the communities ran out of food, they could not buy more, because smoke from the fire hampered transportation. At the same time, a long drought caused the river level to drop, which in turn made river transport difficult or even impossible.

_Agricultural Land_

The poor quality of land can be a reason for poverty, as in the case of Kalora described above, where most villagers are rainfed farmers and their land is eroded. Floods destroy their crops in the rainy season, while during the dry season, they lack water for their plants.

_Transfer of Land to Outsiders_

The need for cash has caused the transfer or sale of land in some adat communities to outsiders. This phenomenon became significant when transportation to the villages became available. In the village of Rachmat, subdistrict of Palolo, Donggala, Central Sulawesi, good cocoa plantations now belong to absentee outsider-owners, especially from Palu. The transfer of agricultural land to people from Palu also occurred in Kalora, which is located close to that city.

_Lack of Education_

Adat communities realize that their poverty is also due in part to lack of education. This was expressed by the village head of Toro, Central Sulawesi, who is also an adat elder in the community:
The adat communities do not feel poor although they live in a subsistence manner. This is because they do not mainly use material criteria when they measure their poverty or prosperity, as the urban people usually do. For Toro people, the main cause of poverty is the low quality of human resources, due to their lack of education and bad health.

In East Kalimantan, such as in Benung Village, education facilities do not reach all communities due to their remoteness. In some cases, although schools are available, the quality of the buildings is bad and the schools lack teachers. Because of this low level of education, adat community members have in many cases failed to compete with the newcomers or immigrants, who usually have good education.

Some adat community elders in East Kalimantan and West Sumatra say that formal education in schools should also include local knowledge. Efforts to teach local knowledge to the young generation in order to strengthen cultural identity have already been made by adat communities in West Sumatra. This activity, which they implemented through the program “Back to Nagari Movement” (see Box 4), has been the main thrust of efforts to rehabilitate adat institutions.

Poor Health

The adat community in Benung, East Kalimantan, complained about the lack of health facilities in their village. The hospital and health clinic are very far from their village and the medicines and treatment are very expensive for them. The same complaint was voiced in the villages of Toro and Kalora. Health problems are also perceived as a cause of poverty. A member of the Toro adat community said: “How can we work to make our life better if we are sick?”

These villagers formerly used traditional medicines, which were easily obtained from the surrounding forests. However, it is now difficult to find many of these medicines because the forests have been degraded.

Lack of Infrastructure and Transport Facilities

The problems of transport in some adat communities were described above. Such problems are perceived by the people of the Togian Islands in Luwuk Banggai, Central Sulawesi, as a barrier to improving their economy. Indigenous farmers and fishing households there accept prices well below mainland market rates from produce traders who travel through the region.

The adat communities of the Togian islands, who are fishers, recognize three classes or categories of people based on socioeconomic structure:

- (a) low class, if the household only has a small fishing canoe (no motor) as a means of production;
- (b) middle class, if the household owns a fishing canoe, fishing net, coconut plantation up to 5 hectares in area, and TV; and
- (c) high class, if the household owns a motor boat, fishing canoe, fishing nets, coconut plantation bigger than 5 hectares, generator, satellite dish (parabolic antenna), video player, and TV.

Based on those criteria applied to fishers in Kabalutan Villages, subdistrict of Walea Kepulauan (Walea islands) of Luwuk Banggai, low class households constitute 80% of the population, middle class 19%, and high class 1%.

Fluctuations in the Price of Commodities

Fluctuations in commodity prices were mentioned as factors that make the economy uncertain in Toro village, while in East Kalimantan, escalating fuel prices have led to corresponding increases in the cost of transportation and, in turn, the price of basic commodities such as rice, sugar, and salt.

Lack of Information

Life in adat communities can be difficult because of the lack of or limited access to information. For example, in the adat community in Sekolaq Darat, East Kalimantan, lack of information on how to choose good rubber tree seedlings caused some growers in an ADB-supported project there to plant poor seedlings. For years they grew and cultivated rubber trees that in the end gave poor returns.
Act No. 5 of 1979 enforcing uniformity of village administration throughout Indonesia had noteworthy effects on the Minangkabau community in West Sumatra.

The lowest government body in Minangkabau is the nagari. However, the Act provided that the lowest government body is the village. This implied that developmental assistance was to be given at the village level. The West Sumatra regional government calculated that the number of nagari at that time was only 543. If nagari is considered similar to village, the amount of rural assistance received by the province would be small. Therefore, they called the jorong, a unit below nagari, a village. There were 3,133 jorongs throughout Minangkabau. However, this complicated matters because the populations of the jorongs ranged from 100 to 1,000 persons. Then they joined some jorongs to even out the numbers, resulting in a reduction to 1,766 “villages”. These villages faced many problems, for example, leadership dualism between the village head and the chairperson of the Nagari Adat Deliberation (KAN) as well as territorial problems.

Since 1997, the idea of “back to nagari” was popularized by the regional government. Different teams were formed for studies and preparation. After Act No. 22 of 1999 was passed, the idea was immediately put into practice. The West Sumatra provincial government issued Regional Regulation No. 9 of 2000 to serve as a guide for regulations by district governments. Three districts have produced such regulations, namely Solok, Limapuluh Koto, and Tanah Datar. Each district has different regulations about nagari structure.

The process of converting villages back to nagari has not always run smoothly. In several places, it is proceeding very slowly. The majority of village heads do not support it. They fear they will lose their authority.

The nagari, in addition to being a sociocultural and political unit, is also an economic unit. The development of nagari territory is to be funded by the nagari itself from its own property. The district government provides only a small subsidy for operational costs. In Tanah Datar district, each nagari was encouraged to find income sources. Tanjung nagari, for example, has identified natural resources that can be exploited. The wali nagari (nagari head) is exploring the possibility of entering into cooperation with investors. There was an offer from an investor to exploit a lime hill in nagari territory. The wali nagari is negotiating the matter, because the investor concerned wants to take away the limestone for processing, whereas the nagari view is that limestone should be processed within nagari territory to open job opportunities to nagari members.

Generally, the “back to nagari” idea is considered by the Minangkabau people to be a positive step, and the reawakening of their identity. In a number of cities, such as Jakarta and Padang, foundations have been set up for Minangkabau migrants. In addition to collecting funds, the foundations also popularize nagari symbols among migrants. These migrants also become an important source of income for nagari development.

Back to nagari is the beginning of a process to realize adat community autonomy. Certainly not everything is perfect. There are still shortcomings. For example, the policy was enforced only in rural areas. The former nagari are also found in areas presently known as urban areas. These nagari have lagged behind. An adat prominent leader describes this condition in the following proverb “just like lifting a ripe banana bunch, some bananas fall down and are left on the ground.” These falling bananas are nagari in urban areas. Likewise there is also some fear that the spirit of “back to nagari” will strengthen the role of adat elite. In short, the contribution of the “back to nagari” policy toward creating a democratic adat community cannot as yet be ascertained.
Laziness

In Manggarai and Sumba, East Nusa Tenggara, laziness is believed to be the main cause of poverty. In the perception of these people, a person can become wealthy by being diligent and strong and able to develop good social relationships. Adat communities there recognize three categories of people based on their socioeconomic status:

(a) *Ata ndengo*, poor people; those who do not own animals (cows/buffaloes or horses), have small infertile landholdings, and do not have cash crops. This situation of poverty is said to result from laziness or lack of strength to work.

(b) *Ata kabisu*, common people; those who are not poor, but not wealthy.

(c) *Ata rato*, wealthy people; those who have wide relationships with kin and others, have large landholdings of cash crops, have many animals (cows and horses), have influence and authority in the village, and are able to hold adat festivals or ceremonies (such as to commemorate deceased family members). These festivals and ceremonies, which are usually expensive in terms of both money and animals (buffaloes, cows, and horses), are perceived as a form of charity and a way to develop social solidarity in the village.

Gambling

In East Kalimantan, some of the adat communities admit that a number of their traditional cultural practices contribute to poverty. The traditional gambling habit during adat ceremonies is seen as a source of poverty. Gambling began as a medium for recreation and to pass time during wakes for deceased family members, but has become a business, professionally run by people from the city or by the village members themselves. Gambling is often accompanied by prostitution. Wakes may now last for a month or more.

Marginalization of Adat Institutions

During the project’s provincial workshop in Palu, some adat communities and NGOs stated that their poverty is indirectly caused by marginalization of adat institutions because of government policies that reduce communities’ capability and authority to manage and control the use of their land and natural resources. This has led to conflicts and uncontrolled use of natural resources. And when conflicts arise, the communities have no authority or authoritative figure to solve the conflict. Such conflicts become prolonged because the people are not willing or are not able to bring them to the state courts.

The marginalization of adat institutions was seen in Minangkabau. In Nagari Tanjung, Batusangkar, for example, *wali nagari* (the village chief) felt that when the term *nagari* was eliminated and changed into “village,” many natural resources in the *nagari* could not be controlled or used by the local people. With the return of *nagari*, the community’s right to control and manage their natural resources was restored. *Wali nagari* of Tanjung said that his *nagari* made an agreement with a company to exploit lime hills located in his area. One of the requirements was that the management and processing of lime should be implemented in their area with the involvement of people from the *nagari*.

A summary of Adat communities’ views on how to reduce poverty, from the project’s workshop in Samarinda, is given in Box 5.

**Box 5. Adat Communities’ Views on How to Reduce Poverty**

1. Conflicts in dealing with adat communities should be resolved before development projects in adat community areas begin.
2. Community members should have priority in the use of natural resources located in an adat community area.
3. Adat institutions should be involved in making development policies for the area.
4. All people (not only the elite) should be involved in the process of decision making.
5. The Government should respect adat laws.
6. The involvement of all adat communities in any activities in their area is essential.

RECENT TRENDS

In the last 3 years, demands for reform and regional autonomy have influenced adat communities in their efforts to overcome their poverty.

In the present era, the movement to reclaim adat land has grown. Efforts to reclaim adat lands that were taken for and by outsiders is widespread. These efforts are the result of decreasing land on which adat communities depend for survival. Imbalance and inequality in tenure and access to land have existed in various parts of Indonesia, resulting in control and access to natural resources being concentrated in small groups of populations. In 1994, about 64 million hectares of forest were controlled by forest concessionaries, 50% of which were controlled by large business groups. Up to 1996, there were 833 mining concessions operating on 36 million hectares of land. There were also many plantation companies: 709 private companies, 388 state companies, 40 provincial and district companies, 48 foreign companies, 21 joint venture companies, and 21 cooperative entities, controlling a total of 3.8 million hectares of land. Conversion of agricultural land for industry and housing has been increasing. During 1983–1993, the annual conversion rate was 900,000 hectares.80 These figures illustrate how limited are the efforts to reclaim adat land.

In some cases, the taking of ulayat lands for transmigration was conducted without proper or adequate consultation. The interests of local adat communities were not fully addressed in the project’s preparation. This happened, for example, in the case of Orang Kubu Rimba, southern Sumatra.82 Economic and social impact was also reported in other areas, such as Papua.83 The transmigration program stopped in 2001.

Some efforts have been made by the Government to respond to the negative impact. For example, the Agrarian Minister/Head of the National Land Board issued Ministerial Regulation No. 5 of 1999 and prepared a draft governmental regulation on adat forests. Meanwhile, in the People’s Consultative Assembly, preparation began on a resolution on agrarian reform and management of natural resources. Some business circles welcomed this development, expressing their support to clarify adat areas. “For us, clarity about traditional (adat) areas is important for safe and comfortable business,” said a member of the management board of the Association of Forestry Businessmen in Indonesia (APHI). The West Kutai regional government in East Kalimantan issued a policy to map villages, confirming the locations of adat areas as the base for a regional spatial plan. The head of the Lore Lindu National Park has recognized the adat area of the Katu ethnic group within that park.

The impression has been created that issues on adat areas have become prominent, encouraging both government and business to pay serious attention. Nevertheless, such an impression does not prevail equally throughout Indonesia. Repressive measures where adat areas are not recognized continue to persist. In the case of the Moronene ethnic group within the Rawa Aopa Watumohai National Park, Southeast Sulawesi, the regional government tried to expel adat communities from the national park territory, which had been the adat area of those communities (see Box 6).

Access of adat communities to certain natural resources is now a common situation. Adat communities in West Kutai district, East Kalimantan, can obtain the Right to Collect Forest Products (HPHH), logging in an area covering 100 hectares, and the right to collect nontimber forest products (IPHHBK).84 The HPHH phenomenon is an interesting development for adat communities. After a long absence of adequate opportunity to benefit from forests, suddenly they have the freedom to use forest products, especially wood, which had been the monopoly of large companies. However, because of their lack of technological knowledge and sometimes through manipulation of information, adat communities have entrusted logging operations to business persons/outsiders. The communities receive only a fee from the logging business. Money circulation in these villages has consequently increased. Many villagers have overnight become rich. Some of them have spent their money on consumer goods, gambling, and enjoying nightlife. Gambling and prostitution are thought by many people...
to have developed as a result of logging activities: logging personnel need entertainment while they are in the district capital and villages. Local people also want to enjoy their long-lost freedom. Gambling and prostitution have become part of this attitude even, as noted above, at wakes, where professional gamblers and pimps have become commonplace. Gambling and prostitution have become serious problems for regional government and adat leaders.

The enforcement of regional autonomy has helped revitalization of adat institutions. Making use of the opportunity provided by Act No. 22 of 1999, some provinces and districts changed their village names back to the local names, rearranging village structure and area, resurrecting customary laws, and disseminating local knowledge, especially among the youth. In West Kutai district, a newly published local newspaper carried a special column called “Dayak Encyclopaedia.” As well, nearly every issue of the newspaper included an article about the history of various places and the meaning of different adat ceremonies. In Tanah Datar district, West Sumatra, “adat training” was given to school-age children.

In West Sumatra, “Back to nagari” became a popular movement. The customary regulations in Minangkabau, for example, were based on Islamic law, and were suppressed by the 1979 government Act. Therefore, people welcomed Act No. 22 of 1999 enthusiastically. “Pucuk dicinto ulam tibo (we got something more than expected); this desire has long been cherished, but we were afraid of expressing it,” said a leader of a Nagari Adat Council in Pagaruyung, Tanah Darat district.

The revitalization of adat institutions brought another change. Adat personalities feel that they have regained status. Some were adat elite. A phenomenon of feudal reawakening is thought to be emerging (as discussed in Chapter 2). Some of these adat personalities, who felt and were considered by the public to represent adat communities, acted on their own by leasing adat lands to private companies without prior discussion and approval of the whole community.

An equally interesting development among adat communities is the improvement of access to information and the expansion of networks. The presence of the newspaper in West Kutai, which reaches villages and contains information of rural development and issues of adat communities, is an example. Previously, some access to information and networks of adat communities were provided by NGOs. Technological advances like the Internet also enhanced their information access and the development of adat community networks. Mailing lists for airing and discussing problems and discussion on issues such as forestry, coastal and marine areas, farmers, and women, have brought the issues to a wide public. Some members of adat communities have formed NGOs working on different issues related to adat communities and have sought support from other parties. The story of the Moronene ethnic group (Box 6) is an outstanding example of exposition of an adat community’s problems, publicized by writing to influential persons, and which resulted in support from many groups.

The changing relationships in the present era include those among communities, between adat communities and the Government, between ordinary people and their elite, between adat communities and NGOs, and between adat communities and the public.
Indigenous Peoples/Ethnic Minorities and Poverty Reduction: Indonesia

The Moronene in Southeast Sulawesi have occupied the Sulawesi plain since around 2000 BC. They built villages called HukaEa and Lampopala. During 1950–1960, the community fled from the villages and were scattered due to attacks from the badik (dagger) gang and then from the DL/TII (Darul Islam/Islamic Army), a separatist movement at that time. Some of the community became captives and were made garden workers in Kolaka district. The rest of the Moronene community were evacuated to an area called Lerepako, but subsequently were returned to their native villages. However, they fled again when another attack was launched against them. In 1968, the Moronene community in HukaEa moved to Lampopala, which became the boundary of a national park. In 1977, the Commander of Buton Police asked the village head to gather the Moronene community members and rebuild their villages. However, for reasons of security and transportation, the subdistrict government asked the community to move to Tembe, which was subsequently renamed New HukaEa.

The journey of the Moronene community did not stop here. When transmigrant dwelling units were built in Rumbia subdistrict, the community members were included as transmigrants in one of the existing dwelling units. However, the transmigration location was not very fertile and the community experienced several failed harvests. Later, the transmigration area was changed into an industrial forest area and the Moronene lost their rights to their lands completely. After they left their native villages, the status of the land underwent a change. First, the area was declared a hunting park. In 1983, it was developed into a national park of 105,194 hectares.

Box 6. The Long Journey of the Moronene Community to Defend their Adat Territory

A bitter life in new places and a view that a village is a waworaha, or a territory that was once occupied by their ancestors and is abandoned only temporarily (by death or disaster), made the Moronene determined to regain their dwelling places, fields and plants, pasture, collective adat land, and ancestors’ graves. From 1987, they began to write letters to and visit in person different government officials and agencies, including the national park project leader, the Governor, the regional parliament of Southeast Sulawesi Province, the Regent and the second level regional parliament of Buton, the head of the Subcenter of Natural Resource Conservation, and even the Vice President. However, they did not get any satisfactory answers.

Finally, in 1996, some parts of the community returned to their old villages within the park. The national park officials and regional government considered them squatters and put pressure on them to leave the area as soon as possible. On 16 December 1997, a joint team of the second level regional government of Buton and park officials came to HukaEa and Lampopala hamlets and negotiated with members of those two hamlets to leave their newly rebuilt houses. The community again expressed its aspiration to regain its rights on that area. The joint team promised to discuss the matter with related agencies and gave a guarantee that the community could stay and make use of the forest. However, 12 days afterwards, on 28 December 1997, the joint team burned down the hamlets. At least 174 houses were burned and hundreds of plants destroyed. In that incident one community member died of shock.

Subsequently, the head of Buton issued a warning to
The effect that the community must stop their activities in the national park and dismantle the remaining houses on their own. The Government set 21 October 1998 as the deadline for the community, but it did not heed the warning. The government team launched a second operation on 23 October 1998. “Everybody was scared. Those who defied the rule were handcuffed immediately. Women fled into the woods,” recalled a community member. Twelve people were arrested, including an adat leader whose wife was in late pregnancy, who finally gave birth under a mango tree, not far from the debris of her house.

The court proceedings against those 12 people began to attract the attention of many parties. National and regional NGO networks worked intensively to gather support. Universities and lawyers also helped. Expert witnesses were presented to explain the change in the management paradigm of the conservation area (from evacuating to involving communities) to the council of judges. They gave information to and requested support from the State Minister for Environmental Affairs, the Parliament, and the National Commission on Human Rights, in addition to the Department of Forestry itself. Efforts at establishing a dialogue with the regional government were also made. Despite all these efforts, the fate of the Moronene community increasingly turned into a plight. Another government operation, called sapu jagad, was carried out on 23–25 November 2000. A published story described the event: “Cries of hundreds of people once again were heard only one day before Ramadan festivity. Senso tractors roared as they broke poles of the community houses at HukaEa hamlet. Head of the TNRAW Operational Team, who was concurrently the Governor’s Assistant for Islands Territory, Dr. Saleh Umarella wiped out sweat from his forehead: ‘My fate is at stake with this work,’ he said. The operation went on until dusk. All community members stood by stunned. Suni, a girl of 16 years old stood with her mouth shut. Her face was tense when a Senso tractor broke the poles of her aunt’s house .... Not far from where she stood, Imam, a community figure of HukaEa continuously shouted in Moronene dialect, ‘Sir, I beg you to give us time until Ramadan festivity is over. Give us time to finish our fast first.’ His call was accompanied by the mothers’ cry. No one was able to save his/her belonging when 23 pole houses went down on the first day of operation. 115 family heads fled for safety .... Mak Ngungsi, a young woman who gave birth to a baby only one week before ..... shed tears, and the red infant in her embrace also cried ...”

The course of history seems to separate the Moronene continually from their land.


---

**Box 6 (cont.)**
In Indonesia, the principles of ADB’s Policy on Indigenous Peoples were incorporated in a project that began in 2001, the Community Empowerment for Rural Development (CERD), carried out by the Community Empowerment Board, a government body within the Department of Home Affairs. This project aims to increase the real incomes of the poor, particularly the poorer rural communities in the peripheral areas of growth centers. The objectives are to empower rural communities by strengthening their capacity to plan and manage their own development activities, and to support investments and foster rural-urban linkages by establishing rural infrastructure to promote agricultural productivity and off-farm business enterprises. It is hoped that this project will uplift or raise the living standard of 74,000 families above the poverty level in 11 districts in 6 provinces in Kalimantan and Sulawesi. The target people are poor families with an annual income less than Rp670,000 (approximately US$60). In East Kalimantan, many project locations are transmigration villages adjacent to the villages of adat communities. The project’s implementing agency in the location said that they have no knowledge of an “indigenous peoples' development plan.”

ADB’s other current projects in Indonesia generally do not specifically target or address issues of adat communities. Nevertheless, many projects have taken place in adat community areas. Following are descriptions of three projects supported by ADB in these areas. Two were in Central Sulawesi, the SRADP and Central Sulawesi Integrated Area Development and Conservation Project (CSIAD&CP). The first project is viewed as successful in improving the communities’ economy, while the second is controversial, considering the many criticisms and objections by the local people and NGOs. The third project, in East Kalimantan, was a community-based rubber plantation project. Discussion with many parties shows that the project successfully improved the village economy.

PROJECT REVIEW

Sulawesi Rainfed Agriculture Development Project
(Loan No.1351-INO(SF), 31 January 1995)

General Profile

This project is located in four catchment areas in four provinces of Sulawesi: Limboto catchment area in Gorontalo district, North Sulawesi; Palu catchment area in Donggala district, Central Sulawesi; RorayaLaiya catchment area in Kendari district, Southeast Sulawesi;
and Saddang catchment area in Enrekang district, South Sulawesi. Total funding is US$52.59 million comprising about US$30.36 million from ADB as a loan, and about US$22.23 million from the Indonesian Government. The period of implementation is 7 years, 1995/1996–2001/2002.

In general, the project aims to increase the productivity, income, and prosperity of farmers living in the four catchment areas. Specific objectives are to increase the productivity and farm incomes of rainfed farmers; protect and improve the fragile upland environment; create employment in the rural areas; reduce poverty; and improve the socioeconomic condition, especially of women beneficiaries.

This project does not specifically target adat communities. However, at least in Central Sulawesi, many adat communities benefit from this project, because they are located in the project area.

There are four components: farm development, rural infrastructure, community development, and institutional strengthening.

**Implementation**

During its first 4 years (1995/96–1998/99), this project used a top-down, target-driven approach and lacked coordination. Based on a recommendation made by an ADB midterm review mission for the project in September 1999, coordination was improved by taking plantations as the leading sector and working in only one pilot area. The project then began using a participatory approach, with bottom-up planning through participatory rural appraisal (PRA). Priority was given to developing self-reliance, both at the farmer and local government level, to plan and implement development projects in a participatory manner. In line with this, community development was made the core component of the project.

PRA is the main strength of the community development program in this project. The aim is for farmers and those who implement the project to understand the problems and potential of each village, following which they can formulate plans together. The PRA is preceded by locating target farmers: poor farmers who have land and practice agriculture on marginal land. The result of the PRA is a village area development plan, which is eventually submitted to those responsible for implementation of the project for use as an input for the formulation of the list of project proposals (Daftar Usulan Proyek; DUP) for the following year.

Farmers who have been chosen join a farmers' group. The project also facilitates the formation of women farmers’ groups. To support village economic activities, a farmers’ business group helps farmers obtain production facilities and market their products.

The farm development component of the project provides assistance based on the findings of the PRA. In Central Sulawesi, for example, assistance in the plantation subsector is for development of coconut trees; for the food crop subsector, development of corn, and mangoes; and for the forestry subsector, development of candlenut and mahogany trees. Farmers are not given seeds, but grow seeds themselves in a community nursery. For women farmers, the project provides assistance in goat and chicken husbandry, in making tempe (fermented soybean cake, a traditional nutritious food in Indonesia), and in garden cultivation.

Institutional strengthening is done by training and extension activities for project staff and farmers. Training for farmers covers such issues as dryland farming techniques, land and water conservation, and agricultural product processing. Women farmers are also trained in home gardening.

Village infrastructure development is concentrated on the procurement of drinking water facilities and development or rehabilitation of village roads.

The project also uses NGO personnel. Their roles—there are three officers in each province, including one woman—are to assist in the community development program, liaise between project staff and the project consultant, and control and monitor the project. Their roles in the community development program are (1) to help establish the farmers’ business groups (Kelompok Usaha Bersama; KUB) and assist them in their business activities, (2) to help agricultural technology transfer, and (3) to facilitate the PRA. As independent organizations, NGOs are believed by the project to be capable of impartial assistance.

The NGO personnel do not come from the target villages. Their qualifications as facilitators could not normally be met by people from the villages. One difficulty is that the project in each village lasts only one year, not long enough for community development. When the project moves to another village, the NGO personnel also move and their assistance to the previous village ceases. To overcome this constraint, villagers are
recruited as village community development workers to replace the NGO personnel in assisting the community when the project ends.

**Project Output**

Although there has been no quantitative assessment of the project’s output, some activities have clearly benefited farmers and have received good response from the communities, as shown in the following examples.

Development and rehabilitation of the village road in Doda, Marawola subdistrict, Donggala district, Central Sulawesi, has reduced the transportation cost of sending farmers’ products to Palu city market from Rp5,000 (US$0.45) per sack of 50 kg to Rp1,500 (US$0.14), thus increasing their income.

Farmers have responded positively to the PRA method. In Toro village, for example, it enabled the target farmers to gather, express, and discuss their problems and needs and then formulate these as a development plan for the village.

The formation of farmers’ business groups (KUB) is based on *mapalus*, the existing natural grouping of people in each village. This makes cooperation between the members easier and makes the group solid. A KUB in Kanuna Village, subdistrict of Marawola, for example, succeeded in developing goat and chicken husbandry. The KUB is also helping farmers develop their self-organizing capability.

In 2000, community nurseries began to replace contractor-supplied planting materials. Farmers in Labuan Kungguma where this scheme is conducted view the nursery as a learning medium as well as for community empowerment.

Although there is delay in land titling in some villages, such as Toro, it has not caused conflict, or at least it does not prevent participation in the project. In Toro, a land certificate is not yet perceived as a necessity to secure rights to land because all villagers more or less know the boundaries of each other’s plots. A land certificate is not a prerequisite for formal sources of credit.

**Central Sulawesi Integrated Area Development and Conservation Project (Loan No. 1605-INO, 27 January 1998)**

**General Profile**

This project began in May 1998 and is to end in May 2005. The goal is to promote economic development and resource management that are environmentally sound and beneficial for the local population and the Lore Lindu National Park. The project has two interrelated objectives: (1) to improve the socioeconomic welfare of villages surrounding the park so that their economic sustenance will be independent of the park’s resources, and (2) to protect the park’s biodiversity by strengthening park management.

Targets of this project are 117 villages in 5 subdistricts of 2 districts in Central Sulawesi, Poso, and Donggala. The villages were chosen because they constitute a residence area in the buffer zone of Lore Lindu National Park and depend heavily on natural resources in the park.

The project components are:

- Community development, through which the project will address the development needs of those communities most affected by the establishment of the park: 60 villages in the buffer zone, 2 enclaves inside the park, and Katu Village. Through this component, the project also provides technical and financial support to move Katu Village out of the park.

- Park and buffer zone management, in which the project will carry out the following activities.
  - Support households in conservation agreements concerning land use in the buffer zone, working with the park authority. This activity will target households that have planted coffee or cocoa trees in areas along the park boundary. In return for their compliance with park protection regulations in the buffer zone areas, it is envisaged that the park authority might grant villagers harvesting rights to areas designated for traditional use according to the park’s 25-year management.
plan, and temporary harvesting rights to their coffee or cocoa trees inside the park.

- Help improve tourist facilities in the area by establishing a community-based ecotourism program targeting four gateway communities around the park. The program will help residents to operate small-scale tourism enterprises such as guiding, mountain biking, handicraft production, and accommodation.

- Make available funding for meetings and workshops to establish buffer zone forums to promote conservation awareness, identify and resolve land-use conflicts, and assist law enforcement authorities in monitoring poaching and encroachment.

- Rural support and infrastructure services, with three subcomponents: health and water supply, agricultural support services, and rural infrastructure.

- Project management and institutional strengthening to increase the quality of project staff through training related to planning issues and for management, monitoring, and evaluation of project implementation.

Total funding of this project is US$53.7 million, of which US$32.0 million is an ADB loan; US$3.2 million is from the United States Agency for International Development/The Nature Conservancy; US$14.2 million is from the Government; and US$4.3 million is from the beneficiaries.

Implementation

This project involves many sectors, hence many government institutions, at the national, provincial, district, and subdistrict level. Coordination is crucial but very difficult, because each sector tends to operate independently with separate subproject proposals.

Designed as a project with an “integrated participatory approach,” it was criticized by some participants (several of whom are target people) in the present study’s provincial workshop on 5–6 June 2001 because CSIAD&CP implementation is said to lack transparency and use a top-down approach. This criticism is the main reason for the stand by some NGOs against the government’s external debts.

One subcomponent of the project, resettlement of Katu village (which is still pending), will be based on ADB’s Guidelines on Involuntary Resettlement, according to the Project Administration Memorandum. However, according to the participants of this study’s provincial workshops, the executor of the resettlement activity did not follow ADB’s guidelines, but followed the “old pattern” used by the Government when it resettled people. Relocation under the project was said to have the consent of the Katu people, but the public consultation process, as well as the validity of Katu peoples’ representation in the process, is being questioned.

Other deviations in project implementation, recorded by WALHI Sulawesi Tengah, a local NGO, were delays in implementing some subcomponents and lack of participation by the target group; also the quality of public facilities and infrastructure was found to be poor.

Tree Crop Smallholder Sector Project
(Loan No. 1118-INO, 14 November 1991)

General Profile

The Tree Crop Smallholder Sector Project (TCSSP) began in 1992/93 and ended in March 2001. The total budget for the project was Rp42,030,000,000, comprising Rp10,735,191,000 from the Government and the remainder, Rp31,294,809,000, from an ADB loan. Five subdistricts in Kutai district (now West Kutai district) were involved in the project, which covered 10,000 hectares with the involvement of 10,000 people.

The project was intended to provide assistance to farmers to plant good-quality rubber trees. The farmers were required to have at least 1 hectare of land. The assistance was in the form of 500 seedlings, land preparation cost, land certification, and a loan for fertilizer and production facilities. The credit was to be paid back in the fifth year. For 5 years, the farmers were to be reimbursed for the cost of maintaining their trees. In the first year, they could plant rice or hybrid corn between the seedlings.

Project implementation was done in the following phases: (1) an inventory of potential land and farmers by a team whose members were from Jakarta, the target
province, and the project implementing agency; (2) an awareness campaign to inform people about the project; (3) establishment of field organization and training for the project implementing agency; and (4) establishment of farmers’ groups, joint business groups, and cooperatives.

According to the Plantation Service Office of East Kalimantan, 3,911 farmers had harvested 4,500 tons of rubber up to 2000. It was estimated that a farmer with 1 hectare of land could harvest 96 kilograms of rubber each month. Farmers’ yields and income were to be improved as shown in Table 6.1.

Table 6.1 Annual Income of Farmer Households Before and After the Project

<table>
<thead>
<tr>
<th>Crop</th>
<th>Yield</th>
<th>Income (Rp)</th>
<th>Crop</th>
<th>Yield</th>
<th>Income (Rp)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rice</td>
<td>1 ton</td>
<td>1,500,000</td>
<td>Rice</td>
<td>2.25 tons</td>
<td>2,250,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Corn</td>
<td>250 kg</td>
<td>625,000</td>
</tr>
<tr>
<td>Vegetables</td>
<td></td>
<td>750,000</td>
<td>Vegetables</td>
<td></td>
<td>900,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Rubber</td>
<td>1.4 tons</td>
<td>4,320,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>2,250,000</td>
<td></td>
<td></td>
<td>8,095,000</td>
</tr>
</tbody>
</table>


The project was viewed, not only by the project implementers but also by NGOs and academicians, as one that could improve farmers’ income and village economy. Barongtongkok and Melak—where the project took place—became an example of the success of community-based rubber plantations in East Kalimantan.

There were almost no significant problems during the project. The relationship between the field officers and farmers was good. Prior to project implementation, these officers made personal visits to the village leader and adat leader. One critical problem was delayed supply of seedlings from the contractor, resulting in a delay in planting. The seedlings came in the wrong season. Marketing also became a problem. The rubber farmers usually depended on entrepreneurs coming to the village, resulting in a low price for the harvest. The project office tried to develop partnerships with private companies to build rubber-based industries in Kutai district so that the farmers could sell the rubber directly to these companies at a higher price. Also made possible the transfer of land rights. Indeed, some land in the project areas has been transferred or sold to outsiders (mainly from the Bugis ethnic group).

**Target Groups**

The project targeted villagers in localities that included adat communities and transmigrant villages. The project leader said that the project did not intend to differentiate between people of different ethnic origins. The implementing agency informed the adat leader in each village about the project. It was important that the lands targeted be free of conflict because one component of the project was land-right certification, which was only possible for lands outside forest areas. This certification resulted in individual land rights and

**Project experiences in Sekolaq Darat**

Sekolaq Darat, a village in West Kutai district, was the first area to be planted under the project. In the 1980s, the PRPTE brought big changes to the village economy. The communities that previously only knew the jungle rubber were able to use better seedlings. From the mid-1980s to the mid-1990s, the rubber price was good and enhanced farmers’ income. The village itself improved to the extent that it became a model for other villages.

Based on the success of PRPTE, the people of Sekolaq Darat were very enthusiastic about the TCSSP project and voluntarily enrolled as participants. It was estimated that about 390 farmers with 390 hectares of land were involved in the project between 1992/93 and 1997/98. Some of them are now harvesting rubber.
As mentioned above, seedlings were the main problem in this project. In addition to the delayed supply, rubber production was not satisfactory. After looking at the land quality, planting season, and maintenance activities, project officers concluded that the problem might be the seedlings. It was also found that the seedling contractor was using a grafting technique instead of the correct method of inoculation.

The agricultural extension agent apologized for the company’s actions regarding the seedling supply. There were other complaints concerning the contractor: the instructions for growing the trees were given without allowing the farmers to discuss the procedures. The seedling supply should have been done by the farmers as a component of the project rather than by an external contractor that was unknown to the recipients. (See Box 7 for details of this matter.) From this experience, the farmers learned the value of access to information and networks.

Many farmers lost their rubber trees during the first year of harvesting in the 1997 forest fire. Then the price of rubber fell, from Rp3,700 (US$1.85) per kilogram at the beginning of the project in 1992 to Rp2,500 (US$0.23) per kilogram at the time of this study; the price drop occurred as a result of the economic and financial crisis in 1997.

The TCSSP was designed and implemented in the conventional top-down manner. The people were unable to participate in planning or monitoring, a lack of trust prevailed, and there was no effort to control dishonest business practices. The farmers were simply technology users; there was no systematic improvement in their knowledge of plantations.

**GENERAL ANALYSIS**

Some general comments can be made concerning the three projects described above. First, projects not specifically targeted for adat communities can affect them. The SRADP and TCSSP began before 1998, when the Bank adopted the Policy on Indigenous Peoples, which explains the lack of focus on or attention to adat communities. However, the CSIAD&CP, which began in 1998 and which has had great impact on adat communities, also did not place special attention on adat communities.

The CERD project, briefly mentioned earlier, takes into account the need for an indigenous peoples’ development plan during implementation. That project did identify indigenous peoples as those in adat communities in its target areas, using the government’s definition of an “isolated adat community.” However, the implementing agency of CERD may not be giving proper attention to issues of indigenous peoples or adat communities in the project location. Adat communities tend be more vulnerable than other groups and their vulnerability to some extent is due to past injustice. Thus, it is important that there should be special treatment for such groups. Affirmative action should be taken by the Government toward them.

Second, the performance of the three projects varied considerably. The SRADP learned from some of its failures and was improved by using a participatory and bottom-up approach through PRA and through cooperation with NGOs. It has also made community development the core program. The CSIAD&CP was quite weak in its use of these approaches, while the TCSSP used a top-down approach. This variability in performance is in part due to lack of coordination and cooperation between the projects. This also raises the issue of policy coordination within ADB itself regarding the implementation of its projects.

Third, it seems that the good performance of the SRADP relates to the role and function of the consultants and NGOs. The consultants in this project performed their role and function independently and professionally. They have recommended some innovative approaches such as the need to recruit village community development workers, and have played an important role in the implementation of institutional strengthening programs and other components of the project. NGO personnel have played their role as facilitator well and, to some extent, have become development pioneers.
The Antonius family, Tunjung people of Sekolaq Darat village, have 3 sons. The first dropped out of secondary high school; the second passed elementary school, and the youngest is still in elementary school. The father is 40 years old; the mother is younger but does not know her age. The family usually stays in the village. Mr. Antonius went once to Samarinda and 2 or 3 times to the district capital.

The family lives in the center of the village. Their house is smaller than most other houses and is of rough timber. It consists of a single room of 45 square meters and contains only a traditional stove, some kitchen equipment, a damaged mat, and a cupboard.

They have 1 hectare of land, which originally was planted with 500 rubber seedlings as part of the ADB-supported TCSSP. They also have 0.5 hectares of land for planting rice. Around their house are fruit trees.

Mr. Antonius planted rubber trees to improve his family's life and was encouraged to do so because other farmers also planted rubber trees. Unfortunately, most of his rubber trees were burned down in the 1997 fire. The remaining rubber trees did not provide good yields despite the extension worker's advice. Worse, the price of rubber fell around that time. His rice yield was not enough for his family and it was impossible to open up new land because the existing forests had become a nature reserve and a transmigration area. The family did not sell their fruit. They sold pepper but the price was low.

Adding to their difficulties is the increasing price of goods as oil price has increased. They have no promising income source. They need 2 kilograms of rice each day and feel secure when they have sufficient rice. If they have money they buy fish; if not, the sons go fishing.

Nevertheless, the family tries to maintain their relationship with relatives and neighbors. For medication, they can obtain credit at the clinic and pay when they get money. They expect the same assistance for their sons' education, but realize the large expense. The second son said, “It is very costly to enter secondary school. If we don't have money I won't go to school.” He said that if he cannot go to school, he will help the family at home.

This chapter presents a draft action plan in the form of a matrix of elements that should be used to reduce poverty among adat communities in Indonesia. It is based on consultation with various stakeholders in the framework of the present study and on discussions and recommendations from the study's national workshop on Adat Communities and Poverty Reduction, Jakarta, 26–27 September 2001.

Efforts and programs to reduce poverty of adat communities can be effectively carried out if the roots of their poverty problems are well understood. If their poverty is perceived to be closely related to economics, then it is a natural resource-based economy. Therefore, guaranteed access to natural resources is a key factor for their livelihoods. Access by adat communities to their natural resources has become more and more limited over the years, mainly due to national policies and legislation that have more or less ignored the rights of adat communities, including their rights over natural resources.

As this access has become more limited, the degree of conservation and the quality of natural resources have decreased as well. Furthermore, state institutions have not been successful in controlling and enforcing regulations related to the use and management of natural resources. Meanwhile, adat institutions have over the years been weakened and disempowered. The end result is almost uncontrolled use of natural resources and consequent conflicts.

The extent of poverty of adat communities is also influenced by such factors as geography (isolation), culture, and educational attainment. Efforts and programs to reduce poverty need to be carried out in an integrated way considering all these interrelated factors.

Efforts or programs to reduce poverty in adat communities have to be participatory because poverty does not only relate to issues of income and basic needs and services, but also to the availability of assets and opportunity to participate in the development process. In this view, poverty reduction programs for adat communities can be said to be programs of empowerment of adat communities in order for them to be capable of developing themselves.

The following plan in the form of a matrix of activities to alleviate poverty in adat communities is based on these considerations. The time frame for each action is based on the fact that the present Government is a transitional one. Thus, no time limits are offered for some of the activities.

The plan is addressed to all stakeholders, from the local or village level to the district, provincial, national, and international level.
## ACTION PLAN MATRIX

<table>
<thead>
<tr>
<th>No.</th>
<th>Agenda</th>
<th>Policy/Activity</th>
<th>Executor</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Resolution of conflicts on natural resources</td>
<td>1. Inventory or record of conflicts in the regions</td>
<td>District and provincial government</td>
<td>1st quarter of 2002</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Multistakeholder workshops in the regions on the mechanism and institutional aspects of the resolution of conflicts on natural resources (restitution and other mechanisms)</td>
<td>Regional government in cooperation with stakeholders</td>
<td>2nd quarter of 2002</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. National multistakeholder workshop on the mechanism and institutional aspects of the resolution of conflicts on natural resources and reparation of rights of adat communities. The workshop should at least include the Department of Justice and Human Rights, Department of Forestry and Plantation, Department of Mining and Energy, National Land Board, Supreme Court (especially its Administrative Court Division), National Commission on Human Rights, Transitional Justice Society, National Legislative Assembly (DPR), and elite or elders of adat communities</td>
<td>Department of Justice and Human Rights as facilitator</td>
<td>3rd quarter of 2002</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4. A Presidential Instruction that will assign relevant ministers to formulate a plan for restitution of land rights and rights over natural resources</td>
<td>President of Indonesia</td>
<td>3rd quarter of 2002</td>
</tr>
<tr>
<td>2</td>
<td>Full recognition of adat communities including, inter alia, recognition of their existence, territory, institutions, and local knowledge</td>
<td>1. Workshop carried out by adat communities to formulate mechanisms for full recognition</td>
<td>AMAN and other organizations of adat communities</td>
<td>Start in the 2nd quarter of 2002</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Multistakeholder workshops to formulate mechanisms for recognition of adat communities both at the regional and national level, using inputs from the workshops carried out by adat communities</td>
<td>Central and regional government, NGOs, universities, and donor and credit institutions</td>
<td>Start in the 3rd quarter of 2002</td>
</tr>
</tbody>
</table>

continued next page
**ACTION PLAN MATRIX (cont.)**

<table>
<thead>
<tr>
<th>No.</th>
<th>Agenda</th>
<th>Policy/Activity</th>
<th>Executor</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• claims of adat communities; • submission of objection; and • verification</td>
<td>3. Study to identify adat communities, based on recommended identification mechanisms formulated by the workshops. The identification process should be participatory, allow for the diversity of adat communities, and be compatible with perceptions by adat communities (as part of the implementation of wider autonomy of adat communities)</td>
<td>Universities, research institutions, NGOs, and organizations of adat communities, with support from regional governments and international institutions</td>
<td>Start in the 3rd quarter of 2002</td>
</tr>
<tr>
<td></td>
<td><strong>3 Protection of adat communities</strong></td>
<td>Guidance by Indonesian government bodies on protection of adat communities’ rights, which can be further developed as a special Act on adat communities, the promulgation of which will involve adat communities, related government bodies, and other parties related to the issues of adat communities</td>
<td></td>
<td>Start in the 2nd quarter of 2002</td>
</tr>
<tr>
<td></td>
<td><strong>4 Strengthening the organization of adat communities</strong></td>
<td><strong>A. Formation of organizations to represent adat communities</strong></td>
<td>Adat communities</td>
<td>1st quarter of 2002 (in line with the willingness of the adat communities)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1. Forming organizations of adat communities at various levels (village, district, province, etc.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>B. Empowerment of adat communities to run organizations based on the principles of democracy, transparency, public accountability, and respect for human rights</strong></td>
<td>AMAN or existing adat community organizations, NGOs, or universities, as facilitators</td>
<td>Continue existing process and start new process in 1st quarter of 2002</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Helping adat communities develop the capacity to organize themselves</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. Training and cross-visits</td>
<td>AMAN or existing adat community organizations, NGOs, or universities, as facilitators</td>
<td>Continue existing process and start new process in 1st quarter of 2002</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>3. Training and cross-visits</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>continued next page</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### ACTION PLAN MATRIX (cont.)

<table>
<thead>
<tr>
<th>No.</th>
<th>Agenda</th>
<th>Policy/Activity</th>
<th>Executor</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Participation of adat communities in the development process</td>
<td>1. Formulating a policy on free and prior informed consent (consent freely given by adat communities, based on the information provided and distributed in sufficient time before a project’s implementation)</td>
<td>Department of Justice and Human Rights, National Development Planning Board, and other related departments, involving other parties such as AMAN and international institutions including ADB</td>
<td>One year (2002)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Educating adat communities on critical legal aspects in order for them to control the implementation of development projects</td>
<td>Universities/research institutes and NGOs</td>
<td>Start in the 1st quarter of 2002</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. Establishing a bicameral system, consisting of representatives of the regions and representatives of political parties; representatives of adat communities to be added as a part or component of the regional representation</td>
<td>Committee of General Elections</td>
<td>Start during the next general election process</td>
</tr>
<tr>
<td>6</td>
<td>Increasing the quality of human resources of adat communities</td>
<td>1. Developing educational facilities and services with prior consultation and consent of adat communities</td>
<td>Dept. of National Education</td>
<td>Start in the 2nd quarter of 2003</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Reforming curricula in order to incorporate knowledge of local culture into formal education curricula</td>
<td>Dept. of National Education</td>
<td>Start in the 2nd quarter of 2003</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. Developing health facilities and services with prior consultation and consent of adat communities</td>
<td>Dept. of Health</td>
<td>Start in the 2nd quarter of 2003</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4. Developing traditional medicines</td>
<td>Regional government, NGOs, and universities as facilitators</td>
<td>Start in the 1st quarter of 2002</td>
</tr>
</tbody>
</table>

continued next page
<table>
<thead>
<tr>
<th>No.</th>
<th>Agenda</th>
<th>Policy/Activity</th>
<th>Executor</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.</td>
<td>Development of the economy of adat communities</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A.</td>
<td>Recognizing the importance of agricultural, fishery, and medicinal products of adat communities</td>
<td>1. Establishing special prices for environmentally sound products of adat communities</td>
<td>Dept. of Industry and Trade</td>
<td>2002–2003</td>
</tr>
<tr>
<td>B.</td>
<td>Creating direct markets for products of adat communities</td>
<td>3. Formation of business-oriented groups or business/producer associations by adat communities</td>
<td>Regional government, NGOs, universities, and adat communities’ organizations as facilitators</td>
<td>Start in the 2nd quarter of 2002</td>
</tr>
<tr>
<td>C.</td>
<td>Increasing the adat communities’ capacity on economic knowledge</td>
<td>4. Training on issues related to economic development</td>
<td>Government, NGOs, universities, and business persons</td>
<td>Start in the 1st quarter of 2002</td>
</tr>
<tr>
<td>8.</td>
<td>Institutional strengthening</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A.</td>
<td>Adat institutions</td>
<td>1. Making policies by regional government to revitalize and strengthen adat institutions.</td>
<td>Regional government with support of adat communities’ organizations</td>
<td>One year (2002)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Documenting adat laws in Indonesia</td>
<td>Adat communities with support of universities, research institutions, NGOs, and regional governments</td>
<td>Start in the 1st quarter of 2002</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. Recognizing the adat judiciary system as an alternative for conflict resolution</td>
<td>Supreme Court and Dept. of Justice and Human Rights</td>
<td>2002–2003</td>
</tr>
<tr>
<td>B.</td>
<td>Government bodies (executive, legislative, and judiciary)</td>
<td>4. Capacity building for government personnel in supporting the recognition, protection, respect, and promotion of adat communities’ rights through education and training</td>
<td>Central and regional government with support of relevant institutions (universities, NGOs, organization of adat communities, and donor/credit agencies</td>
<td>Start in the 1st quarter of 2002</td>
</tr>
</tbody>
</table>

continued next page
### ACTION PLAN MATRIX (cont.)

<table>
<thead>
<tr>
<th>No.</th>
<th>Agenda</th>
<th>Policy/Activity</th>
<th>Executor</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>C. International Institutions</td>
<td>5. Strengthening related international institutions (including the UN) in handling issues of adat communities (such as support to the establishment of a permanent forum for indigenous peoples).</td>
<td>Related international institutions</td>
<td>Start in 1st quarter of 2002</td>
<td></td>
</tr>
<tr>
<td></td>
<td>6. Implementing the principle of free and prior informed consent in every project supported by international institutions</td>
<td>Related international institutions</td>
<td>Continue existing program and start new process in 2nd quarter of 2002</td>
<td></td>
</tr>
<tr>
<td>9 Factors for empowerment of adat communities</td>
<td>A. Policy/law reform:</td>
<td>Universities, research institutions, NGOs, with support of central and regional government and international development agencies</td>
<td>Start in 1st quarter of 2002</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• identification of policies/laws (national, regional, local) that are not supportive of adat communities;</td>
<td>Central government (related department), DPR, and regional government</td>
<td>Continue existing program and start new process in 2nd quarter of 2002</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• reform process; and</td>
<td>Central government and DPR</td>
<td>Start in 1st quarter of 2002</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1. Review of policies (in participation with adat communities)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2. Revision of the Acts and other implementing regulations including regional/local regulations that negatively impact adat communities</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>3. Ratification of international law instruments related to adat communities and human rights (such as ILO Convention 169 and the International Covenant on Civil and Political Rights)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>4. Public consultation in the process of revision/making of policies/laws</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>5. Adjustment of policies/laws</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Continued next page
<table>
<thead>
<tr>
<th>No.</th>
<th>Agenda</th>
<th>Policy/Activity</th>
<th>Executor</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• harmonization of national and regional legislation with new regulations supportive of adat communities</td>
<td>6. Making and enforcing control mechanisms in project implementation</td>
<td>Central government (related department), DPR, and regional governments with support of civil society</td>
<td>Continue existing program and start new process in 2nd quarter of 2002</td>
</tr>
<tr>
<td></td>
<td></td>
<td>7. Finance/fund collection (or mobilization) by adat communities</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>B. Good government</td>
<td>8. Seeking sources of nonbinding grants</td>
<td>Central (relevant departments) and regional governments</td>
<td>Immediately following the making of a new policy</td>
</tr>
<tr>
<td></td>
<td>C. Financing the empowerment of adat communities:</td>
<td>Alternatives:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>9. Rescheduling debt payments</td>
<td>Project executor and donor/creditor agencies</td>
<td>1st quarter of 2002</td>
</tr>
<tr>
<td></td>
<td>• self financing of adat communities;</td>
<td>10. Debt “forgiveness.”</td>
<td>Adat communities and adat community organizations</td>
<td>Continue the existing process</td>
</tr>
<tr>
<td></td>
<td>• use of grants; and</td>
<td>11. Selective commitment to/for new debt</td>
<td>Government, NGOs, universities, and adat communities’ organizations</td>
<td>Continue the existing process</td>
</tr>
<tr>
<td></td>
<td>• selective use of debt, based on rational consideration and on ability (or capability) to repay and real need</td>
<td>12. Disallowing new debt</td>
<td>Government and international donor agencies</td>
<td>Immediately after CGI meeting in November 2001</td>
</tr>
</tbody>
</table>


____. 2000a. RRP:INO 32367, Report and Recommendation of the President to the Board of Directors on Proposed Loans and Technical Assistance Grant to the Republic of Indonesia for the Community Empowerment for Rural Development Project. September.


CGI (Consultative Group on Indonesia) and Ministry of Forestry. 2001. Report to Stakeholders. Minister of Forestry, Republic of Indonesia, 24 April.


Fauzi, N. 2000. Budaya Menyangkal: Konsep dan Praktek Politik Hukum Agraria yang Menyangkal Kenyataan Hak-Hak Masyarakat,” dalam Wacana, edisi 6 Tahun II.


Konsorsium Pembaruan Agraria, Katakan Tidak pada Sertifikasi Tanah Komunal. Memorandum KPA No.4.


Sumardjono, M.S.W. 1993. Hak *Ulayat* dan Pengakuannya oleh UUPA. Kompas, 13 May.


Indigenous Peoples/Ethnic Minorities and Poverty Reduction: Indonesia

---


---


---


ANNEX I

Location and Size of Isolated Adat Communities

<table>
<thead>
<tr>
<th>No.</th>
<th>Location</th>
<th>No. of Households</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Aceh</td>
<td>2,428</td>
</tr>
<tr>
<td>2.</td>
<td>West Sumatra</td>
<td>1,076</td>
</tr>
<tr>
<td>3.</td>
<td>Riau</td>
<td>3,590</td>
</tr>
<tr>
<td>4.</td>
<td>Jambi</td>
<td>1,850</td>
</tr>
<tr>
<td>5.</td>
<td>South Sumatra</td>
<td>497</td>
</tr>
<tr>
<td>6.</td>
<td>Bengkulu</td>
<td>4,390</td>
</tr>
<tr>
<td>7.</td>
<td>West Java</td>
<td>1,542</td>
</tr>
<tr>
<td>8.</td>
<td>East Nusa Tenggara</td>
<td>8,971</td>
</tr>
<tr>
<td>9.</td>
<td>West Kalimantan</td>
<td>15,891</td>
</tr>
<tr>
<td>10.</td>
<td>Central Kalimantan</td>
<td>4,182</td>
</tr>
<tr>
<td>11.</td>
<td>South Kalimantan</td>
<td>4,724</td>
</tr>
<tr>
<td>12.</td>
<td>East Kalimantan</td>
<td>7,335</td>
</tr>
<tr>
<td>13.</td>
<td>North Sulawesi</td>
<td>1,640</td>
</tr>
<tr>
<td>14.</td>
<td>Central Sulawesi</td>
<td>6,995</td>
</tr>
<tr>
<td>15.</td>
<td>South Sulawesi</td>
<td>6,372</td>
</tr>
<tr>
<td>16.</td>
<td>Southeast Sulawesi</td>
<td>5,024</td>
</tr>
<tr>
<td>17.</td>
<td>Maluku</td>
<td>2,717</td>
</tr>
<tr>
<td>18.</td>
<td>Papua</td>
<td>147,153</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>227,337</strong></td>
</tr>
</tbody>
</table>

Source: Directorate of Prosperity of Isolated Adat Communities (2000).

ANNEX II

Adat Community Organizations that have joined AMAN

<table>
<thead>
<tr>
<th>No.</th>
<th>Organization</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Aliansi Masyarakat Adat Kalimantan Barat (AMA Kalbar)</td>
<td>Kalimantan Barat</td>
</tr>
<tr>
<td>2.</td>
<td>Aliansi Masyarakat Adat Toraja, Sulawesi Selatan (AMAT)</td>
<td>Toraja, Sulawesi Selatan</td>
</tr>
<tr>
<td>3.</td>
<td>Aliansi Masyarakat Adat Sulawesi Tengah (AMASUTA)</td>
<td>Sulawesi Tengah</td>
</tr>
<tr>
<td>4.</td>
<td>Dewan AMAN Bali</td>
<td>Bali</td>
</tr>
<tr>
<td>5.</td>
<td>Jaringan Kerja Masyarakat Adat (JKMA) Atjeh</td>
<td>Aceh</td>
</tr>
<tr>
<td>6.</td>
<td>Badan Perjuangan Rakyat Penunggu Indonesia (BPRPI)</td>
<td>Medan, Sumatera Utara</td>
</tr>
<tr>
<td>7.</td>
<td>Dewan AMAN Sumut</td>
<td>Parapat, Sumatera Utara</td>
</tr>
<tr>
<td>8.</td>
<td>Dewan AMAN Sumatera Barat</td>
<td>Sumatera Barat</td>
</tr>
<tr>
<td>9.</td>
<td>Dewan AMAN Riau</td>
<td>Riau</td>
</tr>
<tr>
<td>10.</td>
<td>Dewan AMAN Jambi</td>
<td>Jambi</td>
</tr>
<tr>
<td>11.</td>
<td>Ikatan Masyarakat Adat Sumatera Selatan (IMASS)</td>
<td>Sumatera Selatan</td>
</tr>
<tr>
<td>12.</td>
<td>Dewan AMAN Sulawesi Selatan</td>
<td>Sulawesi Selatan</td>
</tr>
<tr>
<td>13.</td>
<td>Jaringan Masyarakat Adat (JAMA) Bengkulu</td>
<td>Bengkulu</td>
</tr>
<tr>
<td>14.</td>
<td>Dewan AMAN Lampung</td>
<td>Lampung</td>
</tr>
<tr>
<td>15.</td>
<td>Aliansi Masyarakat Adat (AMA) Kalimantan Timur</td>
<td>Kalimantan Timur</td>
</tr>
<tr>
<td>16.</td>
<td>Aliansi Masyarakat Adat Paser Kalimantan Selatan</td>
<td>Kalimantan Selatan</td>
</tr>
<tr>
<td>17.</td>
<td>Dewan AMAN Kalimantan Tengah</td>
<td>Kalimantan Tengah</td>
</tr>
<tr>
<td>18.</td>
<td>Aliansi Masyarakat Adat Sulawesi Tenggara (AMATRA)</td>
<td>Sulawesi Tenggara</td>
</tr>
<tr>
<td>19.</td>
<td>Perekat OMBARA</td>
<td>Lombok Barat, NTB</td>
</tr>
<tr>
<td>20.</td>
<td>JAGAT NTT</td>
<td>NTT</td>
</tr>
<tr>
<td>21.</td>
<td>Dewan AMAN Papua Barat</td>
<td>Papua</td>
</tr>
<tr>
<td>22.</td>
<td>Baileo Maluku</td>
<td>Maluku</td>
</tr>
<tr>
<td>23.</td>
<td>Dewan AMAN Sulawesi Utara</td>
<td>Sulawesi Utara</td>
</tr>
</tbody>
</table>

ENDNOTES

1 The indigenous peoples term is also used, for instance, in the International Labour Organization Convention 169 of 1989, on Indigenous and Tribal Peoples in Independent Countries. The use of peoples, as a plural word, indicates recognition of communities as a group and not merely an aggregation of individuals ("implying a greater and more positive recognition of group identity and corresponding attributes of community"—see Anaya (1996).
2 Alcorn (2000).
3 Communities of Minangkabau use nagari, while those in Kalimantan use kampoong, and so on.
4 Director General of Social Welfare, Social Department, as quoted by Moniaga (1999).
5 During the period of Abdurrahman Wahid, it became Badan Kesejahteraan Sosial Nasional (National Agency for Social Welfare), but the name Social Department was readopted by Megawati Soekarnoputri to replace the agency.
6 Efforts to empower them at a glance. Directorate of Prosperity of Isolated Adat Communities, Jakarta. 2000.
7 In Banggai district (Kahumamaon, Loinang, and sea tribal groups), in Poso district (Wana and Rampi), in Donggala district (Tolare/Da’a, Raranggonau, Lauje, Tajio, Kori, Pendau, Tandau, and Binggi), and in Buol Toli-Toli district (Lauje, Pandau, and Dondo). See Anon. (2000).
8 As quoted by Zerner (1992).
9 See Ter Haar (1962). Indonesian translations of this Dutch term interchangeably uses masyarakat hukum, masyarakat adat, or masyarakat hukum adat. In this study, the term adat community is used.
10 Wignysoebroto (1999).
11 See Li (2000).
13 Demands of Papuans for the recognition and protection of their rights were often seen as demands for secession from Indonesia. However, one study shows the contrary: rural communities in Papua stated that their demands are mainly due to the hopeless situation with regard to recognizing and protecting their human dignity. See Visser (2001).
14 NGOs recognize that they have been facilitating adat communities since the mid-1980s using the argument: "Adat communities are one of the major groups that benefit nothing from-and are even sacrificed by- development politics." These efforts were consolidated after the establishment of JAPHAMA (AMAN, 2001).
16 See Annex 2 for a list of organizations that have joined AMAN.
19 See Annex 2.
An NGO officer explained that the term *masyarakat terasing* is confusing to communities, who ask how they can be considered newcomers when they have been living in an area for generations.

Implementation of this policy is now at the stage of making regulations for *adat* forests.

This was learned in the project workshop held in Palu, Central Sulawesi. Some participants claimed to be representatives of the *adat* communities in several places. Most of them were retired government officials and regional politicians.

A Head of District (*Bupati*) visited during the consultation stated that the *adat* community in his region should be proud because the *Bupati* also came from that *adat* community. In the past, the *adat* communities were considered uneducated and underdeveloped. With his increased authority, this *Bupati* has promised to develop his *adat* community, something that was impossible in the previous regime.


Concerned with the situation, AMAN and other NGOs helping *adat* communities organized a meeting in April 2001 to reflect upon their involvement. During the reflection, it was made clear that their role is not awakening feudalism but developing civil society. The NGO movement is an effort to protect the oppressed (*adat* communities).

These two terms substantially have the same definition and are used officially in national law. *Adat* law community is mentioned and recognized in, among others, UUD 45 (the Indonesian Constitution), Act No. 39 of 1999, Act No. 5 of 1960, and Act No. 41 of 1999. The term *adat*, community itself has been frequently used by NGOs since 1960 when the Agrarian law was discussed within the Parliament and with the Agrarian Minister, 12 September 1960. See Harsono (1999). In national law, this term is used in Act No. 25 of 2000 on Propenas.


Moniaga (1999), quoting Soediman Kartohadiprodjo.

Statistical data on Central Sulawesi indicate that the number of indigenous people in this province is about 6,000 households (31,000 people) associated with 15 ethnic groups in Banggai district (Kahumamaon, Loinang, and Sea), in Poso district (Wana and Rampi), in Donggala district (Toalare/Da’a, Raranggonau, Lauje, Tajio, Kori, Pendau, Tandau, and Binggi), and in Buol Toli-Toli district (Lauje, Pandau, and Dondo). The same data indicate the changes in population number of indigenous people for the last 4 years between 1996 and 2000: in 1996/1997, they numbered 7,147 households (35,790 people); in 1997/1998, there were 6,539 households (30,523 people); 6,663 households (33,221 people) in 1998/1999; 5,758 households (29,100 people) in 1999/2000; and in year 2000, there were 6,066 households (30,622 people). See Anon. (2000).

The integrationist or assimilationist view requires a certain culture to be integrated into another, dominant culture. This approach, for instance, was the motivation behind the rules of ILO Convention No.7: Concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries, 26 June 1957, 328 United Nations Treaty Series 247.


ADB (1999).

See Annex 2 on various community groups that identify themselves as *adat* communities and have joined AMAN.
Article 18 B Para. 2 states: “State recognizes and respects the unities of *adat* law communities with its traditional rights...” Article 28 I Para. 3 states: “Cultural identity and rights of traditional communities are respected in line with evolving time and civilization.” Travaux préparatoires of these two articles during the People’s Assembly session do not give a reason for the use of these two different terms. It seems that the use of the terms traditional community in Article 28 I Para. 3 follows People’s Assembly Decision No XVII/MPR/1998 on Human Rights. This Decision uses the term traditional community and the term is tied to rights over *ulayat* land—the right that is usually associated with an *adat* law community—and not to the traditional rights as used in Article 18 B Para. 2. Article 41 of the Human Rights Charter, which constitutes a part of this People's Assembly Decision, states: “Cultural identity of traditional communities, including their right over *ulayat* land, is protected in line with evolving time.”

This approach is intended to integrate or assimilate a culture or community into another, dominant, culture or community. It is this approach that constitutes the spirit of the provisions of ILO Convention No. 107 of 1957 concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries, 26 June 1957, 328 United Nations Treaty Series 247.

Article 6 Para. 1: “In the framework of maintenance of human rights, the differences in and the needs of, adat law communities are observed and protected by the law of society and Government.” Article 6 Para. 2: “Cultural identity of adat law communities, including rights to *ulayat* land, is protected in line with the evolvement of time.” This paragraph provides that *adat* rights are respected and protected as long as those rights are still firmly held by those peoples and as long as they are not contrary to the principles of rule of law regarding justice and peoples' prosperity.

The Human Rights Committee, a special body for monitoring the implementation of the Covenant, is of the opinion that the communal right of the ethnic minorities to natural resources is an important manifestation of the rights mentioned in Chapter 27 of the Covenant, namely the rights to cultural integrity. See Human Rights Committee (1994).

Article 17 of The Universal Declaration of Human Rights states: “Everyone has the right to own property alone as well as in association with others” (*penekanan oleh penulis*). The wording of Article 17 is broad and comprehensive; it applies to both individual and collective forms of property ownership. See Krause and Alfredsson (1999).

This principle of nonassimilation also became the spirit of provisions in ILO Convention 169, 1989, concerning Indigenous and Tribal Peoples in Independent Countries.

Zakaria and Fauzi (2000).

Saad (2000).

Harsono (1999).

Soetiknjo (1983).

Fauzi (2000).

Harsono (1999).

That extinguishing a self-governing region and its right over land does not mean extinguishing *adat* communities and their *adat* rights was, inter alia, asserted in deliberations during the drafting process of the BAL. See Response of Government on the General Overview of Parliament Members, DPR-GR Session, 14 September 1960.

This Keppres provides that development activities that fall into the category of public interest are development activities that (1) are carried out by government; (b) are owned by government; (c) are not used for profit (Article 5 point 1).
51 Article 1 sub 1.
52 Sumardjono (1993).
53 Evers (1999).
54 Government Regulation No. 21 of 1971 concerning Right of Forest Exploitation and the Right to Harvest Forest Products
55 The goal to earn more foreign exchange began to show results during the 5-year period of the First Development Plan (Pelita I), when income from the logging industry increased by up to 2,800%. This was due to the increase in export of logs. In 1967, only 4 million cubic meters of timber were extracted (mainly for domestic use); then by 1977, annual extraction increased to 28 million cubic meters (75% of which were exported). See Sangaji (2000).
57 In West Kalimantan, for example, conflict began in the early 1970s. See Masiun (1999).
58 Article 1 point 4 states: “State forest is forest situated on a piece of land not covered by any proprietary rights,” and its Explanatory Memorandum provides: “…included in this category are forests formerly controlled by adat law communities known as ulayat forest, marga forest, or another name.” Article 1 point 5: “Proprietary forest is a forest situated on a piece of land covered by proprietary rights,” such as ownership right, right of exploitation (HGU) and right to use (hak pakai). And Article 1 point 6: Adat forest is state forest situated in the territory of adat community.”
59 The Explanatory Memorandum of this Act states: “The inclusion of forests controlled by adat communities into the category of state forest is because of the existence of the right of control by State…”
60 See Act No. 25 of 2000, Annex Chapter X on Development on Natural Resources and Environment.
61 These commitments are parts of bundle of commitments of the Government toward the CGI (Consultative Group on Indonesia) in the area of forestry. See “Remarks by Minister of Forestry of the Republic of Indonesia at the Interim CGI Meeting,” Jakarta 23-24 April 2001; and see CGI and Ministry of Forestry, “Report to Stakeholders,” by the Minister of Forestry, Republic of Indonesia, 24 April 2001. See also Rencana Aksi di Bidang Kehutanan, especially Isu 11: Tenurial, Department of Forestry, 2001.
63 Sumodiningrat (2001).
64 Soeradji and Mubyarto (1998).
65 An executive of the credit union explained that they preferred using the term without being translated into the Indonesian language because the translated term may have a negative image.
66 Bamba (2000).
67 Observations of the results of credit union training in Kampung Benung, East Kalimantan.
68 Discussion with a board member of the credit union (CU) revealed how fascination with the CU has developed to such a degree that CU members no longer want to use the services of, or purchase their daily needs from, nonmembers.
69 Bamba (2000), see supra note 4, p. 53.
70 Haba (2000).
71 ADB (2000b).
Ngata is the local indigenous word for village.

The park was established in 1993 based on Decision of Forestry Minister No. 593/Kpts-II/1993.

Noer Fauzi and Dianto Bachriadi, as cited in Baswir, et al. (1999); Sangaji (2000).

The village head and some adat elders said that their jagawana (forest police) have several times arrested individuals who conducted illegal logging and other violations in their adat forests in the buffer zone area. After a hearing by the adat council, the violators were then given to state officials.

See Dalip and Priyana (1998) for detailed information about this problem.


See Box 7 for more information on how rubber farmers deal with the decrease in rubber price.

Socio-Economic Structure of Kabalutan Village, Subdistrict Walea Kepulauan (Source: LKLH Ibnu Chaldun, 1995).

Noer Fauzi and Dianto Bachriadi, as cited by Baswir et al. (1999).

On marginalization and dispossession of adat communities from their lands in Papua, Central Sulawesi, East Nusa Tenggara, and North Sumatra, see Ruwiastuti (2000), Bachriadi (2001), and Maharani (2001). For Aceh, see Yunus (2001).

World Bank (1994).

See, for example, Soetrisno (1986).

In other districts and provinces a similar policy is applied.


The relocation of the Katu people has been planned and attempted by the Government several times, but the Katu have always refused to move. See Sangaji (2000).