Forest Conflict and Case Studies of Conflict Resolution

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Theoretical Basis

• Conflict occurs as a result of the scarcity of natural resources, many parties interested in the same resources - one social-interest field - destructive patterns of behavior or interaction, and the unequal control of resources
Conflict

LOCATION
39% HTI, 34% in conservation areas (include protected forest area and national park), 27% in HPH area.

HuMa-2010
6 Provinces-85 conflict – the extent of conflict area ± 2,445,539,31 Ha

CIFOR: 1997 – 2003 = 359 conflicts

ACTORS
Community vs Company (91.14%), Central Government (7.93%), Local Government (0.45%), BUMN/State-Owned Enterprises (0.42%) Community
Conflict Trend Progress

Permit Overlay
Example: IUPHHK-TI (3,307,917 Ha) with Plantation (896,201.Ha) & Mining (6,469,034)

The Certainty of Area Example: Plantation Overlay Area = 340 units,
Area: 4,681,997 Ha & KP Area: 4,997,196,51 Ha

445 units,
Overlapping State Forest Area and Village Area

Sulteng (Central Sulawesi)

- State started claiming forest ownership by using the principle of *domein verklaring*, or “legitimate domain” (state control)
- In 2005, Only 10% of forest area has been in bordering & legally process (legal & legitimate) (Source: Fay et al, 2005)
- 40-60 million people live there. Most are indigenous and poor.

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INISIATIF PENANGANAN KONFLIK
(Conflict Management Initiative)

**LITIGATION**
- Civil & Administrative Court
- Criminal Court

**NON LITIGATION**
- KOMNAS HAM
- Conflict Resolution Desk of National Forestry Council (SK Menhut No. 254-2008)
- Forestry Conflict Resolution TASK FORCE 2011 (SK Menhut No. 90-2011)
Example: Pandumaan Mediation Case

Peta Tumpang Tindih Wilayah Kelola Masyarakat Pandumaan-Sipituhuta (hasil pemetaan partisipatif), Peta Penunjukan Kawasan Hutan SK 44/2005, Peta BATB 1940 dan Peta Areal HPHTI PT. TPL (belum ditata batas)
Lesson Learned

Process
- Weakness of Recommendation Position
- Inequality Data
- Art Of Mediation
- Mediation Culture

Substance
- Ministry of Forestry Authority
- Not 100% Ideal
- Big Case & Cross Sectoral?
**Comprehensive Solution**

1. The way natural resources are managed has caused environmental degradation, unbalance claims, issues of land use and ownership, exploitation, and conflicts.
2. Many agrarian and natural resource management laws overlap and contradict each other.
3. Fair, sustainable, and environmentally-friendly natural resources management should be done in a coordinated and integrated way in order to keep the dynamics and aspiration of public participation, and solve conflicts.

**MPR Decree IX (2001) regarding agrarian reform and natural resources management**

1. Review of agrarian and natural resource laws
2. Restoring the control, ownership, land use & utilization (land reform)
3. Conflict Resolution

1. Agrarian reform should manage and re-allocate land claims, land ownership, land use, and exploitation of agrarian and natural resources to achieve the certainty of law and law protection, equity and prosperity for all Indonesian people.
2. Natural resources management must be done optimally, fairly, and environmentally sustainably.