

Respect for Customary Rights



'If the State will not recognise us, we will not recognise the State' (declaration of the Indonesian indigenous people's alliance in 1999).

It is estimated that 100 of 216 millions of the Indonesian populations depend on forest and natural resources services of which about 40 million are indigenous peoples. They extremely depend on sustainability of forest and natural resources for not only livelihoods and daily needs but significant to their cultures and traditions as well. They have gotten along with non-timber forest products utilisation such as rattans, herbs for traditional medicines, hunting, and so on. Forest resources also serve and maintain accessible clean and unchangeable water resources where precious functions such as bathing, fishing, and drinking and other daily consumption functions.

Customary rights is the rights which result from a long series of habitual or customary actions, constantly repeated, which have, by such repetition and by uninterrupted acquiescence, acquired the force of a law within a geographical or sociological unit (www.fsc.org).

The description of the precarious situation of the indigenous Dayak peoples in West Kalimantan is a typical story that can be heard throughout Indonesia and in parts of Malaysia. Indonesia's forestlands provide a livelihood to 40 million indigenous people and other rural communities but because they rarely have formal rights, palm oil companies have taken over large tracts of customary rights lands (known as "adat") and community forests. The total area involved and the number of affected people is considerable. According to the Indonesian Legal Aid Foundation (YLBHI), in 1998 alone 214,356 households involving 553 cases in 14 provinces jointly lost 827,351 ha of community land to private companies (Wakker, 2004). As of 2001, the conflict area had risen to 569,733 ha. Such developments nurture numerous, persistent and often violent conflicts. Some conflicts have prevented many companies from operating altogether and in response, many have mobilised and paid the police, army or government officials to suppress unrest, which often translates into gross human rights violations could be barely found in Tambusai, Belimbing and Runtu cases (Sawit Watch, 2005).



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