Community, Environment and Local Governance in Indonesia
Locating the commonweal

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Special autonomy, community forestry cooperatives and the apparent return of customary rights in Papua

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"Forest for People" was the catchphrase optimist slogan employed at the Eighth World Forestry Congress held in Jakarta in 1978, which also issued the Jakarta Declaration, subsequently proclaimed as a "turning point in the history of forestry and and the evolution of forestry's contribution to social and economic development in general and to the well being of rural people in particular" (FAO n.d., Eighth World Forestry Congress 1978). Yet during the two decades that followed, until the end of the Soeharto era, benefits from the exploitation and management of Indonesia's forests were decidedly not for the "people" (Barber 1989). The period of political reformation or reformasi since 1998 has witnessed moments of similar optimism, with the promise of regional autonomy and a redistribution of the benefits from natural resource exploitation from the centre to the provinces and districts. But are these expectations any more realistic than those of 1978? The case of Papua's forests provides some indication of the possible trajectories for change in the post-Soeharto period, and yet Papua is also a special case, attracting specific attention and provisions from Jakarta in the form of a Special Autonomy law. How has reformasi played out in the forestry sector in Papua in terms of the flow of sustainable benefits to the 'people' and what, if anything, can be identified as 'special' about Papua's Special Autonomy?

On 21 November 2001, Law No. 21/2001 on Special Autonomy (Otonomi Khas or Otus) for the Province of Papua was enacted by the president after being passed by the Indonesian Parliament. Many observers, both in Indonesia and overseas, hailed this move as a significant step forward in finding a peaceful solution to the long period of antagonistic relations between the people of Papua and the central government of Indonesia in Jakarta. One of the defining characteristics of Law No. 21 is the protection of the rights of indigenous people over natural resources, encompassing the forestry sector. This chapter describes and seeks to understand changes to forest management and forestry practices in Papua since the enactment of Special Autonomy (Otus).

The actual implementation of Otus for Papua has been greatly delayed, and we can do no more here than indicate some of the probable future directions and challenges for this unfolding process. However, a brief review of the conception and negotiation of Otus and of the details of its final form sets the stage for consideration of the re-emergence of adat or traditional custom as the figure of
the queen in the rhetorical chess of Papua's politics. A closer analysis of the way in which appeals to adat are being deployed in the forestry sector identifies one of the principal outcomes of Otus's influence: the emergence of indigenous customary community cooperatives (Koperasi Masyarakat Adat) as a new vehicle for both industry and indigenous aspirations. For its case material, this analysis draws primarily on doctoral fieldwork by the first author during 2001 in and around the Rendaie Protection Forest, adjacent to the city of Manokwari in the Bird's Head Peninsula region of Papua (Alhaidi 2005; see also Alhaidi, Kanowski and Ballard, in press).

Special Autonomy (Otus) in Papua

Otus has its genesis in the social and political forces driving 'decentralization' and 'autonomy' in Indonesia generally, and in Papua in particular, since Subarto stepped down in May 1998. In this new era of decentralization, natural resource governance issues are fundamental, especially in Papua, where many people still depend on the forest and the land for economic activity and livelihoods. Thus, in addition to its commitments to human and cultural rights, Law No. 21/2001 also altered the arrangements for the governance of natural resources and the structure of distribution of natural resource-derived revenues between Papua Province and the central government.

Otus for Papua Province has the stated intention of improving the prosperity of Papuan adat communities, through granting of wide authority to regulate the benefits of natural wealth to provincial, district and municipal governments as well as to the adat communities of Papua. The introduction of Otus acknowledged that 'the management and benefits of natural wealth in Papua Province have not been used optimally for raising the living standard of the indigenous community' (Law 21/2001). Otus also aims to augment the economic, social and cultural potential of indigenous Papuan communities by returning to them a significant role, through their representatives, in the formulation of regional policy and in the choice of appropriate development strategies. According to one of its architects, academic Agus Sumule (2003), the Special Autonomy Law for Papua (UU 21/2001) is exceptional in the only Indonesian legislation that explicitly acknowledges the restoration of basic rights to indigenous communities, and is in stark contrast to the long history of undermining the basic rights of Papuans, and adat rights in particular, under Soeharto.

From this perspective, Otus might be regarded as a 'reconciliation tool' (Sumule 2003), designed to address a history of injustices in social services, politics and the economy between Jakarta and Papua. Sumule also notes that Otus was designed to address the impasse between the politically determined alternatives of autonomy (autonomi) or independence (merdeka) for Papua. In this context, Otus became a means to appease the independence movement, and thus became a tool for 'pacification' rather than for 'reconciliation' (Sumule 2005).

Otsus in action: politik setengah hati, or half-hearted policy

While decentralization in Indonesia has been widely welcomed, its implementation has been fraught, as actors in both the regions and in central agencies have struggled to interpret the new laws and regulations, and to use them to their advantage to the extent possible. The intensity of this struggle has recently been documented for the case of forest resources in two districts in East Kalimantan by Resosudarmo (2007). Similar tensions have been evident in Papua, exacerbated by the context of Papua's history and politics within the Indonesian nation. Nor does decentralization offer any guarantee of natural resource sustainability (Hidayat 2000, Simorangkir 2000, Casson 2001, Barr and Resosudarmo 2002, Casson and Obidzinski 2002). Resosudarmo's (2007) research in East Kalimantan, for example, suggests that in the particular conditions that have prevailed in Indonesia since the promulgation of decentralization laws in 1999 - it may actually have exacerbated forest exploitation.

Amongst the reasons for this are that local entities and adat communities may themselves be undemocratic and unaccountable, controlled by a small and powerful local elite or by outside interests seeking opportunities for expanding illegal logging operations. In any case they could not be expected to have developed the necessary capacity for commercial forest management in this very short timeframe (see, by way of example, Casson and Obidzinski 2002 on illegal logging in Kotawaringan Timur and Berau; as well as Resosudarmo 2007).

Similarly, a preliminary assessment of Otus, by faculty members of the state university in Jayapura, Universitas Cenderawasih (Unore 2003), concluded that the implementation process in Papua was far from effective, at a time when swift results were politically essential. The report identified critical failings of implementation including, most importantly, delays in the establishment of representative institutions, as a consequence of which no operational regulations such as Provincial Regional Regulations (Perda) and Special Regional Regulations (Perdesa) for regional governance had been issued at the time of the review. Under Special Autonomy provisions, responsibility for enacting regional government regulations lies with the Papuan Regional Legislative Body (Dewan Perwakilan Rakyat Papua (DPRP)) together with the governor, after receiving the consideration and agreement of the Papuan People's Council (Majelis Rakyat Papua (MRP)). The MRP, which is composed of adat, church and women’s leaders, is designed to protect the adat rights of indigenous Papuans, and serves to guarantee to Papuans some degree of customary guidance of the political process (Sumule 2002a). However, at the time of the review, the MRP had still to be established.

The 2003 Unore report broadly reiterated the concerns of an earlier German Technical Assistance mission on Support for Decentralisation Measures (GTZ-SIDM 2001). Written nearly three years after the fall of Soeharto and the initiation of the nationwide political debate over decentralization, the GTZ report identified a number of issues likely to obstruct or prevent effective decentralization, including:
the lack of clarity in the distribution of functions between different levels of government;

- an ineffective system of supervision of regional governments by the central government;

- the lack of clear responsibilities of the provinces;

- the failure of the current intergovernmental fiscal system to ensure some degree of equalization between resource-rich and resource-poor regions, and a mismatch between the assignment of expenditures and the assignment of revenues;

- the lack of policy coordination with sectoral laws and regulations, leading to contradictory regulations, for instance in the forestry and in the mining sectors;

- the strong role of 'money politics' in the election of heads of regions both in districts and provinces;

- an unsatisfactory accountability mechanism that focuses on the annual report of the heads of regions to their regional councils, and;

- the lack of capacity at the regional level to fully implement the new decentralization framework, and the lack of programmes at the level of central government that support capacity-building in the regions.

The implementation of Law No. 21/2001 has also altered the structure of the distribution of revenues between Papua Province and the central government, to that shown in Figure 6.1.

Papua's Special Autonomy law includes provisions for 70 per cent of oil and gas royalties to be channelled to the territory (for the first 25 years, and 50 per cent thereafter), as well as 60 per cent of mining, forestry and fisheries royalties. As a result of the implementation of Otsus, the provincial revenue increased from Rp 777 trillion in 2001 to Rp 1.382 trillion in 2002 (Uncen 2003). However, according to the Uncen Report (Uncen 2003), the provincial government remained unable to implement decentralization planning effectively because of the lack of input from the community, reflecting the failure to establish the enabling representative institutional structures (the DPRP and MRP) under Law 21/2001. As Resosudarmo's (2007) research in East Kalimantan demonstrates, whilst these new bodies can be more responsive to local pressures than their predecessors, they are also susceptible to capture by vested interests.

The involvement of local people in Otsus

Barr and Resosudarmo (2002) argue that decentralization in Indonesia, including Otsus, has largely been a political manoeuvre in response to separatist movements and the dissatisfaction of resource-rich regions with the centralization of resource revenues under the Soeharto regime. As a result, decentralization policies were rushed through before the strong institutions necessary for a stable, functioning democracy could be established. The whole process has been ad hoc in nature, with little coordination among national, provincial and district governments. This early assessment has largely been confirmed by Resosudarmo's (2007) more recent work in East Kalimantan.

It is hard to discern any significant difference in the levels of public participation or public accountability in Papua between the periods before and after Otsus. The aim of improving the prosperity of Papuan communities remains merely a promise, and life remains substantially unchanged for the vast majority of Papua's people. School tuition and health services, for example, remain as they were before Otsus (Somda 2003). Somda (2003) also reports the widely voiced claim that only those with links to the local elite have been able to enjoy the disbursement of the autonomy funds for Papua.

Commenting on this situation, Sumule (2003) argues that Otsus has dissolved into a fight for money, in which no consideration has yet been paid to how to use the enlarged influx of funds to improve the prosperity of Papuan communities. His discussion of regional budgetary planning shows how the projects introduced under the banner of Otsus, which purport to empower indigenous Papuans, have been misused by local elites. Sumule observes that it is hard to conclude on this evidence that projects that have been designed using Otsus funds have been directed to empower indigenous Papuans. He argues further that this situation has been compounded by the lack of capacity in the Papuan government system, noting that professionalization of the government system in Papua will take a long time to develop if no external technical assistance is provided, and if there is no system to hold public servants accountable for their actions.

The undermining of Otsus, which began with delays in drafting and enacting the governmental regulations required for the establishment of the Papuan People's Assembly (MPR), was completed by the issuing of the controversial Presidential Instruction No. 1/2002 to split Papua into three provinces, without the approval of the MRP as mandated by the Papua autonomy law (ICG 2006). The process of diluting or sabotaging Otsus culminated in the inauguration of Abraham Oktaviantes Atayury as the new acting governor in West Irian Jaya Province (since renamed Papua Barat) in November 2003.
Although the MRP has since been established (in November 2005), the harsh conclusion drawn by many Papuans observing the central government's reluctance to acknowledge this customary authority is that Papua's Special Autonomy law is no longer a reconciliation tool but simply another toothless document on the Indonesian legal bookshelf, intended largely to extend the longstanding practices of control and exploitation of Papua by Jakarta (see SKP 2006).

Otsus and forest management in Papua

As noted previously, Otsus, which notionally involves the transfer of a range of powers from Jakarta to Jayapura (now also to Manokwari, capital of the new Papua Barat Province), was originally intended to support the legal recognition of Papuan adat rights (Sumule 2003). Papuans have often heard the rhetoric that the Special Autonomy law would introduce potentially important opportunities for them to participate in forest management, as well as to enjoy more equitable access to economic benefits. However, such goals are fundamentally undermined if the Papuan adat communities are not recognized as legitimate management bodies. The practice revolves around the question of whether or not forest management under Otsus can increase the wellbeing of Papuans in terms such as those measured by the Human Development index (Bappenas, BPS and UNDP 2001), and whether it can do so on a sustainable basis. How much power would the central government actually return to Papuan adat communities, especially in relation to such a valuable resource as timber?

Our reading of the draft Special Regional Regulations in the Forestry Sector (Peraturan Kewenian 2002) suggests that the position of indigenous Papuans and of adat communities remains largely the same as that existing under the old forestry law in Indonesia, with only minor changes. Some degree of legal recognition of adat rights is countenanced in Section 1.2 of the draft, where it is stated that forestry planning should 'take local specifics and aspirations into account', and in point B of the considerations, which states that:

... sustainable forest administration should be able to accommodate the dynamics of customary communities' aspirations and participation.

But when this ideal is transformed into practice, such recognition disappears, submerged once again under state control. In Section 4.1 of the draft, for instance, it is stated:

All forests within the territory of the Province of Papua including all the richness contained therein, are under the state's control for the maximum welfare of the people, the management of which shall be regulated by the Governor as the representative of central government in the region.

The role of the governor in this formulation simply mimics that of the state in Article 33 of the 1945 Indonesian constitution.

On the positive side of the ledger, the scope of environmental units of management may be broadened to include more than just one administrative district: the new environmental management units can potentially be defined on such bases as watersheds, cutting across administrative boundaries and thus acting to limit the effects of local economic pressure on natural resources. Controversially, however, this clause could also permit the governor to adopt the laissez-faire practices of the central government during the New Order period (see Alhamid 2005, chapter 3, on forest management in Indonesia).

Law 21/2003 on Special Autonomy was seen by many Papuans as providing a space for adat and for the acknowledgement of adat rights to land as well as to other natural resources, through provisions such as those in Article 43 (Protection of the Adat Rights). Many local communities in Papua understand regional autonomy primarily as the return of their adat rights. The attitude of most people is that: 'This is our turn to enjoy the benefits from our own resources.' Thus, a team member from WWF Sahul Irian Jaya reported that when a WWF team visited a village near Sorong (Bird's Head region) in 2000 to discuss the long-term negative impacts of logging, they were confronted with complaints that they had come only at the point when natural resources had been restored to local control (Interview 2001). 'The resolution adopted by the adat community representatives at the 2001 Workshop on Revisiting the Forestry Management Policy in Irian Jaya' held in Jayapura neatly summarizes this view:

- Forest resources ... can only be managed in a sustainable manner if (they are) given back to the customary community. We would act as the main player ... while the government, tertiary education and non-government organizations facilitate us to develop our capacities to manage the resource properly ... We are [open] for collaboration with honest and responsible [members of the] business community. (Quoted in Sumule 2002b: 8)

This attitude on the part of Papuan adat communities has been reinforced by the approach taken by district governments (Pemuda kabupaten), which have sought to raise revenues from natural resources in order to increase district or regional income (Pendapatan Asli Daerah). With decentralization, the role of investors has become more prominent, as funds are in short supply and district governments are expected to depend on locally generated revenues. For investors, dealing with district governments is much more convenient than with higher levels of government. District governments demand a set of payments and fees but do not enforce laws of the higher levels of government, or insist on the payment of taxes and the reforestation fund required by the central government (see Figure 4.2).

Adat communities in Papua have also been targeted by brokers or illegal loggers as 'investors in forestry businesses', in order to exploit their own tribal forests. In their efforts to attract investment, district governments have drastically liberalized permit procedures. Large timber companies, including Malaysian loggers operating illegally in a variety of ways (EIA/Telepak 2005), regard these policy incentives as an exceptional opportunity to further increase their wealth. Adat communities, on
in 2002. If we assume a conservative timber price of about Rp 1 million per cubic metre, the income received from illegal logging can be estimated at around Rp 600,000 million per month or Rp 7.2 trillion per year. This amount is around three times the budget of the Indonesian military/TNI (Rp 2.8 trillion), or three times greater than the Papua provincial budget in 2002 (Rp 2.4 trillion). A more recent and more closely researched report estimates that the monthly total of illegally exported ‘mbersau’ logs from Papua is closer to 300,000 cubic metres (EIA/Telepah, 2005), but this is still almost half of the annual total legal log production from Papua of 730,306 cubic metres (as of 2004, consisting of 373,869 cubic metres from Papua Province, and 356,437 cubic metres from the newly constituted West Irian Jaya Province) (Down to Earth 2006).

Otsus and the resurgence of adat

Papuans in many parts of the province have low levels of awareness and understanding of national political structures, and consequently often neglect to consider national policy in making their own decisions. For example, local claims of customary or adat rights to land within the area of the Rendani Protected Forest near Manokwari clearly illustrate the reluctance of these customary landowners to accept the claims of the state as expressed in the 1945 Constitution. Instead, their loyalties revolve principally around adat systems rooted in family, clan and tribe.

Within Papua, the power of adat varies from place to place. It ranges from being completely dominant in the hinterland or isolated areas, such as the Central Highlands, to being quite weak in some coastal and urban areas with a long history of contact and multicultural populations, such as the Rendani area where there has been substantial immigration from other parts of Indonesia since the 1970s. Across the island, Papuans adapt adat rights to meet their present and specific economic and environmental needs. However, adat is not imposed on a community by its leaders; rather, it is kept alive through people’s actions and reproduced through their daily activities. Tribal leaders (kapala saka) are thus widely regarded as icons, and acknowledged as custodians, of adat. Adat has become an institution of mediation between the spiritual and the living world, between individuals in conflict, and often between people and the state where land is concerned (Li 2001). Province-wide adat movements in Papua have recently made their influence felt at the local level as well. Here, adat revitalization movements have led to a sense of empowerment and some adat leaders have sought to regain their old positions by sponsoring adat rituals and rebuilding adat institutions. The Papuan customary council (Dewan Adat Papua), for example, is a new institution that has been created to protect adat community rights in Papua (Howard et al. 2002).

On the negative side, adat has the potential to promote tribal fragmentation. Otsus, which strengthens district government and provides a space for communities to return to adat as a basis for claims to control over land and resources, has been understood by some communities as an opportunity to return to the tribalism of the past. Adat has gained in importance as people seek alliances and political
position through ethnic mobilization and competition for power. For example, the Ayamaru tribe, of which former Governor Jasp Solossa was a member, has held a disproportionate number of senior bureaucratic positions in Irian Jaya. Adat has also been appropriated as a slogan to be wielded in the pursuit of political power. A common rhetorical statement, often heard at the beginning of speeches by district heads, the governor, or heads of government departments, is that they wish to ground their government on the principles of adat. But is this affirmation merely symbolic and invoked solely for self-interested purposes, or will it also generate concrete or practical consequences related to the rights to control resources?

Following the enactment of the Oteus legislation, 'Papua' has emerged as an identity and a banner with which to secure positions in the bureaucracy. 'Papuanization' has become a common phenomenon in the competition for jobs in Papua, and Papuans now hold most of the positions in the provincial and district bureaucracies. But does this also mean that Papuan communities without direct representation in the bureaucracy have acquired more power or access to decision-making processes and in controlling activities on their own tribal land?

Despite the presence of the National Land Bureau (Badan Pertanahan Nasional, BPN), dualism in control over natural resources continues wherever adat communities still maintain customary control over the land and its resources. The cash economy has transformed the social constitution of communities, with the result that the unity of these communities is often weakened, and conflicts among clans have become a regular occurrence in most of the villages around Papua. In Rencani, conflicts have even spread to lower levels, for example between lineages that had formerly held shared rights over particular resources— an axis for conflict that was previously unthinkable. A shift towards permanently individualized ownership has also occurred over time because of factors such as the adoption of modern agriculture and the cultivation of perennial tree crops, population pressure, and changing views on the nature of property itself. This shift is encouraged by the greater security of tenures granted private property rights under Indonesian's national land law (UUJA 1960).

The solution to land conflicts is widely seen to lie in the control of land by communities constituted through adat. But will this entail a return to common property, in the traditional sense, or does it mean that adat communities will be recognized as playing a more limited role as land-controlling institutions? It does not seem likely that people will want to give up their current individual rights to land, yet, on the other hand, they also wish to hold on to adat as a broader symbol of identity and tradition.

Kopermas: symbol of a resurgent adat?

In discussion with a senior provincial forest official in Jayapura on the topic of whether forest management can contribute to reducing poverty among Indigenous Papuans, the question arose of ways to sustain the production of non-timber forest products (NTPP). The attitude that local welfare could only be increased using NTPF is an old paradigm that has been advanced, since the Dutch colonial period, largely to exclude local communities from timber management (Bar 1974).

Three of the principal NTPF exploited in the past in Papua are massoy (Cryptocarya massoy), copal (a resinous extract from trees of the Araucariaceae family), and cinnamon (Cinnamomum cinnamomeum). Currently, the most significant NTPF in Papua is gaharu (also known as agarwood, slowwood, or eaglewood), a trunk, branch or root of a particular species (often Wikstroemia spp.) that has been modified chemically by a fungus (Magi and Sunpatt 1996), and which commands very high prices because of its use in perfume and incense (Gunn et al. 2003). Gaharu collection in Papua is conducted by local people in groups, each group usually consisting of three to five people. The group spends three to seven days looking for gaharu in the forest. When gaharu is found in a particular tree, the tree will be felled, using axes or knives. If the fungus is present, one tree usually produces around 0.5 to 4 kg of gaharu (Magi and Sunpatt 1996). The price of gaharu in 2001 was about Rp 2.3 million/kg for the super class (Kompas, 2001), although only a small proportion of this is usually captured by the collector (Gunn et al. 2002). Current harvesting practices and levels of harvesting are highly unsustainable, but these could be readdressed by progress that has been made in understanding the ecology of the species producing the gaharu, the recent development of artificial methods to enhance production of the commercially valuable heartwood, and wider communication of the value that harvesters might expect to capture (Gunn et al. 2003).

However, besides bringing in money, the gaharu industry has also contributed in conjunction with the timber trade to a dramatic increase in the incidence of HIV/AIDS and other sexually transmitted diseases, especially in Mumau and other eastern Papuan districts. Gaharu traders and military personnel began bringing in sex workers from Java and Sulawesi in 1996, and the commercial boom in the wood trade was followed by an explosion in the number of HIV/AIDS positive cases (Adighordu 2004, Ame 2002; Nainsgol 2002). Papua now has the highest rate of reported AIDS cases in Indonesia at 19.19 per 100,000 (3.62 times the national average), followed by the City of Jakarta with a rate of 3.9 (7.36 times the national average), and Bali with 1.3 (2.45 times the national average). The Indonesian national average is 0.53 per 100,000 (Kompas, 2001).

Realizing, as have others more generally (e.g. Belcher and Schreckenberg 2002), that NTPF-based programmes had achieved only limited success in alleviating rural poverty among Indigenous Papuans, the government, supported by many NGOs, proposed involving local communities in the timber business. National NGOs such as AMAN (The Indonesian Alliance of Adat Communities) and KPA (Consortium for Agrarian Reform) are strong supporters of a return to adat rights over people's own tribal forests. Employing the same NGO rhetoric, the Young Entrepreneurs Association of Indonesia Himpunan Pengusaha Muda Indonesia (HIPMI) also pushed for the return of timber rights to local people. A number of NGOs, however, voiced their suspicions of a hidden agenda on the part of HIPMI which, as an association of profit-seeking companies, appeared an unlikely champion of Indigenous rights.
The permit given to the local communities to become involved in a logging business is called the Licence for Forest Product Collection (IHPHHMA (Ijin Hak Pemanfaatan Hasil Hutan Masyarakat Adat)). The policy enabling award of such licences may prove to be the most important decision made in the forestry sector during the Otsus period. The licence is given to a community institution called Kopermas. Elsewhere in Indonesia, Kopermas is an abbreviation of Koperasi Perkebunan Masyarakat (Community Collaborative Co-operative). However, in Papua the abbreviation stands for Koperasi Masyarakat Adat (Customary Community Co-operative), emphasizing the adat status of the business owners, even though – as we suggest here – adat is actually being deployed as a front for commercial interests. Since 1999, a limited right to manage forests in Papua has been transferred to the Kopermas system under the Ministry of Forestry Decree No. 538/KPTS-II/1999 on Timber Utilization Permits (Ijin Pemanfaatan Kayu [or IPK]).

Under the Kopermas scheme, indigenous Papuans are recognized as the rightful owners of their lands and are allowed to log their forests if they apply for logging licences from the Forestry Department. Under the same scheme, however, the tribal forest is also being exploited by logging companies and local military commanders, who buy the traditional landowners’ forest rights at extremely low prices and then sell the timber directly to international buyers. The procedure for proposing that a forest area be managed under Kopermas is illustrated in Figure 6.3.

If the forest area proposed by a Kopermas is located inside an existing forest concession (Hak Pengusahaan Hutan [HPH]), then that Kopermas has to submit an application to the Provincial and District Forestry Services (Direktorat Jenderal Kehutanan Propinsi Papua and Direktorat Kehutanan Kabupaten) through the forest concession holder. If the proposed forest area is located outside the HPH concession boundaries, then the Kopermas has to submit its application to the district head via the Provincial and District Forestry Services.

A Kopermas application for a Licence for Forest Product Collection (IHPHHMA) must include the following elements:

- A plan of work and management;
- A map of the location at a scale of 1:100,000;
- A recommendation from the relevant District Forestry Services;
- Identity data for the proponents (the cooperative’s licence);
- A letter of recommendation from the local community consenting to the exploitation of the forest;
- A statement letter from the district head confirming the existence of the local community;
- A letter guaranteeing that the Kopermas will pay the required fees for the Reforestation Fund or (Dana Reboisasi (DR) and the Forest Resource Rent Provision (Provisi Sumber Daya Hutan or PSDH)).

Figure 6.3: The procedure for proposing a KOPERMAS in Papua.

Abbreviations:
- CDK, Cagar Desa Kehutanan, Branch Office of the Provincial Forestry Service
- HPH, Hak Pengusahaan Hutan – Concession for commercial selective harvest of natural forest
- IHPHHMA, Ijin Hak Pemanfaatan Hasil Hutan – Masyarakat Adat (Adat Community Concession for Forest Product Collection)
- PSDH, Provisi Sumber Daya Hutan, Forest Resource Royalty
Very few rural Papuan communities, the vast majority of whose members live in poverty, would be able to meet the above requirements without the assistance of well-resourced outsiders. In practice, Papuans have become the target of logging companies, particularly those under Malaysian control, which offer people money to set up a Kopernas and in return acquire the timber at very low rates.

According to data from the Provincial Forestry Services, there were 32 Kopernas active in the forestry sector in Papua in 2000 (Dinas Kehutanan Propinsi Papua 2001). The area of forest that can be assigned to a Kopernas ranges from 100 to 250 hectares. According to the Ministry of Forestry Decree on Kopernas, this area should then be converted to plantation. In practice, however, most Kopernas aim simply to harvest the timber from the forest. The ineffectiveness of this arrangement is starkly evident when the rights of an adat community seeking to operate independently on its own land are contrasted with provisions under the Kopernas system. If an adat community seeks to independently exploit an area greater than 250 hectares, approval can be issued only by the central authorities in Jakarta. Each HPH concession holder, on the other hand, can request a forest concession of up to 30,000 hectares in area.

The logging activities of a Kopernas located outside the boundaries of HPH areas are often managed by an adjacent HPH, effectively as a satellite production area for the HPH operator. In contrast, Kopernas areas located at some distance from an existing HPH are usually operated by other investors, invariably using a clear-cutting system. Data from the Forestry Services of Irian Jaya show that there have been 66 Kopernas HPH/HMA licences granted between 1999 and April 2001, each with an area of 250 hectares, for a provincial total of 16,500 hectares. In addition, over the same period, 19 Kopernas were awarded an additional 5,500 hectares under LPK timber utilisation licences. Recent reports suggest that a total of as many as 300 Kopernas licences have been issued in Papua (Down to Earth 2006).

Thus, following decentralisation, the forests of Papua are now under pressure not only from the 61 established HPH timber concession holders but also from a steadily expanding number of Kopernas. Ironically, the local and regional governments that are supposed to manage the forest in sustainable ways, by creating a balance between present and future needs, have now become a serious threat to the existence and sustainability of the forest. With the aim of boosting regional and district government incomes, local governments have increasingly come to regard the forest as a 'timber storeroom', to be utilized solely to produce quick cash. In the short term, the regional government benefits by receiving taxes and fees from forest exploitation, not to mention the incentive of bribes and election funds offered to officials. As a consequence, there has been a significant increase in deforestation throughout Papua since the implementation of this component of Special Autonomy.

From the point of view of those interested in exploiting Papua’s forest for profit, Kopernas has been a perfect vehicle since it has all the trappings of a community-based economic development model established through partnership between corporate interests and adat communities. This model has the power to silence critics because of its apparent reliance on democratic principles, and its seeming protection of the rights of adat communities to participate in forest exploitation, while simultaneously reversing the poor image of the HPH system, which has notoriously excluded local communities as partners in logging.

From the perspective of investors, the Kopernas system has some additional advantages over the HPH approach, including:

1. Overcoming land rights disputes. The risk that local communities or individuals will claim back the land is reduced because they are involved as board directors of the Kopernas company.
2. Investors do not have to pay for lobbying fees and do not have any difficulties in establishing and maintaining relationships with the Dinas Kehutanan (Forestry Local/Provincial Service), which is a notoriously corrupt institution (Nafi 2004), because this task is now performed by the adat community.
3. Although, in principle, prices are agreed between loggers and the adat community, the determination of the wood price is often established unilaterally by the investors. Communities in a relatively remote province such as Papua have very weak access to market information and often cannot easily check the accuracy of the market price offered.
4. By involving the community in the logging process, investors can avoid the risk and uncertainty of price changes by transferring these risks to the adat community.
5. As community businesses, Kopernas are not required to comply with normal Indonesian labour standards, and production costs can thus be lowered by reducing the salaries and wages paid to employees.
6. In practice, Kopernas are also not obliged to undertake reforestation because planning assumes that such logged-over areas will be converted to cash crops, such as cocoa and oil palm. By contrast, under HPH, the Indonesian Selective Cutting and Planting System (Tebang Pilih Tanam Indonnesia (TPFI)) theoretically requires re-planting of a logged forest. The orientation of Kopernas to land conversion will automatically increase the immediate level of timber production.

Kopernas at Rendani

The case of the Kopernas established at Rendani, in the Manokwari area, illustrates some of the complexities of the Kopernas system, and identifies some of its potential dangers for the adat community, as well as for the forests. In 2001, a member of the local adat community at Rendani, DM (full names are abbreviated here), who is also employed at Manokwari’s Local Forestry Service (Cabang Dinas Kehutanan), took the initiative to establish Kopernas ‘Nianw Syorobo’. He did this with the support of his father, TM, an adat leader of the local community. This Kopernas was established in collaboration with CV Fajar Papua Indah, a local logging company owned by Javanese investors, to produce sawn timber.

The mechanism that was agreed between DM and Fajar Papua Indah was that the
company bought logs from the Kopermas at a price of Rp 800,000 per cubic metre. Figure 6.4 provides an approximate breakdown of the total cost of production of a cubic metre of timber at Rentani.

Since most local people at Rentani know how to operate chainsaws, they conducted the entire process of logging (except for transportation) under the supervision of DM. However, not all of the local people wanted to work for the Kopermas as they did not seem to enjoy working with DM, for reasons articulated by BK. ‘DM is cheating us. The Boss [the director of Fajar Papua Indah] paid chainsaw operators about Rp 250,000, but DM paid us only Rp 100,000. Instead of fighting, I would prefer not to work with him’ (interview 2001). Because many of the Rentani did not wish to work with DM, he then invited people from Passab, Gumumian and Ransiki to work as chainsaw operators and to transport the timber from the forest to the main road.

According to DM, the profit gained by the Kopermas in 2001 was only around Rp 5 million. This low level of profit was attributed by DM to the small volume of timber produced, of only about 100 cubic metres. However, DM admitted in an interview that he had personally received an income of around Rp 10 million, twice the profit received by the Kopermas. In a separate statement, DM suggested that the real operational cost was closer to around Rp 620,000 per cubic metre, significantly lower than the Rp 800,000 figure quoted publicly. If this is true then he may have been receiving a profit of about Rp 170,000 per cubic metre of timber.

The sawn timber was then sold by Fajar Papua Indah to a buyer in Bunabaya for a price of about Rp 1.9 million per cubic metre. If the transportation expense from Manokwari to Sumbaya was around Rp 650,000 per cubic metre (based on data collected from discussions with staff from PT Pelabuhan Indonesia by Hidayat Alhamid in 2001), then the net profit gained by Fajar Papua Indah would be around Rp 450,000 per cubic metre. It is apparent from these figures that the profit gained from the Kopermas by the community is only a fraction of the total profit being enjoyed by other parties. Moreover, in order to realize their profit of Rp 5 million, equivalent to approximately US$600, the Rentani people have to tolerate the destruction of some 1,500 hectares of their tribal forest.

### Table: Cost Breakdown of Timber Production by Kopermas 'Niau Syombo', 2001

<table>
<thead>
<tr>
<th>Expense component</th>
<th>Cost (Rupiah)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chainsaw operator</td>
<td>250,000</td>
</tr>
<tr>
<td>Transport from forest to road (approx. 1 km)</td>
<td>150,000</td>
</tr>
<tr>
<td>Truck hire</td>
<td>100,000</td>
</tr>
<tr>
<td>Price of timber per m3 paid to landowner</td>
<td>150,000</td>
</tr>
<tr>
<td>Profit to Kopermas</td>
<td>50,000</td>
</tr>
<tr>
<td>Profit to community co-ordinator (DM)</td>
<td>100,000</td>
</tr>
<tr>
<td>Total expense of timber production per m3</td>
<td>800,000</td>
</tr>
</tbody>
</table>

Apart from the economic motivation, the establishment of Kopermas in Papua is also linked to a defence of the claim of adat rights over tribal land. It might appear as though Otus has encouraged people to reject state ownership and forced the state to accept their rights of ownership. But the facts in the field indicate that the euphoria of democracy, culminating in the demand for the return of resource rights to adat communities, has merely resulted in the loss of state control over some forest areas to the advantage of particular individuals and corporations who have used this situation to increase their incomes through logging, either legally through Kopermas or illegally.

Even though, by definition, Kopermas is a community institution, in reality the initiative for Kopermas licence applications typically emanates from pressure and persuasion by various means from external brokers and investors in alliance with local elites. The basic problem lies not in the question of whether the forest can or cannot be logged to produce 'quick cash', but rather whether logging on some more sustainable basis can increase the welfare of the community or not. It is clear that there will be little or no positive long-term benefit to adat communities if the Kopermas system persists in its current form; the forest will be exploited, but poverty will still characterize adat communities. If this happens, adat communities will not only be stripped of their forest but also of their culture and heritage. Nevertheless, under the prevailing political situation, to halt the operations of a Kopermas would be tantamount to declaring war on local communities.

### Otsus, adat and the Trojan Horse of Kopermas

The principal development objective of Otus, which is to improve local people's welfare through combating the three main challenges of 'poverty, ignorance, and backwardness' (kepemilikan, kahobodan, ketertinggalan), reflects a continuation of earlier ideas: Papuan communities are familiar with earlier incarnations of this rhetoric, in the form of the Presidential 'Backward Village' project (Inpres 2/1993 Desa Terlalih, or IDT) or the Social Safety Net (Kurang Pengamanan Sosial, or KPS), and are justifiably sceptical about claims for their results. What marks Otus out as potentially 'special' or different from previous central government programmes is the range of political concessions to Papuan political autonomy, and particularly the recognition of adat rights, as incarnated in the MRP. The politics of the MRP and its formal and functions aside, the most challenging question now confronting rural Papuan communities is the definition or redefinition of adat, in a new moral economy of community empowerment.

Even though Otus has introduced some improvement in local access to forest resources, this has not translated into an improvement in the quality of life for indigenous Papuans. Kopermas, both allegedly and superficially a tool developed to reduce rural poverty, may prove instead to be a device that will bring absolute poverty to adat communities, while at the same time creating greater benefits and profits, but only for outsiders. In the past, many rural Papuan communities realized that they had been classified as living under the poverty line only when census officials came to their villages. Obversely, they still had sufficient food from their
Through their right to adat authority and their claims to individual holdings have led to formation of Kopermas cooperatives. Thus, individuals from the local community such as Djamet assume rights over communal forest resources when they act as intermediaries in their own interest between outside entrepreneurs and the local community. These new local entrepreneurs are able to exploit their experience as local government employees (often as staff of the Local Forestry Service) and their established personal business networks, which give them unparalleled influence to negotiate on behalf of the villagers, as well as to promote profit-seeking from resource exploitation.

While the mechanisms of adat have been significantly weakened, the principles of adat as a basis for advancing the rights of a community to control its own resources remain strong. However, without appropriate mechanisms in place, communities remain vulnerable to the new alliance of outsiders and local elites represented by Kopermas. Kopermas, though, or something very like it, is in Papua to stay. Repealing the decree establishing Kopermas would be widely regarded as an attempt to roll back the recognition of adat, and would do little to solve the central problem of resource sustainability and long-term community welfare. Local communities, strengthened by the apparent untouchable figures behind both Kopermas and illegal logging in Papua, and with the support of the commercially implicated security forces and local government, would fight back, as in the case of the 'MV Africa' in Sorong (EIA/Telapak, 2002: 9).

One possible solution might be to create a Kopermas plus, an overhauled and revised version of Kopermas involving the genuine collaboration of local communities and governments, with counterparts from universities and conservation NGOs such as WWF or Conservation International to log the forest in acceptable and low-impact ways. The involvement of non-profit advisors in supplying advice on sustainable community forest management would be of significantly greater benefit to the community in the long term than continuing to allow loggers to exploit the forests in unsustainable ways. This is one approach that could offer some hope of bringing immediate social and economic needs and longer-term environmental protection into some correspondence. Practically speaking, efforts at preventing local people from depleting their own forests, whatever the ecological rationale, have to make economic sense to the local community if they are to work.

Notes
1 Interviews referred to in this chapter were conducted by Hidayat Alhamid.
2 According to a staff member of the Forestry Local Service (Cabang Dinas Kehutanan) of Manokwari, the price of timber in Surabaya market in June 2001 was around Rp 1.9 million per cubic metre (Interview 2001).
3 Merbau is the common and trade name for three Inga species - Inga bijuga, Inga retusa, and Inga palombonica. The first two of these are found in Papua Province (EIA/Telapak 2002).
4 In this notorious case, the MV Africa, loaded illegally with 12,000 cubic metres of merbau logs, was impounded by maritime police at Sorong in 2001, but subsequently released by the police department. The police chief of the time was later arrested for his role in this evasion.
Bibliography


