

# *Fighting For Nature and Life*

Nine Stories of Grassroots Communities Defending Their Rights and  
Fending Off Threats and Criminalization



## **Fighting For Nature and Life**

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Defending Their Rights and Fending Off  
Threats and Criminalization

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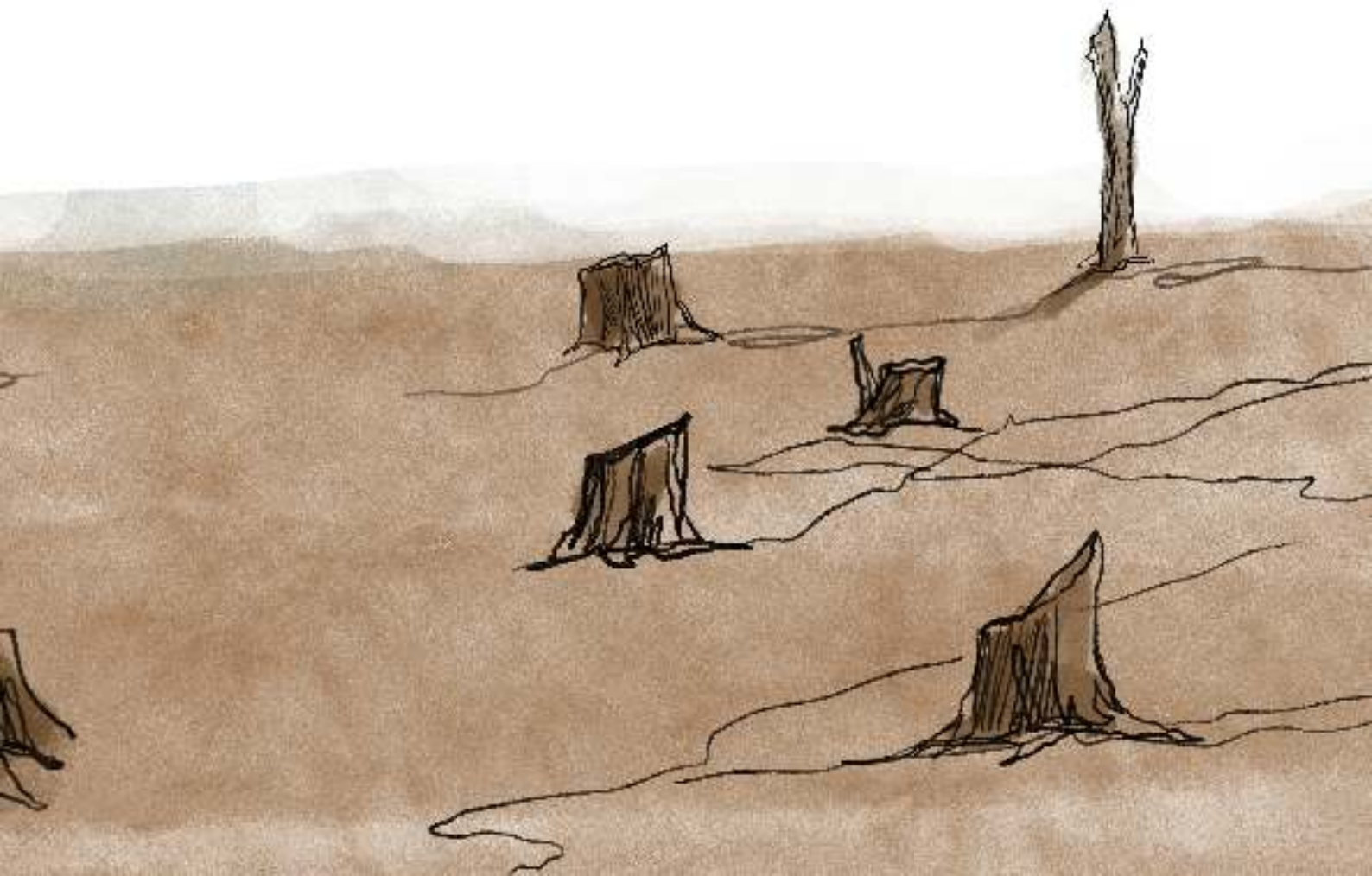
# *Fighting For Nature and Life*

Nine Stories of Grassroots Communities Defending Their  
Rights and Fending Off Threats and Criminalization





This book is dedicated to those who devote their lives in to fight for and defend the fulfillment and protection of human rights. We would like to thank Celebes Institute, JATAM Central Sulawesi, Yayasan Suara Nurani Minaesa, JATAM East Kalimantan, WALHI West Sumatera, WALHI South Sumatera, LBH Semarang, and WALHI East Java for their persistence, hard work, and contribution in realizing protection for human rights defenders at the community at grassroot level.



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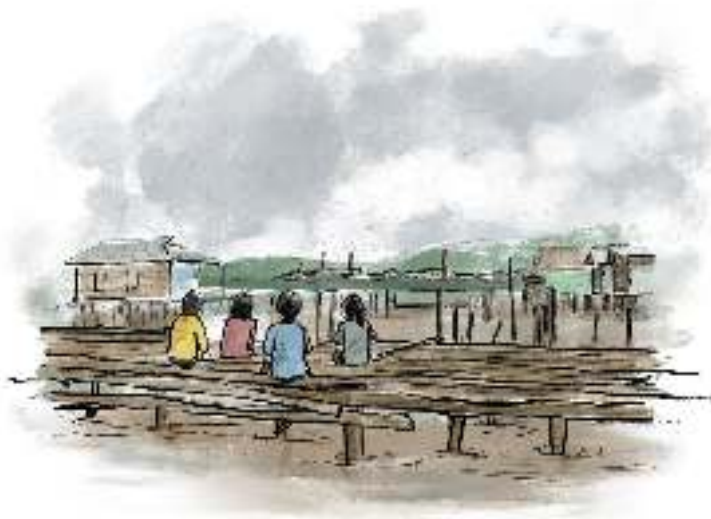


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*In the name of investments, the  
government issues multiple regulations,  
laws, and policies that move further away  
from environmental conservation and  
human rights protection.”*

# *List of Abbreviations*

ARIs	: Acute Respiratory Infections
CI	: Celebes Institute
CSO	: Civil Society Organization
DLH	: Local Environment Office
DPRD	: Regional Parliament
EIA	: Environmental Impact Analysis
ESDM	: Energy and Mineral Resources
FK-MPR	: <i>Forum Komunikasi Masyarakat Pengelola Rawang</i> (Communications Forum of Peatland Management Communities)
FWT	: <i>Forum Warga Terdampak</i> (Forum for Impacted Communities)
GPL	: <i>Gerakan Peduli Lingkungan</i> (Movement for the Environment)
IUP	: <i>Izin Usaha Perkebunan/Pertambangan</i> (Plantation/Mining Permit)
JATAM	: <i>Jaringan Advokasi Tambang</i> (Mining Advocacy Network)
Komnas HAM	: <i>Komisi Nasional Hak Asasi Manusia</i> (National Commission on Human Rights)



Komnas Perempuan	: <i>Komisi Nasional Anti Kekerasan Terhadap Perempuan</i> (National Commission on Violence Against Women)
KPAI	: <i>Komisi Perlindungan Anak Indonesia</i> (National Commission on Child Protection)
KPL	: <i>Kelompok Peduli Lingkungan</i> (Community for Environment)
KSP	: <i>Kantor Staf Presiden</i> (Executive Office of the President)
LBH	: <i>Lembaga Bantuan Hukum</i> (Legal Aid)
MoEF	: Ministry of Environment and Forestry
MPLS	: <i>Masyarakat Peduli Lingkungan Sukoharjo</i> (Sukoharjo Community for the Environment)
Pajakat	: Papatungan, Jayakarsa, Tanah Putih
PEKKA	: <i>Perempuan Kepala Keluarga</i> (Women Heads of Families)
SOE	: State-Owned Enterprise
WALHI	: <i>Wahana Lingkungan Hidup Indonesia</i>
YSNM	: <i>Yayasan Suara Nurani Minaesa</i>





Laode M. Syarif, Ph.D  
Executive Director of KEMITRAAN

# *Foreword*

## We Protect Us, We Protect Our Community

Latahang is a resident of Subvillage V Lambolo, Ganda-Ganda Village of North Morowali, Central Sulawesi. Two nickel mining companies and a smelter operate in Lambolo – the nickel operations started in 2012 and the smelter followed four years later. Since then, it has been difficult for Latahang and the rest of Lambolo villagers to get clean water. The river that they used to rely on is now muddy with dirt from mining activities. Mud is also carried to the coastal area and disrupted the marine ecosystem; for the fishers, this means less and less fish in their net. The damage does not stop there, as mining activities have also expanded to the forests. They disturb wildlife habitat and drive the animals away - now, the animals ravage the villagers' fields in search for food and eat everything that they can get from there. At the same time that nickel mining damage the soil and water, smelter facility causes other types of pollution that put the villagers' health under threat.

Witnessing their lands, their beach, and the sea gradually fade away before their eyes was too much for Latahang and his fellow Lambolo villagers. They fight back the way they knew how. Without knowledge of peaceful advocacy, Latahang and the other villages were involved in an altercation during a protest, which eventually resulted in them being taken to a police station.

There were several of them, Latahang included, who were accused of vandalizing the company facilities. At the end, they were not charged, but mandated to report to the station for a period of time.

The story of Latang and Subvillage V Lambolo is not uncommon and can be found in many places in Indonesia. Somewhere, from the various corners of the archipelago, a community is standing up against a development process that fails to include them, arbitrary, and brings adverse impacts to the environment and their livelihoods. Ironically, as they are fighting for their fundamental rights, those very rights are harrassed by threats and acts of violence. Often times, they find themselves being victims of criminalization. To make matters worse, violence against grassroots human rights defenders, including in the environment sector, is frequently committed by those in power – both state apparatus and private entities.

The number of human rights defenders that are subjected to repressive acts increases every year. According to data from Wahana Lingkungan Hidup Indonesia (WALHI), there were 163 human rights defenders criminalized in 2018. KEMITRAAN's monitoring on online media coverage in 2019 found 86 cases of assault against human rights defenders; there were a total of 283 victims, including seven who died in different incidents. Our observation indicates that the increase does not only apply to the number of cases, but also the variety of forms of violence – from the use of vague provisions of the law to harm democracy and the freedom of expression to digital doxxing.

The persistent violence and intimidation experienced by human rights defenders, including those who dedicate themselves in the environmental sector, is perpetuated by, among others, the lack of protection from the state. While Indonesia has adopted Law Number 39 of 1999 on Human Rights, the government has yet to draft specific provisions that afford protection to human rights defenders. Similarly, the government has yet to issue an implementing regulation to Article 66 of Law Number 32 of 2009 concerning Environmental Protection

and Management. The article explicitly states that every person who is striving for their right to clean and healthy environment cannot be prosecuted in the criminal and civil court. It is unfortunate that this right, warranted by our constitution and the Environment Law, is rarely enforced, if at all. Instead, in the name of investments, the government issues multiple regulations, laws, and policies that move further away from environmental conservation and human rights protection.

In response to the increasingly rampant acts of violence against human rights defenders, KEMITRAAN, through its “Protection of Human Rights Defenders for Sustainable Development in Indonesia” program supported by the Embassy of the Kingdom of Netherlands, promotes for a better protection of grassroot human rights defenders with the right tools to deal with criminalization, repression, and security incidents when fighting for their cause. To that end, KEMITRAAN engaged local civil society organizations in eight regions. They are: WALHI West Sumatera, WALHI South Sumatera, WALHI East Java, Legal Aid (LBH) Semarang, Mining Advocacy Network (JATAM) East Kalimantan, JATAM Central Sulawesi, Yayasan Suara Nurani Minaesa (YSNM), and Celebes Institute (CI). In this program, KEMITRAAN strives to strengthen the advocacy efforts that these organizations have carried out with the communities they assist in order to provide an appropriate response to entities who commit the malicious attempt of robbing the people off of their livelihood sources.

In addition, KEMITRAAN is also striving to raise the awareness of grassroot human rights defenders about the importance of protecting themselves from certain tactics aimed at disrupting the advocacy and causing harm to those involved. The beneficiaries of the program are community members who are determined to protect their rights. They participated in many capacity building activities held by KEMITRAAN and the eight partner organizations. They showed up as eager participants in the sessions on paralegal, human rights and the environment, gender issues, protection for human rights defenders, and other additional topics that we tailored to their needs.

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*In events such as natural disasters, women are often disproportionately disadvantaged. Given the situation, women's involvement in the efforts of defending their rights is worth celebrating.*

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The capacity building programs have improved the participants' understanding about their rights. They have developed a sound grasp on the importance of having their own safeguard mechanism, as protection from the state is hardly available. Those communities successfully came up with their unique mechanisms informed by their customary traditions and knowledge, such as hitting slit drums or kentongan to alert other community members when threats occur, or using their native language when talking about their advocacy work in the presence of strangers. The safety protocols that they came up with is also their way to show the state what they can do whilst exposing the government's poor attention to the safety and well-being of human rights defenders.

### Women Joining the Fight

Environmental degradation caused by the development process that is not sustainable and without consideration to climate change is not gender blind – both in terms of its causes and its impacts. Traditionally, women exhibit minimum participation in the development process. They are not given enough room to express their thoughts and to talk openly about their needs. Unfortunately, in events such as natural disasters, women are often disproportionately disadvantaged. Given the situation, women's involvement in the efforts of defending their rights is worth celebrating.

In several regions, we see women who are capable and confident in promoting their cause. They are also actively involved in advocacy processes, despite coming from a different level of participation. In Central Sulawesi, women stand in the forefront, leading community organization in fighting to fulfill their rights to clean, healthy environment. In North Sulawesi, the first report made against a tourism company came from a woman. In Sumatra, a woman from Sikalang is the engine of her community's fight to protect their houses from collapsing due to a permit breach committed by a coal mining company. Moreover, there are women's forums in Banyuwangi and Ogan Komering Ilir. In other regions, more women are involved in training rooms and decision making discussions as well as in strategizing their advocacy.



### The Change that Inspires

This book, titled "Fighting for Nature and Life" gives the spotlight to our persistent, determined environmental human rights defenders from nine regions who are fighting to uphold their rights against environmental damages caused by commercial interests. Their stories that we depict here are far from over. Their journey ahead is long. They will continue to encounter difficult challenges. Nevertheless, we hope that they



can rely on the protection and safeguarding mechanism introduced by our program to avoid the pitfalls in advocacy, which may lead to criminalization and repressive actions. We also hope that the new networks that they establish can lend them strengths and ensure that their fight will endure.

By documenting those stories, highlighting the changes experienced by environmental human rights defenders and their advocacy strategies,

KEMITRAAN wishes to inspire other communities who are going through a similar situation. Through this book, KEMITRAAN calls the government to immediately provide protection for and warrant the safety of human rights defenders. They should not ignore this duty, nor should they continue to allow their citizens of living in a limbo. The state must be present for the people.

KEMITRAAN believes, Indonesia, as a democratic country that recognizes human rights, has the duty to fulfill, respect, and protect the fundamental rights of the citizens. The government has to make sure that the development process is not only concerned about its outcomes and economic growth, but also to achieve that growth by upholding human rights throughout its entire cycle.

The changes that human rights defenders experience, especially with respect to their ability to design safeguards in their advocacy as described in this book, reflect the hard work and contribution from many parties – not least our local partner organizations and the human rights defenders themselves. We respect their rights and during the writing of this book KEMITRAAN regularly consulted with them. To protect the safety of certain individuals, KEMITRAAN has changed the names of people and their locations.

KEMITRAAN thanks WALHI West Sumatera, WALHI South Sumatera, WALHI East Java, LBH Semarang, JATAM East Kalimantan, JATAM Central Sulawesi, YSNM, and Celebes Institute for their commitment in realizing protection and safeguards for grassroot human rights defenders. We also thank all communities that are partnering with us for being the definition of courage and tenacity in protecting the environment and their rights. We also thank our writers and the team of the Protection of Human Rights Defenders for Sustainable Development in Indonesia program for their hard work in creating this book.

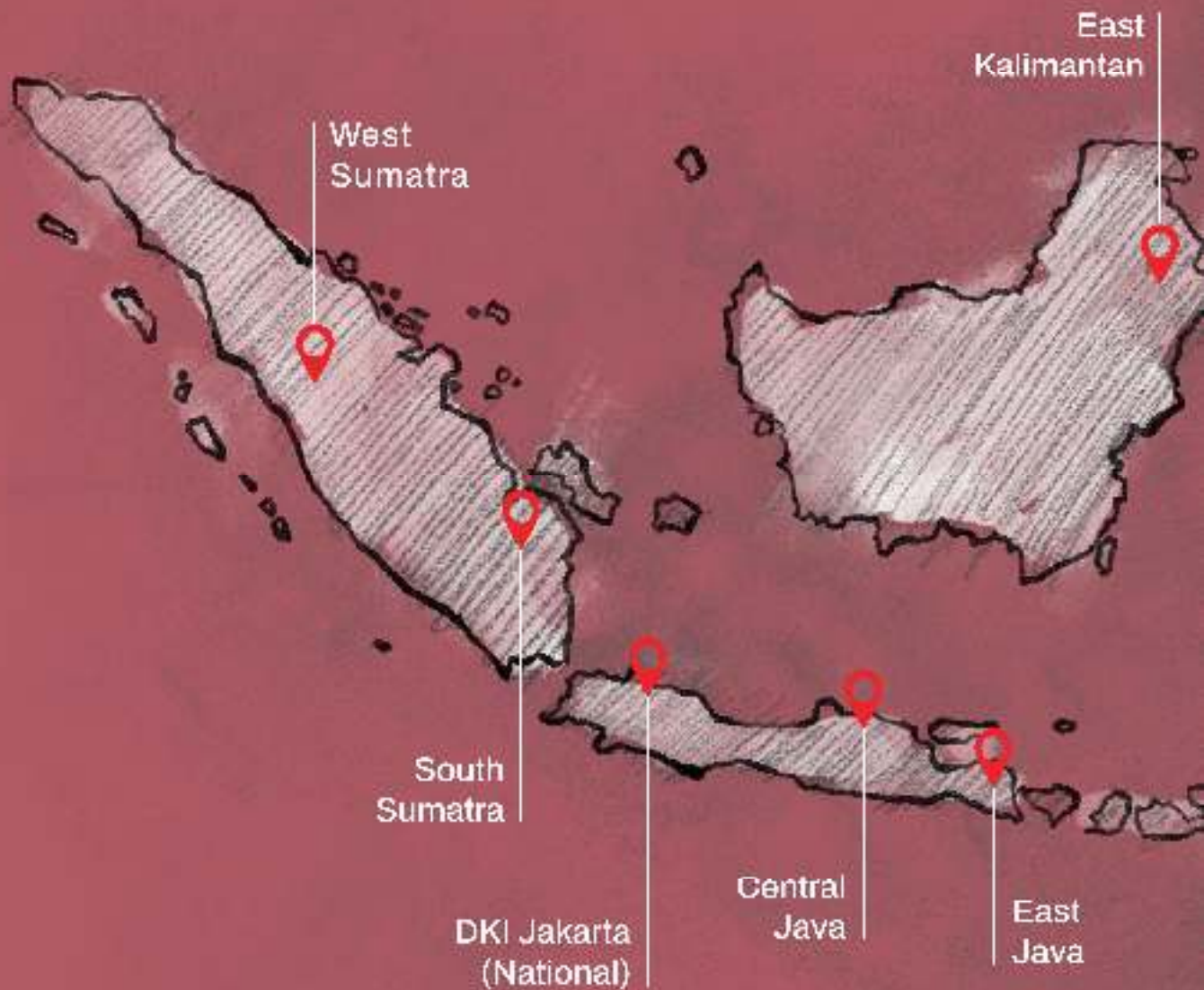
We look forward to seeing this book reaching readers in different places in the hope that it inspires communities and civil society organizations in their tireless fight for the right to clean and healthy environment.

Finally, let us continuously remind the government and the private sector that all forms of intimidation and violence against environmental and human rights defenders are against the noble ambitions enshrined in the 1945 Constitution and, therefore, must end.

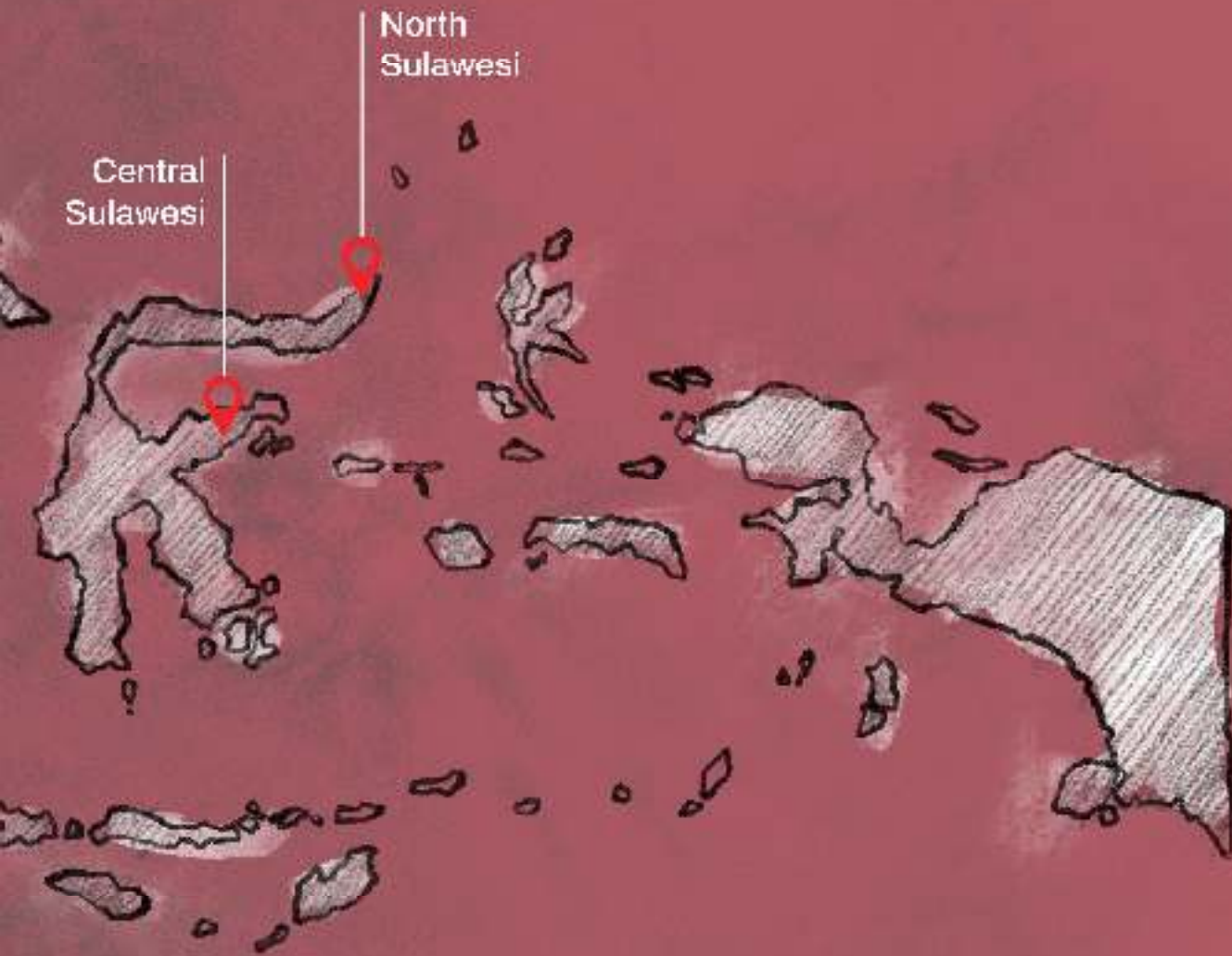
*For the nation, for humanity,  
for nature that gives us life*

Jakarta, September 2021

**Laode M. Syarif, Ph.D**  
Executive Director



*Protection of Human Rights  
Defenders Program Working Area*



7 Provinces+National Level

12 Partner Organizations

9 Districts

±2.230 Beneficiaries

# 01.

*Neo Ra'Ala Tana Kami!*

## Fighting for Our Ancestral Lands

A power plant company made promises and covered up noteworthy information about the adverse impact of their work to get support from the community. Women in Pipikoro and South Kulawi who have realized the company's empty promises fought back.

All names have been changed to protect the individuals' safety and privacy.



*“Neo ra’ala tana kami!”*

Written in the traditional Uma language, the phrase, meaning “Do not take our land”, appears on banners put in several locations in the subdistricts of Pipikoro and South Kulawi of Sigi District, Central Sulawesi. The words echo the communities’ resoluteness in defending their land – their source of life – from being converted into a hydroelectric power plant site.

In Pipikoro and South Kulawi, most families rely on food crops – cacao, coffee, maize, and beans. In certain seasons when harvest is poor, they head to the Lariang River to pan gold using rudimentary tools that do not cause any harm to the environment.

The trace of modern way of life in these subdistricts is scarce and on-grid electricity is just as foreign. When night falls, residents depend on small-scale, improvised hydropower generators to keep their lights on. Cellular signal is almost non-existent; someone with a mobile phone will need to climb up a hill to get signal reception, and that is only if he or she is lucky.

The roads leading to and from the subdistricts have been layered with asphalt, but only partially. They also only extend one meter in width, making it impossible for cars to reach villages and even motorbikes can only pass one behind the other. Here, motorbike taxis are widely popular as the only means of public transportation.

In 2016, a group of people claiming to be part of a power plant construction project came to several villages in Pipikoro and South Kulawi. They met with village leaders and talked about a plan to build a hydro power plant in concession areas located in the subdistricts. However, none of the residents were invited to come.

Estrellita, a resident of South Kulawi, heard about the plan from her village’s administrator one day after church. “Ladies, gentlemen, when the plant is up and running, you’ll get free light [electricity], the roads will

have asphalt layer, you can buy cars or motorbikes, visit other cities, and buy new homes in Palu. You will also be prioritized for jobs at the plant,” said Estrellita, recalling the promises that the plant construction team had made and informed through village administrators.

The plan delighted most residents. Unaware of the risk of hazards and adverse impacts the plant might cause, they immediately fell for the promises of what they imagined as a better life.

A while later, a group of workers arrived. They took soil sample from several locations, including near Lariang River that flows through South Kulawi and Pipikoro. Their appearance stirred concerns among the villagers, who until that point had not been properly informed about the power plant’s construction project. Seeing strangers digging the ground around the river roused their suspicion, afraid that some company might be investigating Lariang’s gold deposit to open a gold mine in the area.

Noticing the confusion, one Pipikoro resident took the initiative to contact and tell a family member who worked with the Celebes Institute (CI) about the suspicious activities. He asked CI to come to Pipikoro and South Kulawi to help find out the intention behind the digging. CI responded and in 2018 sent several of its activists, originally from Pipikoro, to the subdistrict.

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*Some residents will have to leave their home. As part of the construction, several neighborhoods in Pipikoro and South Kulawi will have to be submerged – taking along not only homes and jobs, but also the sense of safety and stability.*

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In Pipikoro, aside from talking to the residents, CI also studied government documents to learn more about investment plans in Sigi District. CI confirmed that hydroelectric power plant construction had indeed been planned in the two subdistricts in Sigi. However, the findings did not stop there. CI also realized that the government-initiated changes in terms of forest coverage and use in Sigi, and the areas' designation as state-owned land, would put many families in Pipikoro and South Kulawi in an even more vulnerable position.

Securing land rights would be difficult for them, despite the fact that they have lived there for generations. The plant would also heighten the risk for communities to lose livelihoods, especially farming, and shift economic, social, and cultural modalities in the subdistricts.

At the time, while CI had started to inform the communities about the power plant project, the organization did not have sufficient resources to work intensively with the communities on the ground. Nevertheless, their discussions with community members started to make a difference – more people became aware of the potential adverse impacts of the plant. Some of them also began to resist, albeit sporadically, especially after learning of a plan to relocate an entire village.

In 2020, this time with support from KEMITRAAN, CI returned to Pipikoro and South Kulawi. CI intended to reach more people and educate them about hydroelectric power plant and its risks, investment process, and the importance of community engagement in a development process. To support its communications efforts, CI produced flyers that contained key information.

Not only that, CI also planned to invite some Pipikoro and South Kulawi residents to learn from other communities who are living the cost of power plant development. To inspire them, CI wanted to link Pipikoro and South Kulawi with the communities in Lindu Subdistrict, also in Sigi District, who managed to prevent hydropower development in their area.



*Illustration 1 : A training of Celebes Institute held in a resident's yard*

As CI began its field mission, going into villages targeted for the plant, the local government implemented mobility restriction policy due to Covid-19 pandemic. Large gatherings were also prohibited. CI continued its work by going door to door to distribute flyers while ensuring they followed health protocols. The strategy was proven effective. CI was even able to meet and reach more women than ever, who in general rarely participate or voice their concerns in public forums.

CI's presence was also welcomed by the local church. CI was invited by a priest to address the congregation after service and explain about their rights and risks of hydroelectric power plant.

This meeting at the church took place not long after village administrations allowed public gatherings to resume. For most participants, it was their first time of being fully informed about the plant and what it would entail. They had heard of the 'good stuff' – free electricity and light, asphalt road, cars, and jobs; but, until the meeting, they had been kept in the dark about the potential hazards and losses. Those who have been relying on land cultivation and gold panning may lose their income sources. In an event of earthquake, the plant's dam – built above the Palu-Koro fault<sup>1</sup>-- may collapse. The hazard and disaster risks clearly have serious consequences to the life and safety of the communities.

Moreover, some residents will have to leave their home. As part of the construction, several neighborhoods in Pipikoro and South Kulawi will have to be submerged – taking along not only homes and jobs, but also the sense of safety and stability as well as cultural heritage, including ancestral graves. Traditional rituals of the Uma tribe, the majority tribe in Pipikoro and South Kulawi, may also be washed away. *Pobohei ngua*, or village cleansing, and *memua adat*, or traditional marriage ceremony may disappear as the face of the communities changes.

The communities became unsettled after learning these information. They regretted the lack of engagement by the government during the plant's planning. They also felt there was nothing to be done. "From what we've seen in the past, the government's green light always means they can do anything they want. And there is nothing that we can do," said Estrellita.

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<sup>1</sup>Ekspedisipalukoro.id, "Sesar Palu Koro dan Warisan Peradaban Kuno di Sulawesi Tengah" (Palu Koro Fault and the Ancient Civilization Heritage in Central Sulawesi), accessed from <http://ekspedisipalukoro.id/2018/10/08/sesar-palu-koro-dan-warisan-peradaban-kuno-di-sulawesi-tengah/> on 2 August 2021.

To distract the communities from losing hope, CI told them about another community in the neighboring Lindu Subdistrict who succeeded in keeping a power plant away from their lands. CI started working to lift the communities' spirit up, convincing them to try defend their rights and lands. In the process, community members learned about their rights and potential means of advocacy to policymakers.

*Illustration 2 : A villager made a banner consisting his rejection of the hydroelectric power plant development.*



Aware of its own limitations that may prevent CI from being with the communities at all times, CI encouraged the communities to organize. Four community-led organizations were then established in four villages in Pipikoro and South Kulawi. They provide the means for community members to organize, support each other, and maintain the consistency of their advocacy in fighting for the rights of communities in the face of the power plant construction. Beyond that, the communities can use the organizations to advocate for better healthcare and infrastructure development.

CI's community work in Pipikoro and South Kulawi led to greater women involvement. Among the women, Estrellita was chosen to lead the forum in her village. Her community trusted her and felt she was a suitable leader because of her active involvement in many social activities. Estrellita is a member of a customary organization, faith-based women organization, and a health volunteer.

While CI supported any decisions taken by the forums in choosing their leaders, Novi Onora from CI admitted her team was worried of the possibility of having the wrong individuals. "Having a wrong leader could jeopardize their advocacy process."

The team decided to meet in person with the forum leaders and learn about them personally. CI believed it would help them determine whether the leaders had the best interest of their communities at heart.

It was a treacherous journey. "We had to take a narrow trail that fits just one motorcycle. If another bike comes from the opposite direction, we have to stop and give way. One wrong step and we may fall into Lariang [River]. The road going there was very dangerous," Novi recalled. The environment and the poor infrastructure forced Novi and her team to spend the night at Estrellita's place. They used the opportunity to get to know their hosts. At the end, CI was happy to conclude that the leaders – including Estrellita – were indeed suitable for that role.

“Estrellita is one of those persons who are extremely resolute. She’s willing to fight to protect her land. She also inspires other people to fight for their homes. We believe she has what it takes to lead in this kind of situation, because during advocacy, companies employ different ways to make sure their investment can continue – including to strike deals with community leaders,” said Novi.

Estrellita was also the only woman leader among the four organizations. Where she comes from, women are rarely given the opportunity to speak and this was reflected in her struggle to speak up in front of other people in the beginning, despite her knowledge about her environment and her active involvement in many social activities in her village. She was even more nervous as she felt that she lacked knowledge about the adverse impacts of a hydroelectric power plant – she was afraid she might be making the wrong statements.

Her confidence grew over time after attending meetings and capacity building activities from CI, including on paralegal and human rights. Being more sure of herself, Estrellita was even able to challenge her neighbors who were trying to persuade other villagers to accept the plant with no questions asked. Firmly, Estrellita said, “Sir, we may worship the same God, but we do not share the same faith. I do not support the hydropower project.”

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*“What I’m fighting here is for my people,  
my village. I love my land and my  
neighbors. So, I support the movement  
to drive the project away.”*

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While Estrellita is leading South Kulawi, Heninda was the voice in Pipikoro. Heninda became involved after her father, one of her village's respected elders, fell ill. Like Estrellita, Heninda also attended CI's trainings and later joined the band of other villagers who were vocal in rejecting the project. She was also involved in establishing the community organization in her village. Heninda may not be the organization's leader, but she is part of youth and women representation in that forum.

"What I'm fighting here is for my people, my village. I love my land and my neighbors. So, I support the movement to drive the project away," said Heninda about why she got involved.

She also remembered a message from her parents. "We say no to the plant. Where would we live?' [So,] I continue this fight even though I've had to challenge [argue] my husband," Heninda stated.

While both Estrellita and Heninda are in the forefront of resisting the plant, they couldn't be as vocal at home, where they are expected to follow their husbands' lead.

Once, Estrellita and Heninda had to let go of an opportunity to learn more about human rights and advocacy. In February 2021, KEMITRAAN held a short course on human rights and environment in Yogyakarta, but their husbands forbade them from going. Estrellita obeyed, and so did Heninda.

For Estrellita, it was not her first time being told not to attend a training by her husband. Back in 1988, as a temporary teacher, Estrellita had a training opportunity in Palu. Her husband, who refused to allow Estrellita to go, hid her clothes. Estrellita canceled her trip as the result. One time, when Estrellita did go for a training in Palu, she accidentally left her luggage in a taxi and lost all of the clothes she had brought. Her husband used the incident to prevent Estrellita from traveling to Yogyakarta.

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*The church plays a significant role in Pipikoro and South Kulawi. The church also allowed their vacant rooms to be used for training and advocacy activities.*

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“You want to go to Jogja, go ahead. It’s happened before with your Palu trip, you lost your whole wardrobe,” Estrellita recounted what her husband said.

But another opportunity came up – CI informed Estrellita and Heninda that they were invited by KEMITRAAN to attend a knowledge-exchange event in Bogor. This time, both women were determined to go. They wanted to learn from the experiences of other environmental rights activists in Indonesia, which they believe would be a valuable experience for their own fight.

For Heninda, she asked her father and the church to talk to her husband. A priest tried to explain to her husband about why it was important for her to go, to which he replied: “Fine, you can go, but you are responsible if anything happens.” Reading the reluctance, the priest advised Heninda’s husband to rethink his words – words, as the priest said, contained prayers. Heninda’s husband quickly apologized. It was not his intention to wish bad things upon his wife. “We have young children, what should we do?” said Heninda, recalling her husband’s words.

Indeed, the church plays a significant role in Pipikoro and South Kulawi. Not only they would arbitrate personal affairs like Estrellita and

Heninda's, but the church also allowed their vacant rooms to be used for training and advocacy activities.

Gradually, Estrellita and Heninda's husbands changed. Like other villagers, they, too, became more resistant towards the hydropower project. As said, this change did not happen overnight. CI has been regularly holding meetings in four villages in Pipikoro and South Kulawi to discuss advocacy strategies, as well as delivering training programs on the protection and safeguard mechanisms for environmental human rights defenders.

In a training on protection and safeguarding, together with CI the local communities identified security potential and risks as part of their efforts of defending their rights against the threat: the hydropower plant. The process taught them to be cognizant of their surrounding when carrying sharp objects like a machete.

While it is common for villagers to walk around with a machete to protect themselves from wild animals or to clear brush, the object may be perceived differently as a sign of aggression by outsiders.

Assisted by CI, the villagers then came up with their protection and safeguarding protocols. One of them concerns visitors. There have been many instances in the past where outsiders take advantage of the villagers' friendly disposition – such as attempting to assess the locals' attitude towards the power plant project. Now, every visitor will be required to show their credentials. Otherwise, the visitor will need to see the village chief first. "We'll ask what brings them here, what's their intention? If they intend to have something to do with the village, we'll ask them to meet our village chief first and the chief will inform us about what's going on," Estrellita explained.

The locals also learned to leverage their mother-tongue. In the presence of other people who may or may not be supportive of the plant, they

would speak in their local language. That way, they can hopefully keep eavesdroppers away. At the same time, it is also a strategy to keep their local culture alive.

Not only that, Pipikoro and South Kulawi communities have come up with customary means of addressing threats against their natural resources. They intend to apply the same mechanism for outside attempts of harrasing their surrounding nature; anyone who recognizes such attempt would hit a bamboo stick to alert fellow villagers. As agreed, they will then convene at the church or the village chief's residence to discuss the incident and decide as a group on how to respond.

It hasn't always been a smooth journey for Estrellita and the rest of Pipikoro-South Kulawi communities. Other villagers who are supportive of the project often intimidate them or the neighbors who share their objection, saying that they are going lose their lands sooner or later because they have no official land title.

The construction company has also tried many ways to win the communities over, promising electricity, cars, and jobs. They even took a group of villagers to visit another hydropower plant in Central Sulawesi to showcase the development around the area, yet conveniently leaving behind the other side of the story.

The company used this tactic to further divide the communities. "But, we suspected that they only took village administrators, so that they in turn could try and turn us around," said Estrellita.

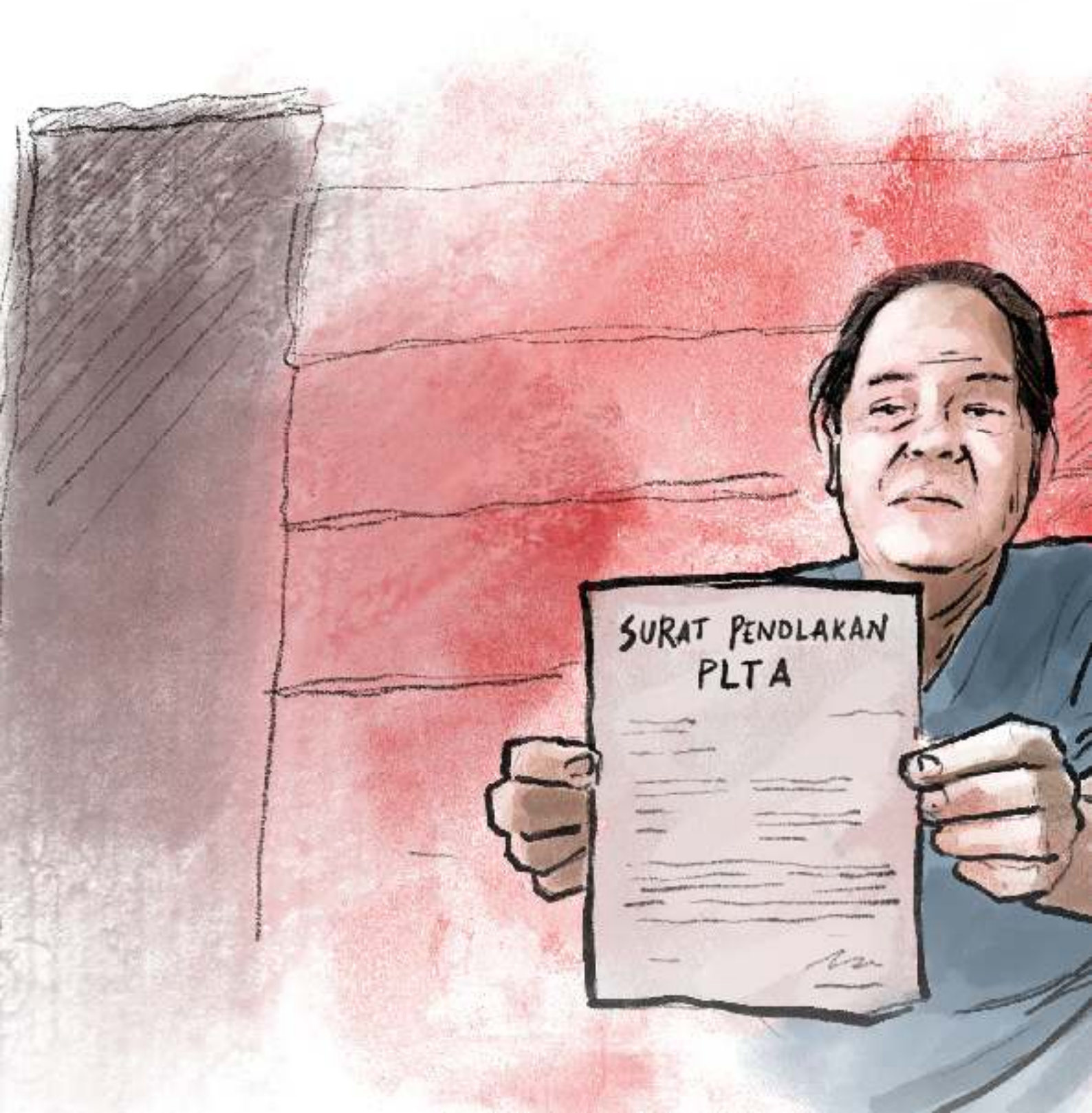
The plant's construction has not started, but Estrellita and the other members of the village organizations are committed to stay prepared. Together with a civil society coalition, they are advocating for the local government to engage the local communities in dialogue and discussion, giving them the room to express their ideas directly to the company.

They have also met with the government, urging them to continue defending the rights of the people living in villages where the power plant is going to be located.

*Illustration 3:* The church plays a representative role in the community. The church also allows their vacant rooms to be used for meetings and advocacy activities.



Estrellita herself is determined to protect her ancestral land and prevent as best as she can any harmful effects of the plant. "It's not that we resent progress. But what good does progress do if it means we can no longer work our fields, or lose the land of our ancestors, or witness our neighbors' homes turned into a deluge of water. We need to rethink what



progress means,” Estrellita said. Importantly, the training also taught its participants the importance of peaceful advocacy. They now understand that aggression is detrimental to their cause and will only increase the risk of being criminalized – as evident from the experience of so many human rights defenders in other places.



*Illustration 4:*  
A village showed a letter containing  
a statement of rejection of hydroelectric  
power plant addressed to the government

# 02.

## The Fight Against the Siege of Pollution

The residents of Ganda-Ganda Village were surrounded by companies whose businesses were harming the environment. Hundreds of affected residents, including farmers, took action. But some of them ended up being called to the police station after allegedly causing damage to the companies' facilities. The incident dimmed the hope of the villagers. But later on, led by a single mother, they fought back to defend their rights.



Life was once tranquil and thriving for the community in Sub-village V Lambolo, Ganda-Ganda Village in Petasia Subdistrict, North Morowali District of Central Sulawesi. Coastal households, with the sea as their backyard, people could go down to the water for fishing. There was fresh, clean water from the mountains and every day the people enjoyed their lush surrounding that the pristine landscape had created.

All that changed in 2012 and not for the better. It all began when two nickel mining companies, PT ITAMARTA and PT Mulia Pacific Resource, arrived in the area and started to gouge the lands around the village's nearby hills. Mud got mixed in the water and turned it murky. The hills, where the water had been stored, cratered. The river carried some of the mud to the coast and made sedimentation worse – distorting aquatic habitats and, in turn, the livelihoods of fishing families.

The detrimental effects did not escape other households that were relying on fruit crops such as cacao, durian, langsung, and other seasonal yields. Wild animals, chased out of their habitats in the forest, would ransack the crops in search of food. Latahang, a Lambolo farmer, said the animals would eat all the fruits and left nothing for harvest. "We used to produce up to 1.5 tons of cacao a year. Now, we have nothing. There's just nothing to harvest. The monkeys snatch every ripe cacao," he complained while reminiscing the days past.

As if the situation was not bad enough, another company came in 2014 – PT Central Omega Resources Industry Indonesia (CORII) – and built a nickel smelter facility in a 295-hectare area right in the middle of the village. The facility began operating in 2016 and immediately caused air and noise pollution to the already suffering community. The relentless loud noise, the smoke, and the persistent smell of sulphur emitted by the facility led to residents experiencing headaches and breathing problems. There were even instances of suspected acute upper respiratory infection that ended costing the lives of two young children.




Illustration 5: The children of Lambolo witnessed the activities of the smelter located across their houses.

"We were surrounded. Up there [on the hills] is where the nickel mines are, and down here is where they put the smelter. The ones up there damage our lands, water and forests and the ones down here give us air and noise pollution," said Erci Lamalora, a resident of Lambolo, describing her environment.

It was eventually too much for the villagers and on April 2017 105 heads of families from Lambolo staged a protest against CORII. Men, women, and even children, banded together and demanded the company to stop their operations. Some of them were overwhelmed by emotions.

"I didn't have much of an education, I live from my land, but everything is now ruined, my children are sick because of the pollution, and I am angry! If they hadn't stopped me, I would've dealt with the company myself, I would give myself as long as my children are healthy, as long as the pollution stops!" said Latahang, re-counting his experience.



The company was responsive at the time. They met with the villagers and promised to compensate them for their losses. Satisfied, the villagers ended the protest and came home.

But the promises were never realized – almost one year later and the community hasn't seen any of the compensation. Finally, one of them thought of asking a local civil society organization (CSO) for help, saying that he knew someone working for the CSO. Desperate for help, the others agreed.

Following some discussions and coordination work, the community organized another protest under the command of the organization. But the event quickly turned sour. The protesters got emotional and, without the knowledge of strategic advocacy, went on and vandalized company's facilities. Five people were called to the police station after allegedly causing damage to clean water pipes. Luckily, they were not charged. "We just had to show up to the station for self-report, 24 hours for three days. We got another order to appear at the station three times and mandatory report three times," said Latahang. They were also asked to sign a statement letter in which they pledged not to cause any more damage.

The incident also broke the trust of the community towards the CSO and dimmed the hope of the people in Lambolo. "We weren't afraid, we know we are right. But, going back and forth to the police station on a daily basis isn't a pleasant experience," Latahang continued.

After the clash during the last protest, the local government stepped in; they asked the company to meet with community representatives and resolve the issue. It was a positive step forward for the community, who immediately held a meeting and chose seven individuals – known as 'Team Seven' – among them to represent Lambolo in the meeting with the company. Unfortunately, according to Latahang, the team failed to report back the outcomes of the meeting and only said that any proposals and demands should be made through the team.

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*The impacts that the company has been causing, the pollution, and environmental degradation constitute a violation of human rights.*

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At this point, the situation seemed to grow from bad to worse. Team Seven did not become the extension of the people as they hoped; quite the opposite, the Team never responded to any questions from their fellow villagers. “We later found out they got [commercial] projects from the company. They were all silent. The village made that team upon request from the company. And they [the team] were bought using projects,” said Latahang.

During that critical time, Abdi, another Lambolo resident, took the initiative to reach out to JATAM Central Sulawesi via a direct message channel to the organization’s social media account. Abdi told them about what happened and they responded immediately.

“The impacts that the company has been causing, the pollution, and environmental degradation constitute a violation of human rights. JATAM Central Sulawesi feels that it is important to be present for the village community as an answer to our mandate of disrupting harmful investments,” said Moh. Taufik, one of the organization’s activist.

For JATAM Central Sulawesi, it was not easy to engage Lambolo residents. Their last experience with a CSO created a deep disappointment and, more critically, distrust.

Nevertheless, JATAM Central Sulawesi was not going anywhere, especially after seeing first hand the severity of environmental impacts in Lambolo. The organization even took further actions and filed a civil

complaint against PT CORII, PT ITAMARTA, and PT Mulia Pacific Resource for damaging the coastal environment to Poso District Court, albeit with only minimum support from the village.

The residents' reluctance to speak to outsiders created a challenge for JATAM Sulteng in collecting evidence in support of the lawsuit. Finally, JATAM Sulteng managed to get help from a resident named Mangge, who took them around the Lambolo with his boat to measure sedimentation thickness in the coastal area.

Using the evidence they collected, JATAM Central Sulawesi submitted their complaint in August 2018. After two months of mediation, the judges ruled in favor of the complainant and ordered PT CORII, as the holding company, to carry out environmental restoration program in degraded areas – including to plant mangrove trees in the coastal area of Lambolo. Moreover, the judges suspended PT CORII's operations for one year.

Lambolo residents were delighted with the decision. They instantly looked forward to having back a life that was free of noise, smoke, and odor from PT CORII's smelters – even though their water was still muddy and animals had not stopped ravaging their fields. Their trust towards CSOs also started to return.

Unfortunately, it was not a happily ever after for Lambolo. Soon after the ruling the smelters were running again and they found themselves blanketed by foul odor and thick smoke. "The hills over there appear grey because of all the dust," said Erci, another resident.

Villagers decided to hold a village meeting to discuss their situation – PT CORII's return put them back to zero. In the meeting, they agreed to reach out once again to JATAM Central Sulawesi.

Such agreement made movement consolidation easier to do, including in formulating demands and aligning their stance. Essentially, Lambolo demanded two things: first, for PT CORII to comply with the court's

mandate to rehabilitate the environment – especially the coastal area – and to suspend their activities; second, for PT CORII to pay land and house compensation for Lambolo families who opted to relocate.

The relocation was a choice taken by some families. Initially, the entire 105 heads of families in Lambolo agreed to demand PT CORII to leave the area. Over time, some 59 heads of families chose to relocate instead. Latahang and Erci were among them. To them, the environmental damage was irreversible and PT CORII's going away would not give them their old life back. Meanwhile, Erci heard that some families preferred to stay and withdraw from their advocacy movement because of their familial relations with members of Team Seven, and they felt it wasn't right to leave.

With everyone agreeing with the demands, JATAM Central Sulawesi started to guide the community by explaining the importance of organizing and establishing a community-led organization. JATAM Central Sulawesi also advised the organization to have a clear purpose and management structure to make it more effective and efficient.

While the primary focus was to help families who opted for relocation, JATAM Sulteng did not leave behind 46 heads of families who decided to stay in Lambolo. The organization strived to ensure PT CORII took actions to restore the village's environment.

The organization, called Community Group for the Environment (KPL), elected Erci Lamalora as leader. "She went to school [educated] and she wasn't shy of speaking her mind. We have no problem of her being a female if she could get the job done," Latahang said firmly.

Erci, a single mom who supports her family by selling food, doubted her nomination at first. "I get nervous when speaking to someone of importance at a public meeting. But I thought, if I didn't have the courage to do this, who else would?" shared Erci.

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*I get nervous when speaking to someone of importance at a public meeting. But I thought, if I didn't have the courage to do this, who else would?"*

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The support of her community members was invaluable to her confidence as KPL leader. One time, Erci said, she was attending a meeting with the government and company representatives and a group of Lambolo men came with her to support and ensure her safety.

“Those men [KPL members] also sat in the room but they didn't say anything,” said Erci, describing the moment. “They said, ‘Why don't you do the talk, we're here just as your bodyguards. If anyone dared to touch you, they have us to answer to,’” added Erci.

Through capacity building activities from JATAM Central Sulawesi, KPL learned to be a more effective organization. Training programs were diverse, including paralegal, advocacy, and campaign programming. Over time, Lambolo's advocacy strategy developed and Erci and KPL now target more formal channels. “I didn't think of formal correspondence before this. [Whenever] we're upset, we go and protest. Now, with JATAM Central Sulawesi, our protests no longer take place at the company's facility. Our advocacy now takes place at the level of the local parliament. It's embarrassing for them if we continue to act rowdy, plus we have friends among the press. Before we go to the street, we'll have reporters waiting for us,” Erci said.

Latahang confirmed her story and said, “We had no discipline. If we disliked something, we'd confront it directly. We are different now.”

After the COVID-19 pandemic broke, the government and company's responses to Lambolo's demands evaporated. Feeling out of option, KPL intended to take their fight back to the street. But to stage a protest in a public area, they needed approval from the police. The police wouldn't let them, Erci said, because they knew Lambolo's protest would attract spectators and reporters.

To mediate the situation, the Chief of North Morowali District Police offered to help in exchange for KPL's canceled protest. "Do you think it's possible not to continue with the protest? Is there anything that we can do to help?" said Erci, reporting the words of the police chief. KPL welcomed the opportunity and immediately said they wanted to meet with the head of the local parliament.

The police chief made good on his promise and KPL was able to sit down with the Head of North Morowali Parliament and company representatives to talk about their case. At the end of the meeting, the company promised to meet the demands of 59 heads of families in Lambolo, and said they were going to deploy a team of assessors to determine the value of compensation.

Again, the promises were not held up. For the second time, KPL sent a letter to have the police's approval for a public protest. And again, the police mediated the matter; they called to company to meet with Lambolo residents. For the police, it was a priority to maintain an orderly situation amid a health crisis.

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*We used to challenge the company with protests. Now, we don't need to be as loud anymore. We adopt the ways recommended by JATAM Central Sulawesi and we have actually seen results.*

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A week later, a team of assessors showed up in Lambolo, but only to assess the compensation for 29 out of 59 families. Naturally, this exacerbated the already broken relationship between the residents and the company. Tired of empty promises, Lambolo sent another letter to the police asking for their approval for a protest.

To date, there have been at least seven meetings between Lambolo, North Morowali parliament, and PT CORII's representatives. Every time there was a delay in the government or the company's response, they sent another letter to the police.

Nevertheless, compared to their old ways, this strategy seemed to be working. "We used to challenge the company with protests, but we had no results. Now, we don't need to be as loud anymore. We adopt the ways recommended by JATAM Central Sulawesi and we have actually seen results," explained Erci.

She also added that, from one negotiation to the next, almost all of their demands were approved. "We started by demanding compensation. The company initially refused, but that has changed. Our next demand was about what was included in the compensation, from just our house and the parcel of land where the house is located, we've asked them to also value our crop fields and they agreed," she said.

Strategic advocacy was not the only change they gained through their engagement with JATAM Central Sulawesi. Erci and her community also learned about safeguarding mechanisms for human rights defenders. KPL also formulated protection and security procedures, and formed security units with clear roles and responsibility. More than that, the procedure also outlined the ways to carry out peaceful protest.

The procedure also contains a specific safety provision for village residents who are traveling. First of all, if the travel distance is beyond 30 kilometers, the traveler is required to go with a buddy. They also have to inform travel purpose to the people they trust.



Meanwhile, non-residents, specifically individuals who want to talk about Lalombo's case, need to inform JATAM Central Sulawesi. Lalombo chose this procedure to prevent unwanted incidents. They are aware of how vulnerable human rights defenders are to physical intimidation, even criminalization, because of what they do.

Lalombo residents also learned, from training on protection and security, not to freely share information. Now, they can't discuss their advocacy activities to anyone who asks, strangers especially. "Everyone now will know if we have guest, where meetings will take place, and meeting are open. This way, we can identify [guests] and their purpose in



*Illustration 8*

*This residents of Clonda-Ganda Village took part in a peaceful demonstration as a form of rejection of the existence of PT CORII.*

Lambolo. When questioned by guests, we know not to share too much information," said Latahang.

The new strategies that Lambolo employed in their advocacy and change in their behavior have resulted in several small wins. They understand their rights and they are able to hold a company that has caused so much damage to their environment accountable using formal, peaceful means.

They are also able to urge the government to take actions against the company that has violated their rights. The fight will continue but these changes, however gradual, will go a long way for them in this journey.

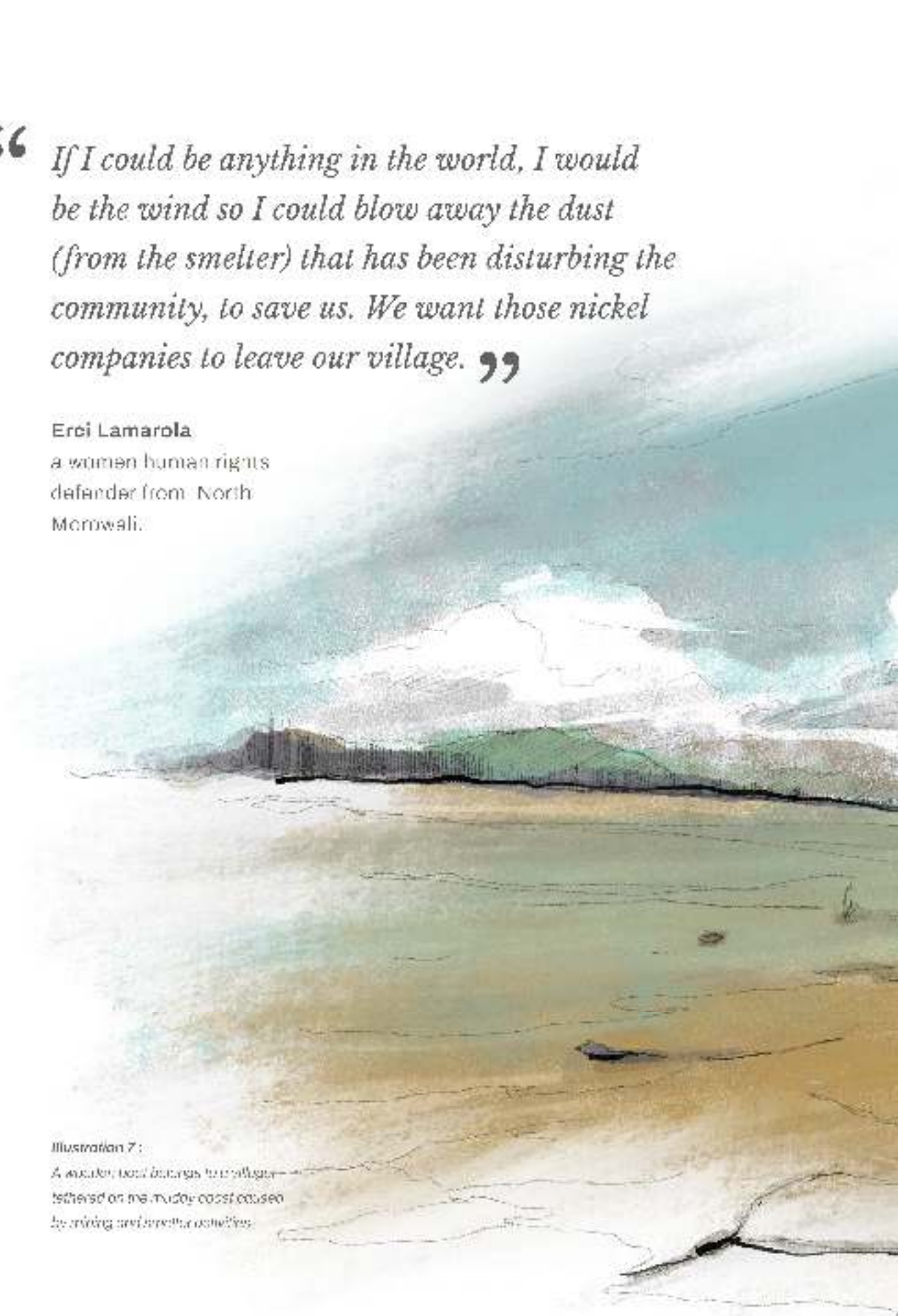
“If I could be anything in the world, I would be the wind so I could blow away the dust (from the smelter) that has been disturbing the community, to save us. We want those nickel companies to leave our village.”

**Erci Lamarola**

a women human rights  
defender from North  
Morowali.

Illustration 7:

A woman, local belongs to village  
settled on the muddy coast caused  
by mining and smelting activities.





# 03.

## Ecotourism With a Price: People Jailed, Nature Violated

Who could imagine fishers without the sea to cast their net? Or farmers without fields and soil to cultivate? Residents of three villages in West Likupang united to reclaim their land seized by a property development company.

West Likupang is a coastal subdistrict under North Minahasa District in North Sulawesi Province. It is blessed with stretches of white sandy beaches, clear water, and a row of alluring islands – Talise, Bangka, Lihaga, and other small islands – surrounded by shallow waters that is home to diverse marine species.

This enchanting haven delights businessowners who recognize the tourism potential and the monetary gain that they can generate. Among the villages in the subdistrict, Paputungan, a village to the west of West Likupang's center, attracted the most bidders.

In the 1990s, Paputungan splintered into three villages. Jayakarsa and Tanah Putih were the villages born out of the split. Both Paputungan and Tanah Putih extend 350 hectares, while Jayakarsa covers a 214-hectare area<sup>2</sup>.

Today, the villages combined have a total population of three thousand people. Most of them are fishing households, while a handful others are relying on field cultivation.

Around 1991, before the split, a company called PT Ayuthaya Wisesa came to Paputungan and offered to purchase the lands in Paputungan. The villagers refused to sell out of disagreement with the offer price of around Rp150 to Rp400 per square meter. Their refusal, however, was met with intimidation from the local authorities, who were backed by armed personnel. Anyone who was against the offer would be labeled as an opponent of development and, in addition, the government. Fearful, the villagers had no choice but to sign an agreement of land sales.

Despite the promise of payment, not all villagers were lucky enough to receive their rightful money as soon as they relinquished ownership. Some of them never saw more than a down payment. For some others,

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<sup>2</sup> Central Bureau of Statistics of North Minahasa District, *Kecamatan Likupang Barat dalam Angka 2020 (West Likupang in Numbers)*, (2020), pg. 6.

the numbers stated on the paper had never even turned into anything else. Eventually, the irregularities in the payments led to a total of 132 civil lawsuits.

Years passed and PT Ayuthaya Wisesa seemed to disappear. Their plan to build a tourism center on a 150-hectare land, as they boasted, went into thin air even though the company already secured the permit to build. In the years where the company's operations were halted, they let the villagers to occupy and cultivate the lands per usual. Ayuthaya Wisesa also remained indebted due to their land purchase.

In 1997, another company appeared in the village and asked to meet with residents. PT Bhineka Mancawisata (PT BMW) claimed they had gotten hold of the land titles and permit to build a five-star eco-themed hotel in the area. Moreover, the company claimed ownership over 350-hectare of land – including the parcels of land that had never been sold, begrudgingly or otherwise, by the owners. The claim sent a shockwave to the communities in Papatungan, Jayakarsa, and Tanah Putih, who were now wondering how and when the company came into the ownership of the lands. It was later found that Ayuthaya Wisesa sold the land that they had purchased to PT BMW, outstanding debt and all. It was even rumored that rogue government officials were involved in this plot.

As a future tourism business owner, PT BMW intended to follow through with the plan and was going to start construction in 2018. However, Papatungan, Jayakarsa, and Tanah Putih communities stood against them. Their leverage was a Decree of the Head of Minahasa District dated 10 July 1990 regarding the permit issued to PT Ayuthaya Wisesa: according to the decree, in the event that the company failed to proceed with construction or to complete the construction plan, the permit would be rendered void<sup>3</sup>. The communities used this chance to demand PT BMW to settle the long overdue debts.

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<sup>3</sup> Pitres Somboadile, *Rakyat Bukan Sansak: Menguak Pelanggaran HAM di Sulawesi Utara (The People Are Not Punching Bags: Exposing Human Rights Violation in North Sulawesi)*, (YGNM and KEMITRAAN, 2021) pg. 176.





*Illustration 8: The construction of a 10-story 'luxury' residential building.*

“*The company brought along hundreds of joint police and military personnel, who were tasked to stand guard while they were carrying out land measurements and taking elevation data. Their presence was meant to keep civilians, who were guarding the village entry roads, away.*”

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The communities, now organized into the Pajakat Organization (short for Papatungan, Jayakarsa, and Tanah Putih), invited PT BMW to negotiate and settle the issue. PT BMW agreed and invited Pajakat’s representatives to Manado City. North Minahasa and West Likupang police units were also present in Manado, and asked both parties to produce their ownership documents. Pajakat, which came in prepared, showed theirs at once.

But PT BMW dodged the request, saying they accidentally left their documents. According to Pajakat representatives who were there, the police advised them to forgo the past and to have a new agreement. “Let go of the past, now it’s time for a new page. *Bakunego, jo* [Let’s have a negotiation],” said Surya Bawole, Pajakat’s Coordinator, reporting the police’s advice, word by word.<sup>4</sup> It was then agreed that PT BMW would purchase the communities’ lands at Rp25,000 per square meter before hotel construction started.

While the negotiation was ongoing, Pajakat asked the company to stay away from the villages. They insisted for the company to first settle land acquisition before they could start with construction.

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<sup>4</sup> Pitres Somboadile, *Rakyat Bukan Sansak: Menguak Pelanggaran HAM di Sulawesi Utara (The People Are Not Punching Bags: Exposing Human Rights Violation in North Sulawesi)*, Op.Cit., pg. 181.

PT BMW's promise to pay never came to fruition. After some time, the company unilaterally cancelled the agreement without explanation.

Pajakat communities refused to give up. Again, they asked the company to meet with them. In March 2018, Pajakat communities stated their willingness to relocate in the condition that the company paid their lands at the fair market price at the time of around Rp50,000 per square meter. The company refused.

Two days after the meeting, the company arrived at the disputed areas. They brought along hundreds of joint police and military personnel, who were tasked to stand guard while the company was carrying out land measurements and taking elevation data. Their presence was meant to keep civilians, who were guarding entry roads, away. The police even brought water cannon to ensure the company could complete what they came to do.

In response to PT BMW's actions, a Pajakat resident proposed to report the case to Yayasan Suara Nurani Minaesa (YSNM). He was a distant relative to Jull Takaliuang, the director of YSNM. Surya Bawole and several other villagers rushed to meet with YSNM. "Two years ago, Mrs. Jull asked me to contact them but I was working far away at the time. But the situation has changed for the worse, and that's why I reached out to them," Surya said.

According to Surya, YSNM wasn't the first CSO that they approached for help. "We had an NGO working to help us, but they left eventually. Maybe our problem was too complex," Surya said.

Surya went on to elaborate that one of the roots of the problem was land title – overlapped and tangled all over. The story had to be backtracked to when PT Ayuthaya Wisesa brought parcels of land at Rp250 per square meter. Years later, the landowners asked PT BMW to pay them at the current price. The same demand was made by villagers who claimed that

their lands had been sold by their family members without their consent. To make the matter more complicated, non-residents also came and claimed ownership over some other parcels, located in the disputed area. At the same time, there were landowners who insisted they had never sold their lands to anyone, yet somehow PT BMW now held the land titles of the same parcels of land.

YSNM learned about the complicated situation from Surya. YSNM's first mission during their inaugural meeting in September 2018 with Pajakat was to untangle the mess by engaging them in a problem identification exercise, including to take stock of the actual number of households affected by the commercial development project and the number of landowners who could prove their ownership with proper documentation. YSNM also discussed issues of land acquisition that took place in the three villages. This process wasn't instantaneous. It took YSNM at least two years just to complete the identification phase.

In February 2019, the company returned to Pajakat to put fence around the areas that they previously measured – in size and elevation – and to start road construction towards the hotel. In doing so, the company cleared plantation areas belonging to the villagers, including destroying 130 teak trees owned by Lertjie Kalangkahan, a Paputungan resident,

Surya said the company also closed off three wells that had been the villages' sources of water. "They closed three wells and left just one that is nearest to their hotel. They are essentially depriving the communities of clean water, because many of us relied on those wells to get clean water," he said.

Not only that, without asking the communities' consent, the company demolished ancestral burial sites using heavy equipment and relocated them elsewhere. "They digged the graves using excavators. But those were the graves of our ancestors. One month after the dig, we could still see bones scattered all over the place," complained Evelin, a Pajakat resident who are actively involved in standing against the company.





*Illustration 9: The company excavated and widened an existing road.*

Some residents, after finding out the digging, came directly to the area. It was a sight that would stun anyone. Overwhelmed by emotion and struck by the callousness of the company, they tried to stand in the way of the heavy equipment. But some were more enraged than others and ended up threatening the workers. The company reported them to the police. Three people from Pajakat, Surya included, were arrested and charged for threatening other individuals. They were sentenced to seven months in prison.

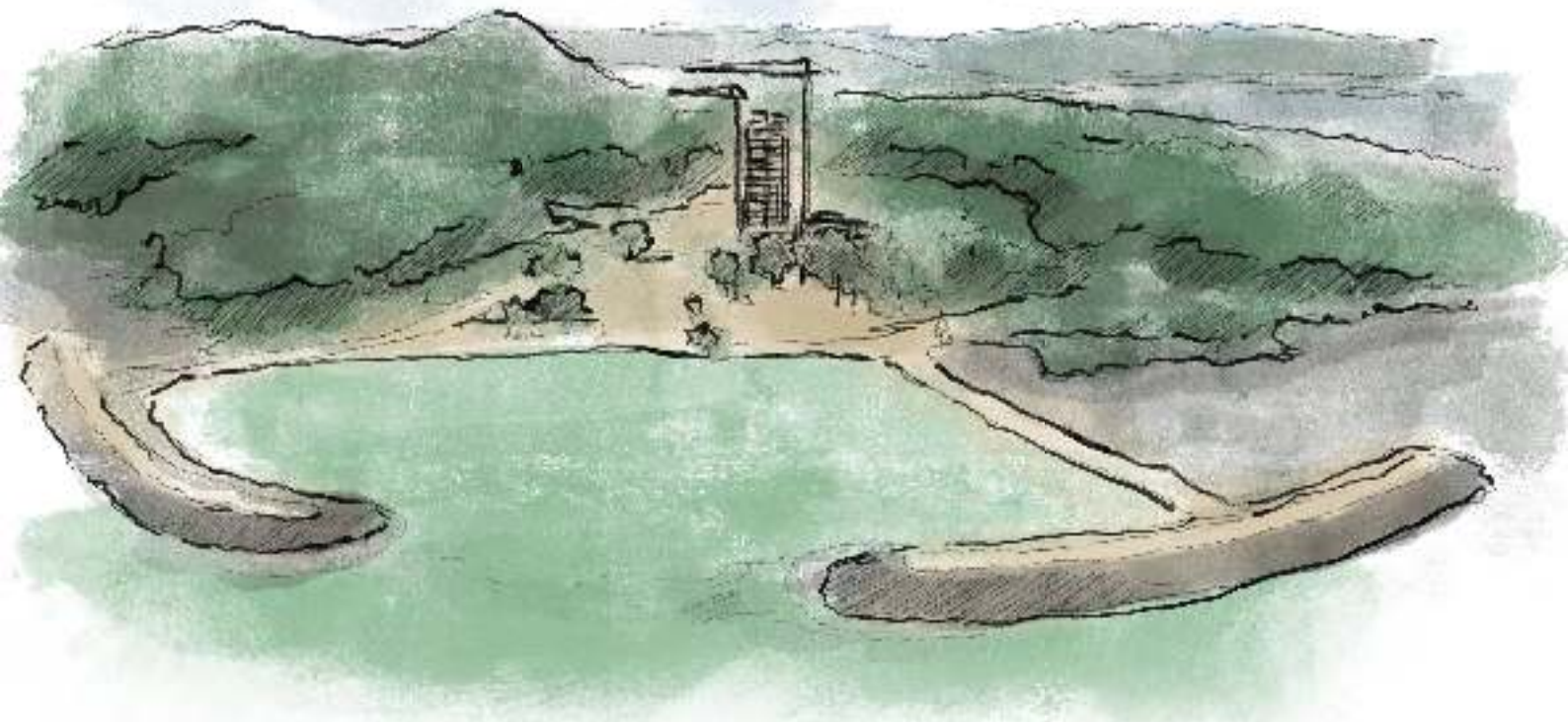


Illustration 10: The company created a lagoon, a 'feature' that would be their promotional hero, by destroying coral reefs and mangrove forests.

The imprisonment of Surya and his two colleagues effectively deflated the fight of the other villagers against this injustice. As the result, they stopped any attempt of defending their homes for fear of being arrested.

It was a situation that the company would not miss. Now, they could easily continue with the hotel construction. The company took out coral reefs and logged 1,300 meters of mangrove trees that had been protecting the villages from the hazard of massive waves<sup>5</sup>. The reefs were relocated to a man-made lagoon – a 'feature' that would be their promotional hero. In reality, they were damaging the environment in order to gain profits from it.

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<sup>5</sup> Findamorina Muhtar, "KEK Likupang 'Rampas' Kehidupan Nelayan dan Mangrove di Papatungan" (Likupang's Special Economic Zone Robs Fishermen's Livelihoods, Destroys Magroves in Papatungan), accessed from <https://jurnalpatrolinews.co.id/opini/kek-likupang-rampas-kehidupan-nelayan-dan-mangrove-di-papatungan/>, on 9 July 2021.

The project continued. Six months later, the structure of a 16-floor 'eco friendly' hotel was finished. It stood at the edge of the beach in Paputungan. The company then closed off the beach area, which was supposed to be a free-access public arena. They also put up fences around the area where they claimed ownership.

Since then, families lost their access to the coast and it became even more difficult for fishermen to go out to sea. Farmers, whose fields were located nearby the coast, could not cultivate their crops. Evelin's father was one of the fishers. She said that, "They've damaged the sea. We can't easily go in and out of the sea and the beach because of the fences. They've taken over the coast and it narrows our catch area."

Surya added that PT BMW's reclamation project, including the one intended to create the lagoon, started to erode the local custom of *banyare* – a local term for shellfish hunting during low tide. *Banyare* is a tradition in Pajakat, especially among the children and women, and usually takes place just before and after the full moon. There is no need for a special equipment to take part in *banyare*, since shellfishes would be available in abundance. "Manado people call that *pigi babiah* (shell hunting) or *banyare*. We can sell our catch or cook them. But now, the company has piled the area with soil and we can no longer do it there," said Surya.

After the arrest, YSNM encouraged the villagers to reflect back the purpose of their fight. Jull also tried to motivate them, emphasizing they they could fight back without resorting to violence. "What do you want to achieve now? Do you want the company to go away? Or do you want access to your fields, your forest, your beach? Do you seek compensation? If you get in a fight and one of you dies, our number becomes smaller. If any of you gets arrested and sent to prison, you would derail our mission because we would need to send you food or visit you in prison," said Jull at one point.



*Illustration 21: The Bankar community held a meeting in a courtyard, yard surrounded by concrete walls by the company*

Jull continued and tried to explain that there were legal avenues as their option. The villagers, however, were cynical. They were convinced that violence was the only way to get their demands heard and fulfilled. They also believed that the noise they could have created would attract media attention – and media attention would mean the government, or the company, had to listen to them. Jull said this reflected the deep seated distrust of the villagers towards law enforcement personnel. “What law? Which one? The police defends the company. Which law are we going to use?” said Jull, recounting the questions she received from some community members.

To change their perception, YSNM regularly held community discussion forums and training programs – on human rights, advocacy, paralegal,



protection and safeguard mechanisms for grassroot human rights defenders, and gender equality. These capacity building initiatives were proven effective, and the villagers gradually agreed to take the legal option to win back their rights that had been taken away by the company.

Lertjie Kalangkahan, who lost hundreds of her teak trees to the company's land clearing activity, eventually filed a complaint to Airmadidi district court. Lertjie accused PT BMW for allegedly stealing her land. "I never sold my land, there was no document to indicate I sold my land and there were no witnesses. How was it possible for PT BMW to take over control of my land?" Lertjie argued. Alas, she lost the lawsuit. According to the court, she could not prove her claim. On the contrary, PT BMW was able to produce exhibits that showed payment receipts for Lertjie's land<sup>6</sup>. But Lertjie was not going to let this slide away easily. Currently, she has appealed to the cassation court to challenge the previous ruling.

In Pajakat, other villagers grew to understand that legal advocacy could reduce the risk of them being criminalized, and now wanted to follow Lertjie's footsteps. On 22 February 2021, 159 individuals filed a complaint against the North Sulawesi Provincial Government and PT BMW to Manado Administrative Court.

In their lawsuit, they demanded for PT BMW's environmental permit to be revoked. They contested the issuance of this permit, which was done without the presence of environmental impact analysis (EIA) document. To follow up the lawsuit, on 19 March 2021 the judges of Manado Administrative Court conducted a site visit to PT BMW's hotel<sup>7</sup>.

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<sup>6</sup> Redaksi Suarakawana.com, "PN Airmadidi Putuskan PT BMW Pemilik Lahan 0,8 Hektar di Desa Papatungan" (Airmadidi District Court Rules PT BMW As Rightful Owner of 0.8 Hectare Land In Papatungan), accessed from <http://www.suarakawana.com/2020/04/pn-airmadidi-putuskan-pt-bmw-pemilik-lahan-0-8-hektar-di-desa-papatungan/> on 9 July 2021.

<sup>7</sup> Findamorina Muhtar, "Kasus 'AMDAL' Pembangunan Likupang Eco Family Hotel, PTUN Gelar Sidang Lapangan" (In EIA Case of Likupang Eco Family Hotel, Administrative Court Holds a Field Trial), accessed from <https://jurnalpatrolinews.co.id/wisata/kasus-amdal-pembangunan-likupang-eco-family-hotel-ptun-gelar-sidang-lapangan/> on 9 July 2021.

At the time when the complaint was filed, Law Number 11 of 2020 on Job Creation has entered into force. The law annuls several provisions under Law 32 of 2009 on Environmental Protection and Management, including the environmental permit lawsuit filed through the administrative court – the villagers’ last bastion to fight the very company that has only been causing damage to the environment. The controversial law also eliminates the mechanism to complain to companies and permit issuers.

To work around this legal ‘trap’, YSNM who was acting as the legal advisor of the villagers applied the *ex tunc* principle in the complaint. This principle enables judges to render their decision based on the regulations applicable when the dispute started.

Not only that, on 18 May 2021, Pajakat Community, represented by 30 of their villagers, also motioned for an intervention. According to Didi Koleangan, a YSNM activist who was working with Pajakat in this case, intervention was employed as a strategy to anticipate the possibility that judges might insist to refer to the Job Creation Law.

Through the intervention, Pajakat could challenge North Sulawesi Government and PT BMW in the matter concerning EIA, and that the absence of EIA amounted to neglect of the rights of communities to healthy and decent life as warranted in the constitution. These entities violated the subjective and objective rights of the individuals and caused damage. “The people are in theory protected by different laws, including the Fishers Protection law. It’s also clear that the company is causing damage to the environment. They wiped away mangrove habitat and coral reefs and commenced reclamation project at the beach. It’s the same as depriving other people of their human rights, the right to live. Where do they expect the fishers would fish?” said Didi.

Certainly, the courage to file a lawsuit did not emerge overnight. It took at least ten intensive discussion sessions with YSNM before the villagers were willing to consider taking their case to court. YSNM

patiently explained to them about investments, licensing process until a company's operations may continue, and EIA. Through the meetings, YSNM also tried to teach the villagers about the rights as citizens in the eyes of the law.

“At the same time, to support the parties involved in the litigation, Pajakat's women collaborated for a fundraising. They baked and sell their cookies, and then used the money to support litigation work, including renting vehicles to attend proceedings in Manado.

Aside from going through the legal channel, with the help of YSNM, Pajakat communities learned to come up with safety protocols to protect their people from intimidation and risk of violence committed by their opponents. They also formed a security unit, led by a fellow resident as the coordinator.

Evelin took part in developing the security procedure and said that the procedure was important in order to protect fellow Pajakat residents and prevent them from being provoked or engaged in activities that could be use as a weapon by the other party to disrupt advocacy – including criminalization. “With this mechanism, we feel safer, more protected. In anything we do, we are always reminded to be cautious and not to do anything that could cause us harm. We have been told multiple times, we respect the law. Whatever we do, we do it by the law,” she said.

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*They wiped away mangrove habitat and coral reefs  
and commenced reclamation project at the beach.*

*It's the same as depriving other people of their  
human rights, the right to live.*

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*The safeguarding mechanism was important in order to protect fellow Pajakat residents and prevent them from being provoked or engaged in activities that could be use as a weapon by the other party to disrupt advocacy.*

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One protocol that the villagers came up with was risk alert by hitting electricity poles. Any individual who sees danger, or needs help, should hit the nearest pole as hard as possible. Someone in the village would hear them and help will be sent immediately.

This protocol made residents aware that they need to watch out for each other, especially when traveling. Before traveling, residents would inform the travel purpose to someone they trust, especially the security coordinator. They would also go with a friend or family member to pick harvest in the area fenced by PT BMW.

Pajakat’s security team event went a step further by providing protection for their fellow villagers who work as government employees and wanted to be part of the advocacy movement, but prevented by fear of losing their jobs. After careful deliberation, the security team agreed to involve those individuals, albeit not in the foreground.

Indeed, Pajakat communities have found new ways to expose and fight against the company’s tricks. However, they could not deny that the fight can wear them down. After dozens of years of maintaining the movement, some of them long to live their days peacefully. Many more admitted that they were ready to relocate, in the condition that the company gives a fair offering price and given that the process is

transparent. However, many of them had no idea on their next steps, once they received compensation as per their demand. “Maybe we buy a new parcel of land, or maybe open a small business,” said Surya, speaking on behalf of the communities.

Leaving one’s root is never easy. If relocation is the way out, Pajakat families must be ready to adapt to a new way of life. According to Jull, the government and the company must be responsible. “There has to be someone to help these families transition to a new job. It isn’t easy to switch jobs from, let’s say fishing, to carpentry. And what are they going to be? We need to think about this. Are they going to be the spectators once the hotel is completed? Are they going to be employed? What kind of skills do they need to work in a hotel, when most of them didn’t even finish junior high,” said Jull. For the Pajakat communities the future remains uncertain.



Illustration 12: The residents of Proyek hold a peaceful demonstration demanding the company that had seized their lands to take responsibility.





# 04.

## Defending Indigenous Lands, Defending Life

For the indigenous people of Dayak Tunjung, the forest located at the foot of Mount Layung is their source of life. To protect the forest and conserve the community traditions, they develop strategies to prevent a mining company from entering their villages.



Indonesia's indigenous peoples depend on the forests and ancestral lands. The forests provide food and wood – and protection, including from natural hazards such as floods, drought, and erosion. In ancestral lands, these communities engage in agricultural activities and raise livestock. Unfortunately, the recognition and protection afforded to them is persistently weak in Indonesia. This results in too many stories of forest and land poaching. Land conflict, where the communities are forced to give away their lands, is also experienced by Dayak Tunjung indigenous communities in Rumpun Asa – an area that comprises the villages of Muara Asa, Ongko Asa, Geleo Asa, Juaq Asa, Papas Asa, and Muara Benangaq in West Kutai District, East Kalimantan.

From generations to generations, the indigenous peoples of Dayak Tunjung in Rumpun Asa relied on paddy farming and fruit crops in their ancestral lands that they call *Talun*. They also hunted in the forest and fished in the pristine water from the rivers that flow through their villages. To make ends meet – enrolling children to school, pay electricity, and other household needs – they generated extra income by sapping rubber trees.

Dayak Tunjung people share an indigenous forest located at the foot of Mount Layung. They name the area *Hemaq Bojoq*. The forest protects their source of water and is home to various endemic plant species that they would use in traditional rituals. The bangris trees stand tall and are favored by honey producing bee colonies – a source of sugar for Dayak Tunjung. Considering how valuable the forest is, Dayak Tunjung people who settle in Mount Layung has a string of traditional rules in order to conserve the forest, including one rule that prohibits anyone from logging any tree in the forest without approval from customary leaders.

In 2010, a coal mining company called PT Kencana Wilsa entered Rumpun Asa, equipped with a mining permit issued by the West

Kutai District government that allowed the company to mine in an area of five thousand hectare. Ahead of their operations, the company approached the indigeneous peoples in six settlements – Muara Asa, Ongko Asa, Geleo Asa, Juaq Asa, Papas Asa, and Muara Benanqaq – and tried to get the communities to sell their lands to the company.


The request was met with different responses. In Ongko Asa, the entire village rejected the offer. Mining operations would convert around 80 to 85 percent of their village into mining extraction site. It was never in Ongko Asa's agenda to lose their lands and their productive fields. More importantly, they wanted to protect *Hemaq Bojoq* and the sacred water source in Mount Layung.

The lack of support from the indigenous peoples did not prevent the company from executing drilling explorations in the fields, including logging the trees in *Hemaq Bojoq*. The Ongko Asa community was enraged. They protested and forced company workers to stop the illegal drilling. They also reported the incident to their village chief and customary leaders, who ordered the company to pay fine of eight *antang* (ancient vase) Rp3 million rupiah through a customary court.

Things got quiet for the next eight years. Ongko Asa community continued their lives, thinking that the company would never return.

They were wrong. In early June of 2018, the same company came again, this time with a team from the West Kutai District Environmental Office. They were there to map out the mining sites in the six villages.

Not only that, the company made another attempt at persuading the communities to sell their lands. The company promised them



jobs, a way out of poverty by working at the mine, and education for their children all the way to tertiary level. The tactic worked – more people believed them than the last time and let their lands go for as cheap as Rp3,000 per square meter. But Ongko Asa was not swayed.

*Illustration 13 : The community of Mount Layung put up a giant banner to show their rejection of the mining exploration plan.*



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*If Mount Layung is destroyed, not only nature would be under grave danger. Dayak Tunjung's traditions may also be eroded.*

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In this village where the company was going to start their operations, no one was willing to lose their homes, nor their agricultural and crop fields that have been their source of livelihood all this time. Unfortunately, they did not know how best to prevent the mining company, and had no one to turn to. One Ongko Asa villager, a man named Usain (not his real name), took the initiative to contact JATAM East Kalimantan. Through phone conversations, he explained his concerns about the plan of Kencana Wilsa to enter all six villages and asked JATAM East Kalimantan for assistance.

JATAM East Kalimantan immediately responded to Usain. While coordinating with the community, the organization did a cross-check to verify the company's mining permit.

JATAM East Kalimantan also informed the Ongko Asa community on how they could express their complaints to the government. As an initial step, the organization advised the village leaders to assess the community's opinions on the coal mining plan. A traditional meeting called *Berinuq* (community deliberation forum) was held and the result was unanimous: every single person objected the operations. On 8 June 2018, a community briefing on the mining plan of Kencana Wilsa was held by the West Kutai District Environmental Office. Several people from Ongko Asa were present and informed the forum of the village's decision. Their efforts did not stop there.

The Ongko Asa community stepped up their advocacy to the provincial level. They were willing to cover a distance of around 300 kilometers, using a boat to reach Samarinda to meet with the East Kalimantan Governor. Not only to argue their objection, they also planned to demand for Kencana Wilsa's permit to be revoked. With JATAM East Kalimantan, they amplified their advocacy and garnered public support by holding multiple press conferences.

While the provincial government did not immediately respond to their requests, the media coverage about their refusal and the various environmental violations committed by Kencana Wilsa finally forced the company to send a letter to the government, stating its plan to refrain from mining operations in Ongko Asa.<sup>8</sup> The community remained skeptical since there was no official decree from the provincial government that specified a change in the company's scope of operations.

Ongko Asa was still anxiously waiting for a response when, in 2019, the company began developing 5.4 kilometers of hauling roads and a jetty by the Mahakam river that was going to be used to transport mining products. Ongko Asa and some community members from different areas in Rumpun Asa who disapproved of the company's presence grew even more worried. "We would have nothing else left if Mount Layung is turned into a mining site. The animals would be driven away from their habitat, and we have no interest to deal with them. [Mount Layung] is where we get our clean water source, so clean that you can drink directly from it. There are plants that we use in our rituals. Eliminating the plants would be eliminating not only our lives, but also the traditions of Dayak Tunjung. We can't hold our rituals without specific types of wood that we can only get from there," said Korneles Detang, a resident of Geleo Asa.

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<sup>8</sup>Letter from PT Kencana Wilsa No : 012/KW-Smd/Dir/VI/2018, addressed to East Kalimantan Governor, 2 July 2018

To make matters worse, said Korneles, during the road construction process, the company took some parcels of land owned by the communities without prior informed consent. “Some people here got their lands poached. We’ve reported the incident to the police, but they said we only had informal land title instead of an ownership certificate. We asked them in turn to show us the company’s legal documents as proof of their ownership, and they couldn’t show us anything,” Korneles said about the land taking incident experienced by one of his neighbors.

*Illustration 14 : Heavy equipment owned by the company dredged the land in the area that would become the hauling road.*



At the time, there was not much that JATAM East Kalimantan could do to support the communities. Their lack of resources meant their support was limited primarily to phone consultation – it was difficult for JATAM East Kalimantan to visit Rumpun Asa regularly, let alone spending some days in the area to understand the situation in the field and the social issues in the area.

A fresh start for JATAM East Kalimantan’s work in Rumpun Asa, especially Ongko Asa village that continued to staunchly refuse the mining company, came in February 2020 after the organization was connected to KEMITRAAN. Now, their conversation no longer took place via telephone because the organization was able to be present with the community and even spent some time living with the indigenous tribe for easier coordination. This way, JATAM East Kalimantan was able to reach out to more community members in Rumpun Asa and asked them to join the cause.

During the time in Rumpun Asa, Theresia Jari, a JATAM East Kalimantan activist engaged Ongko Asa residents in informal discussions about the potential mining operations in their village. She talked with a group women while they were cooking in preparation of a traditional ritual; elder women who were resting after a long day working in the field, and took part in casual, relaxed conversations with the men and customary leaders in the evening. It was her way to learn about what the community really thought about coal mining operations – a knowledge she was able to share with the village chief and his staff.

“That way, they were more open about their experiences, including the women. We had natural conversations and I was able to learn a lot from them. In turn, they could easily say what they think and exchange opinions amongst themselves,” said Theresia.

Having better understanding of what was going on in the field, Theresia and several other activists from JATAM East Kalimantan

invited the communities in Rumpun Asa for a screening of a documentary that put a spotlight on environmental issues. Afterwards, they facilitated a community discussion about the adverse impacts of mining operations to the local communities.

Afer just several months, the work of JATAM East Kalimantan in Rumpun Asa was disrupted due to a fallout between a village official and an influential individual. The rife between them grew even sharper in the period around the regional general elections of West Kutai District in December 2020, as the quarrelling individuals supported different political candidates. This situation not only created a heated political situation in the villages, but also discouraged the communities. In Ongko Asa, their solid voice of one community started to crack. Consequently, some community members fell into the promises of the company and agreed to let their lands go.

*Illustration 15 : The residents of Geleo Asa were resting after building a post at the entrance to the village which was made to prevent companies from getting into the area*





At the same time when the situation was challenging with Ongko Asa, Korneles contacted JATAM East Kalimantan and asked them to come to his village, Geleo Asa. Korneles told Theresa how everyone in the village refused Kencana Wilsa, the mining company. The villagers were aware of the many indigenous peoples in Kalimantan that became victims of mining and oil palm plantation operations, and how companies would buy their lands at unreasonably cheap prices. “Yes, they will have a lot of money but only for a short time. Then, they want to spend the money and suddenly there’s nothing left. That’s when the hardship started. They need money to live, so they end up working at the mine or the plantation. Their situation flipped, from having dozens of hectare of lands to cultivate to having nothing,” said Korneles.

However, Korneles reported that his village chief was ambiguous. It was not clear what the chief was thinking of the mining, although Geleo Asa villagers already guessed that their chief was supportive of the company. And they had reasons to be suspicious. The company had never told them about their plan, nor asking their consent but somehow Kencana Wilsa could show a poll that contained consent of the entire village.

Similar to what they did in Ongko Asa, JATAM East Kalimantan also engaged village residents in discussions and screened documentaries about environmental damage caused by mining operations. “After the screening, we talked about Efending Buhing<sup>9</sup> and other tenurial conflicts in Kalimantan. A question arise, what can we do prevent [villagers] from being criminalized?” said Theresa.

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<sup>9</sup>Effendi Buhing, a customary leader of Kinipan Village in Lamandau District, Central Kalimantan, rejected a land clearing project in an ancestral forest that the community has been managing for generations.

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*Yes, they will have a lot of money but only for a short time. Then, they want to spend the money and suddenly there's nothing left. That's when the hardship started.*

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To answer the question, JATAM East Kalimantan equipped the residence with a series of trainings on human rights, paralegal, gender equality, as well as the protection and safeguarding mechanism at community level. The organization also trained them to map their areas and delineate land ownership as well as village borders to prevent land poaching by companies.

The series of training and organizing activities, carried out by JATAM East Kalimantan were eye-opening for the communities and made them realize about the importance of protecting and maintaining their ancestral lands, their source of livelihoods. More than that, they also understood that such efforts could be achieved using peaceful means instead of aggression. Through peaceful means of advocacy, the people would also be able to avoid altercation with the company's “PR people”<sup>10</sup> which may lead to their criminalization.

As their knowledge and understanding improved, the communities felt the need to formulate advocacy strategies to provide structure to their movement. As the first step, they formed an organization called Community Forum for Mount Layung – they chose to

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<sup>10</sup> Villagers who are paid by the company to guard the roads and areas that will be used by the company as mining zone

incorporate the name of the mountain to emphasize the very area that they wished to defend.

After the Forum was established, they set up security posts at the access roads towards Geleo Asa and Ongko Asa as a way to protect their ancestral lands. “The company right now has started operations in Muara Asa. Already, ten hectare of lands have been purchased by the company. We now guard these two villages and will try our best to keep the company away. We put up security posts here,” said Korneles Detang, as the forum’s leader.

Not only that, the Forum, with support from JATAM East Kalimantan also targeted the government of West Kutai District for advocacy. They sent letters to the West Kutai Environmental Office, requesting among others, the EIA document and environmental permits of Kencana Wilsa. Their requests were not responded, but they refused to give up and petitioned for information disclosure to the Public Information Commission of West Kutai. Thanks to their determination, in March 2021 the Commission provided them access to the documents that they requested.

After examining the EIA document, they found that the Kencana Wilsa had engaged in development activities before their environmental permit was issued by the government. “We checked the dates and the permit wasn’t even issued until November 2020,” said Theresia.

The communities also found other irregularities. First of all, the company did not have the proper EIA to develop the hauling road. According to ministerial regulation number 38 of 2019, roads in regencies and villages that extends more than five kilometers

must be complemented with an EIA<sup>11</sup>. Secondly, the jetty in the Mahakam River was not even included in the concession permit that the company had.

These findings were a wake-up call for the Forum and revealed how the company was not afraid to go against the law. Korneles said, “The company has no respect for the law. Just look at how bold they were, starting their operations despite not having the proper permit. Also, we have never heard back from the police about the land poaching incident that we reported.”

The Forum members also realized that it would not be easy to get this powerful company away from their homes. Together with JATAM East Kalimantan, they felt it was necessary to prepare themselves for worst-case scenarios in the future.

One of the strategies that they undertook is to build networks with other CSOs in East Kalimantan and in the national level. “We can’t rely on the government, not even if the leadership changes. We can only put our hope on our network who share the same concerns towards the environment to work with us,” said Korneles.

The other strategy was testing the quality and level of metal content in the water of Mount Layung. Testing cost was not cheap, but considering the urgency the communities agreed to go ahead. Korneles said that when the coal mining operations continued the water quality must change. The test would show whether the activities of Kencana Wilsa have polluted the environment of Mount Layung. If the results were confirmed, it would be easier for the communities to demand accountability from the company, he added.

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<sup>11</sup> Minister of Environment and Forestry Regulation Number 38 of 2019, Appendix I Point IV

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*After examining the EIA document, they found that the Kencana Wilsa had engaged in development activities before their environmental permit was issued by the government.*

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“We learned about this during our participation in the human rights and environmental short course,” Korneles explained. “A friend from Sukoharjo told us that even though they had the lab result that showed the contamination of Bengawan Solo river, a company could still try to wiggle their way out, and that’s because in [Sukoharjo] they didn’t have the baseline evidence of water quality. We don’t want to make the same mistake in Mount Layung,” he said.

His participation in the educational programs also helped him to decide to continue fighting for Mount Layung as an important source of livelihood for the communities. He also learned a new knowledge on spatial planning. “We learned about spatial planning in an area. We have never known how East Kalimantan spatial plan looked like, but now we know that our area is designated not as a mining site, but as horticulture and crop fields. This knowledge can help strengthen our argument,” he said.

While it wasn't easy to come face-to-face with a big company with powerful resources, Korneles said that he and the other community members who refused the mining operations would

not back down. They are going to continue to fight, to campaign their objection using the power of mass media and social media. They wish to see none of the area in Rumpun Asa to be turned into mining site. Even one is too much and would affect other areas, as Korneles explained. If villages located in the highlands were converted, then the other villages located in the lowlands would be vulnerable to floods, landslides or other natural hazards.

Above all that, for Rumpun Asa, defending their land means defending their tradition and life. “If Mount Layung is destroyed, not only nature would be under grave danger. Dayak Tunjung’s traditions may also be eroded. Harvest ceremony, planting ceremony, or words like *nyemik*, and *nugal* would no longer be known by our children,” said Korneles, and added, “We were raised with the produce from crops. We’ve been living this way for hundreds of years and we will continue this positive tradition. We live from generations to generations with the forest. Damage to the forest is damage to Dayak Tunjung.”





Illustration 18: Gunung Layung residents put status on their land to show their vision of the future

# 05.

## From Behind the Mosque's Walls, We Work to Defend Our Nagari

A riot in the past made the Simpang Tonang residents no longer want to deal with the police. A young man and a Mosque's Youth Group established a protection and safeguarding protocol. They used the protocol not only to deal with the police, but also to preserve their ancestral lands through a productive economy led by young people, arts, and religious lectures that contain messages about conserving the environment.



The people of Nagari<sup>12</sup> Simpang Tonang in Dua Koto Subdistrict, Pasaman District, West Sumatra, will never forget what happened on Wednesday of 23 May 2018. The day witnessed a clash between a joint security personnel and local community members in the attempt to save their ancestral lands from being demolished by a gold mining company driven by avarice. As many as 46 individuals from Simpang Tonang were arrested as the result of the incident.

However, arresting civilians apparently could not satiate the security personnel who were involved in the skirmish. What followed were repressive acts on the part of the authority and they did not shy away from using force against dozens of community members that they took into their custody. Out of the 46 individuals, 20 of them sustained injuries in the head, arms, and backs, and one person had a fractured arm.

Those who managed to escape from the arrest reported the incident to the other community members. The news angered the rest of the people in Simpang Tonang. They hurriedly came to the streets to cut off a team of police officers who were going to take their fellow villagers to Pasaman police station. It was a situation where the next clash was waiting to happen. Again, the police used excessive force in response to the chaotic situation, including firing their weapons towards the agitated group of people. A negotiation ensued and, while difficult, the police eventually agreed to release all 46 community members that they took.

A while later, however, the police took five other Simpang Tonang villagers and detained them. They were accused of inciting their fellow villagers to commit violence and causing damage to privately owned properties.

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<sup>12</sup>An administrative unit under the subdistrict of West Sumatra Province. Nagari is equivalent to a village (desa) or hamlet (kelurahan) used in other provinces in Indonesia.



*Illustration 27: Simpang Tonang residents as a protest against the gold mining company in their area*

The harsh reaction of the Simpang Tonang community might have been prevented if only the gold mining company in question had not tricked and manipulated the local community. As for the turbulent Wednesday night, it would not have happened had government authorities been wise and acted in the best interest of the people.

The involved gold mining company is PT Inexco Jaya Makmur (IJM). The story could be traced back to 2017, when IJM entered Simpang Tonang. From the start, IJM has been committing breaches after breaches of their own mining business permit. The company, for example, built a workers' barrack in Simpang Tonang although their operational permit specified a different area – Jorong<sup>13</sup> Sungai Tambang in Nagari Cubadak – as their operational area.

<sup>13</sup>Administrative unit under nagari. Jorong is equivalent to a sub-village (dusun) in other provinces in Indonesia.

In the beginning, the community attempted to respond through formal channels. They sent letters to IJM, requesting them to comply with their mining permit and to abandon their operations. When IJM provided zero answer, the community leaders reported the company to the Pasaman District government. They also sent letters to the local parliament, the provincial government as well as the governor of West Sumatra. What the community encountered was one stonewall after another.

Afraid of losing their ancestral lands, the community refused to just wait for their fate. They started to organize protests, including a peaceful protest in front of the head of the district and governor's offices, where they demanded the government and IJM to stop mining activities until the company's permit legality could be confirmed. Still, no one responded. The protests grew louder and larger in size.

After five months, Simpang Tonang community finally sat down with company representatives in a meeting mediated by Pasaman police. The company promised to suspend their operations until they could get the proper permits.

But it was an empty promise and IJM they continued with business as usual. Not only that, unbeknownst to the community, they had obtained a new permit from the West Sumatra government. By virtue of the governor's decree, IJM was also afforded mining area expansion that allowed the company to legally encroach Simpang Tonang.

Wengki Purwanto, an activist from WALHI West Sumatera, said that the government should have engaged the community of Simpang Tonang before any changes were made to the business permit. "Before they revised the permit, the indigenous people as the rights holder of their indigenous lands that the permit would cover should be given the opportunity to voice their concerns," he said.

The lack of participatory measures and the blatant arbitrary decisions by the government antagonized the community even further. They were disappointed and struck by how the government chose to favor private interests rather than the people.

As days went by, the community grew even more afraid and cornered, running out of options to fight back. They started to block the roads to prevent workers from going into the mining sites in Simpang Tonang. Annoyed by the protests and the roadblocks, the company asked both the military and police personnel for support, providing protection while IJM continued their operations, which made the matter worse as the community fought back even harder – until the clash took place that day.

Rapla Diarola Aparta, or Ucok, a native of Simpang Tonang was in France when the violent incident broke. At the same time when he was attending the international Society of Physical and Rehabilitation Medicine conference, his father, and other people he knew were fighting a number of security personnel. Feeling powerless, Ucok cried when he heard the news that his loved ones had been subjected to violence by the people who were supposed to protect them.

Ucok refused to sit and wait around. He made himself a promise that, “One day, there must be something that I can do.”

It took him some time until he could turn that promise into a reality. Upon returning from France, Ucok had to stay in Surabaya, East Java, to finish his education.

During a semester break at the end of 2019, Ucok went home to his village. He was too late. The people of Simpang Tonang were too traumatized; they refused to talk about their problems with the mining company, let alone the incident on 23 May. They were discouraged, their spirits broken.



A turning point for Ucok occurred after he witnessed a brawl between young Simpang Tonang men after a futsal match. Ucok remembered that he regretted the incident, thinking how violence might be passed on from one generation to the next.

And that was when he remembered a pledge that he made to himself. He quickly decided what to do and on that same day asked another guy he knew, and was involved in the brawl, to take a bunch of other guys and meet him at the village's mosque at dusk. When asked about his purpose, all Ucok said was, "I'd like to share my experiences. Don't you want to be like me?"

*Illustration 18 : Ucok invited dozens of men, women in his village in the mosque to address an issue about violence.*



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*The youth of Simpang Tonang has the potential to continue the fight of their elders in keeping their village alive.*

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Ucok was one of the prides of the village. He managed to secure scholarships for his education, studied for his master’s degree, and has attended various international and national conferences. Using his reputation as the village’s educated young man who was able to carve a good life for himself, Ucok was able to draw a decent size of crowd for his first meeting – around fifty-four adolescents showed up, eager to listen to what he had to say.

As promised, Ucok met them at the local mosque – a place he chose deliberately after seeing how desolate the mosque has turned out to be. Often, Ucok found its doors locked. As West Sumatran people are known as religious, he felt the mosque was the right place to start his mission.

In that first meeting, other than sharing his experiences, he also invited them to build an organization and do something positive for the community. “We don’t need to make this too formal; we don’t have to have a lecture. What’s important is that we gather here. We can swap stories. You can do your assignments here. Let’s allocate our time from *magrib* to *isya*<sup>14</sup>. This is a better place to spend your time than locking yourselves up at home. This is the place where you can get your good deeds counted,” said Ucok to the fifty-four people who came. They agreed and the Mosque’s Youth Group was formed.

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<sup>14</sup> Magrib, the dusk prayer, around the time that the sun sets; isya, evening prayer.

Since the organization's inception, Ucok and the other members never talked about mining problems nor the 23 May incident. Their parents and elders had warned them not to go near the issue, fearing that their children might be taken away and imprisoned. Ucok, too, never gave much thought to it – his priority was giving the youth in Simpang Tonang a place to do positive things and keeping violence away. Ucok also thought that IJM was part of the past and that the company has left for good.

He was wrong. IJM never really went away. Their mining permit – the one that covers Simpang Tonang – still stands. At any time and with no requirement to inform anyone, IJM could resume their operations.

WALHI West Sumatera, an NGO that helped Simpang Tonang community when IJM appeared in the village in 2017 knew about the permit. However, it was difficult for WALHI West Sumatera to motivate the already aggrieved community. They needed a fresh strategy.

The opportunity presented itself in the form of the Mosque's Youth Organization that Ucok founded. According to WALHI West Sumatera, the youth of Simpang Tonang has the potential to continue the fight of their elders in keeping their village alive, especially now that they have a recognized organization at the village level. "We approached these young middle schoolers and told them about how the law works. We hope that they can be our entry point [to connect with the community]," said Wengki.

It also was not easy to work with the youth group. Ucok was reluctant in having a relationship with WALHI West Sumatera. He even refused to meet with WALHI West Sumatera people when invited by a friend. Ucok believed he shouldn't be talking about the threat of mining operations; he felt responsible to the parents of his organization's members and afraid that the organization might stagnate if members weren't allowed to come by their parents.

Ucok's friend in this story was one of the five individuals who were imprisoned due to the damage he inflicted on IJM's properties. Prison, apparently, failed to deter him. Stubbornly he tried again, this time talking Ucok into attending a WALHI West Sumatera training. Ucok was too polite to refuse his friend the second time, especially since he was always enthusiastic and supportive of Ucok's activities with the youth. "He was always excited, asking how things are going [with the Mosque's Youth Group], what could he do to help, what could he contribute. I appreciate his support at a time when I am sometimes met with resistance, and he isn't even from around here," Ucok said about his friend.

Because of their relationship, Ucok started to learn about past stories, including the community's experiences in fighting corporations and, eventually, what really happened in 2018. Touched, Ucok finally agreed to participate in an event organized by WALHI West Sumatera.

The first event that Ucok attended was a training on human rights and paralegal. It was his first time hearing the entire story about the problem of mining operations in Simpang Tonang. The training also taught him further about human rights and environmental issues.

Recognizing his potential, WALHI West Sumatera sent him to attend a short course on human rights and the environment for human rights defenders organized by KEMITRAAN in February 2021. The training deepened his understanding about civil rights, advocacy strategies, and ways to build a social movement. He also met with a number of grassroots human rights defenders from various regions; his exchange with them expanded his knowledge about similar fights happening in other locations.

Not only that, but he was also taken by WALHI West Sumatera to meet with the communities of Mount Talang in Solok District who





were fighting to defend their lands and their livelihoods from being converted into a geothermal project site. The experience was invaluable for Ucok and nurtured in him a new sense of empathy for the people. When they arrived in Mount Talang, the community was organizing a Quran recitation and group prayer event, imploring God to hear their prayers and expel the geothermal project away from their village.

*Illustration 19 : Ucok and other grassroots activists joined the School of Human Rights and the Environment organized by KEMITRAAN.*





It was an eye-opening experience for Ucok, who saw the importance about protecting his village from threats brought upon them by IJM. More than that, the experience taught Ucok that there are subtle ways he can do to raise difficult issues, such as through a group religious study, which parents would certainly be supportive of.

Seeing the growth in Ucok, WALHI West Sumatera started to increase their approach intensity in discussing the issues surrounding Simpang Tonang. WALHI West Sumatera asked Ucok to choose from among the youth group to attend their



**Illustration 20 :**

*Ucok and the Mosque's Youth Organization held a harvest party to foster the love of young people for their village.*

discussion sessions – preferably someone of college-age. In those meetings, they formulate strategies to involve the Mosque's Youth in the efforts of protecting the village from IJM or other gold mining companies. They also agreed not to explicitly discuss about mining issues with the other youth group's members. Alternatively, they presented a movement called Love for the Village. In this movement, Ucok called to the other young people in Simpang Tonang to learn to protect themselves and to broaden their knowledge, including about the potential threats that their village faces.

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*The protocol isn't only useful when we are dealing with the police, but also in preserving our ancestral lands through productive economy led by young people, arts, and religious lectures that contain messages about conserving the environment.*

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One of the initial activities that Ucok and WALHI West Sumatera did was to get the Mosque's Youth to pray for their ancestors who dedicated and sacrificed their lives to protect the village. The invitation was extended during a regular study meet. According to Wengki, it was the first step to introduce the youth to their history, especially Simpang Tonang ancestors who fought for their village, including against the threats of mining companies. Wengki recalled how he tried to introduce a local figure to them. “There was a man called Haji Parmijan, an indigenous leader from the past. Would you pray for him?” Praying aside, Wengki told them about Haji Parmijan's life and fight. “I hope that after hearing the story, they will be curious to learn more about the individual and the cause he is fighting for,” said Wengki.

The strategy worked. Routine religious study sessions were carried out with minimum disruption with parents, as Ucok assumed, finding no objection in activities that does not touch upon mining issues.

It isn't always about religious activities at the Mosque's Youth Group. Ucok tried to engage them in arts activities and other creative projects. These may not be directly linked to mining

issues, but the artistic expressions are expected to nurture the sense of ownership towards the village among the youth. Once that is cultivated, the youth can self-motivate to protect their village if and when IJM, or illegal mining operations appear again.

Ucok and his group also developed protection and safeguarding protocols for environmental human rights defenders with the help of WALHI West Sumatera. They realized that the village remains under threat since IJM's permit is still valid until 2036. There were also threats from illegal miners who are enjoying the protection of rogue security personnel. The protocol contains several requirements that community members need to abide by and defend that in the event that they are criminalized or experiencing violence. The protocol also contains rules about the role of customary leaders in conflict resolution. Additionally, it incorporates nonviolent principles in promoting community causes. The goal is to ensure that the incident on 23 May will not happen again.

Ucok understands that the trauma the village experienced cannot be easily erased. Despite the challenges, from behind the walls of the mosque Ucok and his fellow youth will continue to protect and defend the existence of their village. Like Ucok said, "I can now tell the teenagers that the protocol isn't only useful when we are dealing with the police, but also in preserving our ancestral lands through productive economy led by young people, arts, and religious lectures that contain messages about conserving the environment. I also tell them that we do good not only to prepare ourselves for the afterlife, but also to make sure we can have a good life while we can and to protect our traditional community."

# 06.

## We Fight for Our Lands, Our Homes

The people of Sikalang Village have long lived side by side with a coal mining operation. However, since their wells began to dry up, their walls suddenly cracked, their land collapsed, and crops died, the village could no longer be silent. Led by a women's group, they fought back. They reported the company to the police for violating their mining permit and endangering the citizens.

“I don’t have tens of hectare of land to defend. I just have my house and my yard. If I lose them, where am I going to live?” The question came from Efdariyanti, or Efda, a housewife from Sikalang Village in Sawahlunto City, West Sumatra Province. Efda, and many others in Sikalang, are striving to keep their homes and their lands that are now being preyed by coal mining operations.

Efda is worried and upset, and her emotions depict the situation in Sikalang after a coal mining company entered their village and proceeded with coal exploitation activities that have gone as far as the ground beneath the villagers’ homes and yards. The company, CV Tahiti Coal, violated not only their own permit, but also the water quality and safety of the local community.

Coal is a major part of Sawahlunto’s history, once dubbed as Indonesia’s – even South East Asia’s – largest coal mining area<sup>15</sup>. The people there have been living alongside mining operations for as long as they could remember. Prior to Tahiti Coal, which entered Sikalang in 2010, there were two other coal corporations – one of them a state-owned enterprise. These were certainly not the only mining operations – the Ombiling mining site was opened as far back as the 1890’s by the colonial government<sup>16</sup>.

The marks of prolonged mining activities were discernible in Sawahlunto. The hills were severely degraded and the city residents, who have long lost their natural water springs, have had to source their water for daily household needs from pit lakes that are the leftovers of mining activities.

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<sup>15</sup>Taufiqur Rohman, “Tambang Batubara Ombilin Sawahlunto, Tambang Tertua di Asia Tenggara” (Ombilin Sawahlunto Coal Mine, the Oldest in Southeast Asia), accessed from <https://phinemo.com/tambang-batubara-ombilin-sawahlunto-tambang-tertua-di-asia-tenggara/>, on 28 June 2021.

<sup>16</sup>Indonesia.go.id, “Jejak Sejarah Tambang Batubara Ombilin Menjadi Situs Warisan Dunia” (Historical Traces of Ombilin Coal Mine to be a World Heritage), accessed from <https://indonesia.go.id/ragam/pariwisata/pariwisata/jejak-sejarah-tambang-batu-bara-ombilin-menjadi-situs-warisan-dunia>, on 28 June 2021.

When Tahiti Coal came, said Efda, no one resisted or even questioned the company. According to her, they have gotten too used to seeing mining operations and thought that Tahiti Coal would be just another of those companies and their lives would go on as usual. They accept the company especially after knowing that it has the permit to carry out surface mining operations<sup>17</sup>.

But they were wrong. In 2016, Sikalang community started to complain because their wells began to dry up. Others reported how the water they used for household needs – shower, cooking – was now dirty and smelly, and the color changed. Some more said they started developing skin rash after using the polluted water for baths. Several households could not stand the situation and had to purchase their own water.

Beyond the homes, degraded water quality also affected the residents' crops. During the dry season, leaves turned yellow and cacao and jengkol crops no longer produced harvest. "Many crops died. The plants just stand there and wither away, perished, because the soil is so dry," said Efda.

And it is not only the water that the residents are worried about. The possibility of losing their homes is a major concern as well, and for a good reason. Someone in the neighborhood who works for Tahiti Coal told the community that the company was going to do underground exploration, reaching sites beneath their homes. For the community, this explained why their walls suddenly cracked, as if separated from its structure. Losing a home seems to be a plausible future that awaits them. Their concern grew after learning about the collapse of around 30 homes and several fields in a neighboring village not far from Sikalang.

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<sup>17</sup>Surface mining refers to a mining method where all activities take place on or in relative proximity to the earth's surface and the work is directly exposed to fresh air.





The incident was suspected to be linked to mining activities. The mining company denied and refused accountability – giving just Rp5 million to each affected household as tokens of condolences.

“We were prepared to confront them because if they do reach the ground where my house stands, that building will not hold,” said Efda, flared. Together with several women and men from her village, a total seven of them, they submitted a letter in person to the Sawahlunto District Police and asked approval to carry out a protest. But all they were met with was intimidation.

Illustration 21 : The wall of a resident's house near the mining area had a heavy crack.



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*The West Sumatra Parliament confirmed that Tahiti Coal did breach their permit that did not allow for underground mining.*

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Efda described how the police questioned and threatened them. “Where did you get the information from?” Efda said, repeating the words of the police officer they saw at the station. They showed the officer the pictures that they could find of the pit lakes, but they were then chastised by the policeman. “You shouldn’t make baseless accusations, you could go to jail for that. And these pictures, aren’t you leaking the state’s classified information? You definitely could go to jail for this. You don’t need to bother yourself with this mining thing. Just stay at home, take care of your kids and husband,” said Efda, recalling her experience at the police station.

What Efda and her friends did not know was that the documents they brought were not state-classified materials. They also were not aware that the officer’s sexist remarks were a form of discrimination. But the intimidation worked because no one wanted to go to prison.

It was not the only instance of police repression. After Efda’s attempt at the police station, police officers called other residents multiple times to come to the station and provide a statement. It was highly irregular but the residents, not knowing any better, obeyed.

For Efda, the intimidation she experienced also came from neighbors who were related to the mine owners. Everything on the surface and under the water in Indonesia belonged to the state, the neighbor said, and that the people had no right to meddle. Civil rights and state’s

obligation were foreign concepts for Efd a and consequently she could not say anything back although a tiny voice inside her said, “But I have my land title certificate. What good does it do, then?”

Moreover, a customary leader of Sikalang, *Ninik Mamak*<sup>18</sup> whom everyone looked up to for protection took the company’s side. The others suspected that the company paid some amount of money to her every now and then to buy off her support.

Confused and devastated, in early 2018 a villager asked Efd a to report the situation to WALHI West Sumatera. The idea was not well-received, as they had no money to afford an attorney. They also heard more than a fair share of stories of how easy it was for powerful corporations to squash the ‘little people’.

But the villager convinced Efd a that WALHI West Sumatera did not charge anything to those seeking their help. He went on telling the story of how the organization helped a Sikalang resident who experienced a work accident at the mine, ensuring that the worker received his rights in such situation without asking any fee. It was this story that convinced the community of WALHI West Sumatera’s intentions and thus began its involvement in Sikalang.

The first thing that WALHI West Sumatera did after they arrived in Sikalang was to invite village members to explore the issues that the village faced, ensuring everyone’s understanding of the problems that occurred in their environment. This was followed by capacity building and training programs on human rights, mining information, and strategies that villagers could employ to defend their rights. WALHI West Sumatera also invited some of them, including Efd a, to meet with

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<sup>18</sup>Ninik Mamak is the holder of the leadership position that is passed on to the next generations following the maternal line. A Ninik Mamak bears the duty to supervise, manage, and performs many forms of customary rules and traditions. According to the customary law, she is the leader and protector in the family.

another community who had a similar experience – a community from South Kalimantan that became the victim of a coal-fired power plant project. There was an important learning opportunity that resulted from connecting the different communities.

These activities, including capacity building, effectively enhanced the skills and knowledge of Sikalang villagers about their case. Importantly, their confidence also grew. They started writing official letters to government institutions, such as the National Commission on Human Rights and the West Sumatra parliament. But the most important benefit from this engagement came from Efda, who said, “I now understand about our rights that we need to defend.”

Their letters were effective. The West Sumatra parliament wrote back and in November 2019 a team of local parliamentarians and experts from the Energy and Mineral Resource Office of West Sumatra came to Sikalang to do an unannounced inspection. From the visit, the team confirmed that Tahiti Coal did breach their permit that did not allow for underground mining<sup>19</sup>. The government promised that the Sikalang residents would be compensated for the damages.

However, this was not the end of the journey for Sikalang. Community members became even more driven to attend other training activities from WALHI West Sumatera. Just like their fellow villagers in other regions, the people in Sikalang were also given training activities on paralegal and creating safeguards as well as protection mechanisms for environmental human rights defenders.

The training programs helped them to organize in a more structured and systematic manner. Sikalang formed a security team led by a coordinator

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<sup>19</sup>Underground mining refers to a mining method where all activities take place under the earth's surface and work is not directly exposed to outside air.

that consists of dedicated divisions for public relations, legal affairs, and communications. The latter acts as their focal point with WALHI West Sumatera.

“The way we worked in the past was we would directly contact [WALHI West Sumatera’s] director [Ms. Uslaini] for any issue, just because she’s the only one whom we knew. But she’s got a lot of responsibilities, too, and we don’t want to bother her. So, we came up with this system. If we have any problem, we would discuss first amongst ourselves before we take it to WALHI West Sumatera,” said Efda about how the communications division originated.

*Illustration 22 : The West Sumatra parliament came to Sikalang to inspect the mining area owned by Tahiti Coal.*



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*I'm not afraid to sign. We didn't do anything wrong, we are only fighting for our rights.*

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On the safeguard and protection mechanisms, the team has formulated security protocols that require, among others, any community member who is traveling to report to the team. The purpose is to make sure that the individual is safe from potential harrasment and criminalization by certain parties with interests in the coal business.

Sikalang has also found their voice and the courage to express their opinions, objections to the government. They confronted Sawahlunto's Environmental Office team who came to the area to check on 12 houses that were affected by mining activities. It was meant as a follow-up visit from the previous inspection by the local parliamentarians. A meeting was convened at the village office, and Sikalang residents were bravely critical during the meeting wit the government's team. Efd a recalled some of the questions: “Why only 12 houses? What about the other houses? There are more than a dozen houses with cracked walls! And the water is unsafe, who is going to pay for that? Why are you here, and not the company? Who is going to compensate us?”

Of the many issues that were raised, the Environmental Office team only responded about water quality and claimed that the water was within quality tolerance level. Clearly, it was not what the residents expected to hear. They then asked the officers to drink the water that came from the mine ‘lakes’ – a request that the officers denied.

Sikalang also insisted that the compensation be paid by the company and not the government. For them, it was the company that is responsible for the environmental damage.

“We want the company to admit what they did and be held accountable. Paying indemnity isn’t enough because they may do the same thing in a different place. That is not what we want. We want the company to be shut down and punished for their violations,” said Efda adamantly.

Some time passed since the visit of the Environmental Office team and Sikalang residents grew restless. They did not hear any response from neither the government nor the company to their demands. WALHI West Sumatera advised them to send letters to the governor and to the West Sumatra Provincial Police, but the community refused. As Efda described, in the community’s mind, it should be WALHI West Sumatera writing the letters. “We have WALHI, why should we draft the letters?” said Efda.

But WALHI West Sumatera understood the underlying issue: that even though the community was starting to understand their rights, it was still difficult to them to mobilize themselves. Not only that, there was a genuine concern that, without their presence, Sikalang residents would only be rebuked – such as their previous experience with the police. WALHI West Sumatera agreed to take over, but still asked them to sign the letter. Now, they were hesitant. Wengki Purwanto, an activist from WALHI West Sumatera who worked with the Sikalang community, recognized the hesitation. He said, he understood their reluctance, but continued with a question, “So, is this the end of the road for us?”

It was the question that they needed to hear because Sikalang was not ready to stop. Efda became the first person to offer her signature. The others followed suit. “I’m not afraid to sign, because I don’t want my house to collapse. We didn’t do anything wrong, we are only fighting for our rights. So, I was the first person to volunteer,” Efda said of that moment.

Wengki brought the letter with him to the province capital Padang, but he did not immediately send it to the governor and provincial police's office. Instead, he persuaded Edda – who was also in Padang at the time while waiting to go to Yogyakarta for a Human Rights Short Course – to submit the letter herself. This time Edda refused, because she was afraid to go alone. But Wengki tried to convince her, saying "It's OK to try, and if you have any issue, reach out [to WALHI West Sumatera]."

*Illustration 23:*  
Edda submitted a request  
related to the mining permit  
violation committed by Tahan  
Coal to the West Sumatera  
Police.





So Efda gathered up her courage and headed to the the governor's and the provincial police's office, accompanied by a young college student who was interning at WALHI West Sumatera. Although Efda was nervous and anxious, the process turned out to be smooth and, against her worst-case expectation, she did not encounter any intimidation. "They asked questions, but it was nothing out of the ordinary," said Efda.



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*The villagers are now able to express their objections to the government and report the violations committed by companies to the police.*

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In Sikalang, Efda reported the experience to her friends and immediately caused bewilderment. They were surprised, Efda said, and interrogated her with questions like, “How are you brave enough to go to the police?” and “Nothing happened to you?”

Efda’s story was inspiring for her community. Because of her, the other villagers also found their courage in dealing with police officers. When the Sawahlunto police station continued their non-procedural call for one of them, the villagers refused. As told by one of them, they simply responded, “We apologize, but your letter did not comply with the proper procedure. A call to the station should be submitted to at least 3x24 hours prior.” The police tried again and asked Efda, or someone else to represent the community, to appear at the station. Their response was polite, but firm: “Thank you for your letter. We apologize, but any legal matters should go through our attorney.”

Efda and the Sikalang community have a long way to go. Nevertheless, they have come so far from when they began and the wins, however small, are worth celebrating. Today, they are now able to express their objections to the government and report the violations committed by companies to the police. Thanks to their report, the West Sumatra police has started to look into the alleged violations of Tahiti Coal and the case is now under investigation.

For Edda, her engagement with WALHI West Sumatera and the various training activities that she attended not only became her source of knowledge and confidence in interacting with police officers, but also a valuable opportunity for this seamstress and housewife to meet new people and network. She has met fellow grassroots human rights defenders from the different regions in Indonesia. From them, she learned about having the grit and tenacity to fight for her land and for her home.

Now, Edda never says no to invitations from WALHI West Sumatera to meet and share experiences with other communities who are going through the same thing. Her husband never prevents her from going, and so Edda appreciates the learning opportunities – especially since there are many women in her community who do not enjoy the same chance that she has because of their husbands' disagreement.

Edda also believes that Sikalang will not stop until the company can be held accountable. They are committed to staying solid and to lend courage to one another in defending their rightful homes and lands, armed by the conviction that they are doing the right thing. "We will never give up, not until our rights are fulfilled. I hold the certificate for my land, so this fight continues as long as necessary. If something happens to my house, that company has to be responsible. This is our land, and we will not let it be ruined. We are holding the company accountable because we are the rightful owners of the lands," Edda concluded.



# 07.

## The Peaceful Battle of Lebak Rawang

A company targeted peatlands in OKI District to turn them into plantation areas, whereas peatland is essential to protect the surrounding community from forest and land fires. Not wanting to lose their source of livelihood, residents of OKI District who lived near peatland areas fought back against the company's plan through peaceful advocacy.

Lebak Rawang<sup>20</sup> is located in Tulung Selapan Subdistrict under Ogan Komering Ilir (OKI) District in South Sumatra. As its name suggests, Lebak Rawang is surrounded by 1.1 million hectares of peatlands and over 800,000 hectares of agricultural area. Having depth of over three meters, the peatlands in Lebak Rawang are designated as protected zones<sup>21</sup>.

For the communities in Lebak Rawang, peatlands serve as the fortress that keep them safe from forest and land fires, preventing fire from spreading to their houses and rubber plants. Peatlands are also a source of livelihood, where the locals can fish and collect animal feed and wood. From these activities, they can generate income of Rp200,000 to Rp300,000 a day.

The size of the peatlands is appealing for businessowners who are always on the lookout for potential plantation sites. Lebak Rawang communities, however, consistently reject any project that would convert the peatlands into plantations.

In 2004, a sugar company planned to open a 40,000 hectare of sugarcane plantation. This was exactly the kind of plan that Lebak Rawang people disapproved, not wanting to lose the peatlands that have been serving both as their protector and source of livelihood. WALHI South Sumatra came to Lebak Rawang to assist the communities, helping them learning of the potential environmental damages caused by industrial farming activities. The NGO also helped organizing the communities to reach out to government authorities and to challenge the plantation project.

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<sup>20</sup>Rawang, a term used by the people in Ogan Komering Ilir Regency to refer to peatlands.

<sup>21</sup>Government Regulation Number 57 of 2016 concerning the amendment to Government Regulation Number 71 of 2014 on the Protection and Management of Peat Ecosystem, article 9, paragraph 4 point a.



Illustration 24 : Residents hold up a giant banner to show their determination to saving Lebak Rawang.

Unfortunately, some of the community members still lacked the capacity on doing advocacy. During one of the protests, a clash broke out, leading to several individuals being criminalized by police officers. One person died from this tragic event. “South Sumatran people are known to be bold and daring, and these were reflected from the means we resorted to. Whenever we feel threatened, we have no problem of fighting back,” said Muhammad Syukrie, a resident of Jerambah Rengas Village, part of Lebak Rawang. At the same time, the incident also resulted in the revocation of the company’s operational permit. For the time being, the sugarcane plantation project failed to see the light of day.

After fourteen years, at the end of 2018, another company came. This time, an oil palm plantation. PT Bintang Harapan Palma (BHP) obtained a permit from the government to plant oil palm trees. The plantation was allowed to cover 10,000 hectares of peatlands. Once operational, BHP's site coverage included five villages: Jerambah Rengas, Riding, Lebung Itam, Tulung Seluang, and Penanggoan Duren.

Immediately, BHP deployed various tactics to support its plan, including by offering compensation money to communities. The amount varied between Rp500,000 to Rp1.5 million per hectare. Those who were willing to accept the money were asked to sign a receipt and statement that they acknowledged the company's operations. It was those statements that BHP used to claim the communities' consent.

BHP's offer was met differently in different villages. While it was welcomed by some, there were also some others who refused. "For us, the communities, it was not good enough. One million rupiah will be spent in a week just for household needs. Moreover, if we take the money, it means we agree to let our lands go," said Ilham (not his real name), a resident in Lebung Itam.

However, the communities did not have a lot of choices. The company began to involve police officers to act as mediators with the hope to speed up the process of getting communities' approval. The officers who agreed to help BHP would use a village chief's house – also the village office – in Jerambah Rengas and Lebung Itam to persuade community members. A resident could still recall what was said by their 'mediator': "It's better if you take the money. If you refuse, you should know that you may be accused of incitement."

The only village that was left in the process that firmly rejected the compensation was Jerambah Rengas, where Syukrie is from. According to Syukrie, his village is the first village to find in Lebak Rawang. In other words, it is strategically located as the 'gate' to the other villages, located

deeper in the area. Syukrie said that if BHP could get its hands on Jerambah Rengas, it would take the company no time to meddle with the other villages.

The tactics that BHP used also reminded Syukrie of the sugar company, over a dozen years ago. That company also promised communities social assistance in exchange of their family cards.

“We were asked to give them our family cards, they didn’t say why. We found out later that they were going to abuse the data to make it seemed that we approved of the company’s operations,” said Syukrie.

Suspicious, Syukrie and the other community members who were involved in the 2004 incident grew even more adamant in refusing BHP’s presence. Some of them have gained knowledge about company incorporation and they were confident in saying that BHP should engage the communities in a participatory dialogue, giving them a fair chance to express their views about land clearing for oil palm plantation. “And what we mean by participatory isn’t the involvement of just one or two persons who are supportive anyway of their business, but a discussion with the whole communities and discuss, among others, the potential losses and damages that may occur,” explained Syukrie.

The resistance that Syukrie and his friends in the communities showed grew stronger after the company's activities were proven to be detrimental to wildlife and in turn, the communities. Since the heavy equipment arrived in the area, Syukrie said that people often find monkeys in their kitchen as the animals were scrambling for food. “We are just seeing monkeys now, but if we do nothing, the next time we go into the kitchen we may be staring into a tiger’s eyes,” he declared. Despite all that, Syukrie added that what is more concerning is the potential of the palm plantation robbing communities of their rights over the source of livelihoods that the peatlands have been provided to them.



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*What is more concerning is the potential of the palm plantation robbing communities of their rights over the source of livelihoods that the peatlands have been provided to them.*

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On top of that, he and Lebak Rawang communities were worried that their resistance may lead to violent skirmish – that it would be 2004 all over again. They were also aware that they are standing against a much more powerful entity. So, when they heard that the plantation permit for BHP has been issued, they contacted WALHI South Sumatera. This organization is not a stranger in Lebak Rawang, having assisted the communities during their conflict with the sugar company.

WALHI South Sumatera received Lebak Rawang report and quickly responded by deploying a team to the field to do an initial situational analysis and investigation about the land status, the involved entities, as well as the social and political situation in Lebak Rawang villages. Another step taken by WALHI South Sumatera was requesting public information disclosure regarding BHP’s plantation and site permits from the OKI District Government. The findings from this process revealed that the company has been carrying out various measures to divide, intimidate, and allure communities in order to achieve their purpose. WALHI South Sumatera even tried to visit BHP’s office; curiously, it is always closed, although the company has continued sending in their heavy equipment operators and workers.

The interaction between WALHI South Sumatera and Lebak Rawang communities continued. Since October 2018, the organization intensified

their assistance for the communities, providing capacity building activities in advocacy to make sure that Lebak Rawang can make their fight more effective and strategic whilst incorporating non-violent principles.

Among the training that the organization provided was about the protection and safeguards in the communities. From this training, they learned to defend their rights and fight back without resorting to violence.

After the training, the community members established a security team, called Communications Forum of Peatland Management Communities (FK-MPR) with Syukrie as the leader. They then deliberated to choose team members. This was one of the things taught in the training, that they need to think strategically on who is getting a seat in an advocacy team.

“Our communities are used to using weapons, machetes, knives. And almost all families have their own improvised firearms. But, if we bring this to our advocacy, we might as well start a war. So, we strategize and assign people into roles that are the opposite of their personalities. We would assign someone who’s emotional to the back end, perhaps be responsible for our logistics, while a person who is calm, but persistent would be assigned as a negotiator. This system works well, and we haven’t gotten into trouble with the law at all,” said Syukrie.

Another thing that Lebak Rawang communities realize is that the fight to defend their peatlands could cost them their lives. The 2004 incident taught them this; at the time, someone died during the clash. There was also another example from Lahat Regency, three hundred kilometers away from OKI, where a clash cost the lives of two farmers. These kind of tragic events made the people in Lebak Rawang even more committed to avoid physical confrontation with outsiders and bloodsheds among communities.

With FK-MPR, Lebak Rawang had a new direction. Together with FK-MPR, community members developed an advocacy agenda and urged

the government to revoke the permits of BHP. They also lobbied the government to revise Lebak Rawang's spatial plan. FK-MPR and WALHI South Sumatera came to authorities ready with plenty of evidence. They brought policy briefs that they have developed, in which they described conceptual designs and recommendations for the government to realize just and sustainable spatial planning in the area. They also engaged the government in discussions about, among others, the agricultural potential of peatlands. And their correspondence reached far and wide to various stakeholders – from the governor of South Sumatra to the National Commission on Human Rights in Jakarta.

*Illustration 25 : Residents of Lebak Rawang held regular meetings to discuss advocacy agenda and strategy.*



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*At one time, when a company's worker tried to use the road with heavy equipment, some residents of Lebak Rawang immediately gathered to decide the best way out that would settle the incident without causing havoc between the communities and the company.*

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Aside from doing advocacy that targets the government, the communities also started to apply their safeguard and protection mechanism. Every Tuesday night, they gather to determine who would be on duty to monitor Lebak Rawang's 'fortress' – an area that is most likely used as the entry way for BHP's heavy equipment. This area is not easy to reach and quite far from the plantation and settlements. While many people in Lebak Rawang have had to abandon their activities in the peatlands – fishing or collecting wood for sale, or for house construction – this Tuesday night routine has been creating a stronger bond among community members. “They usually bring rice from home and then fish once they are on location. They make fire and grill the fish, and then eat as a group. That's the key behind their bond and there's no competition between them,” explained Syukrie.

Other than the regular patrol, they also put up the national red-and-white flag and cameras in the access roads used by the company's heavy equipment. This is a strategy that they learned from WALHI South Sumatera's training, which Syukrie said has been quite successful. Now, the workers and their heavy equipment do not dare to enter. “It's true, heavy equipment won't cross that point of the road. We only put up our national symbol and then wait. If they hit it, we'll have them on camera.

We can disseminate that to the media. This is a simple trick but very effective in preventing violence,” he added.

At one time, a company's worker tried to use the road with heavy equipment. Syukrie and FK-MPR immediately gathered to decide the best way out that would settle the incident without causing havoc between the communities and BHP. “So, I took a piece of board, and I wrote, ‘SEALED’. It satisfied community members who joined a protest,” Syukrie said. Following that, FK-MPR took the heavy equipment driver back to BHP office, handing the guy over to BHP’s security unit. It was done to ensure the safety of the driver and the equipment of BHP. FK-MPR also asked the company's PR person to provide them with an official statement saying that the handover had been completed. More importantly, the process took place peacefully.

The patrol, initially carried out as a way to protect the peatlands, then grew into income-generating activities. To increase the value of their fortress-patrol, some communities set up swift birds’ nests in the edges between their lands and the disputed areas. It began with one nest that quickly grew into dozens of nests.

“Because of the nests, our community members like going there. Previously, they only go because it’s their turn, but now they go because they also want to check their birds’ nests,” said Syukrie.

The change in the communities’ spirit also happened to Ilham, the young man from Lebung Itam. Initially, it was his father who was an active part of the community movement. Ilham takes over his father’s place and admits that, in the beginning, he was only imitating what the others were doing. “I said ‘yes’ to anything that came up, but I didn’t really understand what the movement was about, where is it heading to, and what’s the purpose. But now I understand why we are doing this,” said Ilham.

So far, FK-MPR has carried out lobbying with policymakers and maintains the regular patrol activity. Nevertheless, the two things are not

enough to keep Lebak Rawang from the threats arising from commercial entities. The gap originates from the lack of political support from the local village government. According to Syukrie, this is because the village chiefs are not usually native to Lebak Rawang. “They’re settlers who marry our women,” said Syukrie.

So, FK-MPR tried another strategy - the organization nominated their deputy coordinator as a candidate in the village chief election. Syukrie, Ilham, and the rest of Lebak Rawang believe if the village chiefs are native residents, they would have a significantly higher sense of ownership of the lands compared to people who do not have historical ties to Lebak Rawang. “We need to try this,” was what Syukrie said.

The fight is still a long way ahead. The people of Lebak Rawang realized that they need to be better in strategizing. They also need to be smarter in dividing roles and engaging more people to gain their support, especially women.

- Illustration 26: Lebak Rawang residents built several swiflow's nests in peat areas to increase their incomes



Syukrie is aware that there's a lot of room to grow in terms of women's participation in their movement. Some women would be present in community discussion forums, but the pronounced patriarchy in the communities mean that women are mostly there to provide refreshments. Syukrie intends to change this. "I'm concerned that if we have just male participation, they won't be able to gain the same support at home," he said.

In early 2021, after attending a Human Rights Short Course, Syukrie was introduced to PEKKA, an organization for women heads of families. It was an inspiring experience for Syukrie to establish a similar group in his village. After the training, even though he has only started to understand about women's engagement, he immediately applied that knowledge into action. Syukrie called upon the women in Jerambah Rengas to be actively involved in village activities. The women were also sent to Palembang and attended various training sessions there, including public speaking. By getting them into the training, the Jerambah Rengas women are expected to participate more actively in the community forums.

The women in the village have also been given the room to be a vital part in defending the peatlands. One of the things that they do is they manage a mini natural pharmacy in areas that border with the disputed mining site.

The fight of Syukrie, Ilham, and the Lebak Rawang communities show how intertwined their lives are with the peatlands. They live from the peatlands and in turn the peatlands allow them to sustain themselves.

The oil palm company has yet to launch full-scale operations in the area. Still, it was not an easy feat to defend 10,000-hectare peatlands, especially because at the same time they have to strengthen gender balance in their advocacy and movement. But, for Lebak Rawang, they are going to continue the fight no matter how difficult. "We're not only fighting for Lebak Rawang, but also for the broader environment," Syukrie concluded.

Illustration 27: Residents of Lake  
Rowing near the protection with  
small boats to protect their land.







# 08.

## Sukoharjo's Tireless Struggle Against Pollution

Since PT RUM started its operation, the residents of Sukoharjo have been living under the siege of pollution. The entire population took action and staged a demonstration. But their fight ended with an arrest. Sukoharjo residents then rearranged their strategies and empowered themselves so that similar incidents would not happen again.

All names have been changed to protect the individuals' safety and privacy.

How long would it take for a textile factory to change the environmental landscape and the lives of the nearby communities? This question may be difficult or even confusing for someone who never lived close to a textile factory, but the villagers of Pengkol, Gupit, Celeb, and Plesan in Sukoharjo District, Central Java are able to tell you the answer: just several months.

‘Several months’ were what it took for the communities in the four villages to witness the drastic change to the environment and quality of life, and not for the better. Take the air for example. Just five years ago, the air was clean and life in the villages was comfortable. These simple, but priceless qualities perished as PT Rayon Makmur Utama (RUM) started its operations in 2017.

RUM is a factory that produces rayon fibers or synthetic cotton located in the east of Nguter Subdistrict, Sukoharjo Regency. They supply their production to PT Sri Rejeki Isman (Sritex), Southeast Asia’s biggest textile and garment company, to be processed. Sritex markets their garments to over hundred countries, including military uniforms to 30 countries<sup>22</sup> and the North Atlantic Treaty Organization (NATO)<sup>23</sup>.

In 2010, through a group of intermediaries, RUM came to Nguter to purchase lands and told some of the communities that they were going to build a garment company. Meanwhile, to other communities, the intermediaries claimed that RUM was going to open a cotton plantation to process the harvested cotton into fabrics. Despite bringing unclear information about the purpose of land, they all had the same promises: once the cotton plantation, or the company, start operations, jobs would

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<sup>22</sup> Galih Gumelar, “Juris Sritex Bertahan di Tengah Lesunya Industri Tekstil RI” (How Sritex Survives the Slump in Indonesia’s Textile Industry), accessed from <https://www.cnnindonesia.com/ekonomi/20180219101952-98-277080/jurus-sritex-bertahan-di-tengah-lesunya-industri-tekstil-ri>, on 13 August 2021.

<sup>23</sup> NATO, North Atlantic defense and security organization consists of European countries, the United States, and Canada.

flood the communities. Hearing the promise, many community members willingly let or sale their land at a price as cheap as Rp25,000 per square meter.

Four years later, in 2014, RUM introduced the environmental impact analysis (EIA) document to several entities in the communities, including village administrators and members who were supportive from the beginning about factory opening. There were some village people that attended the meeting, but they admitted that they did not know the purpose of the discussion. One year later from, from 2015 to 2016, a factory was built on a 65-hectare area.

Operations commenced in 2017 and immediately the factory produced loud noises that disturbed the communities. They suspected that the noises came from the factory's power generators during their regular maintenance periods. Other than that, they also often heard loud noises from the factory's machines, resembling a jet machine when flying low. "At one point, we didn't stop hearing that jet-like noise for a week," said Wawan, a resident of Gupit.

Aside from the noise, the company's operations also caused foul smell. Initially, the communities thought that the smell came from leaking septic tank; for a short period of time, neighbors accused each other of causing the smell.

Whenever emitted, the smell affected households located as far as within ten kilometers from the factory. For houses that are within the direct vicinity of RUM, just five to a hundred meters away, the impact is a hundredfold more. The smell is significantly more intense and stays longer in the air. Wawan said, his neighbors would find it difficult to concentrate and become emotional every time the smell appears. A lot of them also experienced physical reactions, such as tension in the back of their necks, nausea, headaches, and vomiting.



*Illustration 28 : Pipa pembuangan PT RUM ada yang terletak di sungai kecil dekat permukiman warga.*

After learning the source of the smell and noise, community members met and established an organization called Sukoharjo Communities for the Environment (MPLS). In early 2018, MPLS staged a protest in front of RUM's gates and demanded the company to stop polluting the environment.

Hearing no response from RUM, MPLS escalated their protest to the Sukoharjo District Office. The Head of the District Wardoyo Wijaya was willing to meet with them and promised to suspend the activities of the factory. The government asked RUM to repair their machines within one and a half months to stop causing pollution. MPLS was satisfied with the Mr. Wijaya's commitment. "Even though for a short time, we were at least able to stop RUM from polluting the environment," said Bejo, a Gupit resident.

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*Some of the residents were so afraid that they would only met at a cemetery. They were worried that other people, or even the police, might find out if they had meetings at home. We were frustrated at some point.*

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But Bejo's expectation was not realized. Bejo is one of those people living just a hundred meters away from the factory and he could still smell the foul odor, even though not as strong. RUM also did not fully comply with the government's mandate to suspend their operations. “We continue to see their trucks transporting raw materials and goods going in and out of RUM, and their workers didn't stop going there,” said Bejo. One and a half months passed by without a significant change. In fact, the pollution began affecting more areas. The factory's wastes – froth-like, with a smell that would remind anyone of rotten eggs, and colors of green, black, and yellow – could be found polluting Gupit subriver and Bengawan Solo river. This kind of waste killed the fishes in the rivers, amounting to one tonne. “Forget the fish. Even the flies that land on those fishes might die instantaneously,” Wawan said, frustrated and angry at the situation.

The community members who could not stand the situation launched another protest in front of the Sukoharjo District Office. This time, they demanded for the closure of the factory. Unfortunately, the Head of the District said it was not possible for the government to shut down RUM unilaterally. It was a disappointing statement from Mr. Wijaya – as a political figure, he has been claiming his position as ‘pro-people’<sup>24</sup>. But

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<sup>24</sup>AAsni Ovier, “Menang 85%, Anak Petani Terpilih Lagi di Pilkada Sukoharjo” (With 85% of the Votes, the Farmer's Son Wins Another Electin in Sukoharjo), accessed from <https://www.beritasatu.com/nasional/330248/menang-85-anak-petani-terpilih-lagi-di-pilkada-sukoharjo>, on 14 June 2021.

the communities refused to be discouraged. At the urge of the people, he promised to issue a decree by ten in the morning, which would effectively end RUM's operations. The protesters accepted the promise and moved to RUM's factory – they spent the night at the company's gate.

The next day, Sukoharjo communities continued to patiently wait for the decree. Hours passed by and the head of the district's promise seemed to be closer to nothing more than words vanishing into thin air. The community members started to lose their patience and started to block the access roads into the company. They were tired, they were emotional, and in that condition, they were easily provoked. At around 1 pm, the people's energy turned violent. RUM's gate was torn down, glasses broken, and a security post was put on fire. The situation started to change after Mr. Wijaya signed the promised decree and temporarily closed RUM's operations for 18 months until August 2019, until the company was able to properly manage its wastes. Having that answer, the community members went home.

But this story, like many others, also ended with an arrest. In the middle of the night, several police companies suddenly appeared in Sukoharjo area. The personnel were deployed to search for the individuals involved in the incident on 23 February 2018. "They [the police] knocked every house. The neighborhood had a security team, but they only had ten people with them who were exhausted because of the series of protests. We couldn't do anything. We could only document what was happening, draft a press release, and then sent it to the media," said Bejo, who witnessed the arrests.

The police arrested seven individuals, including one college student. Two of them were accused of incitement and disseminating hate speech on social media. The other five were accused of damaging privately-owned assets.

The college student managed to contact a friend to get legal aid. Legal Aid (LBH) Semarang responded, marking the beginning of its assistance for Sukoharjo. Eventually, LBH Semarang helped five individuals charged

with damaging properties, while the other two suspects had legal representation from a different organization.

Nonetheless, all seven individuals were convicted. This outcome greatly affected the people's movement. Police intimidation drove them to be even more pessimistic. According to Wawan, "Some of them were so afraid that they would only meet at a cemetery. They were worried that other people, or even the police, might find out if they had meetings at home. We were frustrated at some point. Other people were also threatened by unknown individuals, saying that they would be arrested if they took part in a protest."

Six months after the incident in February 2018, RUM was able to meet the government's order to repair its waste disposal system. However, the machines that they procured, including odor neutralizer, were not powerful enough to eliminate the smell.

Feeling that they had no other choice, this time they demanded for permanent closure of the company. The Head of the District, Mr. Wardoyo Wijaya responded, saying that it was not possible and that it would take a lengthy process, especially since the permits of the company were not issued by the regency alone, but also by the central government through the Ministry of Environment and Forestry (MoEF). He could only promise to establish an investigative team together with MoEF to follow up on the pollution issue<sup>25</sup>.

The community members were deeply dissatisfied, but not dispirited. They chose to re-strategize with the help of LBH Semarang – the organization refused to leave the communities even though they have completed their job of providing legal assistance for five community members who were arrested. LBH Semarang was not going to let

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<sup>25</sup>Indah Septiyaning Wardani, "Diminta Tutup PT RUM, Ini Jawaban Bupati Sukoharjo" (Sukoharjo's Regent Responds to Demand of Shutting Down PT RUM), accessed from <https://m.solopos.com/diminta-tutup-pt-rum-ini-jawaban-bupati-sukoharjo-1037999>, on 14 June 2021.



Sukoharjo's environment to be degraded even further and families to suffer even more.

Armed with this commitment, LBH Semarang intensified its activities in Sukoharjo. To start, the organization asked community members to reflect on the incident of 23 February that led to the clash and arrest, and used this as an entry point to introduce nonviolent principles as a means to defend and fight for one's rights. LBH Semarang reminded them that peaceful advocacy is more effective in minimizing retaliation from the opposite side, including criminalization. To build Sukoharjo's capacity, they provided paralegal, human rights, and protection and safeguards training.

*Illustration 29: The residents of Sukoharjo, joined by FIC and LBH, visited the Indonesian Commission Representative Office for Central Java to submit their complaints about pollution caused by the factory.*



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*Peaceful advocacy is more effective in minimizing retaliation from the opposite side, including criminalization.*

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Moreover, LBH Semarang encouraged the communities to report their case to central state agencies in Jakarta. Following the organization's advise, letters from Sukoharjo arrived at the National Commission on Violence Against Women, National Commission on Human Rights, the Commission for the Protection of Children, the Environment and Forestry Ministry, the Ministry of State Secretariat, the Ombudsman of Indonesia, and the Executive Office of the President. The hope was to call upon these institutions and make them aware of the environmental violations that were burdening Sukoharjo.

Over time, several members and management of MPLS became involved in health facility projects initiated and received assistance from RUM through the company's corporate social responsibility (CSR) mechanism. For some people, this was a sign that MPLS was no longer relevant as a forum for community organizing. To them, health facilities from RUM would not have any effect on the pollution in Sukoharjo. Moreover, the value that the company contributed did not commensurate with the environmental damages that they have been causing. In their view, the CSR program was no more than the company's efforts to divide the communities. The concerned individuals urged for the MPLS' reform and called for clearer advocacy goals and strategies that were better defined to ensure that no outside party could piggyback their cause, diverting them from their one true goal: eliminating environmental pollution in Sukoharjo.

As the result, MPLS was disbanded and a new forum was established, called Forum for Communities Impacted by RUM. This second forum,

however, did not last very long. According to Bejo and Wawan, who learned about community organizing during their human rights and environmental short courses in Yogyakarta, the forum was set up for failure by design. Decisions, for example, could only be taken by the forum leader, which effectively hindered participatory decision making. Giving decision making mandate to just one person also risked derailing their own cause in the event that the leader made the wrong choices.

After necessary changes to organizational arrangement, ensuring that participatory principle is incorporated, Sukoharjo launched a new organization called Sukoharjo Movement for the Environment (GPL Sukoharjo). This organization comprises members from four villages that are affected by RUM's untreated wastes. "The change was needed to make sure we are more organized, since there are so many things and activities we need to do win for the people. We have a leader, but the leader doesn't have decision-making power. Decisions are discussed and taken collectively. We must always be geared towards the same goal of having a healthy environment," said Wawan.

From the various trainings that they attended, the communities realized that they need evidence to back their argumentation. That was when they started to learn more about the environment – especially pollution and water and air quality standard. With the equipment that they purchased themselves, they started to measure the level of water and air pollution and then comparing them against the standards from the government. Their findings confirmed that the water in the river was heavily polluted and unsafe for consumption.

But the Environmental Office of Sukoharjo begged to differ. According to them, the smoke waste that RUM emitted was within their tolerance standard. However, Wawan said, it was only because RUM rarely used their chimneys – knowing that they were going to be monitored. Instead, RUM used other unmonitored channels to let their smoke out. Surely, the Environmental Office only took samples from the chimneys.

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*According to the Environmental Office of Sukoharjo, the smoke waste that RUM emitted was within their tolerance standard. However, it was only because RUM rarely used their chimneys – knowing that they were going to be monitored.*

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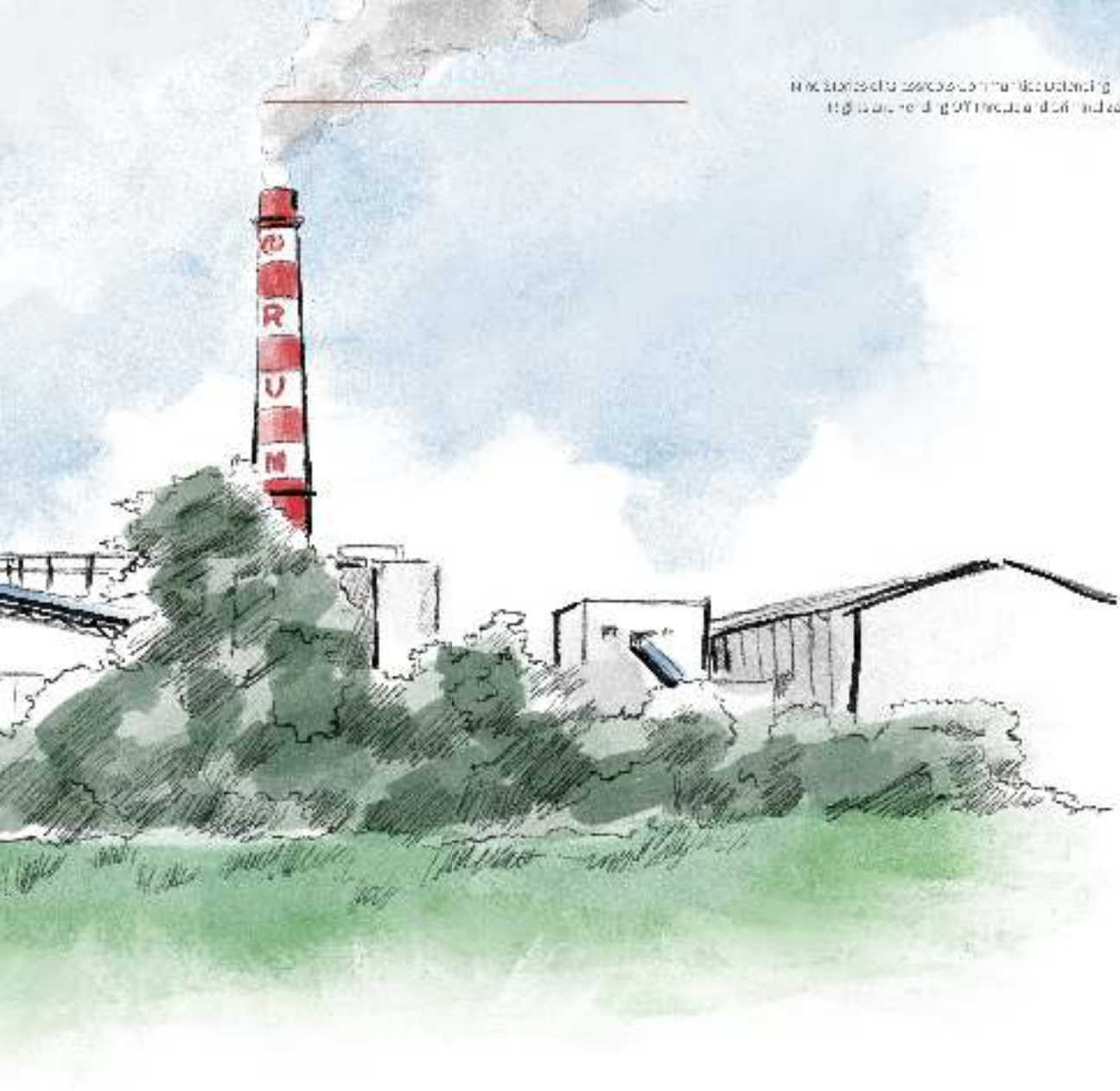


*Illustration 30 : The chimney of PT RUM emitted foul-smelling smoke disturbing the local residents.*

“They have a huge storage facility behind the factory. That’s the source of the smoke and at night the smoke would be rolling out so thick. Like those *wedhus gembel*<sup>26</sup>, creating strong smell as wind carried them over,” explained Wawan. Unfortunately, the authority refused to acknowledge the data gathered by the communities, pinning questionable data reliability for their lack of scientific research capacity.

The government's distrust pointed to one more gap that LBH Semarang and Sukoharjo needed to address: the involvement of academia. The first person they met backed the authority’s findings that RUM did not pollute the environment. Bejo believed that the researcher was supportive of the company. He recalled what the researcher said “This is still within

<sup>26</sup>*Wedhus gembel*, or sheep, is not a common type of livestock raised in Yogyakarta and Central Java. Instead, the term is more often used to refer to thick hot clouds avalanche that occur when Mount Merapi eruption.



the standard threshold. To keep your homes safe, why don't you plant frangipani trees in your front yard."

Undeterred, together with LBH Semarang, Sukoharjo gradually expanded their network and started to work with other organizations with research experience in order to obtain accurate and impartial results. One of them was Ecoton, the Institute for Ecological and Wet Land Conservation Studies. Ecoton was engaged to study water contamination situation in eleven sampling sites along the Gupit and Bengawan Solo rivers in March 2021. Research findings showed that the water contained dangerous microplastics and chemicals that should not enter a human's digestive system. Additionally, the pH level of some sampling sites stood at between 7.5 to 7.8, which exceeded the normal level of 7 for river water.



Illustration 31 : A resident of Sukoharjo showed a bottle filled with black liquid waste from PT RUM's pipe.

Another thing that was found was a leakage of liquid wastes from the factory's pipes that are buried 1.5 meters underground – this has caused damage to the communities' fields. "Our fields are contaminated by this black liquid. When the soil is dry, the color turns white. Plants don't grow normally anymore, they tend to be shorter and they are not likely to survive," reported Wawan.

But the more Sukoharjo tried to fight, the intimidation also grew more frequent. One time, a person who claimed as the president's aide came to Sukoharjo. He invited them to visit RUM in person and prove that the company has attempted to stop environmental damage.

Luckily, the communities were already aware of protection and safeguarding mechanisms through their interaction with LBH Semarang, and therefore did not easily believe what the uninvited guest had to say. Following the security protocols that they have set up, they asked the guest to log his visit in the villages' guest book and to show them some credentials – which he could not meet. His invitation, in turn, was not responded.

The guest book is just one of the control tools. Other means of protection include interviewing outsiders who appear in Sukoharjo. The purpose is to prevent company people to come and persuade them to sell their lands. There has been information that RUM plans to open a another factory, not far from the rayon fabric production facility. Additionally, with safeguard mechanism in place, the communities would be able to drive away individuals who may have the intention to bribe community members in order to stop them from protesting company's operations.

Another technique is using photos and videos to document every time they see someone suspicious. "We never know what may happen in the future. The information we provide may be used against us or doctored. Collecting our own evidence gives us leverage," said Bejo.

Finally, Sukoharjo used their local tradition in order to protect their village. Whenever someone recognizes pungent smell, they would perform *titir*, a tradition of hitting a slit oblong drum – the equivalent of a modern-day alarm. "It's like our way of telling everyone that the waste is coming back. We do that by doing the *titir*. The person who hears his or her friend hitting that gong must hit his, until another person hears it, and so on," Bejo explained, and added that RUM would usually turn down production when hearing the sound, as reflected from the reduced loud noise of the factory machines.

Thanks to the training programs and assistance from LBH Semarang, Sukoharjo now understands that a protest does not always mean large gatherings of rowdy crowds to demand things to the government. Sometimes, expressing one's ideas concerning a serious issue can also be done with some humor, such as on the New Year's Eve of 2019 when Sukoharjo residents hopped onto a rabbit-shaped train that rolled slowly towards the regent's office. Along the way, they would perform *titir* while shouting, "Waste coming through. Waste coming through. Watch out, waste coming through again!" It was that kind of peaceful protest that attracted media attention and passers by.



One night, around 10 pm, strong smell wafted through the houses of Sukoharjo. Around twenty residents, among them women and college students, got up, left, and camped in front of the head of Sukoharjo District's official residence. The next morning, the security guards told them to disperse, as they had no protest permit to show. Wawan said that one of them replied, "This isn't a protest. We are taking refuge to our leader's home. If the the Head of the District is truly a leader of his people, he should be protecting us." Perhaps unsurprisingly at this point, Satpol PP, the community policing unit, ignored their plea and took some of them including young college students to their station.





Illustration 32 :  
The residents of Sukharjo  
could perform it whenever  
they recognized present  
and past the RUM

Since RUM started its operations, the community have been taking various efforts to free themselves of pollution. They've met with many challenges and difficulties, but their purpose remains clear as day: to stop RUM from polluting their homes.

Like many other people in Sukoharjo, Bejo, too, is never against commercial development, including the ventures of RUM. "You can go ahead and build a business," he said, and added, "But don't disrupt and pollute the environment. We were here first, let us live in peace and without pollution." He also continued that, "As long as RUM continues to pollute us, that is how long Sukoharjo will continue to fight."

# 09.

## From the Forests' Edge: A Story of a Community's Fight for a Better Life

The previous stories introduced us to brave communities from different regions who are unwavering in their decision to defend their environment and lands from the rapacity of mining, oil palm, and property companies. This story will take us somewhere different and tells us about the struggle of a community in Bayu Village located in Banyuwangi District, East Java, in defending their rights to prosper from the government's Social Forestry Program. The story about resoluteness and thirst for change from the eastern tip of Java Island concludes the stories of change in this book.

There are over 25 thousand villages in Indonesia that are located within and around the forests.<sup>27</sup> Of that number, 71 percent of village communities rely on the forests as source of livelihoods.<sup>28</sup> The forests are a source of food and economic safety net when harvest is poor and day labor is in shortage, as villagers can sell forest products and yields from agricultural forestry to meet their needs.

Before the 1990s, most of the society failed to recognize the potential and agency of forest communities in forest management.<sup>29</sup> Farmers in these areas were seen as cheap labor in plantation and forestry enterprises. By 2016, this mindset led to as many as approximately ten million people from forest communities that were deprived of the legal recognition they need to access the lands that have given them life.<sup>30</sup> This, and the lack of infrastructure – including in health and education – have condemned them into generational poverty. A decent life seems out of reach for these communities.

To turn the situation around, the Government of Indonesia issued policies that allow them to be involved in forest utilization activities. The policies introduced a scheme called Community Forest, now known as Social Forestry.

To accelerate program implementation, in 2016 President Joko Widodo asked the Ministry of Environment and Forestry to issue a regulation on

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<sup>27</sup> Coordinating Ministry for Political, Legal, and Human Rights Affairs, “Atasi Kemiskinan Masyarakat Sekitar Kawasan Hutan, Presiden Jokowi Permudah Akses Perhutanan Sosial” (Tackling Poverty of Forest Communities, President Jokowi Relaxes Access to Social Forestry), accessed from <https://polkam.go.id/atasi-kemiskinan-masyarakat-sekitar-kawasan-hutan-presiden-jokowi-permudah-akses-perhutanan-sosial/>, on 13 August 2021.

<sup>28</sup> Ibid.

<sup>29</sup> Rosadi, “Perkembangan Kebijakan Perhutanan Sosial di Indonesia” (Social Forestry Policy in Indonesia, What it Looks Like Now), accessed from <http://profindonesia.org/perkembangan-kebijakan-perhutanan-sosial-di-indonesia/>, on 13 August 2021.

<sup>30</sup> Eva Wollenberg, et al., “Governance Brief: Mengapa Kawasan Hutan Penting Bagi Penanggulangan Kemiskinan di Indonesia?” (Governance Brief: Why Are Forests Important in Indonesia’s Poverty Eradication Efforts?), accessed from [https://www.cifor.org/publications/pdf\\_files/govbrief/GovBrief04041.pdf](https://www.cifor.org/publications/pdf_files/govbrief/GovBrief04041.pdf), on 13 August 2021.

the management of social forestry, which translated into Ministerial Regulation Number 86 of 2016. A year later, to accommodate the interests of forest communities in Java, the government urged for participatory implementation of the ministerial regulation in an operational area of Perhutani – a state-owned enterprise that enjoys exclusive forest concession rights.

But the execution of Social Forestry, especially in the areas controlled by Perhutani, can be challenging at times. Perhutani is often involved in conflicts with forest communities, including with a village called Bayu in Songgon Subdistrict of Banyuwangi District, East Jawa.

*Illustration 33 : A farmer harvested coffee trees on his social forestry land.*



The dispute between Perhutani and the village started a while back. Villagers, equipped with a decree that allows them to utilize the forest under Social Forestry mechanism, have been experiencing difficulty in accessing their lands. They were also subjected to intimidation – they were threatened and even apprehended. For some villagers who have not received their decree, the aggression has only pushed them further away from their lands for fear of being another victim.

The conflict culminated with the arrest of Satumin, a resident of Bayu Village. Perhutani reported the father of two to the police using Law Number 18 of 2013 on the Prevention and Eradication of Forest Degradation. This is despite that Indonesia has provisions that exempt traditional/indigenous communities from agricultural activity prohibition in the forests. The prosecutor demanded that Satumin should be punished with three years of imprisonment and a Rp1.5 billion fine.

According to Purwanto, a fellow Bayu resident who is also actively involved in fighting for the villagers' rights over social forestry, Satumin is a partner of Perhutani under an institutional mechanism of forest villages (LMDH). In 2016, said Purwanto, Satumin planted coffee and ginger in his field, located within Perhutani concession. He was against the rules, Perhutani said, and Satumin was asked to stop. Two years later, when Satumin and his wife were harvesting the ginger they planted from the seeds that they personally owned, four forest police officers approached them and tore dozens of coffee trees that had been planted by the couple.

They forced Satumin to hold the trees and took his picture. It was the same picture that Perhutani used to report Satumin to the police station of Songgon Subdistrict. "The trees were his own, but they made it look like he violated the concession. He was threatened there [at the police station]," said Purwanto.

Satumin was not the only one from Bayu village with this unfortunate experience. There were other incidents when police officers knocked on

the door of an arrested family member and told them to pay an amount of money instead of hiring an attorney. The same message arrived for Satumin's family. Purwanto recalled that they said, "There is no need to hire an attorney, you won't be imprisoned, you'll get out."

WALHI East Java and Surabaya Legal Aid (LBH), at the time acting as Satumin's attorney, convinced the man and his family not to heed the police's request. Both organizations assured them that Satumin was not going to prison and that the family would not need to spend any money to free Satumin from the case that entangled him – like previous families experienced. They agreed. In October 2018, Banyuwangi District Court found Satumin not guilty and acquitted him of all charges.

What happened to Satumin, and the freedom he was able to gain later on, became a massive turning point in the minds of the majority of people in Bayu. It set a new example that an arrest does not have to end with a conviction and imprisonment. Satumin's case shows them that it is possible not to provide money under the table just to buy their freedom. They used to be timid and fearful, but now they started to feel more confident when dealing with Perhutani employees.

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For WALHI East Java, the success with Satumin was not the end of the journey in Bayu. Instead, WALHI East Java continued to assist the villagers to fight for their rights over forest management. Wahyu Eka Setyawan, who is assigned to work with Bayu, said that his organization wished to strengthen the community's bargaining position against Perhutani. In 2019, Wahyu and his team began providing capacity building activities for the people, especially in terms of advocacy and organizing. There were various discussions that took place, including on paralegal, human rights, introductory materials about laws that were relevant with social forestry program, and gender equality.

Wahyu also talked about the importance of having protection and safeguard mechanism to protect themselves, especially the holders of Social Forestry decree. From Wahyu, the villagers learned the next steps in response to an incident – whether criminalization or intimidation. The villagers who were already members of Green Bayu Mandiri Forest Farm Group (KTH) formed a security team; the team is tasked to assist any villager who gets involved in a legal case and to document every process.

As one of the members of KTH Green Bayu Mandiri, Purwanto has also been involved in various training sessions. For Purwanto, his participation has provided him with new, broader knowledge about many issues. For example, he now understands that every citizen has the right to participate in the Social Forestry program. He also learned that the government has issued a number of regulations that warrant the legality of the Social Forestry decree – there is no reason for a decree holder to be afraid of being accused of breaching the law when carrying out activities in areas designated as social forestry. Moreover, Purwanto now understands the importance of case documentation and event chronology report to protect farmers from being criminalized. His new knowledge makes him an active advocate of social forestry in his village.

Before any of the training, Purwanto was always wondering how people like him could deal with corporations like Perhutani safely, without ending up behind bars. For a long time, the behavior of rogue Perhutani

employees have been bothering him – Purwanto bears witness of his neighbors being attacked and intimidated, despite having the social forestry certificate. Regardless, the employees would question them about their permit and force them to uproot their plants.

*Illustration 24 : The residents of Dawa village reported an illegal logging case in the social forestry area; they managed to the police*





Not long after WALHI East Java's training sessions concluded, in March 2019 another conflict broke out. This time, the complainant was a villager – a holder of social forestry decree. He reported a group of people to Songgon police for felling trees in a six-hectare area without his or his group's consent – all of them hold the permit to manage. It was a blatant breach of regulations, which clearly specify that every person, Perhutani employees included, must ask for the consent of Social Forestry Decree holders before they can do anything in a prospective land. More than that, the perpetrators also damaged the water catchment service of the area. The loss of trees put Bayu Village in a vulnerable position, exposed to risks of floods and landslides. And everyone knows that it will take years before the area can be fully restored.

That case had a successful outcome with the illegal loggers sentenced to 13 months in prison. However, seeing the damage, Bayu villagers urged the police to continue their investigation. They believed the logging operation must involve other entities, and they all deserved to be punished.

“Sir, how do you like the flood?” asked Lukman Hakim, a Social Forestry facilitator in Bayu and one of the proponents of the case, to a police officer. “If you don't like the flood, you need to continue your investigation. You shouldn't stop at the loggers, you need to work your way up to reveal the mastermind. No way in the world that it's possible for people to enter Perhutani in broad daylight, and then exit with trucks full of logs, without the concessionaire's knowledge,” he added.

Aside from pursuing legal avenue, Bayu villagers must also face different forms of intimidation from rogue security personnel and Perhutani. In October 2019, Lukman, Purwanto, and nine farmers were sitting in the *kemantren*<sup>31</sup> when around 30 men from Perhutani, Songgon police, and

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<sup>31</sup> Kemantren refers to houses owned by Perhutani that are commonly used by farmers to shelter and rest after a day's work. With permission from village chiefs, the facility may also be used for community gatherings.

the military's *Babinsa*<sup>32</sup> officers came up to them. They asked what were Lukman and his friends doing, to which Lukman replied that they were discussing KTH Green Bayu Mandiri and ways to make the organization stronger. Lukman also informed them that he was Green Bayu's facilitator for the Social Forestry program, and added that the farmers were allowed by Bayu's village chief to use the place as a meeting point.

But his explanation was met with harsh responses. A police officer accused Lukman of organizing an illegal activity. "They questioned, 'What's your role? Where's your paper? There's something wrong, this may be illegal,'" said Lukman.

The situation escalated when another group of people, allegedly workers of Perhutani, started to bang on the door and windows. As far as Purwanto remembered, they were goading the others to burn the building, "Light it up, Light it!" Luckily for them, Bayu village chief came shortly after and took Lukman, Purwanto, and nine farmers away.

The community was not going to let the incident go. That same night, they reported the provocation of a group of Perhutani men to the Banyuwangi District police. Their report included the police officers that they saw trying to intimidate Lukman to the police's division on professional affairs and security.

Sadly, the incident did not stop with police officers and Perhutani; the village's religious figures also participated in cornering every holder of Social Forestry Decree – including Lukman as the facilitator – to discourage villagers from defending their rights. Lukman remembered that a religious leader in the village once said, "This is Perhutani's land, why the protest? You may end up losing your home and fields."

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<sup>32</sup> Babinsa, short for Bintara Pembina Desa, is the military's unit of non-commissioned officers assigned at the village level.

The persistent criminalization and intimidation put a brake in the advocacy process where farmers were involved. While they understood their rights, the fear of dealing with Perhutani and police officers was overwhelming. Many felt that it was better to stand down rather than getting in the crosshairs of those in power. To make matters worse, a group of people that disliked the Social Forestry program attempted to dissuade villagers from participating in any activity that was connected to WALHI East Java.

*Illustration 25: Residents explained Perhutani and business about the missing day before education.*





*Illustration 36. waALHi East Java provides training for women's groups in Bayu village.*

But a small group of people proved audacious enough. Amid the situation, Wahyu and his team expanded their advocacy target and held dedicated meetings for women. Lukman again took part in this effort. The meetings discussed the same topics that were previously delivered for farmers – mostly men – that managed Social Forestry areas. Now, it was Bayu's women's turn to learn about paralegal, human rights, basic law concepts, gender equality, safeguarding mechanism, and case documentation.

“During the training, the women proved to be incredibly smart. They even did better in the exercises than their male counterparts and produced more detailed event chronology,” said Lukman, who added, “This [training] for the women should continue.”

Lukman was not alone. The other villagers, equipped with the understanding about their rights and the importance of Social Forestry in promoting community's welfare, did what they can in the movement. They included Purwanto and Satumin. As social forestry permit holder who knows first hand what it was like to be criminalized by Perhutani, Satumin holds a meeting for his rotating savings and lending group every two weeks. He always welcomes the participation of other farmers and uses these meetings to talk about the latest issues in social forestry. In the meantime, Purwanto preferred to go door-to-door and meet his neighbors individually.

"I like to go to a neighbor's house after the dusk prayer. We'll have small conversations and I try to give them advise and open their minds whenever there's a chance. I've had some successes already. With this community, you can't just muster them somewhere and give them a pen to sign something. It takes time. But, alhamdulillah, I'm seeing progress," he said.

As the advocacy continues, so does the tenurial conflict in social forestry in Bayu village. Sometime in the middle of 2020, another Bayu resident became yet another victim of criminalization. His name is Supon, a member of KTH Green Bayu Mandiri. Perhutani rangers caught Supon and accused him of stealing wood in Perhutani logging concessions. In reality, Supon was picking up wood in a social forestry plot that he manages. He was going to use them to build a small animal pen back at his home.

After learning what happened to this father, Supon's daughter Windi immediately called Lukman and asked for his help. Lukman showed up, wearing a vest with bold letters "Social Forestry Facilitator", and accompanied by Purwanto. They both tried to apply the knowledge they learned from WALHI East Java by documenting every detail of the event on video camera. A man shouted angrily at Purwanto and ordered him to stop the recording. Purwanto obeyed, but Supon managed to activate the audio recording feature on his phone without attracting any attention.

Documentation aside, Lukman, Purwanto, and several other villagers quickly divided their roles. One person followed wherever Supon was being taken away, another contacted Wahyu and the village chief, and one other person immediately wrote down the incident's chronology in great detail. Wahyu, after learning about the incident and the arrest chronology<sup>33</sup>, issued a press release and relied on social media to get public support. Together, they flooded the SMS inbox and WhatsApp chats of Perhutani Supervisory Board, the Ministry of Environment and Forestry, and Director General of Social Forestry and Environmental Partnership, demanding for Supon's release and the higher authorities to urgently evaluate the practices of Perhutani Banyuwangi.

Their efforts paid off. Supon was finally released thanks to the evidence that his supporters collected.

Having worked for some time with Bayu community, Wahyu observed that the community's successful movement and their boldness have deterred the field officers in Perhutani. However, he believed that Perhutani only backs down under great pressure. "Without the pressure, if no one dares to stand against them, they're going to do what they did all over again. And the situation would be calm for the next one or two months after we make reports. After that, the cycle started again. They [the community] have to be strong," he said, describing the pattern of events.

Realizing their situation, the Bayu community and WALHI East Java strengthened the community's protection and safeguarding mechanism, and came up with security protocols that explained the response procedure in an event of an arrest as well as in carrying out protests and in certain meetings.

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<sup>33</sup> Read Supon's arrest chronology here: <http://walhijatim.or.id/2020/07/kronologi-penangkapan-dan-upaya-kriminalisasi-supon-petani-hutan-desa-bayu-songgon-banyuwangi-oleh-perhutani/>

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*The community established protection and safeguarding mechanism that explained the response procedure in an event of an arrest.*

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Today, the villagers of Bayu are still fighting for their rights to utilize social forestry lands. Their dream is to work their lands in peace, where farmers can freely choose the types of plants to cultivate. They also wish to someday be free of the many forms of illegal levies imposed by certain Perhutani's employees throughout the planting, harvesting, and milling cycle. To make sure that that dream can turn into a reality, villagers like Lukman and Purwanto hope that the solidarity of the village community can be preserved. Through KTH Green Bayu Mandiri, they are both committed to continue nurturing the courage and confidence of other villagers in defending their rights.

They also remind the government and social forestry authorities about respecting the rule of law – not only to make sure that empowerment programs for forest communities can take place as they are intended, but also to prevent more victims of violence, intimidation, and criminalization. “The people today know how the law works, the government shouldn't be looking of going back to the New Order era. Police officers should also abide by their code of conduct. If we can have these things, violence can be prevented,” said Lukman firmly.

For people like Purwanto, Supon, and Satumin who live near the forests, a decent and thriving life is when they are able to live sustainably in a healthy environment, with the opportunity to generate meaningful economic gains. They want social forestry to help them get to a better place and hope for the government's direct involvement in addressing

tenurial conflicts, while providing more training, capital assistance, and guaranteed market access.

As Purwanto aptly said, "The rule says every farmer gets two hectares. If we can stick by the rules, the ambition of social forestry can be fulfilled.

*Illustration 37: Residents of Ranyu village held a successful demonstration to commemorate Farmers' Day in front of the Ranyuwangi Administration office*





which is to have sustainable forests and prosperous families. This is the government's program, but if they don't do anything to help us here in the field, it's always going to be difficult. This program comes from the president, but right now it feels like we're being released into battle, day in and day out.'



This book tells about the persistence of environmental human rights defenders in nine areas in defending their rights from harmful business activities. They conduct peaceful advocacy and establish protection and security mechanisms for their communities to mitigate counter-attack attempts from opposing parties, including criminalization.

Apart from these nine stories, there are many other similar stories about the struggle of environmental human rights defenders in Indonesia. The government needs to take immediate action to provide legal protection to them so that the people have access to clean and a healthy environment.



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