

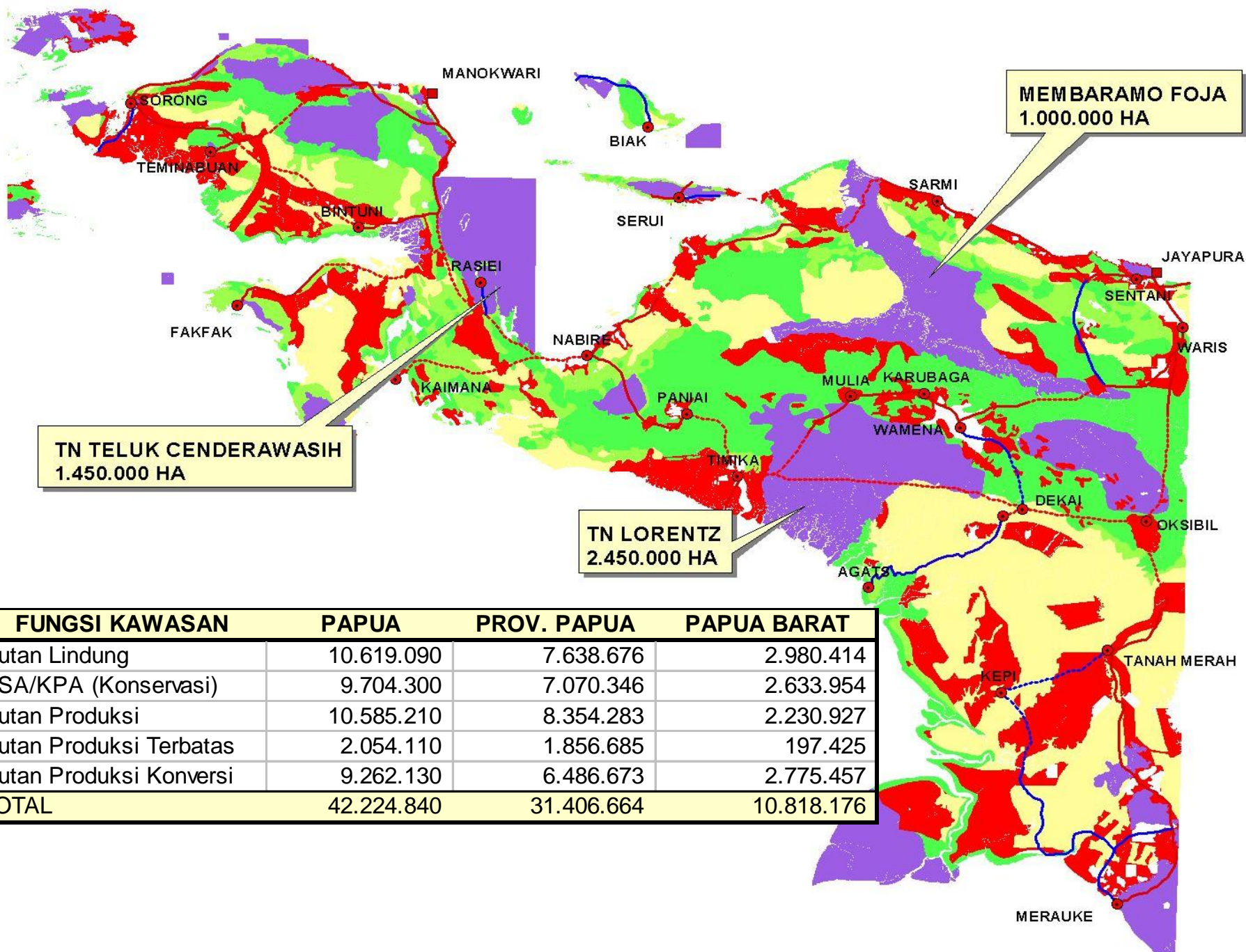
The background features several large, overlapping, curved arrows in shades of green, purple, and blue. Interspersed among these are numerous small, yellow, triangular shapes that resemble sun rays or sparks, scattered across the white background.

# Recognition of customary rights in Papua

Creating the basis for poverty reduction and growth in the forest sector

# INDONESIA






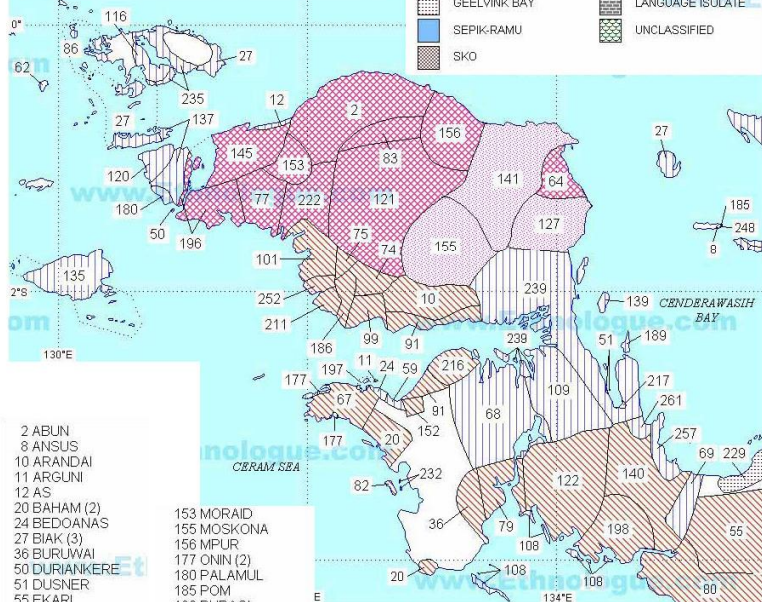
FUNGSI KAWASAN	PAPUA	PROV. PAPUA	PAPUA BARAT
Hutan Lindung	10.619.090	7.638.676	2.980.414
KSA/KPA (Konservasi)	9.704.300	7.070.346	2.633.954
Hutan Produksi	10.585.210	8.354.283	2.230.927
Hutan Produksi Terbatas	2.054.110	1.856.685	197.425
Hutan Produksi Konversi	9.262.130	6.486.673	2.775.457
<b>TOTAL</b>	<b>42.224.840</b>	<b>31.406.664</b>	<b>10.818.176</b>



# *Forests exploitation and customary peoples in Papua*

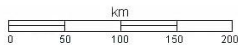
- *De facto*, almost the whole of Papua is regulated by customary law communities, spanning approximately 262 language groups.
  - Customary ownership consists of clearly defined territorial units, held in common by community institutional structures with their own management systems.
  - Customary peoples remain highly dependent on forest resources. Fieldwork by the Provincial Forest Office shows that around 40% of cash and 30% of subsistence needs are met by forests.
- 

# INDONESIA NORTHWESTERN IRIAN JAYA



- |                  |                  |               |
|------------------|------------------|---------------|
| 2 ABUN           | 153 MORAI        | 108 KOWAI (3) |
| 8 ANSUS          | 155 MOSKONA      | 109 KURI      |
| 10 ARANDAI       | 156 MPUR         | 116 LEGENYEM  |
| 11 ARGUNI        | 177 ONIN (2)     | 120 MADEN     |
| 12 AS            | 180 PALAMUL      | 121 MAI BRAT  |
| 20 BAHAM (2)     | 185 POM          | 122 MAIRASI   |
| 24 BEDOANAS      | 186 PURAGI       | 127 MANIKION  |
| 27 BIAK (3)      | 188 ROON         | 128 MAPIA     |
| 36 BURUWAI       | 189 ROON         | 135 MATBAT    |
| 50 DURIANKERE    | 196 SEGET        | 137 MA'YA     |
| 51 DUSNER        | 197 SEKAR        | 139 MEOSWAR   |
| 55 EKARI         | 198 SEMIMI       | 140 MER       |
| 59 EROKWANAS     | 211 SUABO        | 141 MEYAH     |
| 62 GEBE          | 216 TANAHMERAH   | 145 MOI       |
| 64 HATAM         | 217 TANDIA       | 152 MOR       |
| 67 IHA           | 222 TEHIT        |               |
| 68 IRARUTU       | 229 TUNGGARE     |               |
| 69 IRESIM        | 232 URUANGNIRIN  |               |
| 74 K'ABURI       | 235 WAIGEO       |               |
| 75 KAIS          | 239 WANDAMEN (2) |               |
| 77 KALABRA       | 248 WOI          |               |
| 79 KAMBERAU      | 252 YAHADIAN     |               |
| 80 KAMORO        | 257 YAUUR        |               |
| 82 KARAS         | 261 YERETUAR     |               |
| 83 KARON DORI    |                  |               |
| 86 KAWE          |                  |               |
| 91 KEMBERANO (2) |                  |               |
| 99 KOKODA        |                  |               |
| 101 KONDA        |                  |               |

**Bahasa-bahasa di Papua  
(Languages of Papua/Irian)  
from  
[www.Ethnologue.com](http://www.Ethnologue.com)  
(SIL International)**



NOTES: 1. WHITE AREAS ARE VIRTUALLY UNINHABITED.  
2. DASHED LINES SHOW OVERLAP OF LANGUAGE AREAS.  
3. BRACKETS SHOW THE NUMBER OF TIMES A LANGUAGE'S NUMBER APPEARS ON A MAP, IF MORE THAN ONCE.

## LANGUAGE FAMILIES

- |  |                  |  |                  |
|--|------------------|--|------------------|
|  | AUSTRONESIAN     |  | TRANS-NEW GUINEA |
|  | EAST BIRD'S HEAD |  | WEST PAPUAN      |
|  | GEELVINK BAY     |  | LANGUAGE ISOLATE |
|  | SEPIK-RAMU       |  | UNCLASSIFIED     |
|  | SKO              |  |                  |

- |                |                      |               |               |                             |                  |            |
|----------------|----------------------|---------------|---------------|-----------------------------|------------------|------------|
| 182 NARAU      | 179 ORYA             | 192 SAURI     | 210 SOWANDA   | 226 TOWEI                   | 240 WANO         | 250 WORIA  |
| 184 NDUGA (2)  | 181 PAPASENA         | 193 SAUSE     | 212 TABLA     | 227 TRIMURIS                | 241 WAREMBORI    | 251 YAFI   |
| 186 NGGEM      | 182 PAPUMA           | 194 SAWERU    | 213 TAIKAT    | 229 TUNGGARE                | 242 WARES        | 253 YAMNA  |
| 188 NIMBORAN   | 183 PASS VALLEY YALI | 200 SENGOI    | 218 TARPJA    | 231 UPPER GRAND VALLEY DANI | 243 WARIS        | 258 YARSUN |
| 170 NINIA YALI | 184 PODENA           | 201 SENTANI   | 219 TAUSE (2) | 233 USKU                    | 244 WARITAI      | 258 YAWA   |
| 171 NIPSAN     | 185 POM              | 202 SERULAUT  | 220 TAWORTA   | 234 WABO                    | 246 WAROPEN (2)  | 282 YETFA  |
| 172 NISA       | 187 PASAWA           | 204 SIKARITAI | 221 TEFARO    | 236 WAKDE                   | 247 WESTERN DANI | 283 YOKE   |
| 176 OBOKUITAI  | 190 SAMAROKENA       | 206 SKOU      | 223 TOBATI    | 237 WALAK                   | 248 WOI          |            |
| 178 ORMU       | 191 SAPONI           | 208 SOBEI     | 224 TOFANMA   |                             | 249 WOLANI       |            |

# INDONESIA NORTHEASTERN IRIAN JAYA



- |             |             |
|-------------|-------------|
| 19 BAGUSA   | 34 BURJEMSO |
| 21 BARAPASI | 37 BUSAMI   |
| 22 BAUZI    | 41 DABE     |
| 25 BERIK    | 42 DAMAL    |
| 26 BETAF    | 43 DAO      |
| 27 BIAK (2) | 44 DEM      |
| 28 BIKSI    | 45 DEMISA   |
| 30 BIRITAI  | 46 DEMA     |
| 31 BONERIF  | 48 DOUTAI   |
| 32 BONGGO   | 49 DUBU     |
| 33 BURATE   | 52 DUWLE    |
|             | 53 EOPOI    |
|             | 54 EPOMEK   |
|             | 55 EKARI    |
|             | 56 ELSENG   |
|             | 57 EMUMU    |
|             | 58 ERITAI   |
|             | 60 FAYU     |
|             | 61 FOAU     |
|             | 63 GRESI    |
|             |             |
|             | 65 HUPLA    |
|             | 66 IAU      |
|             | 70 ISIRAWA  |
|             | 71 ITIK     |



# INDONESIA SOUTHEASTERN IRIAN JAYA



- |                             |                           |
|-----------------------------|---------------------------|
| 76 KAY                      | 78 KAMBERATARO            |
| 80 KAMORO                   | 81 KAPORI                 |
| 84 KAURE                    | 85 KAUWERA                |
| 88 KAYUPULAU                | 89 KEDER                  |
| 90 KEHU                     | 92 KEMBRA                 |
| 93 KENTUIK                  | 94 KETENGBAN              |
| 96 KIMKI (2)                | 97 KIRIKIRI               |
| 98 KOFEI                    | 106 KOSADLE               |
| 107 KOSAREK YALE            | 110 KURUDU                |
| 112 KWERBA                  | 113 KWERBA                |
| 114 KWERISA                 | 115 KWESTEN               |
| 117 LEPKI                   | 118 LIKI                  |
| 119 LOWER GRAND VALLEY DANI | 124 MANDER                |
| 126 MANEM                   | 129 MARAU                 |
| 130 MARENGI                 | 133 MASIMASI              |
| 134 MASSEP                  | 136 MAWES (2)             |
| 138 MEKWEI                  | 143 MID GRAND VALLEY DANI |
| 144 MLAP                    | 148 MOLOF                 |
| 150 MONI (2)                | 151 MOR                   |
| 158 MUNGJUI                 | 159 MURKIM (2)            |
| 160 NAFFRI                  | 161 NALCA                 |

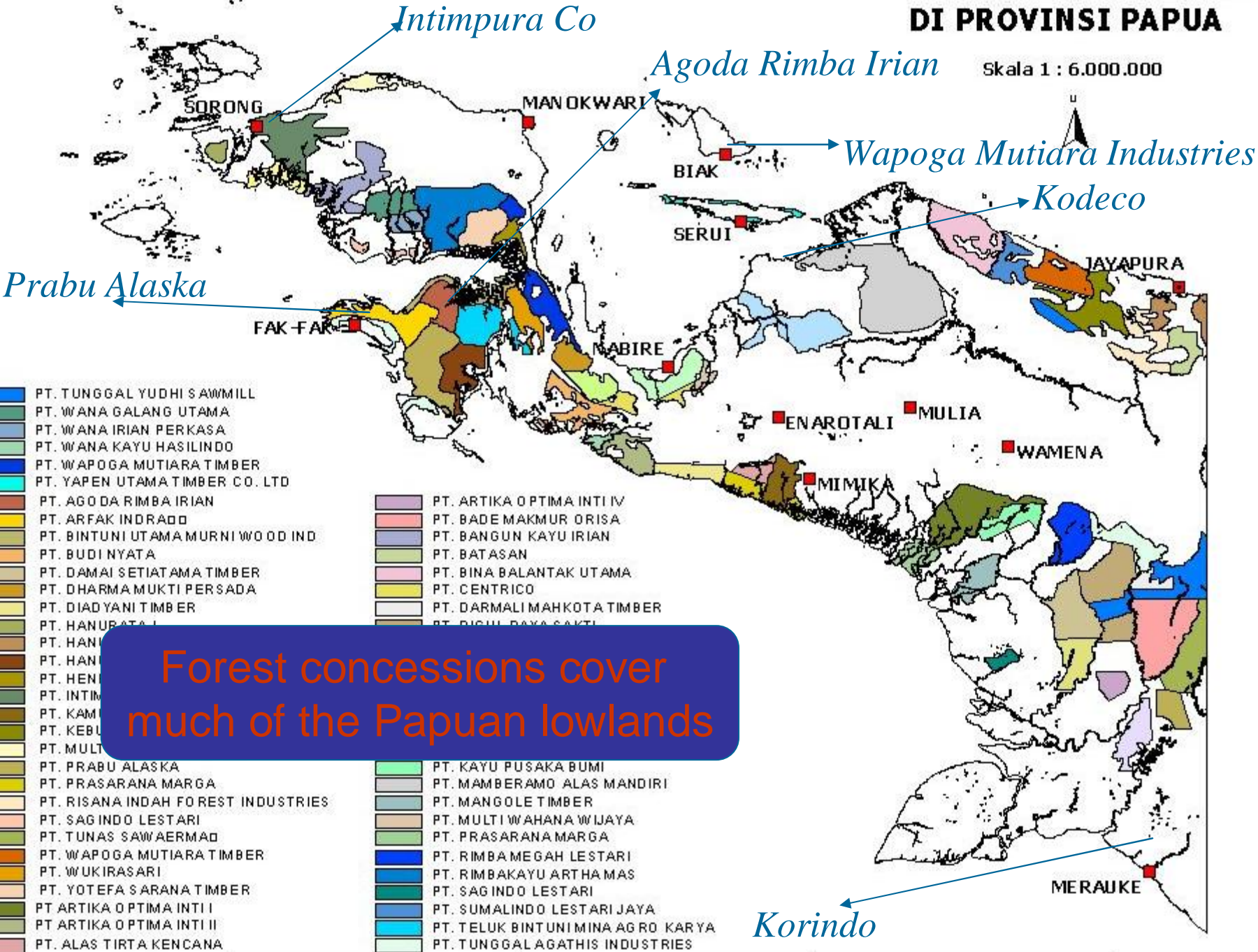


# *Forests exploitation and customary peoples in Papua*

- 70% (or ~39 million hectares) of Papua is classified as National Forest Estate.
  - However, forest law and policy does not recognise the existence of or work with customary peoples as *de facto* owners of the forest resource.
  - Customary rights have been overridden in the allocation of land for commercial concessions, conservation areas as well as conversion.
- 
- 

# PETA PENYEBARAN HPH DI PROVINSI PAPUA

Skala 1 : 6.000.000



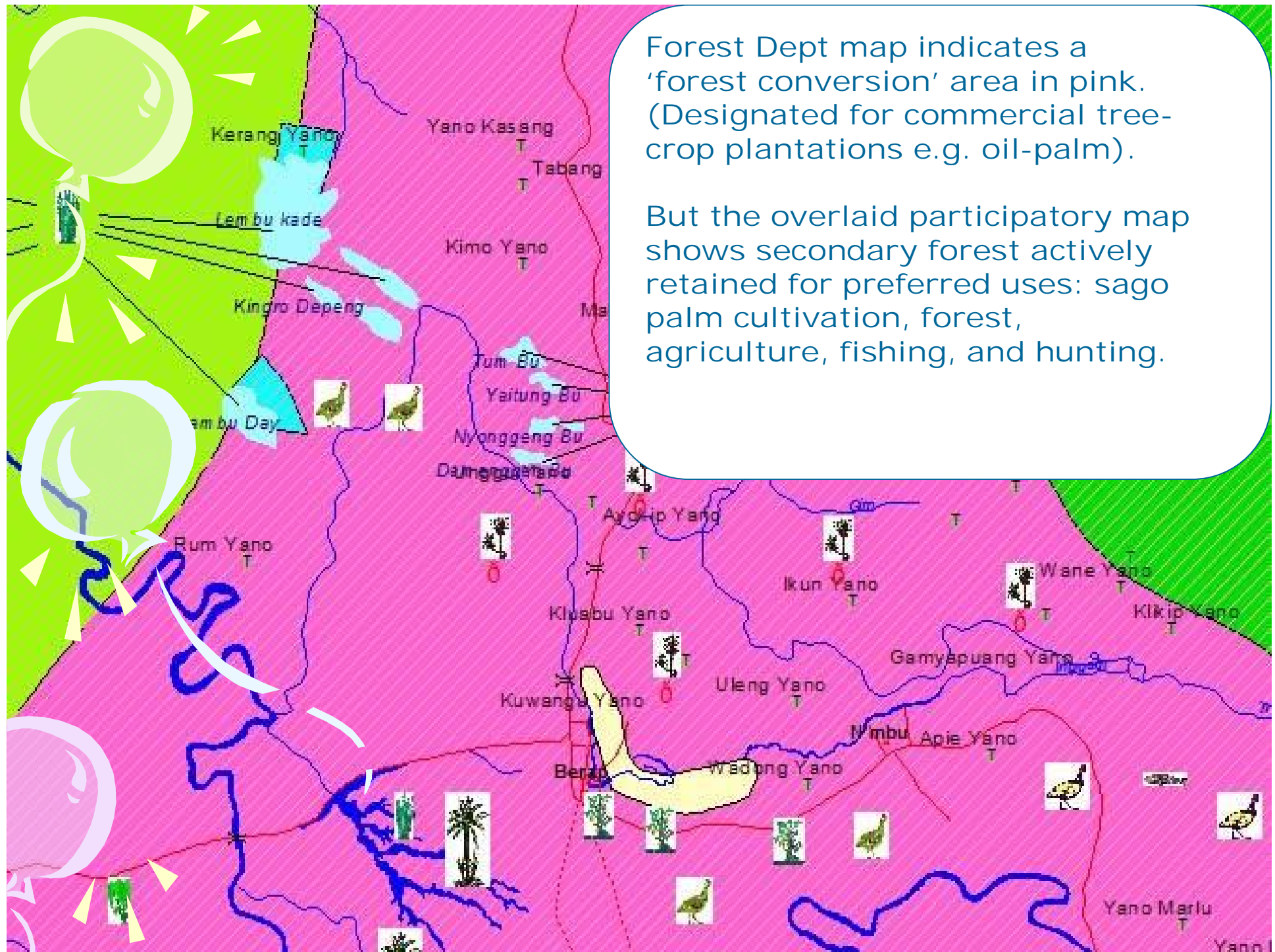
- PT. TUNGGAL YUDHI SAWMILL
- PT. WANA GALANG UTAMA
- PT. WANA IRIAN PERKASA
- PT. WANA KAYU HASILINDO
- PT. WAPOGA MUTIARA TIMBER
- PT. YAPEN UTAMA TIMBER CO. LTD
- PT. AGODA RIMBA IRIAN
- PT. ARFAK INDRADO
- PT. BINTUNI UTAMA MURNI WOOD IND
- PT. BUDI NYATA
- PT. DAMAI SETIATAMA TIMBER
- PT. DHARMA MUKTI PERSADA
- PT. DIADYANI TIMBER
- PT. HANURATA
- PT. HANI
- PT. HANI
- PT. HENI
- PT. INTIM
- PT. KAM
- PT. KEBU
- PT. MULTI
- PT. PRABU ALASKA
- PT. PRASARANA MARGA
- PT. RISANA INDAH FOREST INDUSTRIES
- PT. SAG INDO LESTARI
- PT. TUNAS SAWAERMAO
- PT. WAPOGA MUTIARA TIMBER
- PT. WUKIRASARI
- PT. YOTEFA SARANA TIMBER
- PT ARTIKA OPTIMA INTI I
- PT ARTIKA OPTIMA INTI II
- PT. ALAS TIRTA KENCANA

- PT. ARTIKA OPTIMA INTI IV
- PT. BADE MAKMUR ORISA
- PT. BANGUN KAYU IRIAN
- PT. BATASAN
- PT. BINA BALANTAK UTAMA
- PT. CENTRICO
- PT. DARMALI MAHKOTA TIMBER
- PT. RIGUH RAYA SAKTI
- PT. KAYU PUSAKA BUMI
- PT. MAMBERAMO ALAS MANDIRI
- PT. MANGOLE TIMBER
- PT. MULTI WAHANA WIJAYA
- PT. PRASARANA MARGA
- PT. RIMBA MEGAH LESTARI
- PT. RIMBAKAYU ARTHA MAS
- PT. SAG INDO LESTARI
- PT. SUMALINDO LESTARI JAYA
- PT. TELUK BINTUNI MINA AGRO KARYA
- PT. TUNGGAL AGATHIS INDUSTRIES

Forest concessions cover much of the Papuan lowlands

Forest Dept map indicates a 'forest conversion' area in pink. (Designated for commercial tree-crop plantations e.g. oil-palm).

But the overlaid participatory map shows secondary forest actively retained for preferred uses: sago palm cultivation, forest, agriculture, fishing, and hunting.





## *Inequitable benefit-sharing*

- Weak transparency with respect to forest sector revenues mean that few of the profits from the timber industry feed back to communities on the ground.
  - Timber concessions are required to provide mandatory compensation (per m<sup>3</sup>) and community development (PMDH). But weak monitoring means that only a few people benefit and many communities are left disappointed.
- 
- 

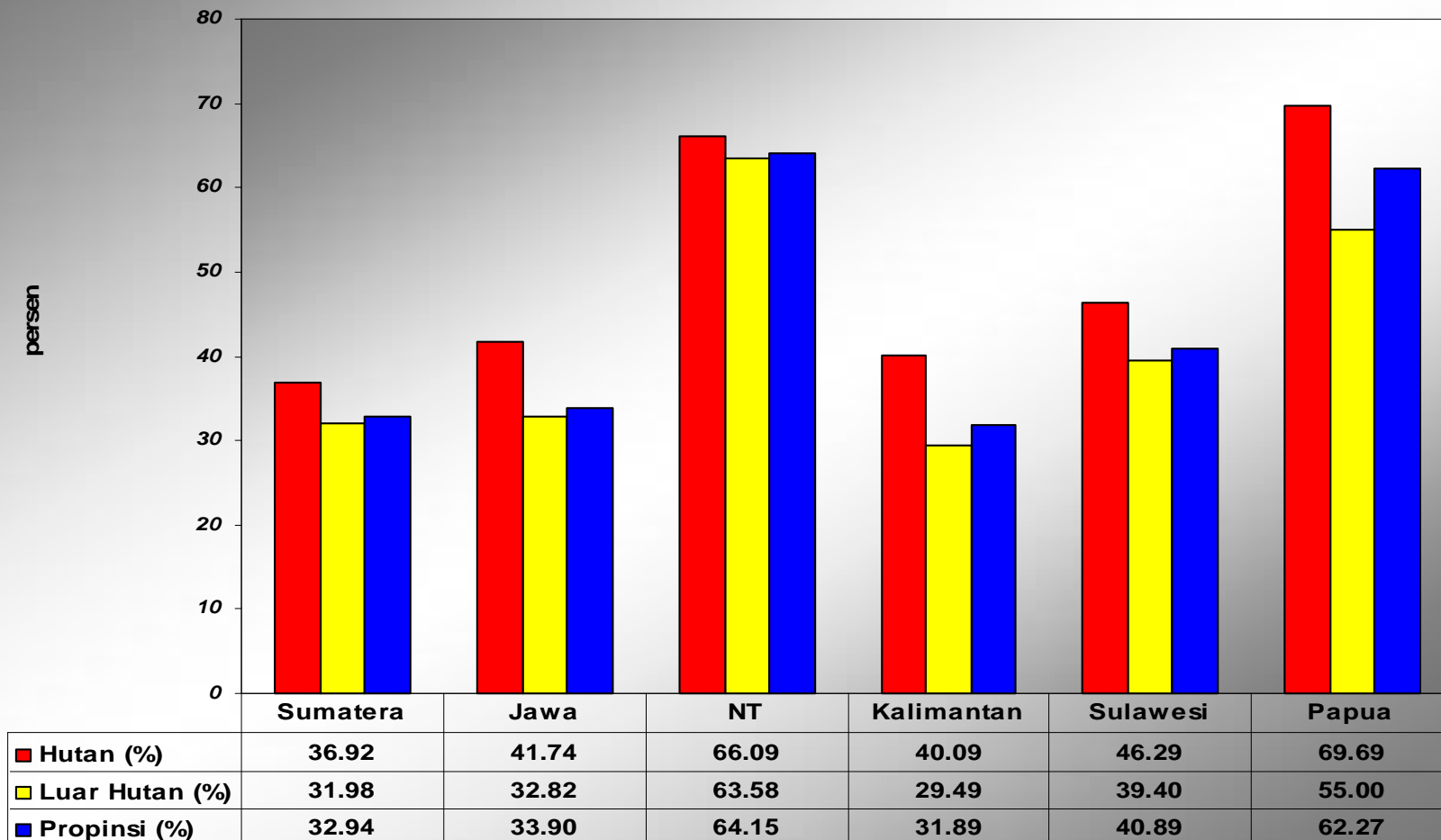


## *Poverty in the midst of wealth...*

- The forestry sector is Papua's second biggest revenue earner at 5.24% of total export values (or 59,43% of export values without the Freeport mine).
- Yet forest areas in Papua are characterised by the highest per capita rates of poverty in Indonesia
- 90% of villages in forest areas can be categorised as poor in terms of village infrastructure (health, education etc), compared to 76% of villages outside forest areas) (BPS 2003)

69.69% of households inside forest areas are estimated to be poor compared to 55% outside (BKKBN, 2003)

**Persentase Rumah Tangga Miskin per Desa (Data BKKBN)  
menurut Letak Desa terhadap Hutan, 2003**



A decorative graphic on the left side of the slide features three balloons: a light green one at the top, a light blue one in the middle, and a light purple one at the bottom. Each balloon is connected to a streamer that ends in several small, yellow triangular flags.

# *Growing forest-sector conflict*

- Customary peoples remain marginalised from forest-sector development; fuelling escalating and (often violent) conflict.
- Partly as a result of conflict, of 68 concessions in 1984, only 23 are now active.
- Without recognition of *adat* rights, support for community empowerment and monitoring of benefit-sharing, companies and communities are finding it hard to reach agreement.
- The ultimate victims are local communities, due to environmental degradation and loss of long-term income-generating opportunities.



# *The need to recognise customary (adat) rights*

- The mechanisms for negotiating land-use allocation with *de facto* customary owners are not yet in place.
- The Basic Agrarian Law (1960) and Resolution of the Indonesian Upper House TAP MPR IX/1999 provide for *communal titling* of customary lands. This has never been implemented.
- Law 41/1999 on Forests considers customary (*adat*) forest as just one part of the National Forest Estate. It only recognises private forests as those with *private individual title*.
- Art 67 of Law 41/1999 mandates a regulation on *adat* forests to be passed. Again, this has never been implemented.

A decorative graphic on the left side of the slide features three balloons: a light green one at the top, a light blue one in the middle, and a light purple one at the bottom. Yellow streamers and triangular flags are scattered around the balloons.

# *Opportunities presented by Special Autonomy*

- Special Autonomy granted to Papua in 2001
- Articles 38 and 42 of Law 21/2001 on Special Autonomy mandates the protection and economic empowerment of customary law communities.
- It also requires natural resource management to be regulated through the issuance of Provincial Special Legislation (*Perdatus*)
- Implementation had been delayed by political foot-dragging. The Papua People's Council (necessary to approve *Perdatus* legislation) was only established in December 2004.




# *Attempts to recognise adat rights - IPKMA*

- In 2002, the Provincial Government of Papua used its Special Autonomy powers to begin issuing 1000ha annual community logging licenses (IPKMA)
- Its intentions were good: (i) tackle growing conflict; (ii) allow communities to transact directly with the private sector – a position which they had never enjoyed before.
- However, IPKMA was designed without proper legal analysis and an enabling *Perdasus*, and without adequate social and environmental safeguards.
- Failed to provide a long-term solution. 1000ha annual licenses were beyond the capacity of many communities to manage.
- IPKMA licenses were easily ‘captured’ by external timber syndicates, leaving customary communities as passive by-standers.



# 'Operasi Hutan Lestari'

- The Environmental Investigation Agency exposed massive abuse of IPKMA licenses by illegal logging syndicates (*'The Last Frontier'*, 2005).
  - In March 2005, IPKMAs were declared illegal by the Ministry of Forests in Jakarta.
  - A massive law enforcement crackdown '*Operasi Hutan Lestari*' targeted both illegal logging syndicates as well as local communities with valid IPKMA licenses.
  - The Ministry of Forest did not provide customary communities with a viable alternative, and once again exist in a legal vacuum without access to legal timber markets.
  - Where dependency on forest resources is high this has serious implications for poverty reduction.
- 





## *New solutions*

- Following the withdrawal IPKMA in March 2005, the Provincial Government of Papua has been working actively to seek new solutions under Special Autonomy for recognition of customary rights to manage forest resources.
- The Provincial Government is now developing a Special Provincial Law (*Perdatus*) on *Sustainable Forest Management with Papuan Customary Law Communities*.
- This provides a more secure, sustainable basis for community-based forest management.




*The Special Provincial Law (Perdatus) on  
'Sustainable Forest Management with Papua  
Customary Law Communities'*

- Adapts the national legal framework on forests (Forest Law 41/1999 and Regulation PP6/2007) to the requirements of Special Autonomy.
  - Mandates the recognition of customary land rights as the basis for long-term investment security and a fairer share of benefits for customary peoples.
  - Regards customary peoples as long-term forest managers, with rights and responsibilities to plan, implement and monitor forest management.
- 
- 



# *Important aspects regulated by the Perdasus on Forests*

1. Participatory mapping as a tool for determining ownership and land-use negotiation
  2. Community forestry management units (KPH-HKM), managed using the '*ecoforestry*' approach developed in PNG as an alternative to IPKMA
  3. Re-designation of commercial concessions (HPH) in line with customary land-use and forest potential to tackle long-term conflict
  4. Development of home industries (increasing value-added for customary forest managers)
  5. Public control mechanisms (access to information ombudsman, third-party auditors, involvement of customary communities in monitoring, a Papuan Forestry Council including customary representatives)
- 

# Example REDESIGN OF PT. BINA BALANTAK UTAMA CONCESSION (Areas outlines in red are not suitable and should be excised)

- PT. BINA BALANTAK UTAMA
- Luas SK : Nomor 40/Kpts-II/91
- Luas : 325.300 ha
- JPT (TPT) : 5.471 ha/tahun
- AAC maks. : 146.230 m<sup>3</sup>/tahun
- Kondisi Fisik :

## DELINASI AREAL HPH

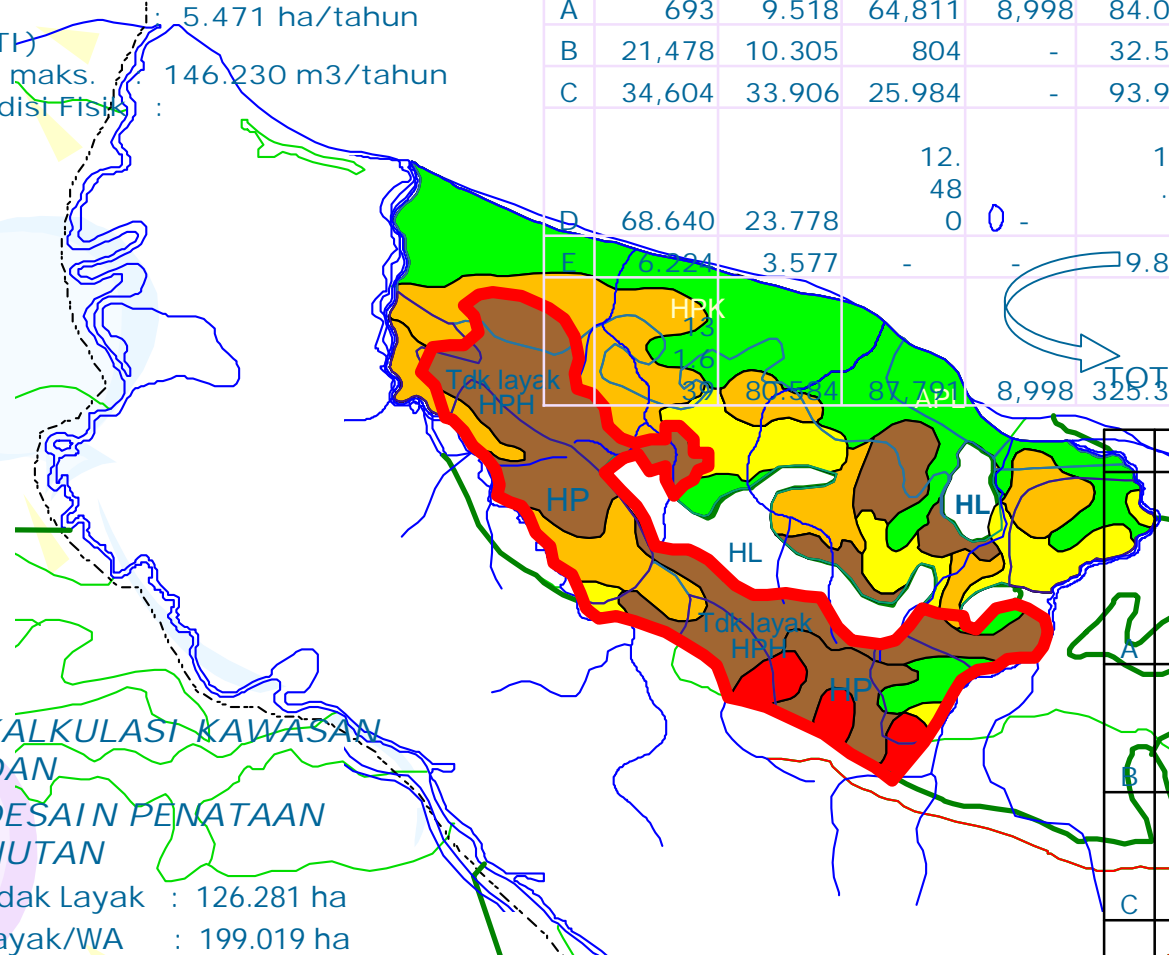
	HPT	HP	HPK	APL	Total
A	693	9.518	64,811	8,998	84.020
B	21,478	10.305	804	-	32.587
C	34,604	33.906	25.984	-	93.994
D	68.640	23.778	0	0	92.418
E	6.284	3.577	-	-	9.801
<b>TOTAL LAYAK HPH</b>	<b>131.699</b>	<b>77.137</b>	<b>91.599</b>	<b>8.998</b>	<b>325.300</b>

## Areal Dikeluarkan

Lereng	HPT	HP	HPK	APL	Total
A	4	5	18	4	36
B	2	2	6	2	12
C	3	5	8	5	21
D	8	8	8	8	32
E	2	2	2	2	8
<b>TOTAL LAYAK HPH</b>	<b>131.699</b>	<b>77.137</b>	<b>91.599</b>	<b>8.998</b>	<b>325.300</b>

## REKALKULASI KAWASAN DAN REDESAIN PENATAAN HUTAN


- Tidak Layak : 126.281 ha
- Layak/WA : 199.019 ha
- Lindung : 31.843 ha
- Sar-pras : 7.961 ha
- Efektif : 159.215 ha



	HPT	HP	HPK	APL	Total
A	693	9.518	64,811	8,998	84.020
B	21,478	10.305	804	-	32.587
C	34,604	33.906	25.984	-	93.994
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# *Mitigating the effects of biofuels development*

- In light of previous experience with illegal logging, the timber sector is seen as high risk
  - Investors are shifting their interests to biofuels, with planned large-scale land conversion for biofuels (over 1 million ha for oil palm, sago and cassava).
  - The Perdasus on Forests will play a key role in mitigating its effects by providing a basis for:
    - Recognition of customary land rights.
    - Negotiation of land allocation and use with customary owners.
    - Enhanced social and environmental due diligence.
- 



# *Conclusion*

- There is an urgent need to begin piloting implementation of the *Perdatus*; five key sites have been identified, including those affected by biofuels development.
- Its success depends on the support of both Central Government and the international donor community.
- If there is no genuine political will to implement Special Autonomy for Papua, customary communities will remain poor and marginalised.



*Thank you*