Field trip report

Co-Chair Marcus Colchester
Hotel Aryaduta, Pekanbaru
13th October 2010
Our group

- Marcus (FPP)
- Jaimini (TFD sec.)
- Fitriadi (Kemitraan)
- Jalie (Scale Up)
- Fardal (Interpreter)
- Ruth
- Herbert
- Teresa
- Pak Jafri
- Rod
- Cheryl
- Dian
- Wawan
- Syafrizal + Low (by car)
- Mardianto
- Nurman
- Rian
- Norman
- Simon
- Pak Yunus
The Pangean Community

- Pangean is one of the oldest communities in Riau and dates back 600 years
- It was part of the Minang Rantau Kuantan (highland chieftaincy’s expansion zone)
- The people’s culture has been strongly influenced by Minang traditions
- Each clan is led by a penghulu and each kindred is represented by a ninik mamak
- Penghulu also regulate marriages though these rules have softened in recent years
Customary rights in land

- Collective lands are owned by the community as ‘ulayat’
- People acquire rights to use ulayat lands with the permission of their penghulu
- Under customary law, ulayat lands cannot be sold, only leased, to other parties for use
Recent history

- Community claims it still has copies of title deed granted to it by the Dutch
- 1981 some Transmigrants were resettled on theirlands with agreement (not clear who agreed)
- 1986-7 more ulayat lands taken over by Javanese Transmigrants without consent
- 10% of TM places were allocated to locals to translocate
- Transmigrants were given individual land titles to house plots and farm lands
- All this was done contrary to customary law and without land been allocated by the penghulu
Palm oil developments

• 1996-7 Government gave permit to PT CRS on customary land. 1998-9 started opening up lands
• Locals raised their concerns with the company. They said they had a permit from government
• They raised their concerns with camat and then the bupati and other officials: nothing done
• 2005 Wilmar bought PT CRS and inherited dispute
• 2007 Community took concerns up with Scale Up
Renegotiations

- 2008: Community travelled to Jakarta for RSPO meeting
- raised their concerns with Wilmar
- Wilmar agreed to renegotiate with Scale Up as mediators
- Wilmar had to work within legal framework but go beyond law to comply with RSPO standard
- 40 meetings between penghulu and village reps and company
Renegotiations 2

- Extent of overlap of disputed area clarified by participatory mapping.
- Evidence of recent historical occupation proven by satellite images by Wilmar.
- 7 Oct 2010: signed agreement compensating community for lands by allocating them c. 147 ha. of planted oil palm.
- Other smallholdings allocated under KKPA scheme (not enough for all).
- Wilmar appreciates that community had to make some compromises to get result.
The Agreement

• Signed by company and community representatives (*Penghulu +*)
• Witnessed by NGOs and local Govt
• Notarised by local lawyer
Context

- Wilmar 1 of 13 companies on community’s lands
- Only 2 have negotiated agreements (PT GM + W)
- Most companies have operated in bad faith with impunity as government does not recognize *ulayat* and promotes private sector
- People would prefer rubber if they had crop choice
- Culture prizes harmony
- People don’t want to have demos etc but want smooth relations with outsiders and government
Remaining challenges

- People are not sure of legal implications of what they signed and trust company to honour the spirit of what was agreed.
- Wilmar notes HCV and FPIC are most difficult of RSPO P&C: go beyond the law and are socially complex.
- Wilmar had hoped to get 10,000 ha. has only got 2,500 at 80% plasma 20% inti
- Most natural forests in the area have gone limiting access to medicines and reducing options for future generations.
Next steps

- Need to get local govt. to endorse agreement
- This is important to give security to all
- Unclear who has power to ensure agreements are honoured
- May be hard as implies recognition of *ulayat* (Mansur Salim)
- *We are just common people and may not understand deeply the legal implications of what we signed.* (Pak Yunus)
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Terima kasih