



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 their lands 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