

BIBLIOGRAPHY

- ADB (Asian Development Bank). 1999a. Policy on Indigenous Peoples. ADB, Manila.
- . 1999b. Memerangi Kemiskinan di Asia dan Pasifik: Strategi Bank Pembangunan Asia dalam Pengurangan Kemiskinan. ADB, Manila.
- . 2000a. RRP:INO 32367, Report and Recommendation of the President to the Board of Directors on Proposed Loans and Technical Assistance Grant to the Republic of Indonesia for the Community Empowerment for Rural Development Project. September.
- . 2000b. Assessment of Poverty in Indonesia. ADB, Manila.
- . 2001. Aide Memoire of the Loan Review Mission of the Central Sulawesi Integrated Area Development and Conservation Project (Loan 1605-INO). ADB, Manila.
- Alcorn, J.B. 2000. An Introduction to the Linkages between Ecological Resilience and Governance. In: J.B. Alcorn and A.G. Royo (eds.), *Indigenous Social Movements and Ecological Resilience: Lessons from the Dayak of Indonesia*. Biodiversity Support Program, Washington, D.C.
- Alcorn, J.B. and A.G. Royo (eds.). 2000. *Indigenous Social Movements and Ecological Resilience: Lessons from the Dayak of Indonesia*. Biodiversity Support Program, Washington, D.C.
- AMAN. 2000. Gaung. Media Komunikasi Masyarakat *Adat*. October.
- . 2001. Mengenal Lebih Dekat AMAN, Final Draft, Jakarta. September.
- Anaya, S.J. 1996. *Indigenous Peoples in International Law*. Oxford.
- Anon. 1995. Socio-Economic Structure of Kabalutan Village, Subdistrict of Walea Archipelago, LKLH Ibnu Chaldun, Palu.
- . 2000. *Central Sulawesi in Numbers*. BPS Sulteng, Palu.
- Bachriadi, D. 2001. Pemetaan Pola-pola Sengketa dan Konflik Agraria di Indonesia. Makalah dalam Semiloka "Arah Kebijakan Nasional mengenai Tanah dan Sumber Daya Alam Lainnya". Bandung, 20–23 Agustus.
- Bamba, J. 2000. Land, Rivers, and Forests: Dayak Solidarity and Ecological Resilience. In: J.B. Alcorn and A.G. Royo (eds.) *Indigenous Social Movements and Ecological Resilience: Lessons from the Dayak of Indonesia*. Biodiversity Support Program, Washington, D.C.
- Bangun, J. 1999. Kebijakan Pengelolaan Kawasan Cagar Alam dan Pengaruhnya pada Pengelolaan Hutan oleh Komunitas di Kawasan Gunung Mutis, Timor Barat (Policy on nature reserve and its implications for community-based forest management in Gunung Mutis). In: M.A. Safitri, J. Bangun, and B. Philipus (eds.), *Kebijakan Penetapan Hutan dan Implikasinya pada Pengelolaan Hutan di Indonesia* (Policy on forestry enactment and its implications for forest management in Indonesia) (P3AE-UI, 1999).
- Baswir, R., et al. 1999. *Pembangunan Tanpa Perasaan: Evaluasi Pemenuhan Hak-Hak Ekonomi, Sosial dan Budaya*. Pustaka Pelajar-IDEA-ELSAM.
- CGI (Consultative Group on Indonesia) and Ministry of Forestry. 2001. Report to Stakeholders. Minister of Forestry, Republic of Indonesia, 24 April.

- Daes, E.I. 1995. Standard Setting Activities: Evolution of Standards Concerning the Rights of Indigenous People—New Development and General Discussion of Future Action. Note by the Chairperson-Rapporteur of the Working Group on Indigenous Populations, on Criteria Which Might be Applied When Considering the Concept of Indigenous People. E/CN.4/Sub.2/AC.4/1995/3.
- . 1996. Standard Setting Activities: Evolution of Standards Concerning the Rights of Indigenous Peoples. Working Paper by the Chairperson-Rapporteur of the Working Group on Indigenous Populations, on the Concept of Indigenous People. E/CN.4/Sub.2/AC.4/1996/2.
- Dahl, J. and A. Parcellada. 2001. IWGIA and Institute of Dayakology, *Masyarakat Adat di Dunia: Eksistensi dan Perjuangannya*. Translated into Bahasa Indonesia by Geiger.
- Dalip, D. and Priyana. 1998. Penelitian Hukum Partisipatif atas Hak-Hak Adat Masyarakat dalam Pengelolaan Sumber Daya Alam (Hutan dan Tanah) di Desa Benung Kecamatan Damai, Kabupaten Kutai, Kalimantan Timur. Kumpulan Draft Tulisan Program Hukum dan Masyarakat. ELSAM. Jakarta.
- Directorate of Prosperity of Isolated Adat Communities. 2000. Sekilas Info Upaya-Upaya Pemberdayaan Komunitas Adat Terpencil. Jakarta.
- Evers, P.J. 1995. Preliminary Policy and Legal Questions about Recognizing Traditional Land Rights in Indonesia. *Ekonesia* 3:1–24.
- . 1999. Remarks Concerning Ministerial Regulation No.5/1999 “Guideline for the Resolution of Problems Concerning the Communal Land Rights of Communities Living Under Traditional Law”. In: Annex to Aide Memoire Mid-Term Review Land Administration Project, 1–15 November.
- Fauzi, N. 2000. Budaya Menyangkal: Konsep dan Praktek Politik Hukum Agraria yang Menyangkal Kenyataan Hak-Hak Masyarakat,” dalam Wacana, edisi 6 Tahun II.
- . 2001. Pelaksanaan Pembaruan Agraria Sebagai Kewajiban Negara Mengusahakan Perlindungan, Pemenuhan dan Pemajuan HAM: Menuju Tap MPR tentang Pelaksanaan Pembaruan Agraria. In *Discussion on Issues Related to Agrarian Reform*. Ad Hoc Committee II of the Working Group of Peoples Assembly, Jakarta, 26 April.
- Haba, J. 2000. Pengkajian Program-Program Pengentasan Kemiskinan di Desa Purwosari, Kulonprogo dan di Desa Sinar Jaya, Lampung Utara, PMB-LIPI, p.15–22.
- Harsono, B. 1999. Hukum Agraria Indonesia: Sejarah pembentukan UUPA, Isi dan Pelaksanaannya, Jambatan.
- Human Rights Committee. 1994. General Comment 23: The rights of minorities (Article 27): 08/04/94.
- Kartika, S. and Gautama, C. (eds.). 1999. Menggugat Posisi Masyarakat *Adat* terhadap Negara Prosiding Sarasehan Masyarakat Adat Nusantara. Jakarta.
- Konsorsium Pembaruan Agraria, Katakan Tidak pada Sertifikasi Tanah Komunal. Memorandum KPA No.4.
- Konsorsium Pembaruan Agraria. 1999. Draft Ketetapan MPR tentang Reforma Agraria.
- Krause, C. and Alfredsson, G. 1999. Article 17. In G. Alfredsson and A. Eide (eds.), *The Universal Declaration of Human Rights: A Common Standard of Achievement*. Martinus Nijhof.
- Li, T.M. 2000. Articulating Indigenous Identity in Indonesia: Resource Politics and the Tribal Slot. *Comparative Studies in Society and History* 42(1). (In press).
- Lynch, O. and Talbott, K.. 2000. *Balancing Acts: Community-Based Forest Management and National Law in Asia and the Pacific*. World Resources Institute and ELSAM, Jakarta.

- Maharani, S. 2001. Kedudukan UUPA 1960 dan Pengelolaan Sumber Daya Agraria di Tengah Kapitalisasi Negara (Politik Kebijakan Agraria Melanggengkan Ketidakadilan). *Jurnal Analisis Sosial* 6(2).
- Marzali, A. 2001. Kekerasan Sosial di Kalimantan. Paper dalam Simposium Internasional II "Globalisasi dan Kebudayaan Lokal: Suatu Dialektika Menuju Indonesia Baru. Padang, 18-21 Juli.
- Masiun, S. 1999. National Framework Affecting Adat Governance in Indonesia, and Dayak NGO Responses. In: J.B. Alcorn and A.G. Royo (eds.), *Indigenous Social Movements and Ecological Resilience: Lessons from the Dayak of Indonesia*. Biodiversity Support Program, Washington, D.C.
- Minister of Forestry of the Republic of Indonesia. 2001. *Report to the Stakeholders*. Consultative Group on Indonesia and Ministry of Forestry, Jakarta, 24 April. Available on CD ROM.
- Moniaga, S. 1999. Hak-Hak Masyarakat Adat di Indonesia, dalam Komnas HAM, 1999. Hak Asasi Manusia: Tanggung Jawab Negara dan Peran Insitusi Nasional dan Masyarakat.
- Munggoro, D. W., et al. 1999. Menggugat Ekspansi Industri Tambang di Indonesia. Pustaka Latin.
- Nababan, A. 2001. Pengelolaan Sumberdaya Alam yang Adil, Demokratis dan Berkelanjutan: Perspektif Masyarakat Adat. Makalah dalam Seminar "Menuju Undang-Undang Pengelolaan Sumber Daya Alam yang Adil, Demokratis dan Berkelanjutan." Kantor Menteri Negara Lingkungan Hidup. Jakarta, 18 April 2001.
- Persoon, G. A. 2001. The Management of Wild and Domesticated Forest Resources on Siberut, West Sumatera. *Antopologi Indonesia* 64: 68-83.
- Ruwiastuti, M. R. 2000. "Sesat Pikir" Politik Hukum Agraria: Membongkar Alas Penguasaan Negara atas Hak-Hak Adat. INSIST Press, KPA, and Pustaka Pelajar.
- Saad, S. 2000. Hak Pemeliharaan dan Penangkapan Ikan: Eksistensi dan Prospek Pengaturannya di Indonesia, disertasi (tidak diterbitkan), Univ. Gadjah Mada.
- Safitri, M.A. 1995. Hak dan Akses Masyarakat Lokal pada Pengelolaan Sumberdaya Hutan: Kajian Peraturan Perundang-Undangan di Indonesia. *Ekonesia* 3:43-60.
- Sangaji, A. 2000. Orang Katu di Behoa Kakau: Korban Politik Konservasi, makalah, tidak diterbitkan.
- Singarimbun, M. 1993. Semoga Hak Ulayat Dihargai. Kompas, 14 April.
- Sirait, M., Fay C. and Kusworo. 2001. Bagaimana Hak-Hak Masyarakat Adat dalam Mengelola Sumber Daya Alam Diatur? ICRAF, Latin dan P3AE-UI.
- SMERU (Social Monitoring and Early Response Unit). 1999. Newsletter No. 3:02/99.
- Soeradji, B. and Mubyarto (eds). 1998. *Gerakan Penanggulangan Kemiskinan: laporan Penelitian di Daerah-Daerah*. Aditya Media.
- Soetiknjo, I. 1983. Politik Agraria Nasional, Gadjah Mada University Press.
- Soetrisno, L. 1986. Peranan Transmigrasi dalam Stabilitas Sosial Politik Daerah Perbatasan dan problematikanya: Kasus Irian Jaya. In Sri Edi Swasono and M. Singarimbun (eds.) *Transmigrasi di Indonesia, 1905-1985*. UI Press.
- Sumardjono, M.S.W. 1993. Hak Ulayat dan Pengakuannya oleh UUPA. Kompas, 13 May.
- Sumodiningrat, G. 1998. Responsi Pemerintah Terhadap Kesenjangan Ekonomi, PerPod, Jakarta. In B. Soeradji and Mubyarto (eds.), *Gerakan Penanggulangan Kemiskinan: laporan Penelitian di Daerah-Daerah*. Aditya Media.
- _____. 2001. Responsi Pemerintah Terhadap Kesenjangan Ekonomi (Government responses to Economic Gap). PerPod, Jakarta.
- Suparlan, P. 1995. Orang Sakai di Riau. Yayasan Obor Indonesia. Jakarta.

- _____. 2001. Orang Kamoro: Perubahan Kehidupan dan Lingkungannya. *Antropologi Indonesia* 64: 84-90.
- Ter Haar, B. 1962. *Adat Law in Indonesia*. Translated by E. Adamson Hoebel, Jakarta.
- Visser, L.. 2001. Remaining Poor on Natural Riches: The Politics of Environment in West Papua. *Antropologi Indonesia* 64: 56-67.
- Wignjosoebroto, S. 1990. The Conceptual Difference of Basic Land Tenure Rights between Indigenous and Western Law. *Arena Hukum* 1, November.
- _____. 1993. Dati and its Functions in Ambon-Lease. In *The Traditional SASI*. May.
- _____. 1999. Komunitas Lokal versus Negara Bangsa: Perbedaan Persepsi dan Konsepsi tentang Makna Lingkungan. Background paper dalam diskusi RUU tentang Pengelolaan Sumberdaya Hutan, FKKM, Jakarta 21 May 1999.
- World Bank. 1994. Indonesia Transmigration Program: A review of Five Bank-Sponsored Projects, Report No. 12988. World Bank, Washington, D.C.
- _____. 2001. Operational Policies. Draft OP 4.10. World Bank, Washington, D.C.
- Yunus, T. 2001. Pemiskinan Masyarakat Aceh. *Jurnal Analisis Sosial* 6(2), July.
- Zakaria, R. Y. 2000. Abih Tandeh: Masyarakat Desa di Bawah Rejim Orde Baru. ELSAM, Jakarta.
- Zakaria, R.Y. and Fauzi, N. 2000. Men-siasat-I Politik Otonomi Daerah Demi Pembaruan Agraria: Masuk dari Pintu yang Tersedia, Keluar dari Pintu yang Baru. Dalam Masyarakat Adat dalam Mengelola Sumber Daya Alam. Kumpulan Tulisan dan Diskusi tentang Hak-hak Masyarakat Adat di Indonesia. JAPHAMA and ICRAF.
- Zerner. C. 1992. Indigenous Forest-Dwelling Communities in Indonesia's Outer Islands: Livelihood, Rights, and Environmental Management Institutions in the Era of Industrial Forest Exploitation. Report for the Forestry Sector Review. World Bank, Washington, D.C.
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ANNEX I

**Location and Size of
Isolated Adat Communities**

| No. | Location | No. of Households |
|-----|--------------------|-------------------|
| 1. | Aceh | 2,428 |
| 2. | West Sumatra | 1,076 |
| 3. | Riau | 3,590 |
| 4. | Jambi | 1,850 |
| 5. | South Sumatra | 497 |
| 6. | Bengkulu | 4,390 |
| 7. | West Java | 1,542 |
| 8. | East Nusa Tenggara | 8,971 |
| 9. | West Kalimantan | 15,891 |
| 10. | Central Kalimantan | 4,182 |
| 11. | South Kalimantan | 4,724 |
| 12. | East Kalimantan | 7,335 |
| 13. | North Sulawesi | 1,640 |
| 14. | Central Sulawesi | 6,995 |
| 15. | South Sulawesi | 6,372 |
| 16. | Southeast Sulawesi | 5,024 |
| 17. | Maluku | 2,717 |
| 18. | Papua | 147,153 |
| | Total | 227,337 |

Source: Directorate of Prosperity of Isolated Adat Communities (2000).

ANNEX II

**Adat Community Organizations
that have joined AMAN**

| No. | Organization | Location |
|-----|---|--------------------------|
| 1. | Aliansi Masyarakat Adat Kalimantan Barat (AMA Kalbar) | Kalimantan Barat |
| 2. | Aliansi Masyarakat Adat Toraja (AMAT) | Toraja, Sulawesi Selatan |
| 3. | Aliansi Masyarakat Adat Sulawesi Tengah (AMASUTA) | Sulawesi Tengah |
| 4. | Dewan AMAN Bali | Bali |
| 5. | Jaringan Kerja Masyarakat Adat (JKMA) Atjeh | Aceh |
| 6. | Badan Perjuangan Rakyat Penunggu Indonesia (BPRPI) | Medan, Sumatera Utara |
| 7. | Dewan AMAN Sumut | Parapat, Sumatera Utara |
| 8. | Dewan AMAN Sumatera Barat | Sumatera Barat |
| 9. | Dewan AMAN Riau | Riau |
| 10. | Dewan AMAN Jambi | Jambi |
| 11. | Ikatan Masyarakat Adat Sumatera Selatan (IMASS) | Sumatera Selatan |
| 12. | Dewan AMAN Sulawesi Selatan | Sulawesi Selatan |
| 13. | Jaringan Masyarakat Adat (JAMA) Bengkulu | Bengkulu |
| 14. | Dewan AMAN Lampung | Lampung |
| 15. | Aliansi Masyarakat Adat (AMA) Kalimantan Timur | Kalimantan Timur |
| 16. | Aliansi Masyarakat Adat Paser | Kalimantan Timur |
| 17. | Dewan AMAN Kalimantan Selatan | Kalimantan Selatan |
| 18. | Dewan AMAN Kalimantan Tengah | Kalimantan Tengah |
| 19. | Aliansi Masyarakat Adat Sulawesi Tenggara (AMATRA) | Sulawesi Tenggara |
| 20. | Perekat OMBARA | Lombok Barat, NTB |
| 21. | JAGAT NTT | NTT |
| 22. | Dewan AMAN Papua Barat | Papua |
| 23. | Baileo Maluku | Maluku |
| 24. | Dewan AMAN Sulawesi Utara | Sulawesi Utara |

Source: AMAN (2001).

ENDNOTES

- 1 The indigenous peoples term is also used, for instance, in the International Labour Organization Convention 169 of 1989, on Indigenous and Tribal Peoples in Independent Countries. The use of peoples, as a plural word, indicates recognition of communities as a group and not merely an aggregation of individuals (“implying a greater and more positive recognition of group identity and corresponding attributes of community” —see Anaya (1996).
- 2 Alcorn (2000).
- 3 Communities of Minangkabau use *nagari*, while those in Kalimantan use *kampong*, and so on.
- 4 Director General of Social Welfare, Social Department, as quoted by Moniaga (1999).
- 5 During the period of Abdurahman Wahid, it became Badan Kesejahteraan Sosial Nasional (National Agency for Social Welfare), but the name Social Department was readopted by Megawati Soekarnoputri to replace the agency.
- 6 Efforts to empower them at a glance. Directorate of Prosperity of Isolated Adat Communities, Jakarta. 2000.
- 7 In Banggai district (Kahumamaon, Loinang, and sea tribal groups), in Poso district (Wana and Rampi), in Donggala district (Tolare/Da’a, Raranggonau, Lauje, Tajio, Kori, Pendau, Tandau, and Binggi), and in Buol Toli-Toli district (Lauje, Pandau, and Dondo). See Anon. (2000).
- 8 As quoted by Zerner (1992).
- 9 See Ter Haar (1962). Indonesian translations of this Dutch term interchangeably uses masyarakat hukum, masyarakat adat, or masyarakat hukum adat. In this study, the term adat community is used.
- 10 Wignyoebroto (1999).
- 11 See Li (2000).
- 12 Marzali (2001).
- 13 Demands of Papuans for the recognition and protection of their rights were often seen as demands for secession from Indonesia. However, one study shows the contrary: rural communities in Papua stated that their demands are mainly due to the hopeless situation with regard to recognizing and protecting their human dignity. See Visser (2001).
- 14 NGOs recognize that they have been facilitating *adat* communities since the mid-1980s using the argument: “Adat communities are one of the major groups that benefit nothing from—and are even sacrificed by— development politics.” These efforts were consolidated after the establishment of JAPHAMA (AMAN, 2001).
- 15 Dahl and Parellada (2001).
- 16 See Annex 2 for a list of organizations that have joined AMAN.
- 17 AMAN (2001).
- 18 Nababan (2001).
- 19 See Annex 2.
- 20 AMAN (2001).

- 21 An NGO officer explained that the term *masyarakat terasing* is confusing to communities, who ask how they can be considered newcomers when they have been living in an area for generations.
 - 22 Implementation of this policy is now at the stage of making regulations for *adat* forests.
 - 23 This was learned in the project workshop held in Palu, Central Sulawesi. Some participants claimed to be representatives of the *adat* communities in several places. Most of them were retired government officials and regional politicians.
 - 24 A Head of District (*Bupati*) visited during the consultation stated that the *adat* community in his region should be proud because the *Bupati* also came from that *adat* community. In the past, the *adat* communities were considered uneducated and underdeveloped. With his increased authority, this *Bupati* has promised to develop his *adat* community, something that was impossible in the previous regime.
 - 25 Suparlan (2001).
 - 26 Concerned with the situation, AMAN and other NGOs helping *adat* communities organized a meeting in April 2001 to reflect upon their involvement. During the reflection, it was made clear that their role is not awakening feudalism but developing civil society. The NGO movement is an effort to protect the oppressed (*adat* communities).
 - 27 These two terms substantially have the same definition and are used officially in national law. *Adat* law community is mentioned and recognized in, among others, UUD 45 (the Indonesian Constitution), Act No. 39 of 1999, Act No. 5 of 1960, and Act No. 41 of 1999. The term *adat*, community itself has been frequently used by NGOs since 1960 when the Agrarian law was discussed within the Parliament and with the Agrarian Minister, 12 September 1960. See Harsono (1999). In national law, this term is used in Act No. 25 of 2000 on Proenas.
 - 28 Daes (1996).
 - 29 Daes (1996).
 - 30 World Bank (2001).
 - 31 Moniaga (1999), quoting Soediman Kartohadiprodjo.
 - 32 Statistical data on Central Sulawesi indicate that the number of indigenous people in this province is about 6,000 households (31,000 people) associated with 15 ethnic groups in Banggai district (Kahumamaon, Loinang, and Sea), in Poso district (Wana and Rampi), in Donggala district (Tolare/Da'a, Raranggonau, Lauje, Tajio, Kori, Pendau, Tandau, and Binggi), and in Buol Toli-Toli district (Lauje, Pandau, and Dondo). The same data indicate the changes in population number of indigenous people for the last 4 years between 1996 and 2000: in 1996/1997, they numbered 7,147 households (35,790 people); in 1997/1998, there were 6,539 households (30,523 people); 6,663 households (33,221 people) in 1998/1999; 5,758 households (29,100 people) in 1999/2000; and in year 2000, there were 6,066 households (30,622 people). See Anon. (2000).
 - 33 The integrationist or assimilationist view requires a certain culture to be integrated into another, dominant culture. This approach, for instance, was the motivation behind the rules of ILO Convention No.7: Concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries, 26 June 1957, 328 United Nations Treaty Series 247.
 - 34 Suparlan (1995).
 - 35 ADB (1999).
 - 36 See Annex 2 on various community groups that identify themselves as *adat* communities and have joined AMAN.
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- 37 Article 18 B Para. 2 states: "State recognizes and respects the unities of *adat* law communities with its traditional rights..." Article 28 I Para. 3 states: "Cultural identity and rights of traditional communities are respected in line with evolving time and civilization." Travaux préparatoires of these two articles during the People's Assembly session do not give a reason for the use of these two different terms. It seems that the use of the terms traditional community in Article 28 I Para. 3 follows People's Assembly Decision No XVII/MPR/1998 on Human Rights. This Decision uses the term traditional community and the term is tied to rights over *ulayat* land—the right that is usually associated with an *adat* law community—and not to the traditional rights as used in Article 18 B Para. 2. Article 41 of the Human Rights Charter, which constitutes a part of this People's Assembly Decision, states: "Cultural identity of traditional communities, including their right over *ulayat* land, is protected in line with evolving time."
- 38 This approach is intended to integrate or assimilate a culture or community into another, dominant, culture or community. It is this approach that constitutes the spirit of the provisions of ILO Convention No. 107 of 1957 concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries, 26 June 1957, 328 United Nations Treaty Series 247.
- 39 Article 6 Para. 1: "In the framework of maintenance of human rights, the differences in and the needs of, *adat* law communities are observed and protected by the law of society and Government." Article 6 Para. 2: "Cultural identity of *adat* law communities, including rights to *ulayat* land, is protected in line with the evolvement of time." This paragraph provides that *adat* rights are respected and protected as long as those rights are still firmly held by those peoples and as long as they are not contrary to the principles of rule of law regarding justice and peoples' prosperity.
- 40 The Human Rights Committee, a special body for monitoring the implementation of the Covenant, is of the opinion that the communal right of the ethnic minorities to natural resources is an important manifestation of the rights mentioned in Chapter 27 of the Covenant, namely the rights to cultural integrity. See Human Rights Committee (1994).
- 41 Article 17 of The Universal Declaration of Human Rights states: "Everyone has the right to own property alone as well as in association with others" (*penekanan oleh penulis*). The wording of Article 17 is broad and comprehensive; it applies to both individual and collective forms of property ownership. See Krause and Alfredsson (1999).
- 42 This principle of nonassimilation also became the spirit of provisions in ILO Convention 169, 1989, concerning Indigenous and Tribal Peoples in Independent Countries.
- 43 Zakaria and Fauzi (2000).
- 44 Saad (2000).
- 45 Harsono (1999).
- 46 Soetiknjo (1983).
- 47 Fauzi (2000).
- 48 Harsono (1999).
- 49 That extinguishing a self-governing region and its right over land does not mean extinguishing *adat* communities and their *adat* rights was, inter alia, asserted in deliberations during the drafting process of the BAL. See Response of Government on the General Overview of Parliament Members, DPR-GR Session, 14 September 1960.
- 50 This Keppres provides that development activities that fall into the category of public interest are development activities that (1) are carried out by government; (b) are owned by government; (c) are not used for profit (Article 5 point 1).

- 51 Article 1 sub 1.
- 52 Sumardjono (1993).
- 53 Evers (1999).
- 54 Government Regulation No. 21 of 1971 concerning Right of Forest Exploitation and the Right to Harvest Forest Products
- 55 The goal to earn more foreign exchange began to show results during the 5-year period of the First Development Plan (Pelita I), when income from the logging industry increased by up to 2,800%. This was due to the increase in export of logs. In 1967, only 4 million cubic meters of timber were extracted (mainly for domestic use); then by 1977, annual extraction increased to 28 million cubic meters (75% of which were exported). See Sangaji (2000).
- 56 Singarimbun (1993).
- 57 In West Kalimantan, for example, conflict began in the early 1970s. See Masiun (1999).
- 58 Article 1 point 4 states: "State forest is forest situated on a piece of land not covered by any proprietary rights," and its Explanatory Memorandum provides: "...included in this category are forests formerly controlled by adat law communities known as ulayat forest, marga forest, or another name." Article 1 point 5: "Proprietary forest is a forest situated on a piece of land covered by proprietary rights," such as ownership right, right of exploitation (HGU) and right to use (*hak pakai*). And Article 1 point 6: Adat forest is state forest situated in the territory of adat community."
- 59 The Explanatory Memorandum of this Act states: "The inclusion of forests controlled by adat communities into the category of state forest is because of the existence of the right of control by State...."
- 60 See Act No. 25 of 2000, Annex Chapter X on Development on Natural Resources and Environment.
- 61 These commitments are parts of bundle of commitments of the Government toward the CGI (Consultative Group on Indonesia) in the area of forestry. See "Remarks by Minister of Forestry of the Republic of Indonesia at the Interim CGI Meeting," Jakarta 23-24 April 2001; and see CGI and Ministry of Forestry, "Report to Stakeholders," by the Minister of Forestry, Republic of Indonesia, 24 April 2001. See also Rencana Aksi di Bidang Kehutanan, especially Isu 11: Tenurial, Department of Forestry, 2001.
- 62 SMERU (1999).
- 63 Sumodiningrat (2001).
- 64 Soeradji and Mubyarto (1998).
- 65 An executive of the credit union explained that they preferred using the term without being translated into the Indonesian language because the translated term may have a negative image.
- 66 Bamba (2000).
- 67 Observations of the results of credit union training in Kampung Benung, East Kalimantan.
- 68 Discussion with a board member of the credit union (CU) revealed how fascination with the CU has developed to such a degree that CU members no longer want to use the services of, or purchase their daily needs from, nonmembers.
- 69 Bamba (2000), see *supra* note 4, p. 53.
- 70 Haba (2000).
- 71 ADB (2000b).
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- 72 *Ngata* is the local indigenous word for village.
- 73 The park was established in 1993 based on Decision of Forestry Minister No. 593/Kpts-II/1993.
- 74 Noer Fauzi and Dianto Bachriadi, as cited in Baswir, et al. (1999); Sangaji (2000).
- 75 The village head and some *adat* elders said that their *jagawana* (forest police) have several times arrested individuals who conducted illegal logging and other violations in their *adat* forests in the buffer zone area. After a hearing by the *adat* council, the violators were then given to state officials.
- 76 See Dalip and Priyana (1998) for detailed information about this problem.
- 77 Dalip and Priyana (1998).
- 78 See Box 7 for more information on how rubber farmers deal with the decrease in rubber price.
- 79 Socio-Economic Structure of Kabalutan Village, Subdistrict Walea Kepulauan (Source: LKLH Ibnu Chaldun, 1995).
- 80 Noer Fauzi and Dianto Bachriadi, as cited by Baswir et al. (1999).
- 81 On marginalization and dispossession of *adat* communities from their lands in Papua, Central Sulawesi, East Nusa Tenggara, and North Sumatra, see Ruwiasuti (2000), Bachriadi (2001), and Maharani (2001). For Aceh, see Yunus (2001).
- 82 World Bank (1994).
- 83 See, for example, Soetrisno (1986).
- 84 In other districts and provinces a similar policy is applied.
- 85 See RRP:INO 32367, Report and Recommendation of the [ADB] President to the Board of Directors on Proposed Loan and Technical Assistance Grant to the Republic of Indonesia for the Community Empowerment for Rural Development Project, September 2000.
- 86 The relocation of the Katu people has been planned and attempted by the Government several times, but the Katu have always refused to move. See Sangaji (2000).
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