Communication for Empowerment Assessment Report: Indonesia

Content

Acronyms

ADB	Asian Development Bank
AJI	Aliansi Jurnalis Independen – Alliance of Independence Journalists
AMAN	Aliansi Masyarakat Adat Nusantara – Indigenous Peoples Alliance of Archipelago
ARGP	Asia Regional Governance Programme
Asteki	Asosiasi Televisi Kerakyatan Indonesia – Association of People Centered Television Indonesia
ATVKI	Asosiasi Televisi Komunitas Indonesia –Association of Community Television Indonesia
BCG	Boston Consulting Group
BPS	Biro Pusat Statistik -
C4E	Communications for Empowerment
DPR	Dewan Perwakilan Rakyat – Indonesian Legislative Body or Parliament
FITRA	Forum Indonesia untuk Transparansi Anggaran – Indonesian Forum for Budget Transparency
FM	Frequency Modulation
FOI	Freedom of Information
GSM SIM card	Global System for Mobile Communications Subscriber Identification Module card
ICT	Information and Communication Technology
IDRD	Institute of Dayakology for Research and Development
ILO	International Labour Organization
ITE	Informasi dan Transaksi Elektronik – Information and Electronic Transaction
KPI	Komisi Penyiaran Indonesia – Indonesian Broadcasting Commission
KR	Kalimantan Review
MNCTV	Media Nusantara Citra Televisi
NGO	Non-governmental Organization
PLN	Perusahaan Listrik Negara – State Own Electricity Company
PT	Perseroan Terbatas – Limited Company
PTPN	Perseroan Terbatas Perkebunan Nusantara – Indonesian State Own Plantation Company
Puskesmas	Pusat Kesehatan Masyarakat – Community Health Center
RCTI	Rajawali Citra Televisi Indonesia
REDD	Reduction Emission from Deforestation and (forest) Degradation

RRI	Radio Republik Indonesia – State Own Radio Station
RIPP	Regional Indigenous Peoples Programme
SARA	Suku Agama Ras Antargolongan – ethnic group, religion, race, group-based interest
SIUPP	Surat Izin Usaha Penerbitan Pers – Letter of Business Permit for Press
SUNTV	SUN Television
TNS	Taylor Nelson Sofres – Market Research Company
TVRI	Televisi Republik Indonesia – State Own Television Station
UN	United Nations
UNDP	
UNDRIP	

I. Introduction

a. Country context

Indonesia is the world's fourth most populated nation. The national Census 2010 reported a total population is 237.56 million with population density around 126 people per km^2. The estimation total fertility rate is 2.17. The infant mortality rate is quite high around 26.89. (BPS, 2010).[1]
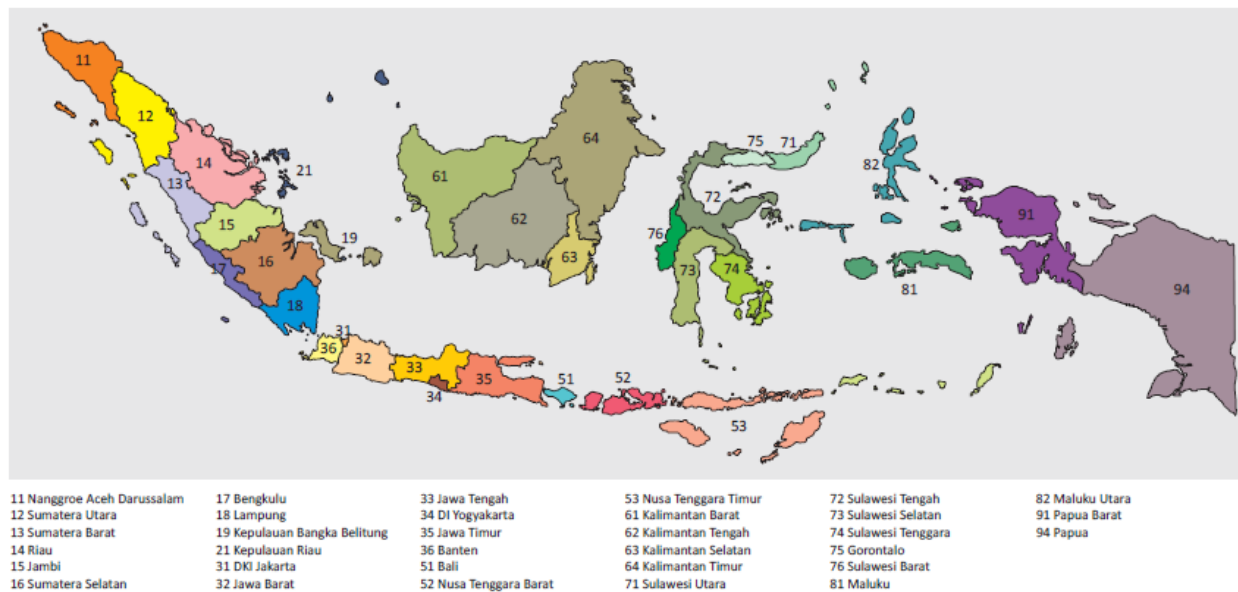
Indonesia is also the world's largest archipelagic state which comprises of 17.508 islands, the largest country in south-east Asia. Indonesia's coastline is longer than the United States, and the nation's territory circumscribe a body of sea as large as the Mediterranean Sea. Five of the islands are big: Sumatera, Java, Kalimantan or Borneo, Sulawesi, and Papua (western part of Papua island).[2]

There are 94 provinces which consisted of 399 regencies, 98 municipalities, 6,552 sub-districts, and 77,012 villages (See Picture 1).

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[1] See the source at <http://indonesiadata.co.id/main/index.php/jumlah-penduduk> Accessed on 1 November 2010
[2] See the official web site of Government of Indonesia
<http://www.indonesia.go.id/id/index.php?option=com_content&task=view&id=112&Itemid=1722> Accessed on 20 November 2010

11 Nanggroe Aceh Darussalam	17 Bengkulu	33 Jawa Tengah	53 Nusa Tenggara Timur	72 Sulawesi Tengah	82 Maluku Utara
12 Sumatera Utara	18 Lampung	34 DI Yogyakarta	61 Kalimantan Barat	73 Sulawesi Selatan	91 Papua Barat
13 Sumatera Barat	19 Kepulauan Bangka Belitung	35 Jawa Timur	62 Kalimantan Tengah	74 Sulawesi Tenggara	94 Papua
14 Riau	21 Kepulauan Riau	36 Banten	63 Kalimantan Selatan	75 Gorontalo	
15 Jambi	31 DKI Jakarta	51 Bali	64 Kalimantan Timur	76 Sulawesi Barat	
16 Sumatera Selatan	32 Jawa Barat	52 Nusa Tenggara Barat	71 Sulawesi Utara	81 Maluku	

Picture 1 – The map of provinces in Indonesia (Source: Census 2010 Report)

Culturally Indonesia is rich. There are more than 500 ethnic groups and 600 distinct languages with thousands of dialects, different cultures and all religious beliefs are practiced. Held together by the lingua franca – *Bahasa Indonesia* or Indonesian language – the authorities strive to discover how, despite all these diversities, the peoples can be united.

Around 50 percent of Indonesians live on the Java Island and less than half of population still lives in rural areas. Most of Indonesian indigenous peoples live in forested regions in Kalimantan, Sumatera, Sulawesi, and West Papua. Some of them practise slash-and-burn agriculture, hunting, and gathering.

Even though the country is multiethnic, no census between 1930 and 2010 have counted the ethnic populations separately. The New Order Soeharto (1966-1998) was aimed at developing a modern, non-ethnic Indonesia and therefore avoided mentioning anything "ethnic" (van Klinken, 2004).

This ethnic diversity is understood as an asset of cultural richness supporting state unity, which is reflected in the national slogan *Bhinneka Tunggal Ika*, unity in diversity. During the New Order period of President Soeharto, *tunggal ika* (unity) – which usually was understood as unified, standardized effort – was more strongly emphasized than *bhinneka* (diversity). May effort were made to limit the expression of ethnic identity through policies and programs on development emphasizing uniformity. Raising ethnic identity was considered dangerous to state unity (Safitri and Bosko, 2002).

"The third wave of democratization," borrowing a phrase of Samuel P Huntington (1991), reached the East and Souteast Asia by the mid to late 1980s. And it has reached Indonesia

relatively late which was at the end of the 1990s. In the mid-1990s, Indonesia still seemed to be a safe place of authoritarian rule.

In the wake of the 1997 Asian financial crisis, Soeharto regime suddenly began to crumble. He stepped down and gave way to BJ Habibie. Habibie promised fresh election in 1999, released political prisoners, decentralized political power, allowed political parties to operate freely and liberalized the press laws.

On 7 June 1999, Indonesia has the first free and fair parliamentary elections since 1955. The parliament elected Abdurrahman Wahid as the fourth president of Indonesia in October 1999. Indonesia become an electoral democracy country.

Abdurrahman Wahid or people call him Gus Dur, has a reputation for being a liberal Moslem leader with the intellectual capacity. He began his actions in continuing the reforms such as dissolving the information ministry. He started to reform the armed forces by appointing an admiral as its Commander (which usually the commander was from the army, not from marine or airforce) and a civilian as Minister of Defence. He made clear regarding to independence movement in Aceh and Papua through the willingness to offer special autonomy rights.

In 2001, he was "forced" to step down. Megawati, his vise president, replaced him as the fifth Indonesian president.

Megawati faced most of the problems of the nation: the economy still suffering from the crisis, widespread corruption, separatist conflicts, etc. During her presidency conflicts in Poso and Maluku came to an end but situation in Aceh and Papua worsened. She supported the implementation of martial law in Aceh.

In 2004, the first direct presidential elections elected Susilo Bambang Yudhoyono as the sixth Indonesian president. He as elected because he imparted a perception of being above bickering of political parties. And he was re-elected for the second period in the latest presidential election in 2009.

According to Census 2010, the unemployment rate in February 2010 is 7.41%. Adult literacy rate is high around 92.58%. Around 95.65% men and 89.68% female can read Indonesian language or literate. And only old peoples have difficulty in understanding Indonesian language, so they still speak their local languages.

The number of poor people in the urban is 11.1 million (9.97%) and in rural is 19.93 million (16.56%). In total 13.33% peoples are under the poverty line (between Rp 192,354 in rural and Rp 232,989 in urban). The percentage of households with decent clean water as source of drinking water in 2009 is only 47.71%.

Soeharto has been stepped down for more than 10 years, but his political influence to the nation is still strong. Most of Indonesia still think that there are no indigenous peoples because

all Indonesians are indigenous. Offically, this is what been always said in the international meeting such as in UN convention conferences.

What is the argument? Ethnic groups occupied Indonesian territory long before the nation was established. Therefore, they are called indigenous peoples of Indonesia. In the collonial era, the Dutch called *pribumi* or native. Based on this, most of Indonesian now consider all ethnic groups throughout Indonesia to be indigenous peoples.

Although legally indigenous peoples rights are guaranteed by Indonesian laws, Indonesia has not ratified the ILO Convention 169. And in reality, they are still facing problems related to rights recognition. Indonesia indigenous peoples' right to manage, utilize, control indigenous or cutom territory, including the natural resources in the territory to fullfil their needs are violated by the government or companies.

b. Research Rationale

The UNDP Regional Initiative on Communication for Empowerment (C4E) of Asia's Indigenous Peoples[3] emphasizes the role of communications as an empowering mechanism to enhance inclusive participation and governance. It is based on a fundamental belief that social inclusion and participation through access of information and effective communication channels are integral parts of democratic governance and sustainable development for vulnerable groups, particularly indigenous peoples.

The initiative was in support of UNDRIP, particularly the implementation of Article 16, which states the following: [4]

1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.
2. States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity.

This study is part of the regional C4E study of the UNDP Regional Initiative on C4E with overall objective to promote and protect the rights of indigenous peoples to have access to all form of non-indigenous media without discrimination and to strengthen the role of indigenous media in enhancing indigenous voices, culture, language and identity.

The research is based on the C4E assessment guideline developed for the initiative and the regional training workshop on C4E assessment methodology which has been held in Bangkok,

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[3] This project is a joint initiative of Asia Regional Governance Programme (ARGP) and the Regional Indigenous Peoples Programme (RIPP) of UNDP Regional Centre in Bangkok.
[4] Vision and action plan was further developed and incorporated into the *Bangalore Community Radio Declaration*, World Association of Community Radio Broadcaster (AMARC) Asia Pacific Regional Conference, 23 February 2010 available at http://asiapacific.amarc.org/index.php?p=2_Conference_Asia_Pacific_2010

Thailand, on 4-6 August 2010. The training workshop developed a guideline which consisted of assessment indicator, research tools, analysis, implementation plan, and report writing, for the research team to conduct the country baseline study or assessment.

The purpose of the study is to present the key finding from Indonesia of the lesson learned or best practices how indigenous peoples using media to empower them.

This baseline study used desk review, focus group discussion, and in depth interview with key resource persons kind of assessment method and tools. The team has been reviewed hundreds of documents, journals, papers, books, and other publication, especially government official documents such as the Census 2010 Report.

With population of indigenous peoples around 40-70 million peoples who belong to multy-ethnics, it is important to get the baseline information about the status of them and how they use communication tools to empower them.

c. Stucture of the Report

The report consists of seven chapters. Brief descriptions of the content follow.

Chapter I to Chapter IV were based mostly on the desk review that focused on the issues of regulations, laws, and government policies related to indigenous peoples; media freedom; freedom of expression for media; access to information or media for indigenous peoples and indigenous peoples participation; indigenous peoples information and communications needs; community media; media content and coverage of indigenous peoples issues in mainstream media; and digital media. Content in Chapter V mostly was based on focus groups discussions and in depth interviews.

Chapter II contained a general overview of indigenous peoples background; the analysis of national and international laws on indigenous peoples; and the analysis of development rights and participation with case ilustrations. This Chapter was written based on information extracted from desk reviews.

Chapter III describes the analysis of access to information and media; freedom of expression and media freedom; community media in general and for indigenous peoples; and short analysis.

The anaysis on media perception of indigenous peoples based on in depth interviews in Jakarta with editors of national mainstream media (*Kompas Daily*, *Tempo Magazine*, and *RCTI TV Station*), staff from Indonesian Broadcasting Commission.

Chapter IV reviewed the digital communication environment which described the penetration of mobile phone and Internet in general, analysis of tren and opportunity for indigenous peoples get the advantage of using digital communications to empower them.

Chapter V presented three case studies: West Kalimantan, Ciptagelar Kasepuhan (West Java), and Maluku. Most of content of Chapter V were based on focus group discussions and in depth interview, although desk review on specific reports enrich the cases.

The team conducted two focus group discussions in Pontianak (West Kalimantan Province) and Ambon (Maluku Province) in order to get the lesson learned and best practices as case studies. Based on the results from focus group discussions, the team interviewed several key resource persons who representing indigenous peoples, mainstream media, community media, and non-governmental organizations.

The second case study about Ciptagelar Kasepuhan, West Java, was based on in depth interview with the indigenous peoples community leader and the community media (radio and television stations).

West Kalimantan was chosen because of there is a strong indigenous peoples independent organizations. Pancur Kasih, for example, is an indigenous peoples non-governmental organization established by Dayak people in 1981. The Dayak non-governmental organization has a television station and a magazine (since 1992) that covering indigenous peoples activities and issues related to indigenous peoples, especially indigenous people in West Kalimantan.

Ciptagelar Kasepuhan was chosen because it located in the most populated island, Java Island and the community has one television station, one radio station, and Internet access. The case study focused on how small indigenous peoples community while preserving their customs and fighting for their rights on indigenous forests, using community media and mainstream media to empower them.

The third case study represented case in Maluku or Moluccas. Besides, the problem faced by indigenous peoples in Maluku, the case study in Maluku focused on the role of media and indigenous peoples customs in violence conflict between Christian communities and Moslem communities that had left over 3,000 people dead and innumerable people maimed and traumatized (Wilson, 2008).

The Team was aware that the three locations for case studies cannot represent or give a whole picture of indigenous peoples condition in Indonesia. At least the case studies can be seen as lesson learned or best practices.

The last chapter, Chapter VI, presented recommendations and priority actions as the result of analysis of previous four chapters. Chapter VI highlighted the recommendation and priority actions should be taken by the Indonesian government, national and local government; indigenous peoples organization or communities; media organizations, and international institution such as UNDP and funding agencies.

II. Indonesian IP Context

a. Indonesian IP Communities Background

Ethnic groups occupied Indonesian territory long before the nation was established. Therefore, the government calls them indigenous peoples of Indonesia. Based on this, the Government of Indonesia considers all ethnic groups throughout Indonesia to be "indigenous peoples" in the meaning of *orang asli*, literary in English means "original people" (Safitri and Bosko, 2002).

The government only recognize 365 ethnic and sub-ethnic groups, although estimated there are more than 500 ethnic groups. More than half of total population belong to seven largest ethnic groups which are Java, Sunda, Madura, Minangkabau, Bugis, Batak, and Bali.

Indonesian indigenous peoples are facing several problems. Some problems are specific for indigenous peoples, others are also problems of the population of the Nation. Poverty is the main problem faced by indigenous peoples and other marginalized communities in Indonesia.

During Soeharto Era, many efforts were made to limit the expression of ethnic identity through policies and programs on development emphasizing uniformity. Raining ethnic identity was consider dangerous to state unity. This was the Soeharto's politics to eliminate ethnic identity. It was taboo to talk or discuss SARA – abbreviation of *suku, agama, ras, antargolongan*, meaning ethnic group, religion, race, and group-based interest – in institutions and sociopolitical interaction.

The anti-SARA politics were parallel to efforts to unify sociopolitical life. Other policy was under the Act No 5/1979 (then replaced by Local Government Act No 22/1999)[5] in unifying name for every villages, including indigenous peoples community's territory, called *desa* – a Javanese term for territory meaning village – although all other ethnic communities had their own names to indicate their territory.

For example, in Maluku, especially in central Maluku, where the customary institutions have been established for hundred of years, the indigenous peoples have *raja* as head of customary village; *kepala soa* (head of clan); *kapitan* (army commander); *kewang* (security); and *marinyo* (*raja's* messenger to community members); *tuan tanah* (land owner).

The use of the term *desa* had great impact such as changed sociocultural system because of changed structure of local governance. The *raja, kepala soa, kapitan, kewang,* and *marinyo* are loosing their roles in the communities. They can keep the roles but they also have to accommodate two systems. Slowly, the uniformity politics of Soeharto is weakening *adat* norms, values, and institutions.

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[5] The explaination about the Act No 5/1979 and Local Government Act No 22/1999 is elaborated more in the next chapter

There is leadership dualism in every village in the presence of both the village head and indigenous peoples leader. The village head deals with administrative and developmental matters, whereas the indigenous peoples leader deals with sociocultural problems.

Regarding the right to keep original believes or religions, Soeharto only recognized formally five religions, namely Islam, Catholic, Protestant, Buddhish, and Hindu. Soeharto had never recognized indigenous believes such as Kaharingan, the original Dayak indigenous peoples' religion. Now, Yudhoyono administration is still recognizing five official religions and adding Confucious as the sixth religions and not indigenous believes.

Kaharingan and other indigenous believes are categorized as culture variety not religions.

The Indonesian Government in Soeharto Era and now, is using terminologies of *masyarakat asli* (native people), *masyarakat terpencil* (isolated people), and *masyarakat primitif* (primitive people) to refer to indigenous peoples. All the terms used by the government have connotation meaning of "underdeveloped."

Asian Development Bank set characteristics of indigenous peoples. Those characteristics are (Safitri and Bosko, 2002):
1. Descent from population groups present in a given area, most often before modern states or territories were created and before modern borders were defined;
2. Maintenance of cultural and social identities, and social, economic, cultural, and political institutions separete from mainstream or dominant societies and cultures. Included here are cultural minorities that have migrated into areas to which they are not indigenous, but have established a presence and continue to maintain a definite and separate social and cultural identity and related institutions.

And specific for communities in Indonesia, ADB adds characteristics which are (Safitri and Bosko, 2002):
1. Self-identification and identification by others as being part of a distinct indigenous cultural group, and the display of a desire to preserve that cultural identity;
2. A linguistic identity different from that of the dominant society;
3. Socual, cultural, economic, and political traditions and institutions distinct from dominant culture;
4. Economic system oriented more toward traditional means of production than to mainstream production methods;
5. Unique ties to traditional habitats and ancestral territories, and to the natural resources in these habitats and territories.

Box 1
The Indigenous Peoples Alliance of Archipelago - AMAN

Since the fall of President Suharto in 1998, the third wave of democratisation has swept the country. Political parties were founded while non-governmental organizations have blossomed in many areas.

In March 1999, Jakarta witnessed a mass demonstration by indigenous peoples identifying themselves as *masyarakat adat* the translation of indigenous peoples. Hundreds of people, many in traditional outfits, were present, representing more than one hundred ethnic groups.

They were participants of the first congress of Indonesian indigenous peoples. Around 208 indigenous peoples' communities representing 121 ethnic groups attended the congress. The congress agreed to establish an alliance of Indonesian indigenous peoples which then named AMAN – Aliansi Masyarakat Adat Nusantara (in English: Indigenous Peoples Alliance of Archipelago).

The Congress declared AMAN's vision which is "the realization of an indigenous life which is sovereign, just, prosperous, valueable and democratic."

The AMAN's main missions in fighting for the justice and interests of indigenous peoples are:
- Recovering the dignity, self confidence and status of indigenous peoples, especially the status and rights of indigenous women;
- Returning the soverignty of the indigenous peoples to bring about economic, social, political and cultural rights;
- Increasing the capacity of indigenous peoples to maintain and expand their traditional wisdom in protecting the earth, water, and all natural wealth contained within nature;
- Developing a fair process of democratic decision making;
- Defending and fighting for respect and protection of indigenous peoples rights;
- Nurturing and training a new generation of youth to fight for the rights of indigenous peoples

The Congress formulated the following demands:
(1) Elimination of terms which denigrate indigenous people and their rights;
(2) Recognition of the diversity among indigenous peoples and of their rights, knowledge and skills;
(3) Representation in state institutions;
(4) Restoration of rights over land and natural resources;
(5) Amendment of the concept of state control in the Basic Agrarian Law and the Forestry and Mining Act;
(6) Discussion with the government and private sector on land and resource use;
(7) Social welfare programmes must not violate indigenous rights;
(8) No military involvement in civil society as currently exists under the Armed Forces 'Dual Function' doctrine;
(9) Authorities must find a fair means to settle the issue of self-determination. It is the state's responsibility to restore the rights of indigenous peoples, violated for so long; and

(10) The state must sign international agreements protecting the rights of indigenous peoples, e.g. ILO Convention 169 and participate in the formulation of the UN Draft Declaration on the Rights of Indigenous Peoples.

AMAN played a big role in pushing the government to recognize indigenous peoples' rights. AMAN's existence has increased public awareness on indigenous peoples communities and strengthened their bargaining position against the government.

AMAN now is representing 1,163 indigenous people communities in Indonesia.

However, AMAN has no estimate of populations in each of the groups it represents. Doing a proper count of the indigenous peoples is one of AMAN's priorities.

Since established in 1999, AMAN has been fighting for political rights of indigenous peoples. Before the general election 2009, AMAN has prepared its members to nominte them as parliament members and senators. AMAN successfully put 22 members as senators and parliament members in provinces and districts level.

Sources:
1. Persoon, GA. 2004. "Indonesia: Reformulating Indigenous Identity." IIAS Newsletter No 35, November 2004. <http://www.iias.nl/nl/35/IIAS_NL35_11.pdf>
2. AMAN web site: <http://aman.or.id/>

AMAN defines indigenous peoples as peoples traditionally living on their ancestral land and water and often distinctively between one another (Wessendorf, 2008). The indigenous peoples' societies and cutures are governed by customary laws and customary institutions which sustain the continuity of the communities. Therefore, most of Indonesian regardless their original ethnicities, are not indigenous peoples anymore if they do not live according to their customs anymore.
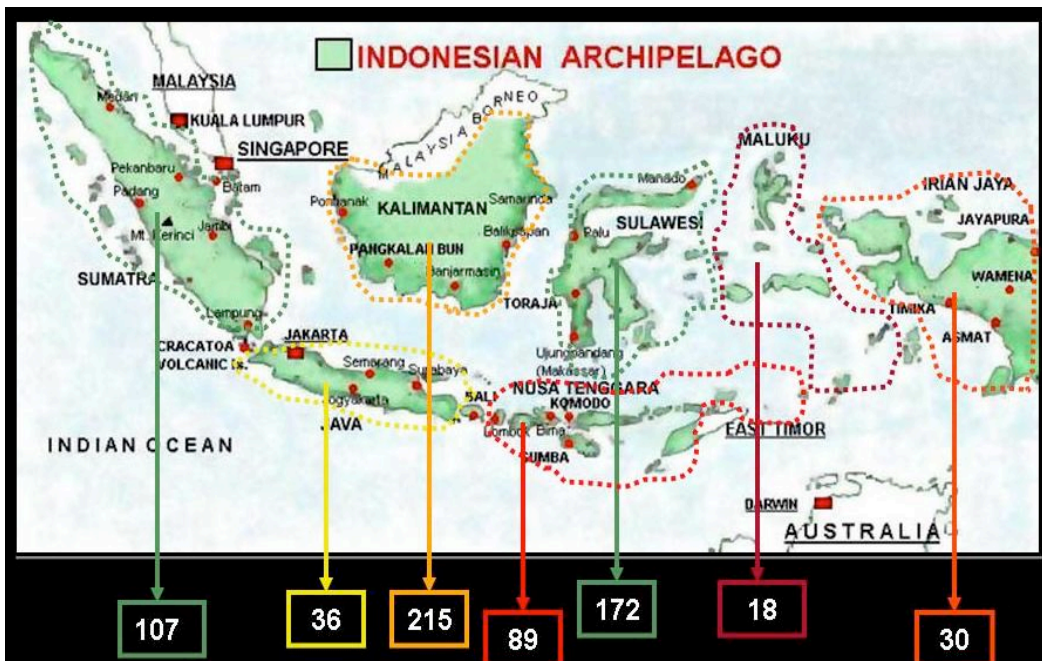
Graphic 1 – AMAN's indigenous people community members throughout Indonesia are 1,163 communities. (Source: AMAN)

And AMAN has identified the following charateristics that make indigenous people communities or *adat*[6] [7]or custom distinct:
1. Self-identification and indentification by others as being part of a distinct indigenous cultural group, and the desire to preseve that cultural identity;
2. A linguistic identity different from the general society;
3. Social, cultural, economic, and political traditions and institutions distinct from the dominant one;
4. Economic system orientation toward traditional means of production;
5. Unique ties to traditional habitats and ancestral territories and to natural resources in their territories;
6. Relationship with the land not only physical but also communcal magic or religious beliefs.

Based on these characteristics, AMAN estimates there are 50-70 million indigenous peoples around Indonesia. And only 1,163 indigenous people communities belong to AMAN network (See Graphic 1).

This assessment used the characteristics of AMAN.

b. National and International Law on Indigenous Peoples

AMAN has analyzed regulations and laws that mentioned or recognized indigenous peoples. There are seven regulations give recognition to indigenous sovereignty over their rights.

1. Second Amendment to the 1945 Indonesian Constitution.

The Indonesian Constitution 1945 amended in 2000 has two chapters that recognize communities that still living under customary law and respects cultural identity and traditional community rights. All lower regulations or laws have to comply with this highest law.

a. Chapter VI Article 18b Paragraph 2 (in the Chapter on Human Rights) of the Amendment states that "The State shall recognise and respect the unities of customary law societies[8] with their traditional rights as long as they still exist and are in accordance with community

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[6] AMAN uses word *adat* for one word explaination for "indigenous." The word adat first introduced in a national meeting in Tana Toraja, Sulawesi, in 1993. Then AMAN uses "*masyarakat adat*" as a translation of "indigenous people"

[7] Adat is a complicated concept. It encompasses concepts such as culture, customs, and system of local justice. In some contexts it is also understood as the traditional lifestyle of a particular community. Adat land is usually understood as the (communal) village territory.

[8] 'Customary law societies' is the literal translation of *Masyarakat hukum adat*, which means those communities who live by customary law.

development[9] and the princile of the Unitary State of the Republic of Indonesia[10] as regulated by laws."

b. Chapter Xa Article 28i Paragraph 3 states that "The cultural identity and traditional community rights shall be respected in line with progrss and human civilization."

These two articles use two different terms for indigenous peoples communities which are "costomary law societies" in Article 18b and "traditional community" in Article 28i. And the articles also use term "traditional rights" which is new in the Indonesian legal vocabulary, especially when associated with customary law societies. Without further explanation, the use of the terms can lead to a range of interpretations.

It seems that the use of term "traditional community" in Article 28i Paragraph 3 follows People's Assembly Decree No XVII/1998 on Human Rights. This Decree uses the term "traditional community" and the term is tied to right over *ulayat* land (the right that is usally associated with an adat or custom law community) and not to the traditional rights as used in Article 18b Paragraph 2. Article 41 of the Human Rights Charter, which constitutes a part of the Decree states "Cultural identity of traditional communities, including their right over *ulayat* (communal) land, is protected in line with evolving time" (Safitri and Bosko, 2002)

2. People Consultative Assembly Decree No 9/2001 on Agrarian Reform and Natural Resource Management.

People Consultative Assembly decree is the second highest law. There are two articles in the Decree No 9 that mention rights of customary law societies.

a. Article 4 states that in implementation of agrarian reform and natural resource management shall based on "respecting and honoring human rights" (point b) and "recognizing, respecting, and protecting the rights of the customary law societies and the diversity of the national culture with respect to agrarian resources/natural resources."

b. Article 6 states that People's Assembly gives tasks to DPR[11] and President immediately to regulate the further implantation of agrarian reform and natural resource management and to revoke, amend and/or revise all laws, rules, and regulations that are not in conformity with this Decree.

3. The Basic Agrarian Law No 5/1960.

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[9] 'In accordance with community development' is literal translation of '*sesuai dengan perkembangan masyarakat*' and its implies that indigenous peoples are at the lower level of indigenous society.

[10] The concept of the 'Unity of the Indonesian Republic' is always used by the government to legitimise its control on land and natural resources. The government fears that attempts by indigenous peoples to control their resources could result in the fragmentation or disintegration of the country. Indigenous demands in Aceh and West Papua are still particularly sensitive issues even now.

[11] DPR is the Indonesian Legislative body or parliament.

People Assembly, through MPR Decree No 9/2001 Article 6, has given a task to DPR and President to revise the 50 years old Basic Agrarian Law, but DPR or President has not done anything to change or amend or revise it.

Chapter I article 5 of the Basic Agrarian Law states that "The agrarian law which applies to land, water, and space is customary law, in so far as this does not conflict with national and state interest – which are based on the unity of the nation, Indonesian socialism and other regulations in this and other laws, and due respect to norms founded in religious laws."[12]

4. Forest Act No 41/1999.

Forest Act No 41/1999 explicitly recognizes *adat* forests (forests traditionally or according to custom law belong to indigenous peoples) and indigenous peoples' rights on their forests although the ownership of the forest legally is in the government.

a. Chapter I article 1 paragraph 6 states that "*Adat* forest means state forest located in areas covered by traditional jurisdiction."

b. Chapter II article 5 states "State forest as referred to Paragraph 1 point a, can be in the form of *adat* forest" (Paragraph 2), "The government designates the status of forest as referred to Paragraph 1 and Paragraph 2; *adat* forest shall be designated as long as customary law societies still exist and their existence is recognized" (Paragraph 3), "If – as result of developments – the customary law societies no longer exist, the management rights of those *adat* forests shall return to the government" (Paragraph 4).

c. Chapter IX article 67 states that "As long as customary law societies exist and are recognized, they have the right to (a) collect forest products to meet the daily needs of these communities; (b) manage forests in accordance with prevailing customary laws which do not contravene state laws; and (c) receive entitlements to improve their welfare[13]" (Paragraph 1). Paragraph 2 states "Confirmation of the existence and abolisment of customary law societies as referred to Paragraph 1 shall be stipulated in Local Regulations." And Paragraph 3 states "Further provisions as referred to Paragraph 1 and Paragraph 2, shall be regulated by Government Regulation."

5. Local Government Act No 22/1999.

a. Chapter I Article 1o states that "Villages, or other forms of settlement henceforth called villages, are units of law-based society which have the authority to manage and take care of

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[12] This law was passed during the rule of the first president of Indonesia, Soekarno, and reflects his view of the State which was very different from the perspectives of subsequent presidents. The 1960 Agrarian Law has never been fully implemented, but it has also never been repealed.

[13] For example indigenous communities have the right to include in government programmes intended to improve community livelihoods.

local communities' interests based on their origins and local customs, within district territory and as recognized by the national government system."

b. Chapter XI Article 111 Paragraph 2 states that "Local Government Regulations, as meant in Paragraph 1, must recognize and respect villages' rights, origins and customs."

The Local Government Act No 22 replaces the Act No 5 1979 which made village, including customs village, uniform. The Act No 22 restores customs or *adat* communities and institutions. It is possible to recover and revitalize indigenous peoples communities such as *nagari*, *kampung*, *bori*, or *marga* if the indigenous peoples communities wish to do so. They may restore custom norms and values including those related to tenure and use of land and natural resources. The indigenous peoples communities can formulate village regulations by themselves. This will sincronize custom laws and positive laws of the Government.

In practice, although indigenous peoples communities have to arrange their own kind of villages, in some places local governments still regulate villages according to national arrangement. Therefore sometime there are two system of villages in indigenous peoples communities. For example, Ciptagelar Kasepuhan community , around five hours drive from Jakarta, has to accept that they are under two law, custom law and village administrative, custom structure and village administrative structure.

Within Sirnaresmi village administrative structure there is no specific post for environmental and forest issues. This contrasts with the adat governance system where the *Kemit Leuweung* (customary guardian) is clearly in charge to ensure that rules on the forest are observed (Suganda, 2009).

6. Act No 39/1999 on Human Rights.

Article 6 provides explicitly recognizes and protects indigenous peoples communities and their cultural identity and considers the recognition and protection as part of the implentation of human rights. Article 36 and 37 which concerning the property rights and acquisition of property rights, respectively, become relevant in the framework of protection of indigenous peoples rights.

The Act No 39 is important and relevant in the protection of indigenous peoples community rights on their lands. But Presidential Decree No 53/1993, which states *ulayat* land or *adat* land can be taken for public use with compensation, is not in accordance with the principle of protection and respect for human rights as guaranteed in the Act No 39/1999 (Safitri and Bosko, 2002).

7. Act No 27/2007 on Coastal and Small Islands Management.

This law recognizes the rights of indigenous peoples communities to manage coastal and small islands and also recognizes indigenous knowledge as an important aspect in the protection fo coastal areas and small islands.

Other law, for example, the Act No 22/2001 on Oil and Gas has no specific Article concerning indigenous peoples communities and indigenous peoples rights. But it recognizes indigenous peoples communities rights which should be mentioned in the business contracts of oil and gas mining (Article 11 Paragraph 3p). And oil and gas mining activities cannot take place on lands of indigenous peoples communities (Article 33 Paragraph 3a).

In contrary, the **Act No 5/1990 on Conservation of Biological Resources and the Ecosystem** put the Government (or the State) in central position to manage protected areas (Article 16 and 34). The Government is to direct and motivate people to participate in conserving biological resources (Article 37 Paragraph 1), including to establish protected areas.

This Act is not appropriate in protecting rights of indigenous peoples communities since establishing protected areas has great impact on indigenous peoples communities, especially they are who depend on forests. Comparing with the Dutch legal Natuurbeschermingsordonantie 1941, it can be said that the colonial Act was more tolerant and respectful to the rights of indigenous peoples. The establishment of protected areas in land controlled by third parties can only be carried out with consent of those parties (Safitri and Bosko, 2002).

The example is what has been experienced by Ciptagelar Kasepuhan community. The expansion of Gunung Halimun-Salak National Park in 2003 caused part of Ciptagelar community customary lands become part of the National Park.[14] Although they have been managing their custom lands and forests for more than 650 years, but they have to comply to the Government regulation. Now the community members cannot take fire-woods or cut trees to build houses from their forests anymore.[15]

In Central Sulawesi, a decree by the Governor, promulgated in 1992, legally ignores and extinguishes *ulayat* or *adat* rights over land. In Central Sulawesi near Lore Lindu National Park, much *adat* land and *adat* forest was claimed for the buffer zone the Park. The process of taking and allocation was carried out without adequate prior consultation and consent of the communities.

Asian Development Bank's study concluded that existing legislation does not provide a strong legal base for protection of indigenous peoples and their rights. Although, in the seven laws and regulations analyzed explicitly recognize indigenous peoples rights, in reality there are still cases of indigenous peoples rights violation.

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[14] See Case Study II in Chapter V
[15] Information from interview with Abah Ugi, the leader of Ciptagelar Kasepuhan community

Law reform is, therefore, very important. A reform agenda for the protection of indigenous peoples should be set up by the Government. Such agenda could include preparation and promulgation of special act concerning indigenous peoples and their protection in the process of sectoral development. Law reform is needed not only in substantial issues but also in the process and mechanism of particpatory lawmaking (Safitri and Bosko, 2002).

In the New Order Era of Soeharto all Indonesian are equally indigenous, only Chinese or Indian are not categorized as indigenous since they are foreigners even though their grand-grand-grand parents are born in this lands. In Soeharto era, the internationally recognized category "indigenous and tribal people," as defined in ILO Convention 169, has not recognized in Indonesia's legal system. And there was no custom territories too. Since Soeharto could not deny differences among Indonesian, he tried to construct it was only cultural differences. A discourse on indigenous peoples was only taken place only among social and environmental activists.

The New Order government classified about one million rural people as *masyarakat terasing*, *masyarakat terpencil* (estranged and isolated) and they were not indigenous people or *adat* communities or custom communities. Then the official program of Department of Social Affairs was to "civilize" them. Their ethnic or tribal identities, cultural distinctiveness, livelihood practices, customs, and ancient ties to the places they inhabit were considered as problems, evidence of closed minds and a development deficit which a well-meaning government must help them to overcome (Li, 2000).

The six out of seven laws and regulations that recognized indigenous peoples, as elaborated above, were issued after Soeharto stepped down in 1998.

Although UNDRIP not a legally binding protocol, many of the articles are taken from the Convention on Civil and Political Rights and the Convention on Economic Social and Cultural Rights. Therefore, Indonesia has agreed to respect, protect and fulfill the rights of indigenous peoples in Indonesia while UNDRIP has not been implemented yet in Indonesia.

In 2005, DPR (Parliament) and the Government agreed to ratify the International Convenant on Economic, Social and Cultural Rights as Law No 11/2005 and the International Convenant on Civil and Political Rights as Law No 12/2005.

Nevertheless, human rights violations are still continuing, particularly in relation to indigenous peoples in Papua. Genuine indigenous peoples rights such as self-detemination in term of political representation, ownership and management of natural resources, participation in development matter stressing an indigenous-suited approach – are denied by simply ignoring the fact of indigenous peoples existence.[16]

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[16] See Report on Indonesia submitted by Commission of the Churchers on International Affairs of the World Council of Churches. The report can be downloaded at

Since 1984 to 2000, the Government of Indonesia has ratified nine UN conventions that part of the conventions text concerning indigenous peoples. They are:

1. Law No 7/1984 on the Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women;
2. Presidential Decree No 36/1990 on the Ratification of the Convention concerning the Rights of the Child;
3. Law No 5/1994 on the Ratification of the United Nations Convention on Biological Diversity;
4. Law No 5/1998 on the Ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
5. Law No 19/1999 on the Ratification of the ILO Convention No 105 concerning The Abolition of Forced Labor;
6. Law No 20/1999 on the Ratification of ILO Convention No. 138 concerning Mininum Age for Admission to Employment;
7. Law No 21/1999 on the Ratification of the ILO Convention No 21 concerning the Discrimination in the Respect of Employment and Occupation;
8. Law No 29/1999 on the Ratification of the International Convention on the Elimination of All Forms of Racial Discrimination 1965; and
9. Law No 1/2000 on the Ratification of the ILO Convention No 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor.

Indonesia has not ratified the important ILO Convention No 169. ILO Convention No 169 is a legally binding international instrument which deals specifically with the rights of indigenous and tribal peoples.

There are four general reasons of the revival of indigenous peoples in Indonesia. The **first** is the support, both indeological and concrete, of international organizations and networks committed to the rights of indigenous people. The **second** is the uncertainty, together with the opportunities, attendant on the processes of democratization and decentralization after Soeharto regime. The **third** is the oppression of marginal population groups under the New Order. The **fourth** is historical, having to do with positive role which custom or adat has played in the country's political imagination since the beginning of Indonesia nationalism (Safitri and Bosko, 2002).

Indonesia's constitutional catalogue of rights includes numerous crucial rights and freedom such as the non-derogable rights to life, to freedom of thought and conscience, to religion, to not be tortured or enslaved and to be recognized as a person before law. Rights to freedom of information, expression, association, assembly, rights to education and work, social security, health care, a place of residence and a decent livelihood, as well as the prohibition of

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<http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/ID/WCC_IDN_UPR_S1_2008_WorldCouncilofChurches_uprsubmission.pdf>

discrimination gained inclusion. But, the right to freedom of movement, equal right for men and women is not explicitly included.

b. Development Rights and Participation

Legally indigenous peoples rights are guaranteed by Indonesian laws (including international laws been ratified) as explained above, although Indonesia has not ratified ILO Convention 169. Here are the indigenous peoples' rights guaranteed by Indonesian laws as elaborated above:

1. The right to manage, utilize, control indigenous or custom territory, including the natural resources in the territory to fulfill their needs;
2. The State (or the Government) recognizes and protects indigenous peoples communities and their cultural identity;
3. The rights to have freedom to essembly, speak and participate in the decision making on development program;
4. The right to have access to social services from the Government such as health services, educations, transportations, electricity, clean water, informations/media etc;
5. The right of self-determination such as to establish organization or institutions to meet their needs.

Although Indonesia indigenous peoples rights are recognized in the constitutions, laws, and government regulations, in the reality they are facing problems related to rights recognition. The problems of recognition will end indigenous peoples up to poverty.

Access to forest/land right

More than two-thirds of Indonesia's total land area was declared as state forest, including almost whole Papua. The Forestry Department interpreted the designation of state forests as automatically coferring ownership. The consequence of the ownership, the Forestry Department prohibited all activities taking place within the area it claimed as state forest unless it had issued permits. This meant that all forest peoples' lives – including what they were and were not allowed to do and who was given special permission to utilize the state forests – was automatically controlled by the Forestry Department (Afiff, 2009)

This is clearly contradiction with indigenous peoples right to manage utilize, control indigenous or custom territory, including the natural resources in the territory to fulfill their needs.

This contradiction resulted into indigenous peoples rights violations in many places especially in the natural resouces rich area. Indigenous peoples community members are criminalized because they are accused of "stealing" their own natural resources in their forests.

For example is the case of conflict between three oil-palm plantation companies, PT Malindo Mas, PT Hutan Hijau Mas, and PT Natura Pasifik Nusantara and Dayak Punan peoples. The three companies have been granted concessions of 51,662 hectars of forests. The concession areas is

adat forests belongs to Dayak Punan people who lives in Kampung Punan Malinau and Kampung Punan Long Ayap. The companies have been operating for 10 years and starting to harvest the palm fruits. And Punan people is still in poverty. [17]

The case of Dayak Punan was just one example of land-tenure caused conflict. According to Sujarni Alloy, chairman of AMAN in West Kalimantan, until 2010 there are 200 cases of conflict between indigenous peoples communities and oil-palm plantation companies in Ketapang, Sanggau, and Sintang Districts because of their lands been taken by local governments and given to the companies.[18]

In East Kalimantan, because of this lack of legal recognition and protection of customary rights over land and natural resources, lands and forests of indigenous peoples communities have been taken by the government and allocated for logging concessions, mining, and plantations without prior consultation with or adequate compensation to the affected communities.

As a result, land conflicts take place. A conflict at the time was that between the indigenous peoples of Paser and PTPN XIII, a state-owned company in the oil palm business. The indigenous peoples demanded to own and use certain areas of the plantations within their existing *adat* land area. The plantation management said that the case was concluded long ago; the company always tried to get the indigenous peoples involved in the plantation projects but they refused. One of the indigenous peoples members of Paser said that the Government does not understand the community's values.

This violation of indigenous peoples rights is happening in every corners of forests where indigenous peoples communities live. Now, indigenous peoples communities in Merauke, Papua have to face a big problem in the near future. The Government has decided to develop the 1.6 million hectares Merauke Integrated Food and Energy Estate without any free-prior-informed consent.[19]

The Food and Energy Estate, for short, is a project designed to develop an integrated agriculture, horticulture, and livestocks in lowland, forest, and wetland or swamp belong to Malind people. The 1.6 million hectares is in the indigenous territory named Anim-ha which is their source of food, sago trees.

And there already 30 private companies investing in the program including Bangun Tjipta, Medco Group, Comexindo International, Digul Agro Lestari, Buana Agro Tama, and Wolo Agro Makmur.

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[17] See article at <http://aman.or.id/berita-aman/7/220.html?lang=en_GB.utf8>

[18] See <http://aman.or.id/component/content/article/7/232.html?lang=en_GB.utf8>

[19] See AMAN statement before the 9th Session of the UN Permanent Forum on Indigenous Issues in New York, April 2010 at <http://aman.or.id/berita-aman/7/179.html?lang=en_GB.utf8>

Here is an example how government (police) and company violently seized customary lands belong to Kampong Amplas and Kampong Menteng indigenous peoples communities, members of AMAN.

On 28 January 2011, around 08.00am, PT Perkebunan Nusantara II (the government owned plantation company) in Deli Serdang, North Sumatera, backed up by 30 personel of Police Mobile Brigade and 600 thugs armed with machetes, raid Kampong Amplas and Kampong Menteng. They burned houses, destroyed vehicles and a small mosque, and occupied agriculture lands of the indigenous peoples communities. AMAN has filed protest letter to the government and local government, and Human Rights Commissioners, demanding to prosecute the criminals, protect the indigenous peoples.[20]

The conflict between PT Perkebunan Nusantara II and indigenous peoples communities in Deli Serdang has been continuing for 58 years without any solution from the government. The violence raids have been happening several times.

On 9 February 2011, after for eight months pending, the South Jakarta District Court decided to reject the class action of Amungme communities, the indigenous peoples in West Papua, to re-claim their customary lands which been taken by Freeport Indonesia, the US copper and gold mining company. The law-suit was invalid.[21]

In Ketapang District, West Kalimantan, two Dayak community members were sentenced for one year because they were guilty violate the Plantation Law No 18/2004. The trial was motivated by a land-tenure conflict between Silat Hulu Indigenous Peoples and palm oil company PT Bangun Nusa Mandiri. PT Bangun Nusa Mandiri displaced and destroyed 350 hectares land of Silat Hulu Indigenous Peoples since April 2008. The Silat Hulu Indigenous Peoples has been tried in many way to prevent and stop the destruction and displacement but they failed.[22]

Conflicts and criminalizations of peoples who rejecting oil palm plantations was increasing two times in 2010 comparing in 2009. According to Sawit Watch data, in 2010 there were 660 conflicts on oil palm plantations, compared with 2009 were only 112 cases. There were 13 conflicts on oil palm plantations in nine provinces that resulted in criminalizations of the peoples. [23]

Local Regulations Recognizing the Rights

While most of local government created problems to indigenous peoples, some local governments have responded to the demands of indigenous peoples communities for

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[20] See the statement from AMAN at <http://www.aman.or.id/en/news/7/312-ptpn-ii-menyerang-wilayah-adat-kampong-amplas-dan-menteng.html>

[21] See the report at <http://www.aman.or.id/en/news/7/320-hak-ulayat-suku-amungme-tidak-bisa-hanya-diklaim-milik-seorang.html>

[22] See the report at <http://www.elsam.or.id/new/index.php?id=1363&lang=in&act=view&cat=c/101>

[23] Kompas, 5 January 2011 <http://www.elsam.or.id/new/index.php?act=view&id=750&cat=c/101&lang=in>

recognition of their rights. In 2001 the West Sumatera Provincial legislature issued a law (Provincial Regulation No 9/2000) re-establishing *nagari* or custom territories as self-governing entities.

Here are some other local regulation that recognizing indigenous peoples communities' rights over their lands and forests (Kisworo and Jayme, 2006; Fay, 2009):

1. Lebak District Regulation No 32/2001 on the protection of *ulayat* rights of Baduy indigenous peoples;
2. West Lampung District Regulation No 18/2004 recognizing the community-based natural resources and environmental management;
3. Head of Kapuas Hulu District Decree No 59/1998 on the guidelines for utilising *tanah hak ulayat* or similar land and adat land ownership rights for private commercial purposes;
4. Local Regulation No 3/2000 regarding empowerment,protection, and the development of *adat* and *adat* institutions in Pasir District, although not introduce the territory and property of adat communities;
5. Decree of Regent in Toraja which stated the recognition of 32 adat territory to support the existing of Local Regulation No 2/2001 (concerning Toraja's local government) and No 5/2004 which not regulate adat territory and the right of adat communities over natural resources.
6. Maluku Province Local Government Regulation No 14/2005 that re-installed and revitalized the customary law in every level of government in Maluku Province. Therefore, all indigenous peoples communities can get their right on self-determination according to their customary laws.

Poverty and Rights

As stated in the focus group discussion in Pontianak (September 2010), all participants said that the main issue faced by indigenous peoples is poverty.

According to 2010 Census, there are 31.02 million people under poverty line and 19.93 million poor live in villages (BPS, 2010). There is not specific data on how many indigenous peoples is poor, although the statistic data show that provinces rich in natural resources such as Kalimantan and Papua are the poorest provinces. In these provinces , there are many indigenous peoples communities.

The indigenous peoples percive poverty differently. Asian Development Bank study in 2002 on the poverty of Indonesian indigenous peoples and ethnic minorities shows that they perceive poverty to cover a wide spectrum of issues, including structural problems such as lack of protection of their rights, and inequitable allocation of, natural resources; behavioral and cultural problems; and problems related to the availability of basic social facilities or services (Safitri and Bosko, 2002).[24]

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[24] The study was conducted among indigenous peoples of the Toro Communities and Kalora of the Centra Sulawesi, Tunjung People in Sekolaq Darat Village, East Kalimantan, Benuaq People in Benung Village, East

There are at least three basic causes of poverty as percieved by indigenous peoples, according to ADB study (Safitri and Bosko, 2002). They are:

The first is the problem of inadequacy of access and unavailability of facilities and services for fulfillment of basic needs. The absence of means for education and health services, and of roads, markets, clean water, and other services is regarded as a reflection of low quality of life. The lack of social services is not a specific problem for indigenous peoples. It is a big problem of the Nation.

Center for Economic and Social Studies found that villages inside or near forests were poorer than villages far from forests. The villages inside or near forests have no electricity, no health and education services, no telephone lines, no markets, no road and no transporation services.[25] Most of Indonesian indigenous peoples live in or near the forests.

Most of them have been displaced from their forests by forest concession companies, plantation companies, and mining companies. These companies have pushed indigenous people off their lands and devastated environments (Forshee, 2006).

The second is the sociocultural problems that include values and behavior inimicable to improvement of community life. Low work ethics, lack of creativity, consumptive behavior, and a short-term outlook are some values said to reflect a culture of poverty.

The third is structural problems, namely, policies and regulations rooted in the wider system that do not favor indigenous peoples communities. In this perspective, poverty does not derive from adat communities, but from those groups external to the communities that control the wider system. It is injustice embedded in the system that impoverishes indigenous peoples communities. Or in other words, "indigenous peoples community is not poor, but is made poor." The problem is not "poverty" but "impoverishment." For example is the uniformity policy of the government.[26]

In general, according to ADB study, the problems faced by indigenous peoples that lead them into poverty was lack of recognition of customs or *adat* right over lands and natural resources; pollution and degradation of land and natural resources; transfer land to outsiders; lack of education; poor health condition; lack of infrastructure and transportation services; lack of information; marginalization of custom or *adat* institutions (Safitri and Bosko, 2002).

Kalimantan. The report can be downloaded at
<http://www.adb.org/Documents/Reports/Indigenous_Peoples/INO/> .

[25] Refering to Briefing Paper CESS-ODI No. 2, March 2005: "Keterkaitan Kemiskinan dan Kehutanan di Indonesia: What Evidence? How can it better be targeted?" <http://www.slideshare.net/ignoramus/odi-2-kemiskinan-dan-kehutanan-bah-indo> Accessed 19 November 2010

[26] These issues or problems appeared in a discussion on advocacy in AMAN office 16 November 2010. And it elaborated more in previous sub-chapter on laws

More indigenous peoples become victims of environmental degradations and destructions everywhere because of unsustainable development process that disregard indigenous peoples rights.[27]

But some indigenous peoples communities, because of they live in very remote areas, they cannot exercise their political right to vote in the general election 2009. And some other, such as Baduy people, decided not to exercise their right to vote in the general election 2009.

Now Indonesian indigenous peoples through AMAN is fighting for the indigenous peoples' rights law to synchronize all the laws and regulations on indigenous peoples. The indigenous peoples' rights law is still in a long way to go. The proposal of the law now is number 161 in the National Legislation Program. The parliament will prioritize the most important laws first, which usually laws related to business and government roles. The other constrain is some politicians afraid that the indigenous peoples' rights law can be used to separate some groups from the Republic of Indonesia. The first task of AMAN is preparing the draft law.

III. Media and Access to Information

a. Access to information

Indonesia is among 80 countries in the world that have freedom of information law. In April 2008 the Indonesian Parliament passed the Indonesian Freedom of Information Law. Just this year, April 2010, the Indonesian Freedom of Information Law No 14/2008 came into effect.

The important point of the FOI Law is any Indonesian citizen, including indigenous peoples, has right to get information from any public bodies. Public bodies stipulated in this law are executive, legislative, judicature and other public bodies (including political parties and NGOs) financed from national and/or regional budget, public donation and/or foreign aids.

These public bodies have an obligation to release information on themselves, activities or works of public bodies; on budget and finance, and other information as regulated in other laws or regulations. These public bodies have to release and provide information to the public therefore the public can access them easily.

If there is a dispute between those requesting for information and public bodies, information commission will settle it. The information commission will be established at the central (Central Information Commission) and regional level (Regional Information Commission). Beside the Central Information Commission, now there are two regional information commission – in Central Java and East Java Provinces.

The Indonesian Forum for Budget Transparency (FITRA), a non-governmental organization, said that most public institution or public bodies it surveyed rejected its legal requests for budget

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[27] Ibid

information. It filed information requests to 69 state institutions: 28 responded to requests and only 15 provided the information, as required by the 2008 Law on the Freedom of Information. The Corruption Eradication Commission was the only law enforcement institution and the Regional Representatives Council was the only legislative body to answer the queries. Only five of 34 ministries FITRA contacted provided budget information: the State Secretariat, the Industry Ministry, the Agriculture Ministry, the Transportation Ministry and the Culture and Tourism Ministry.[28]

Until August 2010, there are 22 disputed reports filed to Central Information Commission.[29]

Legally is clear that all citizens, including indigenous peoples, have given the rights to access information from government institutions or other organizations. In practice, since the Law has just came into effect, the system has not fully implemented.

Many predicted that the implemtation of FOI Law will not be smooth as there are denial and resistance against it. The biggest challenge comes from public bodies staffs in the government, especially those who feel disturbed by this law as it obliges to open their information to the public.

And the biggest challenge is the draft of National Secrecy Act which now is proccesed in the Parliament. The National Secrecy Act which trigered the antithesis of the FoI Law.

For example, Article 46 states that journalist who knows, takes picture, and records the national secret activity, can be sentenced between 7 – 20 years and fined between Rp 500 millions to Rp 1 billion. Article 49 states that corporate that proven violated the National Secrecy Act can be fined at least Rp 50 billions to Rp 100 billions. If the media organization proven violated the Act, the government will put on strict investigation and revoked its permit.

b. Freedom of Expression and Media Freedom

Article 19 of the Universal Declaration on Human Rights guarantees the right to freedom of expression which means "Everyone has the right to freedom of opinion and expression; this right includes the right to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

The 1945 Indonesian Constitution, after being amended, guarantees freedom of expression (Article 28f). The Article 28f states that Indonesian citizen, off course including IP, has rights to communicate and express or to have freedom of expression though any kind of media. It states: "Freedom of association and assembly, of expressiong thoughts by speech and writing, and so on, shall be laid down by law."

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[28] See The Jakarta Post report at <http://www.thejakartapost.com/news/2010/12/02/most-state-bodies-ignored-info-requests.html> Accessed on 2 December 2010

[29] See <http://www.kebebasaninformasi.org/ver2/detail.php?no_best=43>, statement of Central Information Commission to media (Tempo) Accessed on 30 November 2010

The Second Amendment to the 1945 Indonesian Constitution added a number of articles which strengthen Article 28. The Article 28e states that "every person shall have the right to have freedom of belief, express his/her thoughts and attitudes, in accordance with his/her conscience" and "every person shall have the right of freedom to organize, to assemble, and to express opinions."

And the Article 28f states "every person shall have the right to communicate and to obtain information to develop his/her personality and social environment, as well as the right to seek, to obtain, to possess, to keep, to process, and to convey information by utilizing all available kinds of channels."

After Soeharto stepped down, media can breath freedom air. In 1999 Indonesian Parliament approved Press Law No 40/1999. The Press Law guarantees freedom of the press and no censorship. The Government revoked the regulation on SIUPP (Surat Izin Usaha Penerbitan Pers or Letter of Business Permit for Press) , which every media should get permit from the government. Now anybody does not have to ask permit to publish a media.

Accoding to the Press Law, the Government has to establish the Indonesian Press Council (Article 15) in an effort to develop freedom of the press. The Press Council has tasks to protect freedom of the press from outside interference; to conduct studies to develop the existence of the press; to enact a journalistic code of ethics and control the compliance of the code; to give consideration and find solutions to complaints lodged by public towards cases concerning press reports; to develop communication between the press, public and government; to facilitate press association (of journalists and media companies) in establishing media regulations as well as to increase the quality of journalistic professionalism.

The Press Law is satifying from the press point of view. The law grants the press a great deal of legal protection. The crucial issue concerning the Press Law is the law of libel or defamation. While the press community rejects the use of criminal law to judge any case resulting from grievances with publication, no alternative law exists with which objects or victims of publication migh challenge the press. The Press Law does not contain any regulation on libel, defamation, or false news. The Criminal Code has such regulation.

Although some positive changes, freedom of expression and freedom of press in Indonesia remain fragile. We found there are seven laws can be used to criminalize journalists and to close down the media. They are the 1917 Indonesia Penal Code or Criminal Law; the Pornography Law No 44/2008; the Freedom of Information Law No 14/2008; the Law No 11/2008 concerning Information and Electronic Transaction; the Law No 32/2008 concerning Broadcasting; the 2008 Presidential Election Law and the 2008 Parliament Election Law.

At least three laws have criminal defamation articles with more flexible formula and greater sanction, they are the Indonesia Penal Code, Law No 32/2002 concerning broadcasting and the Law No 11/2008 concerning Information and Electronic Transaction.

At least there are 37 articles in the Penal Code; 2 articles in the Pornography Law; 1 article in the Freedom of Information Law; 3 articles in the Information and Electronic Transaction Law; 10 article in the Presidential and Parliament Election Laws that can send journalists to prison.

The Presidential Election Law bans the media from publishing or broadcasting news, commercials, the tract records of candidates or anything else that might help or hurt a particular campaign in the three-days "silent period" of election. If the media violates the Law, one of the penalties is the revocation of publishing and broadcasting licenses. In July 2009, the Constitutional Court ruled out that the media can report on election-related events during the "silent period" and pollsters can announce quick counts of the results.

Risang and Besihar, two journalists were in prison for criminal defamation, is two examples. Risang, a journalist working for *Radar Jogja* Daily, is serving in jail for six month after Sleman District Court using, the 1917 Indonesia Criminal Law, convicted him for insulating PT Kedaulatan Rakyat's director Sumadi M Wonohito in an article on sexual harassment. Besihar, a columnist who write for *Koran Tempo*, was given a suspended one-month prison term based on the 1917 Indonesia Criminal Law, by Depok District Court because of his opinion article criticizing the Attoney General Office for its decision to ban a history textbook.

There were also several violence against journalists cases. The Indonesian Alliance of Independence Journalists (AJI) have reported that freedom of the press in Indonesia is worsened in 2010. AJI recorded there were 46 violence against journalist cases in 2010. In 2009 there were only 37 cases. The cases were ranging from intimidation, destruction or property, physical attacts and in some cases straight out murder.[30]

AJI stated that protection against journalists have been inadequate both from the companies where the journalists work and from the government, specifically the police. From 46 cases reported, only one case ever went to trial conducted by member of the army against Ahmadi from *Rakyat Aceh Daily*.

In Soeharto Era and then continued until October 2010, based on the Law on Securing Printed Materials 1963, the Attoney General can ban any books that according to government will pose a threat to the nation. The law was widely used by Soeharto to suppress opposition and activists.

But in October 2010, the Constitutional Court ruled that the Law violated Article 28f of the 1945 Indonesia Constitution. It meant, all requests to ban books must be approved by a court although the Attorney General can still monitor printed material and request a court to ban them.

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[30] See AJI's web site at <http://www.jakartaupdates.com/827-12/aji-violence-against-journalist-is-on-the-increase-in-indonesia>

Although media have not been sensored by government, now the threats are coming from inside of the media in the form of self-censorship. *Kompas*, for example practices self-censorship on certain issues.

Kompas' unwritten self-censorship editorial policy is interpreted as rationale decision to avoid negative impact of the news to the marginalized groups, including indigenous peoples. The self-censorship editorial policy is close related to other *Kompas'* editorial policy which is "not to provoke" certain issues, including indigenous peoples issues. Therefore, it is important to use specific words that would not provoke somebody or certain groups. This policy applied when *Kompas* covers sensitive issues such as horizontal conflict between two communities, or between local government with certain community.[31]

Budiman, the managing editor of *Kompas*, gave an example that *Kompas* would be really very carefull to choose words such as *pejuang* (warrior) or *pemberontak* (rebel). Then when covering indigenous peoples issues *Kompas* sees indigenous peoples issues with the angle of anthropology in bigger picture and pluralism of Indonesia.

The Indonesian indigenous peoples has no constrains in having their own media in this reform era. Not only indigenous peoples, but any Indonesian citizens now can have and publish their own media.

Published since 1992, *Kalimantan Review*, a magazine owned by Institute of Dayakology for Research and Development (IDRD), an indigenous peoples organization in West Kalimantan, is one example. At that time, *Kalimantan Review* was publised as a research journal bi-yearly. Most of the articles were about cultures and life of indigenous Dayak peoples. Now, *Kalimantan Review* is published once in two months with 6,500 exemplars.[32]

There are several magazines published in local languages such as *Mangle*, *Salaka*, and *Cupumanik* (published in Sundanese language); *Jaya Baya*, *Panjebar Semangat*, *Djoko Lodang* (published in Javanese language); *Parbarita* (Batak language). They cannot be categorized as indigenous peoples publications, they are commercial media companies. The objective of the publication is to preserve the local languages in form of literatures not only as spoken languages.

Although the media are available for anyone, including indigenous peoples, but there are some unfovorable conditions that limit indigenous peoples access the media. They are:

(1) The mainstream media only serve their readers who live in the cities while most of indigenous peoples live in villages far away from the cities;
(2) The price for print media is expensive for most of indigenous peoples;

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[31] Based on one-on-one interview with Budiman, the managing editor of *Kompas* Daily in Jakarta
[32] More elaboration can be found in the case study section on West Kalimantan

(3) Most of electronic media (radio and television) broadcasts are free but some of indigenous peoples cannot listen the radio or watch television because of there is no electricity in their villages, the coverage area of radio or television is limited, most of information provided in radio and television are not relevant to indigenous peoples since most of the programs are provided for listeners and watchers in the cities.

TVRI (the national television station owned by the government) and RRI (the national radio station owned by the government) are supposedly functioning as public television and public radio. In reality, they behave like commercial television and radio. For example, TVRI, although its operational cost supported by the government or local government, can receive advertisment. Therefore, we can say, Indonesia has no public media.

c. Media Content and Perception on Indigenous Peoples

Sensitivity to indigenous peoples among media is low. Or in other words, media in Indonesia are not sensitive to issues of indigenous peoples. Media do not put indigenous peoples in its position as same as modern peoples. In media, indigenous peoples is primitive communities. They have no empathy to indigenous peoples. One of clear example is a television reality program "Primitive Runaway" aired in TranTV (Trans Television).[33]

Primitive Runaway is a reality television program that showing celebrities (who put in the position higher) interacting with an indigenous people community (who put in the lower position). The celebrities, who is the center of the program, most of the time make fun of the indigenous peoples customs.

AMAN, other non-governmental organization, and individuals who cannot bear watching the program, sent protest letter to TransTV and to Broadcasting Commission. Responded to the protest, TransTV changed the title of the program to "Ethnic Runaway"[34] although the content is still the same.

"Primitive" or "*primitif*" in Indonesia language has a conotation meaning of unculture or low culture. The word "*primitif*" is proven that media not sensitive to the indigenous peoples communities. Why media are not sensitive to indigenous peoples?

The Soeharto New Order constructed through media a perception that "there is no indigenous peoples in Indonesia" or "no *adat* communities or customary communities in Indonesia" to maintain the unity of Indonesia. He refered *adat* to tradition, ritual, appropiate behavior, and rules or practices of social life. For example, in a daily conversations, Indonesia says "*adat Jawa*" (Javanese culture) that could mean the Javanese people's way of doing things in general.

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[33] See one of the "Primitive Runaway" program at Youtube: <http://www.youtube.com/watch?v=SCucbB5Ek0s>
[34] See the program web site at <http://www1.transtv.co.id/frontend/home/view/152/ethnic_runaway> or <http://www1.transtv.co.id/frontend/home/view/152/primitive_runaway> which still uses words "primitive runaway."

"*Baju adat*" would mean traditionally appropriate kind of clothing, used in rituals or ceremonies (Takano, 2009).

Then how to categorize Amungme indigenous peoples in West Papua or in Baduy in West Java or Kubu in Sumatera who lives in the forest and practices subsistence farming, hunting and gathering? Soeharto classified more than one million peoples who still live in hunting and gathering as *masyarakat terasing* or *masyarakat terpencil* or masyarakat primitif (estranged or isolated or primitive) but not as indigenous peoples or *adat* peoples.

And media bought the idea. During the New Order Era, printed media and publications used term of *masyarakat terasing* (estranged communities) or *suku terasing* (estranged ethnic), *masyarakat terpencil* (isolated communities) or *suku terpencil* (isolated ethnic), *masyarakat lokal* (local communities), *masyarakat asli* (native communities) or *suku asli* (native ethnic), *pribumi* (native) or *masyarakat primif* (primitive).

In general, after interviewed several media people, print or electronic media has no policy on which terminologies they have to use in refering to indigenous peoples.[35] Arief Suditomo, editor in chief of SUN TV, admited he did not know the terminology "*masyarakat adat*." But he knew the English term "indigenous peoples" that has many translation version in Indonesian language such as "*suku tertinggal*," "*suku anak dalam*," "*pribumi*," "*primitif*" etc. [36]

MNC Group, a group of national television stations that owned SUNTV, RCTV, MNCTV and GlobalTV, has no policy to use specific term refering to indigenous peoples. And the editorial team has never discussed which term is the proper one to interpret the meaning of indigenous peoples.

Tempo, *Kompas*, and two local newspaper admitted that they have no policy to use only "*masyarakat adat*" and no discussion on which terms that fit the meaning of indigenous peoples.

Since *Kompas* has no specific policy to define who and what indigenous peoples are, which term used will depend on the editors. But, *Kompas* has its own understanding or definition of who-what indigenous peoples are. The indigenous peoples for *Kompas* are communities that been marginalized because of economic and political processes.

With this definition, *Kompas* perceives indigenous peoples as marginalized group of people. Therefore, *Kompas* editorial policy is to cover or to raise issues on marginalized group of people. Then *Kompas* will always gives spaces for indigenous peoples issues and other

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[35] The Team has interviewed Arief Suditomo (the Editor in Chief of MNC Group: RCTI, SUN TV, GlobalTV, MNC TV, Jakarta); Wahyu Dyatmika (Editor of Tempo News Magazine, Jakarta); Budiman Tanuredjo (Managing Editor of Kompas Daily, Jakarta); Fredom Toumahu (Managing Editor of Siwalima, Ambon); Rudy Fofid (Deputy Editor of Suara Maluku Daily, Ambon); Rudi Agus Haryanto (Editor in Chief of Metro Pontianak Daily).
[36] Based in in-depth interview with Arief Suditomo on 19 October 2010 in Jakarta

marginalized group of non-indigenous people. "The issue is not arguing about indigenous or non-indigenous, but it is to give voice to the marginalized groups," said Budiman.[37]

In the period of last two years, *Kompas* used terms "*masyarakat adat*,"[38], "*kelompok minoritas*," "*penduduk asli*,"[39] and the name of the tribes refering to indigenous peoples.[40]

Wahyu Dyatmika, the editor of *Tempo* News Magazine, in an interview, said that he does not know what "*masyarakat adat*" means but he knows "indigenous peoples" is. "*Masyarakat adat*" as a terminology or translation for "indigenous people" is not popular or has not been used widely by media, since there are several translation version for "indigenous peoples." And *Tempo* editorial team has never discussed or been a problem which term the most appropriate for "indigenous peoples" is.[41]

Dyatmika admitted that he has never covered indigenous peoples issues before. But he did cover issues related to *adat* or customs such as mining, forest and REDD (Reduction Emission from Deforestration and – forest – Degradation).

In the focus group discussion in Ambon, Rony Samloy, a journalist working for *Ambon Ekspres*, said that media tends to ignore indigenous peoples' issues, so information about indigenous peoples is limited in media. Even there is an opinion that indigenous peoples issues are not profitable for the media, said Samloy. Rony Tamaela, a journalist from *Realita Maluku*, has expressed the same thing. [42]

Why are there very limited coverage of indigenous peoples issues on media?

Because there is no big issues about indigenous peoples in Indonesia, according to media people been interviewed. Journalists have no idea what the agenda of Indonesia indigenous peoples and what the latest issue is. Another constrain is there is no well-known figure of Indonesian indigenous peoples, said Dyatmika.

Similar with Dyatmika, Suditomo said there is no interesting agenda of Indonesia indigenous peoples and no strong leaders who quite well-known. The agenda of Indonesia indigenous peoples are not attractive for media, issues been proposed are not popular and not familiar to media, comparing with labor issues, farmers issues, or urban poor issues which are quite popular for journalits. Because the Indonesia indigenous peoples has no well-known figures, journalists do not know who should be interviewed. The indigenous peoples leaders usually are only well-known among their communities only.[43]

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[37] Interview with Budiman Tanuredjo, Managing Editor of Kompas Daily, Jakarta, 28 September 2010

[38] "Masyarakat Adat Dipaksa 'Modern'" published in Kompas on 11 August 2009, page 12

[39] "Aksi Afirmasi, Kelompok Minoritas Perlu Memperkuat Diri Sendiri" published in Kompas, 20 March 2009, page 4

[40]"Ritual Tulude, Sangir Memulai Kehidupan 1 Februari" published in Kompas on 3 March 2010, page 22

[41] Interview with Wahyu Dyatmika, editor of Tempo News Magazine, in Jakarta, 20 October 2010.

[42] Information extracted from the focus group discussion in Ambon

[43] Interview with Arif Suditomo, MNC group of television stations, in Jakarta, 19 October 2010.

Samloy has different opinion. He said that media should proactive in covering indigenous peoples issues. In this context, everything depends on the journalists themselves. Do the journalists have empathy to the indigenous peoples communities who been neglected all the time.

But, Rudy Agus Haryanto, the Editor in Chief of *Metro Pontianak Daily*, has different opinion and experiences. He said why the media has no interest in covering IP issues is because the indigenous peoples activists only contact and want their issues published in the big media. He admitted that his newspaper actually provides pages for indigenous issues but indigenous peoples activists have never came to him.[44]

In Ambon, as told by Tamaela, journalists have experiences that indigenous people leaders would not talk to them when they want to confirm issues related to indigenous peoples. Tamaela is suspicious the indigenous peoples leaders threathened not to talk to the press. Rudi Fofid, the deputy Editor in Chief of *Suara Maluku*, said negative news can shut them too.

Analyzing the statements from media peoples, we can conclude that the media are not sensitive to indigenous peoples or issues on indigenous peoples. The unsensitive media to the indigenous peoples is reflected in the words their use such as primitive, estranged, isolated. Because the media are not sensitive, then they need strong character among indigenous peoples leaders. In other words, the media are blamed the indigenous peoples cannot atract the media interest.

d. Community media

Community media defines as a a grassroots or locally oriented media access initiatives predicated on a profound sense of dissatisfaction with mainstream media form and content, dedicated to the principles of free expression and participatory democracy, and committed to enhancing community relations and promoting community solidarity (Howley, 2005).[45]

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[44] Interview with Rudy Agus Haryanto, the Editor in Chief of Metro Pontianak, in Pontianak,

[45] Article in Media Development, an open access journal publisched by World Association for Christian Communication, "What is the special significance of community media to civil society?" (Media Development: No 4, 2002) defines community media as *"Community media provide a vital alternative to the profit-oriented agenda of corporate media. They are driven by social objectives rather than the private, profit motive. They empower people rather than treat them as passive consumers, and they nurture local knowledge rather than replace it with standard solutions. Ownership and control of community media is rooted in, and responsible to, the communities they serve. And they are committed to human rights, social justice, the environment and sustainable approaches to development."* The journal acticle can be downloaded at <http://www.waccglobal.org/en/20024-communication-rights-in-the-information-society/662-What-is-the-special-significance-of-community-media-to-civil-society-CRIS-Campaign-Issue-Paper-3.html>. Other article in the same edition (No 4, 2002) can be found at <http://www.openj-gate.com/browse/ArticleList.aspx?issue_id=695076&Journal_id=106315> Accessed on 9 December 2010

Community media help balance the inequalities faced by communities, such as no access to vital knowledge for health and education, better information from governments and corporations, and lack of resources to make their voices heard. The poorest communities face the twin dangers of being left out of and becoming a cultural dumping ground for mass market products made by and for the richest economies.

Community media provide the means for cultural expression, community discussion, and debate. They supply news and information and facilitate political engagement.

Maslog et. al. (1997)[46] cites the characteristics of community media as owned and controlled by people in the community; usually smaller and low-cost; provides interactive two-way communication; nonprofit and autonomous, therefore noncommercial; has limited coverage or reach; utilizes appropriate, indigenous material and resources; reflects community needs and interests; and its programs or content support community development.

Kalimantan Review is published because the mainstream media or commercial media is not care of indigenous peoples' issues.[47] "Several years before Kalimantan Review founded, there was no publication on Dayak indigenous peoples with the angle of us, Dayak peoples, in Indonesia," told John Bamba, the founder of Kalimantan Review.

There were many publications about Dayak but they were in Malaysia. Most of the articles in the Malaysian publications were written by foreign researchers and based on their interests. "These publication gave bad impact to Dayak peoples. Dayak peoples were pictured as primitive tribe. At that time, no article about Dayak was written by us, Dayak peoples," said Bamba explaining why then he and some friends founded *Kalimantan Review*.

The purpose of KR is to provide balance information about Dayak people from the point of view of Dayak people, not other. There was a challenge to stop mainstream media in constructing changing Dayak customs and cultures. The mainstream media did not support Dayak customs. They supported modern lives that uprooted Dayak people from their customs and cultures.[48] The choices were to fight with alternative media or manipulate the mainstream media.

The indigenous peoples community, Ciptagelar Kasepuhan, has the same reason why the community has radio and television stations. It was because the commercial radio and television do not broadcast their cultural songs or plays.

And the radio is the most widespread electronic communications device in the world and community radio is a practical and cost effective means of reaching and connecting the world's

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[46] The book of Maslog and colleagues "Communication for people power: An introduction to community communication" published by UNESCO has no electronic version. We quoted the text from Linda K Fuller's book "Community Media: International Perspectives" page 3

[47] Based on an interview with John Bamba, the founder of *Kalimantan Review*, in Pontianak on 29 September 2010. More elaboration about Kalimantan Review can be read in case study chapter on West Kalimantan

[48] Based on interview with John Bamba, one of the founders of Kalimantan Review, in Pontianak, 29 October 2010

poorest communities. Independent and community publications provide news and views that are often framed out of the coporate media.

It is true that community radio is affordable. From case study in West Kalimantan, we found that seven of 12 indigenous peoples community radio stations estblished by Institute of Dayakology for Research and Development were inactive. The five radio stations are still active because they are managed by dedicated persons who have hobby in radio or the communities really need them.

The big constrain for community radio to survive is the availability of fund. The community radio stations in West Kalimantan and in Ciptagelar Kasepuhan can survice because they get fund support from the communities or indigenous peoples organization. The communities provide some fund to their community radio stations beause the communities need the radio stations.

So far, community radio can facilitate the need of indigenous peoples community to communicate among its members and maintain harmony among them. There is no example showing the community radio been used as advocacy media since the coverage is limited. But community radio can empower the community if the radio broadcasts important information that really needed by the community members.

License for Community Media

There are around 10,000 community radio through out Indonesia and only one community radio has permanent license and 500 community radio have temporary licenses.[49] It means that most of community radio in Indonesia are illegal. Yes, the permit is a big constrain for having legal community radio stations.

Why is there only one community radio get license?

According to Mochammad Riyanto, a commissioner of Indonesian Broadcasting Commission (Komisi Penyiaran Indonesia - KPI, a body as mandated by the Broadcast Law No 32/2002) in the national level, there are three things that make getting license difficult for community radio.[50]

First, the procedure to get the license is complex. The community radio should go through several procedures for permits or letters. Article 33 (4) of the Broadcasting Law states that there are two provisions on licensing: license and licence extention will be given by the State after obtaining input and evaluation result of the hearing between the applicant and the Indonesian Broadcasting Commission; recommendation for operating broadcasting station by

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[49] The information was from Bambang Subiantoro, a director general in Department of Communication and Information

[50] Interview with Mochammad Riyanto in Jakarta

KPI; the agreement in meeting forum for licensing between KPI and the Government (the Ministry of Communication and Information); allocation licence and radio frequency spectrum utilization are given by the Government based on the recommendation of KPI. The Government has alocated special frequency for community radio.

But before that, the community radio has to do trial broadcast. And the applicant has to provide dozen documents such as domicile document, deed of station, and other permit documents. All the procedures take at least 24 months.

According to the Government Regulation No 51, the community can establish the community media organization which will manage the community media (radio and television) if at least 51% of the adult member of the community or at least 250 adult community members agreed and signed the letter of establishment, plus a recommendation letter from the local authority.

Second, the community radio has to have standardized and certified equipments. The applicant should use the equipments that are standardized and certified by authorized institutions which is the Ministry of Transportation. All standardized equipments are very expensive because they all are imported. While most of community radio usually use un-standardized self-assembled equipments. Of course that is why it is impossible for most of community radio to get the license.

Third, community radio applicant has to pay tax around Rp 15 million ($1,700) a year for the frequency. It is also impossible for community radio to pay so much money since community radio is a nonprofit and cannot receive advertising. If the community radio would like to get ads, they have to change into commercial radio station. Community radio can get donation from anybody, including from private corporate.

The government has alocated frequency 107.7 to 107.9 MHz only for FM community radio. And to use the frequency legally, the radio station has to pay certain amount of money as a frequency tax.

The frequency tax is a official cost. The actual cost that a community radio has to pay much more than that. To apply for equipment certification the applicant has to pay between Rp 8 million to Rp 12 million ($1,000 - $1,350). The applicant spends around Rp 30 million ($3,350) to get temporary license.[51] Additionally, a Rp 300 million ($33,350) license fee is requited by the Ministry of Communication and Information, a cost that most of community radio stations cannot afford to.[52]

All these procedures are the same as if a commercial radio would apply for license.

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[51] Based on interview with Agustina Eva Caroline, a producer in Rama Radio, the community radio owned by Institute of Dayakology for Research and Development, in Pontianak, 28 September 2010
[52] See an article based on interview with Santoso, the director of Kantor Berita Radio 68H at <http://ijnet.org/stories/54547>

The consequence is the government can shut down community radio that have no licenses. Radio Budaya Minomartani in Sleman, Yogyakarta and Radio Petani (or Farmers Radio) also in Yogyakarta were shut down in 2002 by the police, after broadcasting for three months. [53] The Indonesian Broadcasting Commision West Java Province closed down 18 community radio stations in 2007 because of they have no licenses.[54]

Radio Rama (in Pontianak, West Kalimantan) has only temporary license to broadcast (Principle License for Broadcasting – Izin Prinsip Penyelenggaraan Penyiaran). The community radio owned by IP organization has to process an expensive equipment certification and standardization license. The station has no money to get the license.

Radio Swara Ciptagelar owned by Ciptagelar Kasepuhan indigenous people community in West Java is broadcasting without any single license. The same as community radio Bujang Pabaras and Sunianawangi, in West Kalimantan, are operating without licences.[55]

Not only radio community, the community television stations have to follow the same procedure to get the license. The existence of community TV even is not clear as community radio. The Government has not alocated any specific frequency for community TV.

The Association of Community Television Indonesia (Asosiasi Televisi Komunitas Indonesia – ATVKI) has 29 community TV as its members.[56] And most of its members have no proper licenses. And more community television, not member of ATVKI, are no licenses such as Ciptagelar TV (CTV) in West Java.

And the Asosiasi Televisi Kerakyatan Indonesia – Asteki (the Association of People Centered Television Indonesia) has 10 television stations as its members.[57] Most of the members have licenses as local television stations.

Unlike community radio and television, community print media no need any lisence. Under the Press Law No 40/1999 anyone, including indigenous people, can publish printed media without any permit or license.

AMAN has *Gaung Aman*, a printed publication that distributed to its members. Since at the beginning of its establishment in 1999, AMAN was already aware of the importance of how to provide information and to be a learning tool for indigenous peoples. As an umbrella

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[53] See <http://www.insideindonesia.org/edition-72/power-to-the-people>

[54] See <http://radiokomunitas.blogspot.com/2007/03/kpid-segel-19-stasiun-radio-tv.html>

[55] Based on interview with Barnabas Hasan (Radio Sunianawangi, Landak District, West Kalimantan), Adiran Adrianus (Radio Bujang Pabaras, Senakin, Landak District, West Kalimantan) on 30 September 2010 and interview with Abah Ugi, Ciptagelar Kasepuhan, West Java, on 23 October 2010

[56] The information extracted from the Association of Community Television Indonesia mailing list at <http://groups.yahoo.com/group/tvkomunitas/>

[57] See Asteki web site at <http://www.asteki.com/>

organization of indigenous peoples, choosing strategic media has to be an important means in communicating information from and for the sake of its members as well as for non-member people.

The purpose of the bi-monthly *Gaung Aman* is a community media that serves as a communication media from and among AMAN members. Its ability to reach the remotest areas or difficult location is necessarily important to provide strong alternative information to indigenous communities at the locations. The demand of *Gaung Aman* is increasing. It proved that *Gaung Aman* is needed. Now every two months AMAN distributes 3,000 copies of Gaung Aman to its members throughout Indonesia.

Kalimantan Review is another printed community media managed by indigenous peoples organization. *Kalimantan Review* was published in 1992 in Pontianak. Since the first it published, *Kalimantan Review* has no permit or license until now.

Regarding of language used in community media, most of indigenous peoples community members understand national Indonesian language. Several community media owned by indigenous people communities purposely use their ethnic languages. CiptagelarTV, for example, is using Sundanese language for most of the program they produced.

If indigenous peoples have to choose which media is the appropriate, the choice is radio. From focus group discussions in Pontianak and Ambon, and from in-depth interviews with indigenous peoples community members and media people, the best format of community media or alternative media is radio.

IV. Digital Communication Environment

According to the Net Index 2010, a study done by TNS, Nielsen and Synovate, Indonesia is the largest and fastest growing online market in Southeast Asia. In 2009 the online market is 22% and in 2010 it grows to 48%. Internet cafes in Indonesia are gradually losing ground to mobile as dominant Internet access point. A decline of 19% has been recorded in Internet access through cafes; 83% in 2009 to 64% in 2010.

The Boston Consulting Group (BCG) estimated Internet users in Indonesia will reach 80 million in 2014. In 2010, BCG estimated there are 43 million which are 12% of Indonesian use the Internet. And interestingly, only 5% of 43 million use personal computers. The Internet penetration 2010 is about 17.8 users per 100 peoples and 2014 is 31.7 users per 100 people.[58]

The most Internet users in Indonesia are on Java, with 70% of them living in and around Jakarta. Only around 14% of Internet users are themselves subscribers. The BCG estimated that over 50% of Internet users gain access in cages. There are 7,602 Internet kioks through out

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[58] The report "The Internet's New Billion: Digital Consumers in Brazil, Russio, India, China, and Indonesia" can be found and downloaded at <http://www.bcg.com/documents/file58645.pdf>

Indonesia. Many of them also access the Internet from their offices. And only 0.3% of the population are broadband subscribers.

The Minister of Communication and Information reported to the Cabinet meeting 29 July 2010 that only 5% villages get access to Internet in 2009 although there are in total 175 Internet service providers. The Internet users are mostly in big cities in Java. In Jakarta, for example, there are 660,000 personal Internet subscribers and 13,000 companies. The second largest in term of Internet subscribers is West Java Province with 154,100 personal subscribers and 2,507 company subscribers. And West Kalimantan has 14,784 personal and 446 company subscribers. Maluku has only 27,108 personal subscribers and 57 companies.

Although Indonesia has a huge potential Internet market, the majority of people cannot afford to own personal computers and Internet access. Personal computer ownership in 2007 increased by about 38.5% compare to 2006. The Indonesian Computer Business Association reported a 29% increase in personal computer sales, from 1.4 million in 2006 to 1.8 million in 2007. [59]

According to Roy Morgan media penetration survey research October 2006 to September 2007, total media consumers is 35.849 million with 99.3% is television, 39% radio, 39% newspaper, 15.6% tabloid, 8.85% magazine, 5% cinema, and 4.7% Internet (Morgan, 2008).

In 2009, Indonesia had an estimated 16 fixed telephone lines per 100 people, with total 38 million lines. There are 220,000 telephone kiosks through out Indonesia which provide telephone connections to local people in villagers who cannot afford to have telephone lines at home.

Mobile-phone penetration in Indonesia is 68% in 2009. In term of subscriber numbers, the mobile-phone market grew by 20.9% in 2009. About 20% of Indonesia mobile phone users have more than one GSM SIM card, and 9% have two hand-sets for personal use, mostly to take advantage of discounted network rates with family and friends. With such high mobile penetration, the BCG study found "unusually high" rates of mobile Internet use in Indonesia, with 9 million users, up from just 2.3 million in 2007.

Sarwoto Atmosutarno, the Chief Executive Officer of Telkomsel and the chairman of the Association of Cellular Telecommunication Indonesia (Asosiasi Telekomunikasi Selular Indonesia) estimated that the celullar users will be 185 million (of 230 million population). In Jakarta cellular penetration is about 140% which meant that one person has three to four GSM SIM cards. [60]

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[59] Data extracted from http://www.digital-review.org/uploads/files/pdf/2009-2010/chap-22_indonesia.pdf

[60] Sarwoto Atmosutarno statement can be found in Kompas, 6 October 2010 at
<http://tekno.kompas.com/read/2010/10/06/16074363/2011..Penetrasi.Seluler.Tembus.100.Persen>

The big constrain on communications and ICT is lack of telecommunication infrastructure since most of IP communities are in remote area where there is no Internet connection, even telephone or cellular-phone connections. But there are around 10 million people are in the blank area or not covered. In Central Kalimantan, for example, the cellular subscribers are around 14.5 million while the population is 14 million people. [61]

For telecommunication business Indonesia is a big market while all regulations support them. While the controversial ICT regulation is the Law No 11/2008 concerning Information and Electronic Transaction (Informasi dan Transaksi Elektronik - ITE) is a threat for freedom of expression in the Internet.

The ITE Law assesses criminal penalties for online defamation, including jail terms longer than mandated for defamation in the existing old Penal Code. Beside criminal liability, it also covers issues of jurisdiction, electronic contracts, privacy, intellectual property rights. Although the ITE Law was drafted and enacted with a view to protect people's information and ensuring the electronic means were not used to defraud or defame others.

But, the story of Prita Mulyasari who was acquitted of defamation charges filed by Omni International Hospital using the ITE Law. The hospital's lawyers accused Prita of violating the ITE Law. Prita was held in jail for three weeks as she awaited trial.

The defamation suit was a reaction to an email complaint sent by Prita to her friends and relatives about the bad service she received at the hospital. The email was sent to 20 people in August 2008. But then the email was widely circulated on the Internet. And even it reached the Omni hospital management.

In December 2009, the Tangerang District Court acquitted Prita of defaming two doctors at the Omni hospital. The Court pronounced that Prita not guilty and her good name must be restored. The panel of judges ruled that the email did not carry defamatory intent and was instead meant as constructive criticism for the sake of public interest. [62]

The big constrain on communications and ICT is lack of proper infrastructure since most of IP communities are in remote area. It is not only telecommunication infrastructure, no electricity means the indigenous people cannot use cellular phones and have Internet access. We can say most of IP communities have no access to Internet. Ciptagelar is special case. The head of Ciptagelar community has access to Internet.

Tambahkan analisis tren and kemungkinan pemanfaatannya

V. Case studies

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[61] Ibid.

[62] See Jakarta Globe news at <http://www.thejakartaglobe.com/home/prita-mulyasari-cleared-of-all-charges/349844> Accessed on 1 December 2010

a. Case Study I – Natural Resources, Conflicts and Community Media in West Kalimantan[63]

i) Background

West Kalimantan is the fourth largest province in Kalimantan island that consisted of 146,807 km^2, which is 7.53% of Indonesian territory. West Kalimantan Province covers 14 million hectares of which 9 million hectares or 64% is classified as National Forest. National Forest area is restricted to local inhabitants even though most of it has not been legally demarcated.

According to the latest Census 2010, the population is 4.388 million people or around 1.9 percent of total population.[64] Fifty percent of the population of West Kalimantan (around 2 million people) live in coastal area with an average population density of 36 persons per square killometer. The other 50% of the population live in rural areas with an average density of 20 persons per square killometer.

The major ethnic groups is Dayak (population 1.26 million, 33.75% of total provincial population) which is divided to 223 sub-ethnic groups. Most of Dayak live in rural areas and are Christian or practice adat religions or combination of both.

The second is Melayu or Malay (1.26 million people, 33.75% of total population) with many sub-ethnic groups, distributed in the coastal area as well as along the Kapuas River and rural areas. Most of them have family links to the Dayak but due to their different religion (Islam), they prefer to be classified as Malay and are considereed as an indigenous people.

And other are Chinese (0.37 million, 10% of total population) distributed in cities and surrounding areas, Madurese (0.21 million, 3.5%) distributed in the cities as well as in the rural areas, Bugis (0.12 million, 3.3%) live in the cities, and others (0.78 million, 15.7%) distributed in the cities (Sirait, 2009).

Although there are 188 dialects of Dayak language and other languages, people in West Kalimantan use Indonesia language (Bahasa Indonesia) most of the time to communicate to each other.

West Kalimantan was the birth-place of indigenous people movement which later the movement turned into AMAN. This is the first reason why the team chose West Kalimantan for

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[63] This part of the report was based on focus group discussion in Pontianak (28 September 2010), desk reviews, and interviews with key-resource persons (28-30 September 2010): Stefanus Masiun (Director of Ruai TV), John Bamba (Director of IDRD, founder of Kalimantan Review), Matius Manap (Board Member of AMAN West Kalimantan), Rudy Agus Haryanto (Editor in Chief of Metro Pontianak Daily), Deman Huri (NGO activist of LPS Air), Agustina Eva Caroline (poducer at Rama Radio), Yuventus Ivie (Editor in Chief of Ruai TV), Dominikus Uyub (Editor in Chief of Kalimantan Review), Barnabas Hasan (head of Sunianawangi community radio), Adiran Adrianus (head of Bujang Pabaras community radio).

[64] Data from Census 2010 report

the case study. The second reason was West Kalimantan experienced two major communal violence.[65] The third reason was there are big threat to the natural resources in West Kalimantan, especially forests which create environmental degradation. The threat now is coming from oil palm plantations.

Gerry van Klinken saw the communal violence in West Kalimantan of early 1997 may appear to confirm the widely view that it was driven by grievances over environmental degradation. This is especially true of its earliest conflict. However, Klinken argued that as violent collective action became better organized, violence was increaseingly transformed into a repertoire deploy by local ethnic elites in their struggle to seize opportunities presented by a weakening central authority.[66] [67]

ii) Indigenous Peoples Rights

From the focus group discussion and one-on-one interviews, indigenous peoples in West Kalimantan are still facing a lot of problems related to indigenous peoples rights recognition. Here are the issues adressed by the focus group discussion participants: violation of the right to customary forests or lands; limited access to good education or schools, health services, electricity; local government policies that disintegrate indigenous peoples organizations that reducing closeness among indigenous peoples; and poverty.

Lack of access to good education, health services, electricity, and poverty are not tipical problem of indigenous peoples. They are problems of Indonesia as a developing country.

According to latest data from BPS-Statistic Indonesia (March 2010)[68], there are 428,800 poor peoples (9.02% of total West Kalimantan population) in West Kalimantan, compared with national number 31,023,400 poor peoples (13.33% of Indonesia population). And most of the poor live in villages in West Kalimantan which are 345,300 peoples compared with 83,400 people live in the cities.

In West Kalimantan only 66.67% of households (in 2009) have electricity from PLN (the State Electricity Company) and only 56.75% of households in villages have electricity compared with 93.23% of households have electricity. Almost half of houses in villages are in the dark at night.

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[65] The first was in early 1997 which left about 500 dead and 20,000 internally displaces Madurese migrants. And the second was in 1999 which left fewer dead but greater number of displaced Madurese around 35,000 people. The first was conflict between Dayak people with Madurese and the second was between Malay with Madurese.

[66] This information based on Gerry van Klinken's paper prepared for the conference "Natural Resources and Violent Ethnic Conflicts in the Asia/Pacific Region", East-West Centre, Honolulu, 18-20 March, 2005. Download the paper at at <http://www.ireyogya.org/ire.php?about=mandatory/pol_perlawanan_gery.php>

[67] Explaination in detail can be found in Gerry van Klinken's book "Communal Violence and Democratization in Indonesia: Small Town Wars" page 53-71

[68] The Report can be downloaded at <http://dds.bps.go.id/download_file/IP_Februari_2011.pdf> Accessed on 1 Feb 2011

The lack of electricity is not a tipical indigenous peoples problem. This is a national problem. Regardless indigenous peoples or non-indigenous peoples, 10.71% of households in the cities or in the villages have no electricity. And around 18.01% of households in villages have no electricity.[69]

Access to health services statistics shows that in West Kalimantan there are only 24 hospitals and most of them are in the cities such as the West Kalimantan capital city – Pontianak (6 hospitals), Singkawang (6 hospitals) and other regency cities.[70]

Basic health services are only provided in community health centers (Puskesmas) People in the villages (indigenous peoples or not). There are 231 Puskesmas[71] and mostly in sub-districts, not in villages. People in far away small villages have to travel hundreds of kilometers to get health services in Puskesmas.

Access to education services is also not a specific indigenous people issues. Neither indigenous peoples nor non-indigenous peoples who live in villages have no access to good education services. Illiterate is till a problem for Indonesia, especially among people over 45 years old. In West Kalimantan level of illiteracy in 2009 among people over 45 was 26.42% of total population. Level of illiteracy among young people is quite low. Level illiteracy among 15-44 years old was 3.68% and among 15 years or older was 10.3%.[72]

Although the government has a program that all children obliged to go to school for nine years (nine grade or secondary high school) and all government owned schools are free, but most of the students have to pay for certain amount of money.

"Go to school in Malaysia is free. Electricity is free. Agriculture products are sold better in Malaysia," said Matius Manap comparing Indonesia with Malaysia since West Kalimantan shares border with Serawak, Malaysia.

Most of the focus group dicussion agreed that the most important issue that specific to indigenous people in West Kalimantan is tenurial conflict with oil palm plantation companies. "The big problem is the tenurial conflict because of oil palm plantation expansion," said Deman Huri, a NGO activist. "After timbers in indigenous peoples' forests were gone, here're comes the oil palms."

West Kalimantan is planning to expand oil palm plantation to five million hectares, more than any other provinces in Indonesia. Forest areas and smallholder agriculture lands without official land title are often classified by the Government as "non-productive lands" or "bare-lands" and

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[69] Source BPS <http://www.bps.go.id/tab_sub/view.php?tabel=1&daftar=1&id_subyek=29&notab=18>
[70] See Health Departmen web site:
<http://www.depkes.go.id/index.php/component/depkesdownload/index.php?option=com_depkesdirectory>
[71] See
<http://www.depkes.go.id/index.php/component/depkesdownload/index.php?option=com_depkesdirectory>
[72] See <http://www.bps.go.id/tab_sub/view.php?tabel=1&daftar=1&id_subyek=28&notab=5>

are targeted for conversion to oil palm plantations. In 2010 there are 550,000 hectares oil palm plantations. While the Government already issued permits or concessions for oil palm plantations for 1.5 million hectares.[73]

The companies use community leaders to persuade indigenous peoples to let go their lands and forests. They take land and promise livelihood to the people. Several communities then released their land or forest-rights for oil palm plantations. "They did not think twice and realize that they have lost their custom rights on their forest land forever," told Matius Manap, indigenous people community member in an interview.

Indigenous people or local communities are frequently left with no option but except oil palm scheme if they have no official land titles.

Until early 2010, at least there were around 200 conflicts between communities and oil palm plantations. Most of the conflicts were on lands in Ketapang, Sanggau, and Sintang. The plantation concession areas are in the adat land owned by indigenous peoples communities.[74] According to the Indonesian NGO Sawit Watch, West Kalimantan has the second highest numbers of land conflict related to oil palm plantations in Indonesia after South Sumatera.

Sirait (2009) concluded that there is a clear trend that only few indigenous peoples community members, and mostly only their elites, benefit from engagement in oil palm plantaions. Most of ordinary members of indigenous peoples communities end up nearly landless and must pursue livelihoods through off farm activities, temporary or pemanent migration, often leaving behind their children and elder generations in the villages.

A consequence of being engaged in oil palm plantation activities is that indigenous peoples communities become more detached from their environments and their customary systems of natural resource management. Individuals also become detached from their customs and culture due to the individualization of ancestral lands, individualization of descendant group lands and individualization of household lands.

This process of land acquisition through the Task Force creates conflict and bad feeling among families, person to person etc, which damages the solidarity and local institutions as a foundation for resolution of horizontal conflict. Plantation companies capitalize on horizontal conflict to continue expanding their operations.

From the study sites, Sirait wrote, it is clear that once an indigenous peoples community joins an oil palm scheme offer by local government or companies (such as *plasma-inti* program which allows community to plant oil palm in either company's land or their lands and then sell the seeds to the company), it is hard for them to pull out even if there are great hardships, due to the attachment of individuals, families, and communities to their ancestral lands.

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[73] See <http://www.aman.or.id/component/content/article/7/232.html?lang=en_GB.utf8>
[74] See <http://www.aman.or.id/component/content/article/7/232.html?lang=en_GB.utf8>

What happen after join the program, the indigenous peoples communities have to give up some land and then their capital (as credit) and their labor. The study also shows that nearly landless indigenous peoples or those who only have a few pieces of land have no bargaining position to reject oil palm plantations. And there is a tendency over time to invest more and more land, labor, and capital in oil palm plantations.

How did the local government deal with the issues or conflicts?

Most of the time, local government is in favor of oil palm plantation companies than indigenous people. Matius Manap has an example. "There is an oil palm plantation company part owned by Malaysian that has concession in Pontianak Regency. For four years, the company had never planted any oil palm tree. The company only cut the forest to get the woods. Indigenous people already informed and filed protest to the Governor. The Governor said he already warned the company, but nothing changed," told Matius Manap.

Another case was conflict between indigenous peoples community in Semunying with PT Ledo Lestari a subsidiary of Duta Palma Group (See the Box 2).

Box 2 - PT Ledo Lestari Case in Semunying Jaya Village [75]

Semunying Jaya village, Bengkayang Regency, is in the border of Malaysia (Serawak) in the north. Most of Semunying villages are indigenous people Dayak Iban, the only Dayak community in the regency. There are total 385 people live in the village and depend on 18,000 ha of customary forest owned by Dayak Iban community.

In 2004, PT Ledo Lestari got concession of 20,000 ha land/forest on the top of the customary forest. Although Dayak Iban community has been lived there for so many years, the community has no formal land titles

PT Ledo Lestari, is a subsidiary company of Duta Palma Group, the one of ten largest palm oil refiners and member of Roundtable on Sustainable Palm Oil. The Group controls at least 200,000 ha land in Sumatera and Kalimantan.

In 2005, PT Ledo Lestari unloaded bulldozers and excavators on the bank of Kumba River next to Semunying Jaya village. They started to clear the forests. "They told us, they were here to build us a road," said Jamaludin (48), the community leader of Semunying Jaya. They clear-cut 4,000 ha of customary forest.

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[75] Sources: 1) A press release from Walhi (Friends of the Earth Indonesia), West Kalimantan chapter; Semunying Jaya community; 2) "Duta Palma's Filthy Supply Chain: A Case Study of a Palm Oil Supplier in Indonesia" by David Gilbert, published by Rainforest Action Network, San Francisco (The report can be downloade at http://ran.org/sites/default/files/Case_Study_Semunying.pdf)

The community had protested and asked for customary fine to the company but no response from the company. The community restrained a motor bike owed by company and filed the report to the police. And the company kept on clearing the customary forests.

December 2005, the community again confiscated an excavator and six chainsaws in order to stop the company clearing the forest and forced them to sit-down in a meeting. The community filed a formal protest that PT Ledo Lestari has been destroyed the forest and asked for Rp 200 billion as compensation. The statement was signed by the customary leader, village head, and 107 community members.

Because of the community confiscated the equipment, Village Head Momonus (40) and Jamaludin were reported to the police and detained for nine days in the Bengkayang police station.

The community has never stopped filing protest to the government and cleary stated to refuse PT Ledo Lestari. And the latest was in August 2009, the community leaders met Human Rights Commissioners. On 31 August 2009, National Commission on Human Rights sent a letter regarding of human rights violation by PT Ledo Lestari to Semunying Jaya Villagers to the Regent of Bengkayang.

As a response to the letter, the Bengkayang regent stated the customary forest of Semunying Jaya community on 15 December 2009 but the community until now is still waiting for the formal decree of regent. Meanwhile, the company continued clearing the forests.

Around 800 ha of 1,420 ha customary forest has been cleared by the company. Now everyday, community members are guarding and watching over their forests. They are exhausted fighting for their rights.

"Before oil palm came we could earn two hundred, three hundred dollars a month, now it is hard to earn even one dollar a day. And the forest provides us with many way to earn money: fishes, wild honey, saps, resins, oils, game, rattan. Now, there is no more land. Out paddies, fruits trees, and other productives trees are gone," told Jamaludin.

The second important issue is loosening of bonds among indigenous peoples communities. The government is creating several formal Dayak customary organizations and giving them funding. Some indigenous peoples who do not belong to any indigenous peoples organizations confuse because most of the time the Dayak and Melayu organizations which initiated by the government (off course) will support the government policies although the policies violate the rights of other communities.

"The government policy that created several organizations of Dayak and Melayu reducing the closeness among indigenous people communities and individu," told Manap.

One of the wishes that shared in the focus group discussion and all participants strongly agreed was "give back the rights to customary lands and forests to the communities." The participants realized that if indigenous peoples are uprooted from their forests then they will die culturally, socially, economically, and literary. They die because of they have no food to eat, no place to live or because of pollution or environmental degradation. Or they will be killed in conflicts.

The planned expansion of up to five million hectares of oil palm in West Kalimantan is so vast that there is a need to reflect on what kind of rural society will be created as a consequence. Sharpening differentiation in land holdings within and between ethnic groups in the interior of West Kalimantan is creating a situation that can easily deteriorate into violent conflict (Sirait, 2009).

iii) Indigenous Peoples Representation

How indigenous peoples represented in the local governance, it will depend how we see it.

Since more than 66% of population in West Kalimantan are indigenous Dayak and Malay, therefore most of local government officers are either Dayak or Malay. For example, the Governor of West Kalimantan, Cornelis, who directly elected by the peoples, is Dayak.

Does Cornelis represent indigenous people? Can Cornelis categorize as an indigenous people? The opinion of the focus group discussion participants, he is a government officer (although he was elected by the peoples), most of the time he is representing the government or he has to accommodate all communities, not only indigenous people communities.

Manap said that the local government has no initiative to convey important information to indigenous peoples. The indigenous people, individually or as a community, they deal with the lowest rank of local government body which is head of the village.

"Peoples think that the head of the village responsibility to deliver important information to them. And peoples do not know how to communicate important information to the higher rank government officers or to the governor. They think, if they already communicate it to the head of the village, the information will be delivered to the governor," told Manap who is a member of AMAN.

And according to Manap experiences, most of their concerns have not been delivered to the higher rank officers. "Although we still have a space for self-determination or to decide of what we want, we experienced most of proposals or suggestions or ideas or propositions were rejected or deleted in the higher rank officials. They just disregarded us," said Manap.

When the indigenous peoples were facing tough problem, such as land-tenurial conflict, and their propositions were disregarded by the government, they protested through rally or

demonstration. This strategy proven to be effective to put pressure to the government to talk with them.

And very rare they were invited to have a mutual dialogue on the very tough issues.

If the demonstration staged in the city, mainstream media will pick up the news. But sometimes the media quoted them wrongly. "It happened once when we protested the regent. We also sent the information of the protest to media. The next day, we read the media wrote C instead of A. Then we protested the media, but still the news was right what we wanted," told Manap.

All participants of the focus group discussion agreed the media is important for indigenous people to empower them and to amplify their voices to the public and especially to the government. They hoped that media can be more sensitive to indigenous peoples.

iv) Access to Media

There are 8 newspapers (daily) published in Pontianak, West Kalimantan. Around 70% of newspapers are circulated in Pontianak. Here are the newspapers:
1. Tribun Pontianak – with circulations around 30,000
2. Pontianak Pos – with circulation around 15,000
3. Harian Equator – with circulation around 3,000
4. Borneo Tribun – with circulation around 2,000
5. Kapuas Pos – with circulation around 2,000
6. Metro Pontianak – with circulation around 1,500
7. Kun Dian Ri Bao – with circulation around 1,500
8. Harian Berkat – with circulation around 1,000

There are two newspapers published in two regencies, Metro Singkawang and Metro Ketapang. They belong to Jawa Post News Network with Pontianak Pos, Harian Equator, Metro Pontianak, Kapuas Pos, Kun Dian Ri Bao.

People in villages have no access to newspapers.

In Pontianak there are three local television stations (RuaiTV, Kapuas Citra Televisi, KatulistiwaTV) and TVRI (government owned television stations). Last year, Trans Corp, which owned TransTV and Trans7, has a plan to establish subsidiaries of TransTV and Trans7 in Pontianak.

The three TV stations broadcast can only be received in Pontianak and surrounding. TVRI has 19 relay stations through out West Kalimantan and broadcasted through Palapa communication satellite. Practically, all West Kalimantan can receive TVRI broadcast.

Although there are only four TV stations, in the cities people can receive most of national TV stations. And if you subscribe to cable TV through, you also can receive all big national TV using parabolic antenna.

Matius Manap said older generation indigenous peoples cannot read and talk Indonesian language. And most of your generation can speak and read Indonesian language. Indigenous peoples get government information mostly not from media, but from family members or relatives or neigbours or from other villagers.

Television is the only media consumed everyday by indigenous peoples who live in villages which have electricity. And radio is the second consumed especially when they are in farms or in no-electricity villages. Local radio stations are mostly listened in villages.

Women are the head of families when the men are going to the farm for days. Women have no restriction to watch TV or listen to radio. Most of the time, women who decide which program to be watched in her family.

The other way around, mainstream media are very limited in covering indigenous peoples issues or information related to indigenous peoples.

Mobile phone penetration is high in West Kalimantan, especially in Pontianak and district capital cities. "Cell phone is important communicaton tool. Peoples have cell phones, even elementary students in the city have cell phones. But 90 km out of Pontianak, will be difficult to get signal," told Manap.

Once AMAN used cell phone to communicate with its members. AMAN distributed information such as meeting invitation through cell phones.

Internet access is only available in Pontianak and towns in district or regency level.

v) Community Media

The birth of community media was marked when Institute of Dayakology Research and Development published *Kalimantan Review* in 1992, without any licence from the government although every media has to get permit at that time. But, the story of Kalimantan Review was far way back in 1981.

In 1981 a small group of Dayak intellectuals established a foundation called Yayasan Karya Social Pancur Kasih ("pancur kasih" means "fountain of love"). The reasons was the Dayak people faced negative impact of development that marginalized them. The first service of the foundation was an informal education on how to respects the Dayak culture and caters for the

Dayak perspective. Then the services expanded to other fields such as social, economic, and culture.[76]

In 1987 the Foundation established Pancur Kasih Credit Union and in 1991 Community Credit Bank in Sungai Pinyuh, around 50 km from Pontianak. The purpose of Credit Union and Community Credit Bank was to provide small-scale credit to the people in rural areas. At the end of 1990, the Foundation established the Institute of Dayakology for Research and Development (IDRD). IDRD actively is doing researchs on Dayak culture to increase the consciousness and self-confidence of Dayak people.[77]

And then in 1992, IDRD published *Kalimantan Review* twice in a year as the media not only to publish the research finding but also to give balance information in the point of view of Dayak people about Dayak's desire, aspirations, etc.

IDRD study on oral tradition of Dayak people has identified five main factors causing the declining of Dayak *adat* (culture, customs, and tradition). One of them is media. The mainstream media publishes content that totally not supporting the local culture or the Dayak adat. For example, mainstream media was promoting to tear down long house, the traditional Dayak house.[78]

The choices are fight the media or use the media, said John Bamba, one of the founder of Kalimantan Review.

Now KR is published every month. Around 85% of KR subscribers are member of Pancur Kasih Credit Union which spead over West Kalimantan. The subscription fee are varies between Rp 15,000 to Rp 18,500 per edition, depend on the locations of subscribers. And 70% KR readers are indigenous peoples. Now KR is self-financed. The production and distribution costs are covered 80% from subscription fees and 20% from social-advertising.

What is the role of KR to empower indigenous peoples communities in West Kalimantan?

KR, with 6,500 in circulation, is the only print media that reached out to every corners of West Kalimantan. The indigenous peoples communities are always waiting for KR every month. "Very often, indigenous people uses relevance articles in KR when they have to negotiate with plantation companies," told Dominikus Uyub, the Editor in Chief of KR.[79]

But print media is expensive, said John Bamba. Then IDRD decided to establish community radio. Five years ago, IDRD established 12 community radio stations that managed by indigenous peoples communities. IDRD supported some fund for the equipments. The

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[76] The history of Institute of Dayakology for Research and Development, Credit Union Pancur Kasih found at IDRD web site at <http://dayakology.org/eng/history.htm>

[77] More about IDRD can be found at <http://dayakology.org/eng/program.htm>

[78] From interview with John Bamba, one of the founder of IDRD and Kalimantan Review

[79] Interview with Kalimantan Review's editor in chief, Dominikus Uyub on 29 October 2010

community radio broadcasted in local language, Dayak language. Unfortunately, all the radio are closed down because lack of skills and fund.

Now, IDRD is managing Radio Rama community radio. About 50% community radio stations stopped their activities, there are around seven community radio stations still broadcast every day in West Kalimantan.[80]

In a day, Radio Rama is airing its 10 programs about 15 hours, from 6AM to 9PM. Radio Rama only broadcasts traditional and local songs, not pop songs. Radio Rama does not serve Dayak ethnic only, but also other ethnics. The mission is to revitalize local culture, including Dayak culture, to invite and challenge communities more critical about many things, and to promote community economic. It has 1,200 loyal listeners and Eva estimated there are around 2,000 – 3,000 listerners.[81]

How is Radio Rama helping communities it serves to live in harmony with each other? Agustina Eva Caroline, producer and announcer of Radio Rama, said after the conflict Radio Rama help its listeners to say word "Madura" without anger. After the violence conflicts, people in Pontianak is afraid of saying word "Madura" or people cannot say "Madura" in public.

The word "Madura" is a name of an island where the sub-ethnic of Javanese lives. The word then related to the memory of violence conflict between Dayak/Malay and Madurese.

Many times, Radio Rama through its programs, helps resolving conflict between communities. Radio Rama always tries to put into words or explain the root of the conflict by interviewing the key persons from the conflicting communities. For example in Pondok Pangeran (in Pontianak) fight between youths from different ethnics, Radio Rama put the case in words so its listerners understand that it was not conflict between ethnics but only between two youths. The interview even was re-published in Pontianak Post, city newspaper.

The challenge for Radio Rama is how to self-finances. The operational cost Radio Rama is around Rp 5 million a month. The cost is mostly for electricity bill. All the announcers are voluntarary based. They do not get paid. And because of community radio, Radio Rama cannot accept advertizing. Now IDRD pays the cost.

While Radio Rama has listener in small area of Pontianak and directly managed by IDRD, Bujang Pabaras in Senakin village and Sinianawangi in Tunang village are two community radio stations also established with the help of IDRD. Bujang Pabaras was established in 2006 and Sunianawangi in 2002.

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[80] Interview with Deman Huri, activist LPS Air, a communication NGO that has program to develop community radio in Kalimantan
[81] Interview with Agustina Eva Caroline, a producer of Radio Rama, 28 October 2010

Although IDRD helped in initiating the two community radio, the idea came from the Tunang communities since 2001. The motivation to have community radio is to broadcast language and culture of the communities and to facilitate information from the government can reach out the communities. That is why, most of the program broadcasted in the two radio use local language.[82]

The two radio stations are operating without any licenses. From the interview of the two founders they understand of the broadcasting law and other regulation that community radio still have to get licenses. But because of the complicated procedures, they decided not to apply for licenses.

They also have same vision which is to revitalizeDayak culture and advocate Dayak communities. That is why they use local anguage. About 95% of Bujang Pabaras' programs use Banana or Dayak Kandayak languages and only 5% in Indonesia language. Sunianawangi uses Dayak Kanayan language 90% of its programs and only 10% in Indonesia language. Using local language is the demand from their communities.

"Listeners are criticizing us when we broadcast in Dayak language mix with Indonesia language. This is Dayak people's radio, do not use Indonesia language, listeners protested," told Adiran Adrianus, the head of Bujang Pabaras community radio.[83]

The most favorite program from these two radio stations is live karaoke in the air. The listeners who want to join the program have to pay certain amount of money. The money will be used to support the stations.

There is a big constrain for community radio in West Kalimantan is the unreliable supply of electricity from the PLN, the Government owned electric company, beside the skills, management, and lack of fund. If there is no electricity, the stations have to have generators which will increase the cost.

On 7 July 2007, Ruai TV was launched after five years preparations. It is hard to say that Ruai TV is a community TV since according to the temporary license Ruai TV owned by PT Ruai TV, a profit company. But if we see the missions and visions, we can say Ruai TV is a community TV.

One of the missions of Ruai TV is to help the reconciliation after the conflicts and maintain harmonious relations among communities, not only Dayak communities but all. For example, "Gong Ruai" is a program to analyze the core of problem or source of problem faced by communities. Ruai TV has programs as services to non-Dayak communities such as "Ruai TV

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[82] Interview with Adiran Adrianus, the head of Perkumpulan Radio Komunitas Bujang Pabaras, Desa Senakin, Kalimantan Barat
[83] Ibid

Peduli" to collect money and then donate to poor communities. Ruai TV is trying very hard to change the perception as Dayak's TV.[84]

Most of the news or news features produced in Ruai TV facilities are about issues of indigenous people or local people that are not covered by other local television stations. For example, Ruai TV covered the case of conflict between indigenous peoples and oil palm company while other media did not interested to cover. No media covered the case probably because the location was in Sanggau, far from Pontianak.

Then the District Court used the documentary of the case when the trial started. This case is an example how community media can help empower the IP. Media can be a witness in the field or can have a role as a fact finder for IP cases. The footages or information collected by media can be used as evidence. After the report of the case aired in RuaiTV, the government, mainstream media, non-governmental organizations, and general people paid attention to the case. The case became public.

In other case, Ruai TV broadcasted news about indigenous people community that damaged the river in Sekadau. As media Ruai TV has to be objective and follow all journalism principles.

Now, Ruai TV is broadcasting 10 hours a day with 40% news, 40% general information such as information about regulations in the format of talk-shows, and 20% services for Pancur Kasih Credit Union members since they are one of the owners.

Since RuaiTV is a local television station, most of its programs are local. RuaiTV also broadcasts local regulations that will impact the people in West Kalimantan in general, not only the indigenous people. Although RuaiTV is owned by Dayak organization, according to the regulation, it is a comercial tv station.

The challenge for Ruai TV is how to increase its coverage which now only Pontianak City and surrounding. To serve IP communities in West Kalimantan who live in remote areas, Ruai TV has to use satellite canal which is very expensive. Meanwhile, the operational cost is around Rp 150 million per month, and only 30% covered by advertising.

vi) Analysis

The indigenous peoples' rights violations are still happening in West Kalimantan. The violations take place, primary, because of the expansion of oil palm plantations are overlapping in the indigenous peoples customary forests or lands. Plantation companies capitalize on horizontal conflict to continue expanding their operations.

Indigenous peoples should anticipate the increasing of land tenure conflicts in the next five years. The planned expansion of up to five million hectares of oil palm in West Kalimantan is so

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[84] Interview with Stefanus Masiun, the Director of PT Ruai TV, in Pontianak on 29 October 2010

vast that there is a need to reflect on what kind of rural society will be created as a consequence. Sharpening differentiation in land holdings within and between ethnic groups in the interior of West Kalimantan is creating a situation that can easily deteriorate into violent conflict (Sirait, 2009).

In West Kalimantan the community media are very active in advocate the interest of indigenous peoples. Kalimantan Review is the one that consistently serving Dayak communities for more than 19 years. Kalimantan Review, with 6,500 in circulation a month, is the only publication that reaches indigenous people in remote areas. But still Kalimantan Review cannot reach out all indigenous peoples.

For 19 years, Kalimantan Review takes the role as alternative print media which will take a position on indigenous peoples. Any media alternative which functioning as advocacy media is facing credibility issue. General public, government, and other parties will easily say that they won't believe what been published in alternative media.

There are two roles of community media. First is as a media that delivering information from out side of the community, e.g. important information from the local government and national government, to the community. Community media should know which is important and relevant information that community needed.

The second role is as alternative media that spread out important information about indigenous people to the general public when mainstream media does not pick up the information.

One community media cannot take these two roles. The community has to have two media. First is internal media to serve the community. The second is professional media which managed professionally by professional staffs and acted as mainstream media. This media has to take off the identity as indigenous peoples' media. Why?

All mainstream media in West Kalimantan are for profit media. Indigenous people in West Kalimantan experienced that once the company involved in conflict with indigenous people put an advertisement in the media, it will stop reporting the issue.

b. Case Study II - Ciptagelar Kasepuhan Indigenous Community: *Leuit* and Internet[85]

i) Background

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[85] Most of information in this part are based on interviews with Abah Ugi Sugriana Rakasiwi (the highest leader of Ciptagelar Kasepuhan community; Petrus Lamba Nawang who managing micro-hydro power plants; David who responsible for Internet access; Yoyoyogasmana who responsible for managing TV Ciptagelar; Yoyot who responsible for community radio; six community members (three women and three men) on 23-24 October 2010 in Ciptagelar Kasepuhan.

Kasepuhan in Sundanese language literary means old. But it also has deeper meaning which is "the old customs that been preserved" by Sundanese communities for 640 years.

There are 13 "kasepuhan" in West Java or Sunda land. Ciptagelar Kasepuhan is one of them and the largest.

Ciptagelar Kasepuhan community land is located in Sinaresmi Village, in Cisolok sub-district of Sukabumi around 238 km to the south-west of Jakarta or around five hours drive. The village covers 4,917 hectars of forests and agroforests areas with small areas of paddy fields, other agricultural land and settlements of highland area 800-1,200 m above sea level. The climate is cool and pleasant. The annual rainfall is around 2,120-3,250 mm. The rainy season usually lasts five months. The village is difficult to access, especially during rainy season.

Total members of Ciptagelar Kasepuhan community are The basis of Ciptagelar Kasepuhan customary law is their philosophy of lice which is based on three pillars (*Tilu Sapamulu*) which are *Tekad* (determination), *Ucap* (speech), *Lampah* (behavior). The harmony life of can only be achieved if there is a balance between all the three elements. The community members, 11,631 men and 11,952 women,[86] must pay attention to these three principles and use them as a guidance in their daily lives at the individual or community level.

Leuit is a Sunda language literary means rice barn. There are 10,916 of *leuits* in Ciptagelar Kasepuhan Community. Each leuit can store 4,000 kg of unhulled rice still attached to the straws. The community has around 40,000 kg of unhulled rice as their food reserve in 2010.[87]

Amazingly, the *leuits* can keep the rice fresh for years. Although the yeilds are more than enough to feed the community, their custom prohibits selling rice. Rice is their food reserve and the community owns it. Beside as food reserve, rice has sacred value for the community.

Rice is the main agriculture product for Ciptagelar Kasepuhan Communty. Paddy rice is planted for subsistence in the irrigated and un-irrigated paddy fields. In one year they can grow one crop of local rice varieties.

At least they have three varieties of irrigated rice and five varieties of dry-land rice are grown. Local upland rice varieties are intercropped with beans, pumpkins, cucumber and corn.

Rice is still harvested with small blade held between the fingers, not with a sicle. Community members must harvest rice from the elder's (Sesepuh) fields without paying as a service to the community leader. And every men who has agriculture land have to share 10% of their yields to

[86] See "Ciptagelar: Mengelola dan Mengendalikan Lingkungan Hidup Warisan Leluhur," <http://profilmanusantara.blogspot.com/2010/10/ciptagelar-mengelola-dan-mengendalikan.html>
[87] See "Ciptagelar: Mengelola dan Mengendalikan Lingkungan Hidup Warisan Leluhur," <http://profilmanusantara.blogspot.com/2010/10/ciptagelar-mengelola-dan-mengendalikan.html>

the community members who do public services (such as pigs hunters) and have no agriculture land.

Every year they have *Seren Tahun*, the most important of all custom ceremonies. *Seren Tahun* is a ceremony to thank the Almighty for a good harvest. In this *Seren Tahun* the community has harvested 27,290 kg unhulled rice.[88] The rice is dried on racks before stored in the leuits. Women will pound the rice by hand.

Ciptagelar Kasepuhan indigenous people communty was chosen because several reasons. First, Ciptagelar Kasepuhan is a small indigenous community, comparing with Dayak communities in Kalimantan, with only consist of 23,583 individual members. Second, the community leader is very aware of communications. That is why community has radio station, television station, and Internet access. Third, the community has been getting many attentions from national and international media. It is interesting to study how the community fight for their rights.

ii) IP Rights

The heart of Ciptagelar Kasepuhan community is located deep in the forested hills which the government has designated as Gunung Halimun-Salak National Park. Most members of the community depend on traditional agriculture and forest products for their livelihoods.

Gunung Halimun National Park was originally established in 1992 that covered 40,000 ha forest area. In 2003, the government expanded the area to include Mount Salak and became Gunung Halimun-Salak National Park with total area of 113,357 ha.[89] The expansion causing some of Ciptagelar community customary lands became part of the National Park as watershed protected forest. The Ciptagelar community has never been consulted when the government expanded the National Park area.

Before the expansion, some area of Ciptagelar community customary lands were overlap with the state-owned forestry company, Perum Perhutani, areas. The community already had reached a mutual understanding with Perum Perhutani regading the land-use of overlaping area and the customary right of the community.

After the both customary lands (the customary land that overlaping with Perum Perhutani and that not-overlaping) included as the National Park area, it created problem to the community. The national regulation on protected area such as national park prohibited activities such as settlements, agriculture and logging inside the national park. The Ciptagelar and other Kasepuhan communities are concerned where they have to settle and grow paddy rice. And how they will be able to meet their needs for timber to build new houses or repair old houses.

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[88] The information was from in depth interview with Abah Ugi Sugriana Rakasiwi, the highest leader of Ciptagelar Kasepuhan community. He was replaced the famous highest leader, Abah Anom (Encup Sucipta) who passed away in 2007. Abah Anom was father of Abah Ugi.
[89] Under the Forestry Minister's Decree No 175/2003

To reduce the conflicts after the expansion, Ciptagelar Kasepuhan community has held several joint meetings with representative of the district and province government, Ministry of Home Affairs, Forestry Department, Halimun-Salah National Park management, and Perum Perhutani management to discuss the use of the customary land.

The National Park authority and Perum Perhutani are courting Kasepuhan communities with projects, such as community-based forest management project, to gain support in this conflict. Then to counter the moves, Kasepuhan communities in Mount Salak have formed an alliance to increse their bargaining position in negotiations with them.

In exchange for allowing customary land to become a national park area, the authorities relinquished land elswhere that had been used for large-scale plantation. For example, the 480 ha of "state owned land" has been recognized as customary land of the community. After several meeting, problems still remain. (Suganda, 2009).

The community, as same as other indigenous people communities in Indonesia, has been excluded from social services such as transportation, health service, and education. There is no public transport from and to the location of Ciptagelar Kasepuhan community. There is only one nearest elementary school. The students have to walk More than 10 kilometers to the school. Junior and senior high schools are located in Cisolok, 21 km from Ciptagelar Kasepuhan. And there is no clinic or any community health center.

These are the problem and chalenges faced by Abah Ugi Sugriana Rakasiwi, the young leader of the community, who replaced his father, the famous highest leader of Ciptagelar Kasepuhan, Abah Anom. Abah Anom passed away in 2007. Abah Ugi is a young man born in 1984. Although he is young, he is the only leader who has highest education among other. He has an interest in technology and electronic gadgets. He initiated a community radio station Suara Ciptagelar and TV Ciptagelar. And he has Internet access and uses it heavily.

iii) Access to media

Several years ago Ciptagelar Kasepuhan has no access to media and information. There is no print media circulated to Ciptagelar, no radio, or television. The only source of information is from community members who live outside and outsiders (including local government staffs) who come to the Ciptagelar. Why? Because they have no electicity.

In 1997 with the help from a non-governmental organization IBEKA, the community built micro-hydro power plant. Almost all community members involved in the development of micro-hydry power plant. They have to walk for 12 hours to carry materials and equipments.

Now the community has 25 micro-hydro power plants that each produces around 60-1,000 kilowatt electricity per hour. The community bought some of the turbines, and they get from NGOs, donations from corporates and foreign embassies for others.

The community members now get free electricity. If they get electricity from PT PLN (the state power company), they have to pay $5.93 cents per kilowatt-hour.

If the micro-hydro power plants out of order, the community will collect some money to repair the micro-hydro.

While they developing the micro-hydro power plants, some of community members become experts on installing micro-hydro power plants. With the skills and knowledge, they help other communities in Sumatera, Sulawesi, Maluku, and other area, to develop micro-hydro power plants.[90]

Since the electricity available, they can hear radio, watch televisions, and even use computers to access the Internet. The availability of electricity is a milestone of their development. It breaks through the barrier of exclusion from getting information and media.

With the advantage of located in hilly area, Ciptagelar Kasepuhan community members can recive radio and television signal quite clearly. They can watch local and national television stations and listen to the radio aired in other cities far away such as Sukabumi and Bogor.

Now community members can follow the news about what happen in other places. The news they consume are national news and city news. According to community members, although now they can get information of what happen in the cities and , especially in Jakarta through radio or television, most of the information are not relevant for them.[91]

Women have control on television. They decide what channels or programs they want to watch since women are in the house all day. They watch television while they are cooking at the kitchen in the common house. They watch soap opera and celebrities gossip news. They said that they do not watch political news because the news will give "headache" to them. Young or old women, they have the same preference on what to watch.[92]

The men can watch TV in the terrace of Abah Ugi's house. In general the men watch news and soccer games. The reason why they watch news program, they said because they would like to know what happen in the cities.[93]

The other way around, mainstream media, national media and even international media including CNN, covered the Ciptagelar Kasepuhan Community. Most of the coverages were soft-

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[90] It was Petrus Lamba Awang, a young engineer graduated from University of Diponegoro (Central Java) orignated from East Nusa Tenggara Province who helped the community to develop micro-hydro power plants while he worked as a volunteer for IBEKA. He is now eccepted as a community member and he has responsibility to manage the micro-hydro power plants
[91] Interviews community members on 23-24 October 2010 in Ciptagelar Kasepuhan.
[92] Interviews with three women in Ciptagelar Kasepuhan tanggal 23 Oktober 2010.
[93] Interviews with men in Ciptagelar Kasepuhan tanggal 23 oktober 2010.

feature stories about Seren Tahun harvest ceremony. All national media in Jakarta, print or electonics, at least have one story about Seren Tahun.

Although the media only interested to cover their culture and ceremony not the conflict, the wide media coverage increased the community bargaining position in the negotiation with the National Park authority. The negotiation has not stopped. The National Park authority position is soften.

In 2009, The Alliance of three Kasepuhan communities including Ciptagelar Kasepuhan, had a meeting with the National Land Agency, the government institution which has authority to issue land-tenure certificate, in Sukabumi, West Java. The Alliance asked the Agency to recognize their customary lands and forests.[94]

But the Agency refused to issue a land certificate. The right on customary lands/forests can be granted if the local government issues a decree that recognizing "customary communities, customary zone (lands and forests), customary laws, and indigenous people" of the Kasepuhan. Based on the decree, the National Land Agency can issue the certificate.

iv) ICT

Several years ago the cellular phone company Telkomsel built a base station transceiver to cover Ciptagelar Kasepuhan area and last year another cellular phone company XL built another base station transceiver. Since then the community members can get GSM cellullar phone service, although they have to pay for quite expensive price.

Almost of adult men and young men or women in the community have cheap made in China cell phones. Every month young people have to pay Rp 50,000 ($5.6) per month for GSM services and adult men/women have to pay Rp 100,000 ($11) per month. Only Abah Ugi has Blackberry smart phone, although he does not activate the Blackberry service because of the cost will be very expensive for him.[95]

The cell phone service change several things. Before the cell phone, when they want to spread information to the all community members a messenger has to come to every houses one by one. Now the message distribute through cell phones. Communication with family members who live outside Ciptagelar Kasepuhan become easier with cell phones. They do not have to travel along bad roads to communicate to each other. They can check vegetable price in the market of Pelabuhan Ratu, so they can sell their vegetables in the good price. They use cell phone to check sparepart of micro-hydro turbine.

In 2009, PT Telekomunikasi Indonesia, a national company and then listed in Indonesia Stock Exchange, partnered with the Ministry of Communication and Information, provided a free

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[94] See <http://oase.kompas.com/read/2009/11/09/11000362/Komunitas.Adat.Sukabumi.Minta.Hak.Ulayat>
[95] Interview with Abah Ugi. Blackberry services in Indonesia cost in average Rp 150.000 per month.

Internet access through Universal Service Obligation (USO) to the Ciptagelar Kasepuhan community. The 36 Kbps Internet access was provided for free for four years.

With the free Internet access Abah Ugi and other community members communicate with their friends and relatives with emails. They browse the Internet to find information on micro-hydro turbine spareparts, vegetable prices, or other information.

Beside email and searching for information, Internet access is used to open and manage Facebook account, blog and Citagelar web site.[96] Abah Ugi said that he would like to share the free Internet service with other community members but has not enough money to buy PCs.

Although Ciptagelar Kasepuhan community has access to media (radio, television, and even Internet), there is no guarantee that the community get the informaton they really need. Media they consume does not provide information from the government, especially from the Gunung Halimun-Salak National Park and from local government regarding to the community interest on recognition of their rights.

v) Community media

One members of Ciptagelar Kasepuhan community never imagine that they can use television to deliver "very personal important" message to his neighbor "please feed my goats, because I forgot to feed them this morning" because he was in the communal house where the Ciptagelar TV studio located.

The community now has a community television station and a community radio. Originally, the objectives to have TV or radio stations are to have independent medium to spread information to all community members and communication tools between the leaders and the community members. The radio and TV stations supposedly broadcast information on such as an announcement of community services and custom , or other important information from the leaders.

In 2004, Abah Ugi, with approval from his father Abah Anom, built Radio Swara Ciptagelar (RSC) radio station. He modified the equipments of his single side-band radio into FM radio transmitter. The RSC, using 97.7 FM frequency, can cover area of three kilometer in radius. He spent around Rp 5 million ($550) for equipments, tower, and studio.

The studio is a small room of 4 m x 3 m in second floor of the cooperative office. The equipments in the studio are a Beringher mixer nine tract, a TOA microphone, an out of order CD player, a local brand Polytron tape also out of order, and a compartible PC with a donatedmonitor. The radio uses a freeware program BPM Studio downloaded from the Internet.[97]

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[96] See Ciptagelar Kasepuhan web site at <http://www.ciptagelar.org/>
[97] Wawancara Oyon Ruhyat tanggal 23 Oktober 2010 di Ciptagelar.

There are only two persons managing the RSC: Oyon Ruhyat and Ujang Sukardi. The RSC only airs at night from 18.00 to 01.00 because Oyon Ruhyat and Ujang Sukardi have to work at day time.

Because of traditional Sundanese music program in RRI (the public radio owned by the Government) and in comercial radio stations were stopped, the main program of Radio Swara Ciptagelar airs Sundanese culture songs and puppet program on week end. There is no news program. The RSC will air specific information when the community has cultural events.

The RSC has never had a talkshow on specific issues faced by the community. Abah Ugi said the RSC is afraid to air sensitive issues or criticizing the Government or the National Park although he is aware that these are important issues for the community. He said that he is afraid the Ministry of Communication and Information will close down the RSC which has no license. He also does not want to increase the coverage although there is a demand from other communities far away from Ciptagelar, because he has no permit from the government.

Only old people listen to the RSC. Children, young people, and women prever to watch television than listen to the radio. Or they listen to comercial radio stations that broadcast modern musics.

As most of community radios in Indonesia, the RSC has no broadcasting licenses from the government as according to regulation.[98] Abah Ugi admitted he would not ask for the permits or licenses because the procedure is complicated. He only has a permit to use single side-band radio communication.[99]

The Citagelar Television station has started in 2007. Abah Ugi himself built Ciptagelar TV (CTV). He assembled the TV station equipments from broken electronic components. He installed the television transmitter on the top of radio transmitter tower. The studio is a 3 m x 2 m room next to radio studio room. This time he only spent about Rp 1.5 million because he did not have to build an expensive tower and other equipments.

If the RSC only airs at night, CTV broadcasts 24 hours non-stop. Using Deejaysystem freeware installed in a 45 GB netbook computer, the 24 hours broadcasting is put in automatic without operator. No presenter in the studio, except if there is special events. Yoyoyogasmana, who responsible for CTV, monitors the program through tv set in his house. He has two young assistants, 11 years and 15 years old. They all work voluntarary. The community will provide food for them.

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[98] Accoding to a member of Indonesian Commission on Broadcast Mochammad Riyanto, 20 October 2010, there are only three community radio stations that get licenses. Why there are only three stations, he said, because the process to get the license a bit complicated, takes times, and expensive..

[99] According to government regulation, all radio stations, including community radio stations, have to get permit or license.

Two donated Sony Digital 8 handycams are other important equipments. One camera was out of order. The other one is set up on a small tripod. If the presenter want to use the camera, he has to adjust the camera byhimself.

Yoyoyogasmana originally is from Tasikmalaya, West Java. He is an artist and also a performer. When he lived in New York for five years and in Canada for two years, he communicated and made friends with indigenous Indian. The close relationship with the Indian communities brought him to Ciptagelar. He felt in love with Ciptagelar Kasepuhan community and since then he lives there.

Yoyoyogasmana has produced some documentaries of cultural ceremony of Ciptagelar Kasepuhan community. The documentaries has no narration but has subtitle in Indonesian language. Other broadcast contents are movies from DVDs, such as "The God Must Be Crazy" movier or The Beatles shows, that donated from people who came to Ciptagelar.

Once in a while CTV are used to deliver important messages for the community members and less important messages as "feed my goats."

vi) Analysis

From this case study we can draw the lesson learned:

1. Wide media coverage in mainstream media helped the Ciptagelar Kasepuhan community to leverage their position in the negotiation with the National Park authority.
2. Although the Ciptagelar Kasepuhan community has Internet access, the facility is used only by the leader. But, if the facility is used properly, it will help the community to spread information about them and their problem to the outside world though web site.
3.The community needs help from outside for all the communication facilities (television equipment, radio equipment, and Internet access)
4. Having all communication tools do not automatically empower the community. The community, especially the leader, needs to know how to empower them with these communication tools.
5. Cell phone will become important communication tool for empowerment considering that the penetration is very high.

c. Case Study III – Maluku: Role of Media in Communal Conflicts[100]

i) Background

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[100] This chapter was written based on desk review, focus group discussion, and in-depth interviews with several key resource persons in Ambon, 18-23 October 2010. Here are the resource persons interviewed: Fredom Toumahu (Managing Editor of Siwalima); Andrias Tahupetory (Raja Negeri Hutumuri, IP community member); Fredy Melmambessy (Head of Local Indonesian Broadcast Commission); Yanes Balubun (head of IP community, member of AMAN); and Rudy Fofid (Vise Editor of Suara Maluku Daily).

Maluku, in the past known as the Spice Islands, was a province consisted of around 1,000 islands located in the southeastern part of the Indonesia archipelago, in the east of Sulawesi Island, and west of Papua Island.

In October 1999, Maluku Province was separated into two provinces: Maluku and North Maluku. Maluku Province has a population of 1.4 million people with total area 46,914 km2.[101] North Maluku Province, with Ternate as capital city, has less population which is 970,443 and total area 31,982 km2.[102] And according to AMAN, there are only 30 communities belongs to AMAN.

Today 54% of the population of two provinces are Moslem (Islam) and 44% are Christian and Catholic. The North Maluku Province is predominantly Moslem.

By race, culture, custom, the people of Maluku or Moluccans differ from the dominant Indonesian who are Mogoloid-Malayan race. The Moluccans are more Melanesians, a tall, darkskinned with wide eyes and curly hair.

Ambon, the name of a city and also an island, is a capital city of Maluku Province. Ambon has an area of 377 km2 and has 206,210 inhabitants. The city is divided along religious lines, with several quarters only inhabited by Christians and others by Moslems.

Early 16th century Maluku, at that time was known as Spice Islands, was the center of attention of expansionist Europeans seeking gor spices such as cloves, nutmeg and pepper. The Portuguese were the first came to Maluku. And then in 1605 the Dutch colonized Ambon and in 1623 Banda Island to secure its trade monopoly of spices. By 1817 the Dutch had comppletely regained control of the islands from Portuguese. And many islanders converted to Christianity at that time.

The main islands in this Spice Islands are Seram, Ambon, Buru, Banda, Halmahera, Bacan, Obi, Ternate, and Tidore. The biggest islands are Halmahera, Bacan, Obi, Ternate, and Tidore. The total land area is roughly one-and-ahalf times the size of the Netherlands.

The forest biogeography of Maluku differs from other big islands such as Borneo or Sumatera. The forest of Maluku is resembling more of Melanesia. West part of Yamdena Island and south Aru Island are semi-dry monsoon forest and savanna. And in the other islands, especially Halmahera and Seram, the forests are patches of semi-evergreen. Along the coasts there are some significant mangrove area, such as in Seram and Aru. In the low-lying valleys of the larger

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[101] See official information about Maluku Province at <http://www.depdagri.go.id/pages/profil-daerah/provinsi/detail/81/maluku>
[102] See official information about North Maluku Province at <http://www.depdagri.go.id/pages/profil-daerah/provinsi/detail/82/maluku-utara>

islands are extensive areas of sago palm swamp forest. The montane forest is found in upland central and west Seram.

Quite large tracts of forest have remained more-or-less intact in larger islands such as Halmahera, Seram, Buru, Yamdena, and Sula, before then been logged in 1970s. This has been due to low indigenous population, the concentration of the existing population in more accessible centers and along coasts, general economic peropherality and low in-migration.[103]

How do the indigenous people of Maluku earn their livelihood?

The indigenous people in Maluku exhibit a variety of subsistence strategies focused on differing degrees of forest modification and clearance. People in central Halmahera are nomaadic hunting and gathering with some planting and doing trade.

On Seram there is a wide variety of combinations of technique, ranging from mainly hunting and gathering with little cultivation through classic form of swidden agriculture to more intensive forms of permanent agriculture of the coast.

Beside these subsistence living, the forest in Maluku has been expolited for centuries for dammar resin. The exploitation happened because of the growth of regional exchange system linked to outside trade in forest products such as dammar resin. The dammar has been extracted on Seram, Morotai, Halmahera, Bacan, Obi, and other islands.

However, the most important single factor effecting forest in Maluku was the spice trade. Early extraction was from non-domesticated varieties of clove and nutmeg or wild nugmeg. The sustained and growing demand for spices in Europe and Asia, led to the appearance of the domesticated varieties of commerce and their systematic planting in particular areas. The clove was first on Ternate, later on Tidore, Seram, Ambon and nugmeg was on Banda.

But the big threat to the forest and indigenous way of life in Maluku was commercial logging which started in 1970s and 1980s. In June 1989 there were 24 official forest concessions through out Maluku with total forest areas of 2,6 million hectares.

These commercial logging made the forest of Maluku more vulnerable because they were in the small area of most of the islands. Even selective logging has veen shown to cause damage. For example, after 15 years been logged forest in parts of north central Seram was left with an open area, serious gully erosion, soil compaction, extensive areas of secondary regrowth trees such as Macaranga.

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[103] See Ellen, Roy. 1997. "The Human Concequences of deforestation in the Moluccas." In 'Les peuples des forets tropicales. Systemes traditionnels et developpement rural en Afrique equatoriale, grande Amazonie et Asie du sud-est.', eds D.V. Joiris and D de Laveleye, Special issue of Civilisations Vol. 44 (1-2), pp. 176-193, Bruxelles, 1997. Can be downloaded at <http://civilisations.revues.org/index1628.html>

The other threat to forest and indigenous people was the government transmigration program. In south Bula, in the area of Masiwang river, local transmigration has followed logging and some replanting of cacao and some timber trees. Deforestation for transmigration area has resulted in water shortages in some part of Wahai area.

Maluku was first incorporated into the national transmigration program in early 1954. Then between 1971 and 1980, there were 4,300 sponsored transmigration settling in Maluku. This increased to 35,100 between 1980 and 1985. The big transmigration flow was between 1982 and 1989 with 25,953 migrants from Java to Seram and Halmahera.[104]

ii) IP Rights

When the indigenous peoples in Maluku were asked what is the problem they are facing now, the answer is constant struggle for their rights. "We are still facing the old problem which is acknowledgement of our rights to manage our natural resources by ourselves," said Yanes Balubun, a representative of indigenous people community member of AMAN, in an interview.

He elaborated further. He explained the problem in the ground faced by indigenous people in Maluku is the threat to expropriate our customary land and extract the resources by big investors, then create environmental damage. To make way for these investors, the local government weakening the role of customary institutions. "The local government using its power to intimidate us, dupe us, say to us that we are stupid in order to eliminate rejection from the indigenous people," said Balubun.

Eliza Kissya, the head of *Kewang*, who responsible to guard and keep indigenous people lives in harmony, said the problem faced by indigenous people is the uniformity of government heirarchi structure in village level that creates disharmony the already established customary structure. The customary structure in Maluku has been established for hundreds of years.

He gave an example. In Seram island, Ambon island, and Lease island, *raja* is the head of adat and also head of government but following the formal government structure *raja* is only a head of village. And kepala *soa* (head of clan), *kapitan* (commander), *kewang* (head of security), *marinyo* (*raja*'s messenger) lose their power and roles. Slowly, the customary structure and laws will be gone.

In 2005, the Maluku Province issued Local Government Regulation No 14/2005 that re-installed and revitalized the customary law in every level of government in Maluku Province. Therefore, all indigenous people communities can get their right on self-determination accoding to their customary laws.

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[104] See Ellen, Roy. 1997 at <http://civilisations.revues.org/index1628.html>

But, in reality the Local Government Regulation No 14/2005 could not be really implemented. In practice, there are two kind of structures, the uniform structure that been applied through out Indonesia and the customary structure that weaker than the dominant structure.

"The fight now is still how to take over our rights on customary lands where we live now. We have to fight until our rights are recognized with law or regulation," said Balubun. In order to fight back, "We have to empower the customary institutions and educate the people."

iv) Role of Media

An old tomb in the remote coastal village of Kao, North Maluku, where the remains of seven warrior rested for both Christians and Mouslims, is a symbol for strong ethnic solidarity regardless religious differences. There are many ethics can be categorized as indigenous people.

"*Human Rights Watch interviewed a boy, Hamid (not his real name), who said he was eighteen but looked much younger. A Butonese from the neighborhood of Gunung Nona, he had been in his house on 20 Januari [1999] with his mother and his younger sister. His sister, who was in the third grade of elementary school, went outside to urinate. Suddenly a mob of people arrived wearing red scarves that covered their mouths and noses so that only their eyes were visible. They were all armed with knives, bombs, and arrows. They shot his sister with an arrow that hit here in the chest. She screamed for her mother, but before anyone could come, the mob hacked her with a machete and put her body in a sack, then tied the sack and carried it away*" (van Klinken, 2007)

The previous paragraph was a piece of fact of Ambon fighting between Christian and Muslim communities in January 1999. The conflict was the most shocking violence among other communal violence after Soeharto down. Ambon kept coming back to the headlines for more than five years. Media played important a role to provoke or to stop the violence.

Ambon bloodly conflict was one of several communal conflicts after Soeharto's resignation in May 1998. Human Rights Watch, an international human rights organization, recorded killings in Banyuwangi, East Java in the latter half of 1998; clashes in Semanggi, Jakarta on 13 November between students and members of a pro-governmental civilian militia set up by the army; communal violence in Ketapang, Jakarta on 22 November; communal violence in Kupang, West Timor on 30 November, and communal clashes in Sambas, West Kalimantan in January and February 1999.[105]

The conflicts in Maluku Province 1999 then were followed by other conflicts in North Maluku.

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[105] Human Rights Watch Report, March 1999, Vol. 11, No. 1 "Indonesia: The Violence in Ambon," can be found at <http://www.hrw.org/legacy/reports/1999/ambon/> Accessed 25 November 2010

International Crisis Group estimated since the conflicts erupted in January 1999 until 2000, there were 5,000 died and 500,000 others displaces from their homes. The estimation of the number killed vary with 5,000 was accepted by most observers as the low end of the range. As for refugees, the Government said there were 570,000 people displaced.[106]

The conflict in North Maluku occurred nearly simultaneously with the conflict in Maluku (Ambon). The initial motives of the conflict in North Maluku were apparently more related to territorial problems and competition between the local political elites. It started when the separation of the Maluku Province into North Maluku and Maluku Province. The separation aroused an old rivalry between the Sultanate of Ternate and the Tidore fighting over capital city of the new North Maluku Province (ISAI/IMS, 2004).

While the conflict in North Maluku cut lines of supply for local newspapers printed in Manado (North Sulawesi) forcing the closure. The death of "official" media in North Maluku meant that rumors could circulate unchecked, in particular, rumors about treatment of Moslems at the hands of Christian, and vise-versa. *Ternate Pos* was the only newspaper published throughout the period of conflict, but it was only published as a weekly until 2003. Other mass media were *Seram Pos* (Maluku) covering Seram Island and three other districts and *Halut Press* in North Maluku, covering North Halmahera district.

What was the role of media to the conflicts? Conflicts in Maluku and North Maluku Provinces provide exelent case studies of the negative impact of conflict on a balanced and informative mediascape.

In Ambon newspapers during conflict time were polarized. This lead to highly partisan and biased reporting on the conflict. Newspaper abandoned their role as objective record-keepers and instead became mouthpieces for disaffected communities. Moslem publication *Ambon Expres* split off from *Suara Maluku* (so called Christian publication, which actually belong to Jawa Pos Group) following segregation of the city. Lack of access to the "other side" meant it was difficult to cross check reports and present a balance view.

Ambon Expres started by printing the weekly paper in Makassar. The news reports were sent by air or sea, depending on the situation. In peacetimes, news reports were put in diskettes and sent by airplane, which depart and arrive in the Christian-controlled area. When the conflict heated up, the editors preffered to use ships, as the Ambon harbour is located in the Moslem-control area.

Siwalima was the third daily established in August 1999. *Siwalima* was ostensibly established to provide more balanced reporting from the "middle ground" but it quickly became known as a

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[106] See the International Crisis Group, ICG Asia Report No. 10, 19 December "Indonesia: Overcoming Murder and Chaos in Maluku" at
<http://se2.isn.ch/serviceengine/Files/RESSpecNet/28310/ipublicationdocument_singledocument/07D0D94D-A633-404B-88FF-DBB92FF7BE37/en/010_indonesia_murder_maluku.pdf> Accessed 1 December 2010

second Christian newspaper. *Siwalima* has a motto "putting unity and brotherhood to the fore."

Siwalima was founded by leaders from both Christians and Moslems leaders. However, the paper was distributed in the Christian community that was why *Siwalima* was widely seen as a Christian paper.

The three newspapers published in Ambon at the time of the conflict also reported being subject to pressure to report news according to the interests of their own group. Newspaper journalists were caught up in conflict and "took sides" for personal reasons. Beside that, most of journalists lack of professionalism or awareness or basic journalistic principles, due to a lack of experience.

For example, *Suara Maluku* would regularly use "Islamic terrorists" and *Ambon Express* imposed "Christian troublemakers" kind of terminology in describing the other side. Both sides' editors were excusing themselves of being forced to publish "our version" of event, and that's including damaged dead bodies of women, children, burning mosque and churche images which in turn would provoke each other even more.

The Indonesian National Press Council issued warning that both media should not inflame the conflict and at the same time the authorities were threatening both newspapers to be closed down. Both *Suara Maluku* and *Ambon Express*, that belonged to the same media group, Jawa Pos Group, said that they were also facing threats from their own side. The Christian group accused *Suara Maluku* as being traitor if they refused to blame Moslems. Similarly *Ambon Express* faced serious threats from Moslem group and left them with the only choice either with us or with the enemy.

Regarding to the separation of *Suara Maluku*, Ibrahim (2008) concluded that there was an economic motive behind Jawa Pos Group decision to establish *Ambon Express* as sister newspaper of *Suara Maluku*. In the period of conflicts, both newspapers enjoyed their high sales of around 8,000 copies a day - compared to before conflict only 3,000 copies a day. And in the post-conflict period the two newspapers are facing financial problem because of many readers withdraw their subscription and subscibe new newspaper *Koran Info.*

During the conflict, all media in Ambon were picked their staffs based on their religious background. Until 2001 the staffs of some of new newspapers such as *Bela Reformasi*, *Dara Pos*, *Masnait, Suara Maluku, Tragedi Maluku, Tual Pos, Seram Pos* were Christian. While *Ambon Express* and *Info Baru* was menaged by Moslem journalists.[107]

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[107] Information based on report of East Asia Media Conference in Jakarta, 9-11 March 2010 that can be downloaded at
<http://kauri.aut.ac.nz:8080/dspace/bitstream/123456789/2968/1/pmw_maluku_luckyanddin_100310.pdf> and an article titled "Peace Journalism: Indonesian Experience" written by Farid M Ibrahim published in Jurnal Universitas Paramadina, Vol. 5 No. 3, December 2008 halaman 243-252. The article can be downloaded at
<http://jurnal.pdii.lipi.go.id/admin/jurnal/5308243252.pdf>. Accessed 29 November 2010.

Radio stations also separeted. Bhara FM, DMS, Merpati Ambon, Manusela, RRI, Sangkakal and Yournex were located in Christian area managed by Christian while Kabaresi, Naviri, SPMM (Radio Suara Perjuangan Muslim Maluku or The Voice of Maluku Moslem Soldier) were radio stations that propagandized jihad war. [108]

The government owned media, that supposedly could play a positive role publishing objective reports, also broke up. Local TVRI Station (national public television government owned), local RRI (Radio Republic of Indonesia also government owned), and Antara Bureau (the national news agency government owned) were separated their offices into Christian and Moslem.

Beside local mainstream newspapers, in Maluku during the conflict proliferated many kinds of new media such as anonymous pamphlets, VCDs, and "unauthorized" or "unofficial" print publications to serve competing interests and causes. These media were notoriously biased, partisan, and often actively inflammatory.

Many efforts have been taken to put media in Maluku on tract. The military established media center in its headquater in Ambon. Some national mainstream media, prints and electronics, in Jakarta many times sent their reporters to Ambon. Puspen (the military information center) facilitated journalists from Jakarta to file objective reports on situation in Ambon. The journalists were also expected to mediate local journalists to report the situation objectively although the effort has no significant result.

When conflict stated, information put in VCD became an effective medium in mobilizing the support. VCDs about "enemy attacks" or victims of the violence were easily made and fuelled tensions. In the Christian side there was the VCD entitled "Tragedi Maluku" about the scenes of burning churches and alleged partiality by the security forces towards to the Moslem community. "Ambon Berdarah" was another VCD release in 1999.

On the Moslem side, there was a VCD entitled "Jihad Fi Jarzirah Al Mulk" made in June 2000. The VCD content about the battle against the Christian in the Diponegori area of Ambon. Most of Moslem VCDs were about the the conflict in North Halmahera, Galela, Tobelo, and Jailolo in early 2000 which were "Halmahera Bangkit," "Hidup Mulia atau Mati Syahid," "Halmahera Berduka" and "Maluku Berduka" (Spyer, 2002; ISAI/IMS, 2004)

Alterntive media was in the Internet which often published provocative news and claimed to speak on behalf of certain religious groups. When the conflict was at its peak, the majority of web sites were set up by people outside of Ambon. Moreover, the "information war" often conducted through the Internet, through web sites and mailing lists. Each site posted its own version of chronological events in the conflict, photos from the battle field and traumatic stories of atrocities.

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[108] Ibid

The most accessed was Laskar Jihad web site (http://www.laskarjihad.or.id/). There was also Karomah site (http://www.karomah.cjb.net/), Suara Ambon Online (http://www.come.to/suaraambon/), Come and Save Moslem (http://www.connect.to/maluku/), and Gema Khadijah (http://www.gemakhadijah.cjb.net/).

In the Christian side, there were Voice from Maluku (http://www.geocities.com/chosye/), Maluku 2000 (http://www.maluku2000.org/), Ambon Berdarah Online (http://www.geocities.com/alifuru67/), and Lawamena Victoria (http://www.geocities.com/jemblong_710/).

Most of the sites were discontinued after the conflict.

Now, there are 95 local media and nation wide media (print and electronic media) available in Maluku and North Maluku. After the conflicts, the main coverage of the local media is corruption issue or issues related to corruption. Other issues taken by media are election of local governments, and conflicts that appearing after the election.

Right after conflicts, there were 13 newspaper published everyday. Now, there are only 11 newspapers survived which are Ambon Ekspres, Suara Maluku, Metro Maluku, Siwalima, Radar Ambon, Titah Siwalima, Maluku Ekspos, Marinyo, Seram Pos, Info Baru, Suara Ekspresi (that claimed as alternative media, although it behaves like commercial media).

Besides these nine newspapers, there are 10 tabloid or weekly: Bela Reformasi, Dhara Pos, Maluku Media, Door, Gosepa, Maluku Baru, Moria, Maluku News, Pelangi Maluku, and Suara Rakyat.

The largest in circulation is Ambon Ekspres with 6,000 copies everyday. Around 3,000 readers are in Ambon and around 1,200 are in Masohi, Tual, Dobo, and Namlea. Siwalima has 4,000 copies which distributed mainly in Ambon and small amount in Saparua, Tual, MTB, and Masohi. Info Baru has around 3,000 copies. Suara Maluku has only 1,200 to 1,500 copies and Metro Maluku prints around 1,500 copies. And others have very limited circulations only in Ambon and probably cannot survive in the long run.

The tren in reporting also changed after conflicts. "Journalists now are tired of provocative news. Now they are covering soften and peacefull news more. Even when there was an event of the Republic of South Maluku, the news were neutral," said Andrias Tahupetory, the head of Negeri Hutumuri indigenous people community.[109]

The editor in chiefs who been interviewed admitted that they have motivation to create neutral media and help to resolve the conflict. For 300,000 people in Ambon, 11 daily newspapers and 10 weekly in Ambon are too many. It will be difficult for them to survive. Some newspapers that belong to big media group such as Jawa Pos Group, will get support from the group.

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[109] Interview with Andrias Tahupetory, Raja Negeri Hutumuri

Two national media, Kompas and Media Indonesia are also available in Ambon. No media from other provinces such as Makassar and Manado after the conflicts.

After the conflicts, there are 13 radio stations in Maluku: Suara Pelangi, Dutama Musik Serasi (DMS), RockFM, Binaya, G-Tavlul (located in Southest Maluku), Dian Mandiri, Sangkakala, Baku-Bae, Resthy Mulya, Arika Polnam, ManuselaFM, kabaresi, and RRI (owned by the government and managed by local government).

In Maluku, through paid cable television network with parabolic antenna, people can watch national television stations such as MNCTV (it was TPI), SCTV, Indosiar, MetroTV and other nation wide television stations. Withoug parabolic antenna, people can only watch TVRI Maluku and local television station.

TVRI Maluku, government owned television station which broadcasts local news and national news, the only local television station that has transmitting antennas in 16 different location through out Maluku: 11 transmitting antennas in Maluku Province and 5 in North Maluku Province although only 10 antennas working. Only people in Ambon Island, Lease Island, part of Buru Island, and part of Seram Island can watch TVRI.

The only local television station in Ambon is MoluccaTV which stated its program on 16 August 2006. Everyday, Molucca TV broadcasts for 18 hours that cover Ambon Island and its surrounding. Molucca TV has a plan to install the second transmitter that can cover all Maluku. Interestingly, MoluccaTV became main choice for Moluccan. It has program on news, education, culture, entertainment, and other information from the government.

The Local Broadcasting Commission Indonesia at Maluku has issued broadcasting permit to five local television stations: PanoramaTV, CarangTV, CawanTV, Trans7 Ambon and TransTV Ambon (these two belong to national televison network, TransTV Group). All stations are located in Ambon, only CawanTV is located in Tual. They have not begun their broadcast yet.

Cellular phone network is available in Ambon and other regency capital cities since 2005. And now Telkomsel, the GMS cellular phone network provider, has cover all Maluku Province. There are no data on how many its subscribers.

Access Internet in Maluku, especially in Ambon, is increasing. Until 2004, majority people consumed news from newspapers, radio, television and short text messages. In 2002 Ambon Ekspres opened an Internet café but then closed in 2003 because not enough consumers. Now estimated there are around 30 Internet café in Ambon.[110] In 2008, the Ambon City has proclaimed the city as cyber city. The local government will collaborate with Telkomsel, a cellular company, to provide high-speed Internet access and mobile Internet access points.

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[110] See <http://sman5-ambon.sch.id/Studi%20Kelayakan-Investor.pdf>

Some newspapers had online version news in the Internet during the conflict but then most of the sites were closed down. *Dewa Daily* is the one that maintains their online news at http://www.balagu.com/.

In 2008, Ambon City was declated as cyber city. The idea was the local government will provide Internet access through out the City. People can get the access the wireless connection in every corners of the Ambon city. But, the realization of the service is not clear. People still have to go to Internet cafes to get the slow Internet access.

v) Role of Media

Early 2000, Christian and Moslem NGOs in Jakarta had established a peace movement and process called *Baku Bae* (meaning reconciliation). The reconciliation meeting with larger progressive Moluccan Christian and Moslem leaders were held in Jakarta, Bali, and Yogyakarta. March 2001, Baku Bae organized a meeting of 1,500 leaders, including many who had been involved in fighting on both sides, in Kei Islands a bit far from Ambon. It was decided that henceforth reconcilliation would involve local adat processes that would guarantee security for migrants and refugees.

In 2001, Baku Bae peace movement worked with the Alliance of Independent Journalists (AJI) bringing Christian and Moslem journalists together in Bogor. Then they established a media center Maluku Media Center[111] on the border area between Christian and Moslem quarters in Ambon, which helped provide a place where journalists could meet and trade information, reducing occupational hazards (Braithwaite, et. al., 2010)

The objective of Maluku Media Center was to end "war by media" and to promote journalism that was an inspiration for finding paths to peace. How ever, some critic argued that what the media did was move from simplistic pro-war analysis of the conflict as a project of either Islamization or Christianization to a pro-peace simplistic analysis of the conflict as the work of Javanese provocateurs. Although AJI objective was to promote the inter-faith peace journalism.

In the past few years, the Maluku Media Center has made an important effort at educating journalists for a conflict-sensitive media that avoids innuendo and corrects false rumours. Ironically, the jihadist radio station RSPMM which inflamed so much warlije sentiment during the conflict, when fatwa was issues for ending the conflict, was used to persuade fighters that peace was God's will. Although some radio stations played a positive role in practicing radio peace journalism.

In North Maluku, peace journalism was a strenght. With only weekly newspapers published, radio was the key medium. One peace journalist with RRI explained that if he were interviewing a priest, for example, off-air he would ask him if he though the scripture supported killing. If he

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[111] More information about MMC, see MMC web site at <http://www.malukumediacentre.org/tentangkita.htm>

said no, the journalist would then ask him to say what he though on air. Other journalist said he has to be proactive in searching out pro-peace message. If one side lost 10 fighters and the other five, he would not report this. He would only report that there were losses on both sides. Then he would get complaints from the side that got the better of the fighting that he failed to communicate their magnificent victory. He had been trined by the BBC-British Councel-UNDP Peace Journalism Program (Braithwaite, et. al., 2010).

One of the reasons why the conflict in Ambon escalated was the erosion of *adat* (custom) traditions (Braithwaite, et.al., 2010). The shock of the violence had led to a renaissance of these traditions today. An Indonesian Legal Aid Foundation survey in 2002 found 58% of Moluccans to believe that forreconciliation to work it has to be bottom up (Brown, et.al., 2005).

vi) Role of Adat: Pela as Unifying Force

While peace process in Ambon was widely believed to have depended on the Malino peace agreement, permanent peace was secured on all the other islands of Maluku without Malino, and well in advance of it, in most cases at the hands of local reconciliation following local traditions such as *pela*. Pela is a system of traditional alliance between villages, often between one Christian village and one Moslem village. Pela is unique of Moluccans custom.

Some of these inter-village alliances have their origins long before Europeans came to search for cloves and nutmeg. It probably started as an alliance system in the context of head-hunting, but during the Portugese and Dutch era in the 16th and 17th centuries, the system was utilized to resist the foreign intruders, and to help each other in times of need. *Pela* was still in full bloom in the era of Indonesian independence. [112]

There are three kinds of pela: *pela kera* (hard *pela*); *pela gandong* or *bungso* (*pela* of the uterus); and *pela tempat sirih* (soft *pela*). Hard pela originated because of the occurrence of some major event, usually war-related, such as the spilling of blood, undecided battles, or extraordinary help given by one village to the other.

Pela gandong is based on genealogical ties. For example, one or several clans in the villages of these alliances claim common ancestry that, at the conclusion of the pact, was transferred to the villages as wholes. *Pela tempat sirih* is concluded after some minor event, such as to restore peace after small incident or after one village does a favor for another.

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[112] Information about pela extracted from two articles of Dr Dieter Bartels from Unversity of Leiden, Netherland. The articles can be downloaded at <http://www.nunusaku.com/pdfs/Guide%20for%20Beginners.pdf> (Pela Alliances in the Central Moluccas and in the Netherlands: A Brief Guide for Beginners) and <http://www.oocities.com/ambon67/noframe/dieter1109y2k.htm> (Your God Is No Longer Mine: Moslem-Christian Fraticide in the Central Moluccas (Indonesia) After a Half-Millennium of Tolerant Co-Existence and Ethnic Unity). The information from article has been confirmed with in-depth interviews with two IP community members Yanes Balubun and Andrias Tahupetory in Ambon, in October 2010.

Pela, therefore, is conceived as an enduring and inviolable brotherhood between all peoples of the partner villages. There are four main ideas underlying *pela*: 1) villages in a *pela* relationship assist each other in times of crisis (natural disaster, war, etc.); 2) if required, one partner village has to assist the other in the undertaking of large community projects, such as building of churches, mosques and schools; 3) when individuals visit one's *pela* village, food cannot be denied them, nor do they have to ask permission to help themselves to agricultural products which they can take home with them; and 4) all members of villages in a *pela* relationship are considered to be of one blood; thus marriage between *pela* members is considered incestuous.

Any transgression against these rules is severely punished by the ancestors who founded the institution. This punishment consists of sending illness, death and other misfortunes to the offenders, or even their children. Those who break the marriage taboo are, if caught, also paraded around their respective villages, clad only in coconut leaves, with the villagers heaping abuse upon them.

Pela alliances are concluded between two or more villages and, in a few rare cases, between clans from different villages. *Pela* partners usually live far apart and are often located on different islands. Most alliances are between Christian villages but a considerable number is between Christian and Moslem villages, thus spanning across religious boundaries.

Purely Moslem *pela* do not exist. In contrast to Christian who use adat rather than their common religion to establish formal ties between villages, Moslems consider themselves all par of the Islamic community and thus find no need to further strengthen the ties among one to another. However, there are a few *pela*, all based on genealogical ties, involving several Christian and Moslem villages and in this case the participating Moslem villages also consider each other as *pela* partners.

To keep the *pela* alive and to make the youth aware of their obligations, many *pela* alliances, periodically conduct a ceremony for "heating up the *pela*." The population of all partners meets in one of the villages for as long as a week to celebrate their unity, accompanied by a renewal of the oath, feasting, singing, and dancing.

While many other Central Moluccan customs and institutions are not too different from those found elsewhere in the Indonesian archipelago, the *pela* alliance system was considered unique and thus evolved into a core identity marker, symbolizing both Ambonese identity and Moslem-Christian unity. As such, *pela* had taken on an aura of sanctity among common people, especially in the villages.

While much of the traditional *adat* was crumbling, *pela* was experiencing a great revival and became the *adat* institution whose rules and regulations are most stringently followed. Many urban intellectuals, and even some politicians, also grasped the value of *pela* in preserving a measure of cultural autonomy and ethnic unity.

All people born in Maluku nationally is known as Ambonese. Ambonese belive that they all originated from a sacred mountain Nunusaku, on the Seram Island. After the arrival of the two world religions, Ambonese believed that the paradise of Moslems and Christians was relocated at Mount Nunusaku, making it the point of origin for all people. Upu Lanite, the traditional creator god, was eventually equated with Allah for Moslems and Christian. Thus, there was only one God, and Islam and Christianity were seen as two alternate but equally valid paths to salvation. Ambonese views Islam and Christianity as basically being only variations of the same faith. [113]

Nunusaku adat religion (agama adat Nunusaku) has no formal organizational structure, no religious leader, no temples of worship, nor were most people really aware of it. The vehicle of Nunusaku religion is pela which became a sacred metaphor for Ambonese society. Pela is the strongest ling of the chain joining Moslems and Christians. It is the only traditional institution demanding regular and regulated contact between the two groups on the village level and in pela the idea of brotherhood is periodically put to a test.[114]

vii) Analysis

From this case study, we can extract several conclusions:

1. There are still cases the policies of government violated indigenous people rights, especially rights to land and forests and right to self-determination.
2. The government policies weaken the customary law, customary structure, customary institutions
3. Because of the role of customary laws and institutions are weakened, then peoples are more attached to religions than customs. Under this condistion, external power was easily trigger the conflict that based on religions: Christian and Moslem
4. Unprofessional media worsened the conflicts but professional media can help resolving the conflicts
5. It proved that empowering customary laws and custom tradition can help resolving the conflicts

Therefore, our suggestions to keep the peace in Maluku are:

1. The local government should aware that the strong customary laws and institutions can help in keeping the peace in Maluku. The local government should empower the customary laws and institution with new regulations that support indigenous people. The local government should involve the indigenous people institutions or organizations in decision making process to get their views and accommodate their wills.

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[113] See "Your God Is No Longer Mine: Moslem-Christian Fraticide in the Central Moluccas (Indonesia) After a Half-Millennium of Tolerant Co-Existence and Ethnic Unity." The article written by Dr Dieter Bartels can be downloaded at <http://www.oocities.com/ambon67/noframe/dieter1109y2k.htm>
[114] Ibid

2. Professional media has important role in keeping the peace and in educate the people. To increase the media professionalism, media need to be educated in peace journalism beside basic journalism. The journalist organization such as AJI has to provide training workshops to them regularly

3. Indigenous people organizations or communities need to leverage their communications using new communication technology such as cellular phone, Internet, and social media network. Although, they also need to maximize in information distribution among their members

VI. Recommendations and Priority Actions

The main findings from the assessment are:

1. Poverty is a main problem not only for indigenous peoples, but for 13% of population. About 31.02 million Indonesian are under poverty line, including indigenous peoples.

2. Indonesian indigenous peoples percieve poverty differently. Poverty is a problem of inadequacy of access, unavailable facilities/services for fullfilment of basic needs such as education, health services, clean water. Lack of these facilities and services are regarded as a reflection of low quality of life. Poverty is also a sociocultural problems as a reflection of cultural poverty. Poverty is structural problem for indigenous peoples since they see policies, regulations do not favor indigenous peoples.

3. There is still a perception among Indonesian that there is no indigenous peoples in Indonesia, so all Indonesians (except for them who granted Indonesian citizenship) are indigenous peoples. Then the real indigenous peoples, such as Dayak, are categorized as isolated people or primitive people or native people and other terminologies that put indigenous peoples are inferior compared with other Indonesian citizen.

4. Parallel with the uniformity of indigenous peoples identity, the government also unifies the government structure in the lowest level. All villages have to follow the same structure although indigenous peoples have their own structure. The policy weakened the indigenous peoples customary institutions and in the long term will eliminate the status of them.

5. Indigenous peoples rights are guaranteed in laws. There are seven laws and regulations that mentioned and recognized indigenous peoples sovereignty and rights. But in reality the indigenous peoples still have to fight for their rights.

6. The right over customary (or *adat*) land and forest is mostly abused by the government (especially local government) and corporates that backed up by the government.

7. The conflict on land-tenure is increasing in line with the government development program to increase oil palm plantations.

8. The Indonesian government has ratified nine UN conventions which part of the conventions text concerning indigenous peoples. And the Indonesian government has ratified International Convenant on Economic, Social and Cultureal Rights and on Civil and Political Rights. But the Indonesian government has not ratified the most important ILO Convention No 169.

9. At least the team indentified six local regulation that recognized indigenous peoples rights, but they are not enforced or lack of enforcement.

10. There is a big possibility of conflict between indigenous communities because of unclear land-tenure issues

11. Indonesia has the Freedom of Information Law No 14/2008 that came into effect in 2010. But the implementation is lack behind. For example, there are only two Regional Information Commission (Central Java and East Java), many government institutions are not aware of the FOI Law and which information is public information. And the government is drafting the National Secrecy Law that contradicts with the FOI Law.

12. The Indonesian Press Law guaranteed the freedom of the press, no permit and no censorship. The Press Law is a progressive law that does not contain any regulation on liber, defamation, or false news. But seven other laws can be used to suppress the press and freedom of the press or even close down the press. The freedom of expression and freedom of the press remain fragile.

13. The Constitutional Court ruled that the Attoney General cannot ban any book. To ban books, the Attoney General has to request in court although the Attoney General can still monitor the printed material

14. There is no regulations or laws that restricted indigenous peoples to access media. But, some conditions limit the indigenous peoples in accessing media. These are unfavorable conditions: the mainstream media only serve their readers who live in the big cities; the price of print media is expensive for most of indigenous peoples; most of electronic media (radio and television) have limited coverage areas especially the area that far away from the cities and there is no electricity in remote areas; and mosf ot the programs being broadcasted are not relevant to indigenous peoples.

15. No public media that provides service to the public including indigenous peoples

16. Media or media peoples are not sensitive to indigenous peoples. This condition implies to the coverage of indigenous peoples. The unsesitive media is reflected in the words their use to explain indigenous peoples such as primitive, estranged, isolated. And the unsensitive media are resulted to very limited coverage on indigenous peoples.

17. There is no restriction for indigenous peoples to have their own print media but there is "kind of restrictions" to have broadcast media (radio and television). Kalimantan Review, a

magazine owned by Dayak, and Gaung AMAN, a magazine, are two examples of print media managed by indigenous peoples organizations.

18. Only two community radio stations have licenses from the government. The rest, around 10,000 community radio have no licences. Around 500 community radio have only temporary licenses. Most of community radio are illegal. The government has closed down several community radio. Although there is no restriction, it is hardly possible for any community radio gets the license because it is too expensive. One community radio should provide around $33,350 for the license. The regulation is also applied for commercial radio stations.

19. Most of community media are not utilized maximally to empower or to advocate the community.

20. The penetration of Internet is high. Now Internet penetration in Indonesia is about 17.8 users per 100 peoples. And it is increasing. BCG estimated the Internet users in Indonesia are in 2010 around 43 million and in 2014 will be around 80 million.

21. Although the Internet penetration is high, there is still digital devide. Most of Internet users live in the cities. Indigenous peoples, who most of them live in villages, have no Internet access.

22. The celullar phone or mobile phone penetration is also high, estimated there will be around 185 million users in 2011. But, the coverage is limited in remote area where indigenous peoples live. Avaiability of electricity will limit the indigenous peoples to get the benefit from mobile phone technology

Refering to the findings, here are the challenges and opportunities:

1. Indigenous peoples in Indonesia are highly dependent on land and forest. When indigenous peoples deprived from their land and forest, they become poor. They are literally poor because they loose their mode of production, their source of life and then they are culturally becoming poor. Slowly but sure, their customs or adat will be eroded and then gone.

The challenge is how AMAN or other non-governmental organizations that concern on poverty can advocate the indigenous peoples rights to their customary lands/forests. The other challenge is how to increase the knowledge and understanding about regulations and laws that guarantee indigenous peoples rights among themselves. If they know and understand the regulations and laws, they can have power to fight back for their rights

2. The indigenous peoples perception of poverty is comprehensive and real. Their perception covers all problem faced by indigenous peoples. The challenge is how this perception can be used by the government to analyze and solve poverty problems. Most of the time, the government perceives poverty as economic poverty only. Then the program to tacle poverty is only temporary help the poor. The government does not overcome the root of the problem.

3. Mainstream media are not sensitive to indigenous peoples. The challenge is how to help media become more sensitive to indigenous peoples and then cover the indigenous peoples issues properly

4. The uniformity government structure creates a big challenge for indigenous peoples to change the regulation that already applied for many years. But there is an opportunity to develop local regulation that allow indigenous peoples communities using their customary structure of government. There is a provincial regulation that allows indigenous peoples in Maluku to have their own customary structure. Unfortunately, the regulation, as usual, is not applied or enforced.

5. Although there are seven regulations and laws that mentioned and recognized indigenous peoples rights, in reality indigenous peoples still have to fight for their rights. The challenge is how to push the government to enforce these laws. The question is why the government does not enforce the laws? One of the answer is there is lack of operational lower regulations. The other answer is indigenous peoples individually not aware of these laws. If they are aware, they can fight for their rights more confident than before.

6. In most conflicts, indigenous peoples always loose in the courts and end up in jail. The challenge is how to help indigenous peoples win their rights in court

7. How to push the government in ratifying other UN conventions that concerning indigenous peoples especially the ILO Convention No 169.

8. There is a big opportunity for indigenous peoples to get the recognition of their rights through local regulation in the level province or regency, or even lower levels such as villages. The challenge is how to push the enforcement of the regulations already established

9. How to anticipate before the conflicts really happen.

10. The big challenge, not only for indigenous peoples but for the media themselves, is how to enforce and monitor the implementation of the FOI Law. If the law is implented effectively, indigenous peoples will easily get the information related to development program, for example the extensification of oil palm plantation in their areas. The opportunity is indigenous peoples not alone and the law just came into effect.

The same thing is for the Press Law.

11. How to overcome all the constrains for indigenous peoples to access information from mainstream media. It is difficult to influence media policies in covering indigenous peoples, but it is the challenge for indigenous peoples

12. No public media is one of the unfortunate condition for indigenous peoples when mainstream media are not interested in covering indigenous peoples issues. TVRI and RRI are

supposedly public media like BBC or NPR, but since the government cut their budget, TVRI and RRI have to manage as commercial media. They can receive advertisement.

When the mainstream media are unsensitive to indigenous peoples, the responsibility should be taken by public media

13. How to change the regulation on permit for broadcast media (radio and television).

14. How to increase the usage of community radio stations more effectively, how to increase the managerial skills of community radio manager, and how to provide important content for community radio

15. Yes, Internet penetration is high in Indonesia, but there is still a digital devide. The challenges are how AMAN and its stakeholders to increase the usage of Internet and other digital communications; how to provide free or cheap Internet connection for indigenous peoples communities; how to maximize the usage of cellular phones. There is a big opportunity how AMAN and its stakeholders use cellular phones for communication means to indigenous peoples individuals and to communities, even to deliver news through cell phones.

16. The case studies are not to represent all indigenous peoples in Indonesia. The three case studies are snap shoots in three different situations. The challenges are how we can duplicate the best practices in three case studies, how to increase the benefit of what been practiced, and how not to repeat lesson learned.

Reffering to the finding, challenges, and opportunities as explained above, the study proposes AMAN and other stakeholders the following recommendations:

Table 1 – Findings, Challenges and Opportunities, Recommendations and Priority Actions

No	Category	Main Findings	Challenges and Opportunities	Recommendations and Priority Actions
1	Indigenous Peoples Context	Poverty is a main problem not only for indigenous peoples, but for 13% of population. About 31.02 million Indonesian are under poverty line, including indigenous peoples.	Indigenous peoples in Indonesia are highly dependent on land and forest. When indigenous peoples deprived from their land and forest, they become poor. They are literally poor because they loose their mode of production, their source of life. And they are culturally becoming poor. Slowly but sure, their customs or adat will be eroded and then gone. One challenge is how AMAN or other non-governmental organizations that concern on poverty can advocate the indigenous peoples rights to their customary lands/forests. The other challenge is how to increase the knowledge and understanding about regulations and laws that guarantee indigenous peoples rights among themselves. If they know and understand the regulations and laws,	1. AMAN or other NGOs can develop fact-sheets on land-tenure conflicts, regulations and laws that guarantee indigenous peoples rights, maps of adat lands/forests through out Indonesia 2. These fact-sheets should be published in community media owned by indigenous peoples communities and in mainstream media 3. Credit union, as applied in West Kalimantan by Pancur Kasiih, is a way out of poverty for indigenous peoples communities. There should be a program to multiply this best practice to other communities. Any institutions, including government and corporates, can

				they can have power to fight back for their rights	help indigenous peoples with credit union activities.
			Indonesian indigenous peoples percieve poverty differently. Poverty is a problem of inadequacy of access, unavailable facilities/services for fullfilment of basic needs such as education, health services, clean water. Lack of these facilities and services are regarded as a reflection of low quality of life. Poverty is also a sociocultural problems as a reflection of cultural poverty. Poverty is structural problem for indigenous peoples since they see policies, regulations do not favor indigenous peoples.	The indigenous peoples perception of poverty is comprehensive and real. Their perception covers all problem faced by indigenous peoples. The challenge is how this perception can be used by the government to analyze and solve poverty problems. Most of the time, the government perceives poverty as economic poverty only. Then the program to tacle poverty is only temporary help the poor. The government does not overcome the root of the problem.	1. AMAN and stakeholders should communicate this perception to the public. 2. Through any communication tools, AMAN (and stakeholders) can influence the government to see poverty broader and comprehensive 3. The government should aware of this broader understanding of poverty. Then, the government can have program that tackling the root of poverty.
			There is still a perception among Indonesian that there is no indigenous peoples in Indonesia, so all Indonesians (except for them who granted Indonesian citizenship) are indigenous peoples. Then the real indigenous peoples, such as Dayak, are categorized as isolated people or primitive people or native people and other terminologies that put indigenous peoples are inferior compared with other Indonesian citizen.	The challenge is how to help media become more sensitive to indigenous peoples and then cover the indigenous peoples issues properly	1. AMAN creates a media campaign program to increase the knowledge of journalists (including editors and the media managers or owners) about indigenous peoples and indigenous peoples issues 2. AMAN with the help of UNDP and other institutions develops a media strategy in order to change the wrong or unproper perception about indigenous peoples and to increase information on indigenous peoples in mainstream media 3. AMAN can partner with media companies or journalist organizations to train the journalists how to be more sentitive to indigenous peoples and indigenous peoples issues. 4. The media should try to change the perception through increasing their sensitivity to indigenous peoples. The media should interact more with indigenous peoples to get the understanding
			Parallel with the uniformity of indigenous peoples identity, the government also unifies the government structure in the lowest level. All villages have to follow the same structure although indigenous peoples have their own structure. The policy weakened the indigenous peoples customary institutions and in the long term will eliminate the status of them.	This is a big challenge for indigenous peoples to change the regulation that already applied for many years. But there is an opportunity to develop local regulation that allow indigenous peoples communities using their customary structure of government. There is a provincial regulation that allows indigenous peoples in Maluku to have their own customary structure. Unfortunately, the regulation, as usual, is not applied or enforced	1. AMAN and stakeholders, including local government, should help Maluku Province to enforce its Local Regulation No 14/2005 that re-installed and revitalized the customary law in every level of government in Maluku Province. 2.Through any means of communications, AMAN and stakeholders should spread the idea to have the same local regulations in other provinces or regencies.
			Indigenous peoples rights are guaranteed in laws. There are seven laws and regulations that mentioned and recognized indigenous peoples sovereignty and rights. But in reality the indigenous	The challenge is how to push the government to enforce these laws. The question is why the government does not enforce the laws? One of the answer is there is lack of operational lower regulations. The	1. AMAN and stakeholders have to communicate more effectively about the regulations/laws that guarantee the indigenous peoples rights to indigenous peoples community members,

		peoples still have to fight for their rights The right over customary (or *adat*) land and forest is mostly abused by the government (especially local government) and corporates that backed up by the government.	other answer is indigenous peoples individually not aware of these laws. If they are aware, they can fight for their rights more confident than before.	not only the leaders. 2. AMAN and stakeholders should create a program to increase legal awareness among indigenous peoples 3. AMAN should lobby the government and local government in order to push them issue local regulations that guarantee indigenous peoples rights	
		The conflict on land-tenure is increasing in line with the government development program to increase oil palm plantations	In most conflicts, indigenous peoples always loose in the courts and end up in jail. The challenge is how to help indigenous peoples win their rights in court	1. AMAN and stakeholders should provide legal aids for all indigenous peoples in court or even before when they are in conflicts. These legal aids are not only for AMAN's members but for all indigenous peoples 2. AMAN and stakeholders can anticipate before the land-tenure conflict happen through monitoring the government oil palm plantation expansion. Then AMAN and stakeholders can inform the indigenous peoples in the area 3. Participating mapping of indigenous peoples lands and forests should be intesified. The organizations that help indigenous peoples in participating mapping should find a way how to share the map to he public 4. AMAN and stakeholders should advocate the rights to lands and forests using map from participating mapping processes	
		The Indonesian government has ratified nine UN conventions that part of the conventions text concerning indigenous peoples. And the Indonesian government has ratified International Convenant on Economic, Social and Cultureal Rights and on Civil and Political Rights. But the Indonesian government has not ratified the most important ILO Convention No 169.	The challenge is how to push the government in ratifying other UN conventions that concerning indigenous peoples especially the ILO Convention No 169.	1. AMAN and stakeholders can create a campaign in order to push the government in ratifying the ILO Convention No 169 and other UN convensions 2. AMAN and stakeholders can work closely with international institutions, including UNs' such as UNDP, ILO, UNDRIP secretariat to push the Indonesian government speeding up in ratification	
		At least the team indentified six local regulation that recognized indigenous peoples rights, but they are not enforced or lack of enforcement.	There is a big opportunity for indigenous peoples to get the recognition of their rights through local regulation in the level province or regency, or even lower levels such as villages. The challenge is how to push the enforcement of the regulations already established	1. AMAN and stakeholders should study the six local regulations why they are not enforced 2. AMAN and stakeholders can find effective way to encourage local governments or local parliaments (provinces or regencies) to issue specific regulation on indigenous peoples 3. AMAN and stakeholders using community media and mainstream media can share the six local regulations to general public in order to increase awareness of indigenous peoples	

		There is a big possibility of conflict between indigenous communities because of unclear land-tenure issues	The challenge is how to anticipate before the conflicts really happen.	Activity on participating mapping will help indigenous peoples communities minimize the land-tenure conflict among communities
2	Media and Access to Information	Indonesia has the Freedom of Information Law No 14/2008 that came into effect in 2010. But the implementation is lack behind. For example, there are only two Regional Information Commission (Central Java and East Java), many government institutions are not aware of the FOI Law and which information is public information. And the government is drafting the National Secrecy Law that contradicts with the FOI Law.	This is big challenge not only for indigenous peoples but for the media themselves how to enforce and monitor the implementation of the FOI Law. If the law is implented effectively, indigenous peoples will easily get the information related to development program, for example the extensification of oil palm plantation in their areas. The opportunity is indigenous peoples not alone and the law just came into effect.	1. AMAN and stakeholders , partnering with media organizsations, should promote the enforcement or implementation of the FOI 2. AMAN and stakeholders should exercise the FOI to ask for important information for indigenous peoples from the government institution as part of the enforcement of the law 3. AMAN, stakeholders, and media togather push the local government to set up the Regional Information Commissions in every provinces 4. Regarding to the Press Law, AMAN, stakeholders, and media should promote the Press Law if there is a dispute with media
		The Indonesian Press Law guaranteed the freedom of the press, no permit and no censorship. The Press Law is a progressive law that does not contain any regulation on liber, defamation, or false news. But seven other laws can be used to suppress the press and freedom of the press or even close down the press. The freedom of expression and freedom of the press remain fragile.	The same thing is for the Press Law.	
		The Constitutional Court ruled that the Attoney General cannot ban any book. To ban books, the Attoney General has to request in court although the Attoney General can still monitor the printed material		
		There is no regulations or laws that restricted indigenous peoples to access media. But, some conditions limit the indigenous peoples in accessing media. These are unfavorable conditions or constrains: the mainstream media only serve their readers who live in the big cities; the price of print media is expensive for most of indigenous peoples; most of electronic media (radio and television) have limited coverage areas especially the area that far away from the cities and there is no electricity in remote areas; and mosf ot the programs being broadcasted are not relevant to indigenous peoples.	The challenge is how to overcome all the constrains for indigenous peoples to access information from mainstream media. It is difficult to influence media policies in covering indigenous peoples, but it is the challenge for indigenous peoples	1. AMAN and stakeholders can re-publish in community media the important content of mainstream media and make the content available for indigenous peoples. The content can be from print media or electronic media. 2. Other option, which will depend on condition of indigenous peoples communities, is to transfer all content specific for broadcast in radio. Then the content can be broadcasted through community radio stations owned by indigenous peoples 3. To overcome the no electricity condition, AMAN and stakeholders can use a very simple technology of "Talking Book" (See its web site: http://www.literacybridge.org/) Even, the content can be in local language or indigenous peoples languages 4. AMAN and stakeholders provide training workshops on indigenous peoples issues for journalists of mainstream media

				in order to influence media policy on indigenous peoples
		No public media that provides service to the public including indigenous peoples	No public media is one of the unfortunate condition for indigenous peoples when mainstream media are not interested in covering indigenous peoples issues. TVRI and RRI are supposedly public media like BBC or NPR, but since the government cut their budget, TVRI and RRI have to manage as commercial media. They can receive advertisement. When the mainstream media are unsensitive to indigenous peoples, the responsibility should be taken by public media	1. AMAN and stakeholders have to encourage TVRI and RRI to change back to public media and provide air time for indigenous peoples issues. AMAN and its stakeholders also can have an aggrement with TVRI and RRI in providing content about indigenous peoples. 2. AMAN and stakeholders should provide training workshops for TVRI-RRI and other mainstream media in order to create media sensitive indigenous peoples 3. AMAN and stakeholders should create a media campaign to encourage media covering more about indigenous peoples
		Media or media peoples are not sensitive to indigenous peoples. This condition implies to the coverage of indigenous peoples. The unsesitive media is reflected in the words their use to explain indigenous peoples such as primitive, estranged, isolated. And the unsensitive media are resulted to very limited coverage on indigenous peoples.		
		There is no restriction for indigenous peoples to have their own print media but there is "kind of restriction" to have broadcast media (radio and television). Kalimantan Review, a magazine owned by Dayak, and Gaung AMAN, a magazine, are two examples of print media managed by indigenous peoples organizations.	The challenge is to change the regulation on permit for broadcast media (radio and television). The other challenges are how to increase the usage of community radio stations more effectively, how to increase the managerial skills of community radio manager, and how to provide important content for community radio	1. AMAN and stakeholder should develop Gaung AMAN not only in printed format but also in the electronic format for radio and television 2. One of the problems faced by community radio is lack of relevant content for indigenous peoples. Therefore, AMAN and stakeholders can provide information packages on indigenous peoples or important information for indigenous peoples for community radio. If the content as information packages are available, AMAN and stakeholders can establih more community radio stations that managed by indigenous peoples 3. AMAN and stakeholders have to create a media campaign to change the regulation on broadcast to two separate or different procedure to get permit for community radio and for commercial radio 4. AMAN and stakeholder, after establishing more community radio, should provide training for their managers in order to survive
		Only two community radio stations have licenses from the government. The rest, around 10,000 community radio have no licences. Around 500 community radio have only temporary licenses. Most of community radio are illegal. The government has closed down several community radio. Although there is no restriction, it is hardly possible for community radio get the license because it is too expensive. One community radio should provide around $33,350 for the license. The regulation is also for commercial radio.		
		Most of community media have not utilized maximally to empower or to advocate the community.		
3	Digital Communications	The penetration of Internet is high. Now Internet penetration in Indonesia is about 17.8 users per 100 peoples. And it is increasing. BCG estimated the Internet users in Indonesia are in 2010 around 43 million and in 2014 will be around 80 million.	Yes, Internet penetration is high in Indonesia, but there is still a digital devide. The challenges are how AMAN and its stakeholders to increase the usage of Internet and other digital communications; how to provide free or cheap Internet connection for indigenous peoples communities; how to maximize the usage of cellular phones. There is a big opportunity how AMAN and its stakeholders use cellular phones for communication means to indigenous	1. AMAN and stakeholders should partner with internet service provider to develop free or cheap Internet access for indigenous peoples 2. AMAN should upgrade its web site to become more useable and intergrate the web site with other digital communications such as cell phone, social media, and others. 3. AMAN and stakeholders should develop of a data base on
		Although the Internet penetration is high, there is still digital devide. Most of Internet users live in the cities. Indigenous peoples, who most of them live in villages, have		

		no Internet access. The celullar phone or mobile phone penetration is also high, estimated there will be around 185 million users in 2011. But, the coverage is limited in remote area where indigenous peoples live. Avaiability of electricity will limit the indigenous peoples to get the benefit from mobile phone technology	peoples individuals and to communities, even to deliver news through cell phones.	usage of cell-phone in the indigenous peoples communities 4. AMAN and stakeholders should increase the usage of cell-phone as effective communication mean. There are several freeware programs that can be used to receive news through cell-phone short text message (sms) and to blast the news to any registered cell-phone numbers belong to indigenous peoples individu. One of the program is frontlinesms that can be downloaded for free at http://www.frontlinesms.com/. 5. AMAN and stakeholders should develop information package that suitable for cell-phone. The information package can be blasted to all indigenous peoples cell-phone numbers
4	From the Case Studies	West Kalimantan Case Study: 1. Indigenous peoples still have to fight for their rights to land/forest. The threat to their rights is coming from oil palm plantation companies. 2. Credit union is an example of how to help indigenous peoples out of poverty and independent financially. 3. Kalimantan Review is an example how a community print media managed by indigenous peoples organization can survive. And Kalimantan Review can survive because the readers or subscribers are member of credit union who can effort to pay for the magazine 4. But print media only is not enough. There should be radio and television too 5. The lesson learned from West Kalimantan Case Study is community media can only help spread the information among community members. To change the policies or resolve problems, indigenous peoples still need mainstream media 6. Although the local government officers, including the governor, belong to indigenous peoples communities, they are still government officer who should loyal to the government 7. Cell-phones have been used to distribute information such as meeting invitation to indigenous peoples community members Ciptagelar Kasepuhan Case Study: 1. Ciptagelar Kasepuhan indigenous peoples community has utilized multi-media communication	The case studies are not to represent all indigenous peoples in Indonesia. The three case studies are snap shoots in three different situations. The challenges are how we can duplicate the best practices in three case studies, how to increase the benefit of what been practiced, and how not to repeat lesson learned.	1. AMAN and stakeholders can replicate the best practice of Kalimantan Review and RuaiTV cases in other places 2. Learning from these three case studies, AMAN and stakeholders can have a program on communication using multimedia and Internet platform

		technology: radio, television, and Internet 2. The community leader who is open minded and has good understanding on communications, is important in using every means of communications to empower the community 3. To maintain or keep the television, radio, and Internet alive, the community needs help from people outside the community and some fund from other organization (non-governmental organization) 4. Electricity is important enable key. Withoug electricity (which is a condition in the remote areas where indigenous peoples live) there will be no radio or television broadcast, the cell-phone will not work, no Internet access.		
		Maluku Case Study: 1. Customary laws can help ease the violence conflict and make peace between communities 2. The professional journalists organization also can help ease the violence conflict or in the opposite can tense the conflict 3. The role of media is important to make peace in the communities. The mainstream media need to increase their knowledge and skills on very basic journalism and their sensitivity to indigenous peoples 4. The weak customary laws will change the attachement of indigenous peoples from their customs to religious		

The overall concept is how to create a communication system that assure free-flow of information from and to the system components using all kind of communication tools. The system components are the government (central and local governments), mainstream media (national and local mainstream media), indigenous peoples communities member of AMAN, indigenous peoples not-member of AMAN, non-IP communities, corporations, non-governmental organizations. The stakeholders should create one institution that becomes the main component of this "free-flow of information system." The team recommended AMAN as the main component of the system.

AMAN and stakeholders of indigenous peoples are is the main component that will decide the format of information and will frame the information to suit to the component of the system. What the frame are, it will depend on the receivers or the components. The format of information will depend on the communication tools or medium or modes that suit to the receivers or component of the system.

The system will utilize all kind of communication tools. Each IP communities or members will use the communication tools that suit them. For example, from the focus group discussions and in-depth interviews, most of participants agreed that the best communication tool for IP communities that live in remote areas is radio. "I choose radio for media communication because radio is cheaper in term of maintenance and operational," said Matius Manap, representative of indigenous people in the Pontianak focus group discussion.

The second important communication tool is cellular phone because the cell-phone penetration is very high. We found that most of young people in Ciptagelar Kasepuhan community have at least one cellular phone.

Refering to the high development of Internet and cell-phone and to the convergence of media, the Internet is a must as communication platform. All kind of format (text, picture, audio, and video) can be stored in the Internet and distributed to all kind of media though all kind of communication tools or modes.

Therefore, AMAN should develop its communication strategy and communication strategic plan. Setting up the free-flow of information system is part of the communication strategic plan.

All recommendations cannot be executed if there is no funding. Therefore, money from donors or funding agencies, will enable AMAN or other stakeholders to empower indigenous peoples through communication programs or other kind of programs.

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