Going Nowhere

Fact-finding Mission Report on Indigenous Communities, Fisherfolk: Harassment, Poverty and Climate Change in Indonesia
Acknowledgments

The Indonesia Legal Aid Foundation (YLBHI) and the Asian Forum for Human Rights and Development (FORUM-ASIA) would like to extend their gratitude to all the interviewees that have welcomed the research teams into their lands and offices. Their honest and insightful answers have made this report possible.

Both organisations would like to thank in particular:

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Lastly, YLBHI and FORUM-ASIA would like to thank Bread for the World - Protestant Agency for Diakonie and Development (EWDE) for making this project possible.
The Indonesia Legal Aid Foundation or Yayasan Lembaga Bantuan Hukum Indonesia (YLBHI) was established in 1970 with the vision and mission of establishing democracy and human rights, which lies upon a just, humane and democratic socio-legal system; a fair and transparent institutionalised legal-administrative system; an open political-economic system with a culture that fully respects human rights.

In realising its vision and mission, YLBHI keeps struggling for the fulfilment of the right to access to justice for the people by providing legal aid services, including: case handling; community legal resources empowerment; and research and policy advocacy that has resulted in advocacy for laws and rights of structurally poor, marginalised and abandoned communities.

Legal aid beneficiaries of YLBHI, along with its 15 LBH Offices and five Posts, are focused on people from middle to low income levels. Namely farmers, labourers, urban poor, fishermen and coastal communities, vulnerable women and children, disabled and indigenous people.

The Asian Forum for Human Rights and Development (FORUM-ASIA) is a network of 82 member organisations across 23 countries, mainly in Asia. Founded in 1991, FORUM-ASIA works to strengthen movements for human rights and sustainable development through research, advocacy, capacity development and solidarity actions in Asia and beyond.

It has consultative status with the United Nations Economic and Social Council, and consultative relationship with the ASEAN Intergovernmental Commission on Human Rights. The FORUM-ASIA Secretariat is based in Bangkok, with offices in Jakarta, Geneva and Kathmandu.
Foreword

This report is based on findings and testimonies related to poverty, climate change and human rights in three different provinces of Indonesia, namely: the customary territory of Laman Kinipan in Lamandau (Central Kalimantan), the fishing villages of Tuminting, Sario, and Malalayan in Manado City (North Sulawesi), and Sebrang Fisherman’s Village Belawan Village I of Belawan Subdistrict, Medan (North Sumatra).

The three locations have unique characteristics and different landscapes and ecosystems, but they all face the threat of climate change, while people and communities are also exposed to poverty and human rights violations. This challenging scenario is the result of the Government's inaction and proactive pursuit of an unsustainable development model, which has led to violations of economic, social, and cultural rights, as well as civil and political rights.

Large-scale development policy failing to place people/communities at its center is nothing new for Indonesia. Such a development model is a heritage of the authoritarian New Order regime, and after more than 20 years of democratic reforms, this model is back in full force and even legitimized by the Omnibus Law - 2020 Job Creation Law No.11.

Collected testimonies and data confirm how in Indonesia development policies and projects often become an entry point for human rights violations and deterioration of environment. So-called development projects contribute to deforestation and climate change, endangering the right to livelihood and food security of the affected communities.

When addressing this kind of development model, which is also reinforced by a shrinking civic space, it is important to highlight testimonies and stories of the grassroot communities. These stories become data and evidence of distorted development practices which end up depriving peoples of their rights. We need reports of this nature to expand advocacy channels and hold accountable state and non-state actors.

Asfinawati
Executive Director
Indonesia Legal Aid Foundation (YLBHI)
The Asian Forum for Human Rights and Development (FORUM-ASIA) continues its commitment to a rights-based approach to development through Going Nowhere, a fact-finding mission report based on collected testimonies and data from Indigenous Peoples and fisherfolk across Indonesia.1

What emerges from these rich, first-hand testimonies and data is a disturbing image of further marginalisation of those who are already pushed to the peripheries of the society and irrevocable ecological destruction as a result of profit-driven economic development models at the expense of people and the environment.

Responding to the United Nations Special Rapporteur on extreme poverty and human rights' 2017 and 2019 reports2, FORUM-ASIA hopes this report contributes to our understanding of how anthropogenic climate change is fuelling not only cycles of poverty, but also human rights violations - and will inevitably continue to do so in the future.

The testimonies and data collected and reviewed by the Indonesian Legal Aid Foundation (YLBHI) and FORUM-ASIA present deeply concerning findings. Key among these findings is the evidence of how Indonesia's profit-driven and expansionist development model fuels and perpetuates human rights violations and abuses, environmental destruction and natural disasters that are increasing in frequency and ferocity.

These findings also point to how criminalisation of human rights defenders who continue to bravely resist deforestation and reclamation projects ultimately slows down meaningful climate action including mitigation and adaptation.

This report illustrates the fundamental incompatibility between traditional practice and knowledge, and lived realities and livelihood of indigenous peoples and fisherfolk and the prevailing neoliberal, profit-centric development model. Continuous cycles of poverty as well as harassment and violence faced by these communities at the hands of state authorities and/or unscrupulous corporations is testament to the grave consequences of this ‘development’ model forced upon them.

In the wake of the destructive effects of climate change, and keeping in mind the landmark UN resolution recognising the right to a safe, clean, healthy and sustainable environment, the message of the report is crystal clear: the prevailing development model in Indonesia risks running counter to or, at best, delaying genuine and meaningful action deriving from, human rights and climate change obligations.

I sincerely hope this report provides a counter narrative to dominant development models that will further human rights advocacy in the region.

Shamini Darshni Kaliemuthu
Executive Director
Asian Forum for Human Rights and Development (FORUM-ASIA)

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Introduction & Methodology

A member of the research team documenting the interviews.
This report is a continuation of the Asian Forum for Human Rights and Development’s (FORUM-ASIA) exploratory research designed to deepen its understanding of the interconnections between climate change, poverty, and human rights.3 Focusing on three research locations in Indonesia, this report examines the state-defined framework of economic development and highlights testimonies of Indigenous Peoples and fisherfolk whose rights are endangered by business operations stemming from this development model.

This report observes the links between economic, social, and cultural rights; civil and political rights; as well as climate change. The work done by the Indonesia Legal Aid Foundation (YLBHI) on legal aid, research, and policy advocacy for the rights of persons living in poverty and marginalised communities further highlight this link.

Further, by assessing specific cases of deforestation and coastal reclamation - both prominent activities fueling Indonesia’s narrative of development - this research holds that fisherfolk and indigenous communities systematically neglected by the government will face exacerbated poverty and rights violations in the face of the changing climate. These violations do not occur in isolation, but often intersect, reinforcing each other.

This research was conducted in three provinces: Central Kalimantan (sub district Lamandau), North Sulawesi (sub districts Malalayang, Tuminting, and Sario), and North Sumatra (sub district Medan Belawan). Researchers from YLBHI and legal aid offices (LBH) - LBH Medan, LBH Palangkaraya, and LBH Manado were deployed in each location.

The data was gathered in two main ways: through field interviews and observations as well as via online interviews. Interviewees in this study are local communities including fisherfolk, Indigenous Peoples, civil society and local government representatives.

1. Central Kalimantan

Kinipan village, located in the Lamandau Regency, was selected due to the clearing of customary forests to make way for palm oil plantations, making it a very relevant location to observe issues of deforestation. In Central Kalimantan, researchers interviewed 15 members of the Laman Kinipan indigenous group, of which two were women.

Almost all interviews were conducted in the informant’s respective homes. The selection of informants were tailored to the data collection needs, such as targeting those who worked as hunters, honey seekers, those with knowledge of medicinal plants in the forest, as well as those who were farmers, and those who fell victim to the 2020 flooding.

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3 An earlier report by FORUM-ASIA and CSRC examined climate change, poverty and debt in Dhanusha, Nepal: [http://l.forum-asia.org/TiedHands](http://l.forum-asia.org/TiedHands)
A request was sent to the Climatology and Geophysical Office of Central Kalimantan Province to obtain data on climate change, in relation to weather unpredictability and floods in the province. Another request was sent to the Disaster and Fire Management Agency of Central Kalimantan Province which led to data on flood incidents in the province from 2018 to 2020. Data was also collected from the NGO network Save Our Borneo, which was assisting the Indigenous Peoples of Laman Kinipan, and provided a map of the Laman Kinipan customary area that was seized by the palm oil company PT Sawit Mandiri Lestari (PT SML), a subsidiary of private company PT Sawit Sumbermas Sarana (PT SSS).

2. North Sulawesi

The coastal area of Manado City was selected as a research location because it is often hit by climate change-induced disasters, such as floods, storms and landslides, especially in its coastal area, which is also undergoing coastal reclamation projects. This affects the fisherfolk, as they are the most vulnerable and are socially and economically affected.

In Manado, the researchers interviewed 25 members of the fisherfolk community, nine of whom were women. Two representatives from a fisherfolk network and two local climatology officers were also interviewed, totalling 29 interviewees. The interviews were conducted in three areas, namely, Manado, North Minahasa District, and Bitung City. In Manado, interviews were conducted at the fisherfolk shelter (daseng), the fisherfolk settlement area, and the Fish Auction Site (TPI) in Tuminting; as well as in Sario; and Malalayang. Aside from Manado City, interviews were conducted at the Climatology Station Office in North Minahasa District and at the Maritime Meteorological Station in Bitung City.

3. North Sumatra

The coastal area of Belawan in Medan was chosen as the main research location as Medan is often hit by floods exacerbated by climate change, especially in the coastal areas.

Moreover, mangroves in the Medan coastal area, which play a key role in reducing the risks of erosion and inundation, have been converted into palm oil plantations, fishponds, and coastal reclamation areas.
Meanwhile, the traditional fisherfolk remain the most vulnerable group to climate change and coastal development.

In Medan, researchers interviewed: ten members of the Aulia Mangrove fisherfolk group; and four members of the Indonesian Fisherfolk Federation (FNSI); as well as four people from the coastal community; two staff of the NGO network Fisherfolk Research and Development Centre (P3MN); and one expert in Environmental Engineering, Ir. Jaya Arjuna, M. Sc.

In total, 21 people were interviewed, of which three were women. The interviews were conducted in the Belawan Village I of Belawan Subdistrict, Medan, specifically in Kampung Nelayan Sebrang, the most affected fisherfolk area due to flooding, conversion of mangroves, and coastal reclamation by a company known as Pelindo I.

The interviews were conducted in the form of an informal discussion with the Chairman and Members of the Fisherfolk group.

The researchers focused on the impacts of mangrove conversion and frequent flood disasters in all the group and individual interviews.

The research for all three locations observed the ethical guidance as follows:

1. Non-disclosure of the interviewees’ names who asked for anonymity due to their jobs as government officers.
2. Non-disclosure of any materials related to the preparation and conduction of the research on social media for informants’ safety.
3. Implementing COVID-19 health protocols by wearing masks, keeping and maintaining social distance, minimising contact using hand sanitisers, and conducting antigen swab tests prior to flights.
4. Obtaining consent from informants for: interviews; photographs; video and audio recordings; and for publication of their names, as well as explaining beforehand that the result of the research would be published as a report.
This research used several data collection tools as follows:

**In-depth Interviews**

In-depth interviews were conducted with key actors, namely communities in the three locations. These interviews aim to obtain facts and examine the relationship between impoverishment, climate change and human rights violations. The researchers were guided by a questionnaire for each in depth-interview. The number of women interviewed for the research falls short of men. The researchers noted that women were not inclined to speak during groups discussions. Therefore, efforts were made to reach out to them individually when possible, but were not always successful.

**Field Observations**

Direct field observations were conducted in homes of the affected communities and areas to gain a better understanding of their physical living conditions, as well as the way vulnerable communities experienced poverty, the effects of climate change and human rights violations.

**Focus Group Discussions**

Focus group discussions (FGDs) were conducted with community members to obtain input on climate change and human rights violations.

**Literature study (Desk Research)**

The literature study was conducted to gather relevant information on climate change; poverty; violations of human rights; and the relationship between the three factors. Data that was collected included statistics, theories, and relevant regulations.

The data obtained from in-depth interviews and FGDs were examined to identify any patterns. Meanwhile, the data obtained from observation and literature studies were used to complement the data analysis. Following this, all the data was analysed based on the research questions, the research design, climate change, and human rights instruments. Some figures, graphs, or matrixes were added to complement the analysis.

Garbage in a fisherfolk settlement.
Chapter 1
Background

Traditional fisherfolk housing in Kampung Nelayan Sebrang’s coastal, Medan
I. Indonesia’s Narrative on Development

In 2014, President Joko Widodo’s (Jokowi’s) election brought new hope as he represented ordinary people, not the political elite. However, support for him has faded over time as indicated by a national survey conducted by the Indonesia Political Indicator between 1 and 3 February 2021; the survey showed that public satisfaction in President Joko Widodo’s performance was only at 62.9 per cent. According to Burhanuddin, Director of the Political Indicator of Indonesia (Indikator Politik Indonesia), the decline in public satisfaction had reached its lowest point since 2016.4

The survey had 1,200 informants aged 17 to 21 years, indicating that 61.7 per cent of young people in the Special Capital Region of Jakarta were unsatisfied with the President’s performance. According to the informants, the current and critical issues that must be resolved immediately are: the handling of the COVID19 pandemic; economic growth management; poverty; unemployment; and corruption.5

During his first Presidential campaign, Jokowi listed goals and promises in a campaign document titled ‘Nawacita’. The document was submitted to the Election Commission and included a resolve to address major human rights violations from the past. However, instead of implementing ‘Nawacita’, President Jokowi’s focus has turned towards economic development.

The priorities of his administration have been: construction of infrastructure; human resources development, including educational infrastructure; and deregulation of the economy.6 This has continued throughout his second term.

Additionally, in his second term, Jokowi’s approach to development has been exemplified by the ‘Law on Job Creation’ and the ‘Law on the Empowerment of Small and Medium Enterprises’ (UMKM), which constitute an Omnibus Law.

The Omnibus Law on Job Creation, passed by the House of Representatives in October 2020, threatens to erode existing labour safeguards, further exacerbates socioeconomic inequalities and weakens environmental safeguards, e.g., through eliminating legal requirements to maintain a minimum forest cover of 30 per cent for watersheds and/or islands.7

The Government’s focus on a form of development that marginalises its people is reminiscent of the one developed during the New Order period, under the authoritarian rule of President Suharto in the 1960s. At that time, civilians did not have the freedom to express their opinions on the country’s development. One classic example is the Kedung Ombo dam project in Central Java; whereby the Government planned to build a 9,623-hectare dam using a loan from the World Bank. In order to accomplish this, the Government had to free up 7,394 hectares (ha.) of land owned by 5,823 households.

Thousands of families were living in the targeted area in 37 villages spanning seven sub-districts and three districts, namely Boyolali, Grobogan and Sragen in Central Java Province. Protests from the communities were entirely ignored. Furthermore, these communities faced intimidation by being summoned by the village officials. Community members that refused to support the project were labeled as ‘communists’ and tagged as ‘ET’ (i.e. ex-tapol/political prisoner) on their ID cards. In January 1989, the Government started to fill the reservoir, flooding the land and houses of the community.


This development model was repeated in the Jatigede dam project, which covered 4,891 ha. of an area that included 26 villages and 6 sub-districts. The project was planned in the 1960s, but its construction only began in the 1980s. The eviction of communities began with the Decree of the Governor of West Java of 1981 on land security in the Jatigede reservoir area; the decree essentially prohibited house and school renovations, road repairs, and electricity installation until the 1990s. However, the dam was only irrigated during the Jokowi Administration in 2015.

Indonesia’s development plans are currently outlined in the National Medium-Term Development Plan (RPJMN). The RPJMN 2020-2024, enacted by Presidential Regulation No. 18/2020, is the fourth and last medium-term plan to achieve the objectives of national development set in the National Long-Term Development Plan or RPJPN 2005-2025. The RPJMN 2020-2024 has acknowledged that ‘the greatest damage to forests on peat lands occurred in the Kalimantan and Sumatra Islands; the conversion of forests into agricultural and plantation areas, as well as forest and land fires, have been key drivers of the declining forest cover.’

However, as shown by the high number of eviction and land-grabbing cases, the heavy emphasis on agricultural and plantation projects has also affected human rights. According to the National Commission on Human Rights (Komnas HAM), the majority of human rights violation complaints in 2019 concerned the right to welfare, at 1119 cases. Based on the complaints lodged to Komnas HAM in 2019 in relation to agrarian conflicts, the highest number of cases are in the plantation and infrastructure sectors.

### Complaints lodged to Komnas HAM in 2019

<table>
<thead>
<tr>
<th>Sector</th>
<th>Number of cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plantation</td>
<td>53</td>
</tr>
<tr>
<td>State Property</td>
<td>36</td>
</tr>
<tr>
<td>Infrastructure</td>
<td>41</td>
</tr>
<tr>
<td>Mining &amp; Environment</td>
<td>20</td>
</tr>
<tr>
<td>Forestry</td>
<td>6</td>
</tr>
</tbody>
</table>

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Since the era of the New Order\textsuperscript{11}, the Government has granted several permits to clear plantations, forests, and mines. This pro-investment policy continued under President Susilo Bambang Yudhoyono via the development of a land acquisition regulation issued under the guise of public interest, and under the construction of the National Strategic Projects (PSN), which was developed during the Jokowi era with a primary focus on infrastructure development.

At the same time, the licenses of plantation companies (Hak Guna Usaha/HGU) have been continuously extended despite protests from communities. Those who question the activities of these companies face criminalisation or threats of criminalisation.

Additionally, the Omnibus Law on Job Creation widened land liberalisation and strengthened land as a commodity with the establishment of a Land Bank, whilst revamping the basic agrarian rules contained in the Basic Agrarian Law No. 5/1960.

The 2019 Komnas HAM report records 954 cases of complaints related to development projects, with the majority being land disputes (562 cases), followed by employment disputes (213 cases), staffing disputes (115 cases), and evictions, relocations and home office disputes (72 cases).\textsuperscript{12}

Throughout 2020, YLBHI handled several cases in 17 provinces, including land-gabbing cases concerning 33,113.4 ha. spread across various provinces. The grabbed land includes community agricultural land, settlement, and water sources.

Land-grabbing was mainly for the purposes of infrastructure development such as toll roads; as well as military and police infrastructure; plantations and mining.

The actors most frequently involved in land-grabbing are: companies/businesses at 31 per cent and the central government at 21 per cent, with the Ministry of Agrarian and Spatial Planning (ATR/BPN), the Ministry of Environment and Forestry (KLHK), and the Ministry of Public Work and Housing (PUPR) being the most notorious culprits.

\textsuperscript{11} ‘New Order’ referred to a period in the Indonesian history during which the former president concentrated political power in the military, and encouraged infrastructure and development projects to further economic growth.

In addition to the cases that occurred before 2020, there are more than 300 conflicts covering an area of 586,993.85 ha.

Human rights violations are also indicated by the data on criminalisation, which demonstrates that most of the victims are peasants and fisherfolk who are defending their land and livelihoods.

Foreign debt adds another layer to development-related initiatives and the complications that usually arise from them. Even so, in an attempt to satisfy its development ambitions (which as previously noted contribute to human rights violations and environmental degradation), the Government of Indonesia is taking on foreign debt. As of April 2021, Indonesia’s foreign debt reached USD 418 billion. The largest debt is to the International Bank for Reconstruction and Development (IBRD), amounting to USD 18.017 million. In total, Indonesia’s total debt to international institutions has reached USD 36.115 million.¹³

According to the Audit Board of the Republic of Indonesia (BPK), Indonesia’s debt-to-income ratio has reached 369 per cent, which is well above the recommendations of the International Debt Relief (IDR) at 92 to 176 per cent or the International Monetary Fund’s (IMF) which advises 90 to 150 per cent. The debt-service-to-income ratio of 46.77 per cent is also above the IMF’s recommendation of 25 to 35 per cent.¹⁴

Another effect of this large-scale development is natural disasters, which Indonesia faces every year, especially during the rainy season. The devastation caused by these disasters has shown an overall increase in the number as well as in the magnitude of recorded incidents, displacing the large population that is at risk.


¹⁴ Ibid.
The National Disaster Management Agency (BNPB) recorded 1,441 incidents of natural disasters in Indonesia from 1 January to 28 June 2021. The majority were floods (599); tornadoes (398); landslides (293); and forest fires (109), among others. In addition to this, 20 earthquakes hit Indonesia during this same time.\(^\text{15}\) Increased instances of flooding and landslides linked to deforestation has led to unstable soil conditions.

**Annual recorded incidents of natural disasters (2019-2021)**

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Natural Disasters</th>
<th>Flood</th>
<th>Forest Fires</th>
<th>Landslides</th>
</tr>
</thead>
<tbody>
<tr>
<td>2021 (till 18 June)</td>
<td>1,441</td>
<td>599 incidents</td>
<td>109 incidents</td>
<td>293 incidents</td>
</tr>
<tr>
<td>2020(^\text{16})</td>
<td>2,925</td>
<td>1,065 incidents</td>
<td>326 incidents (300,000 ha.)</td>
<td>572 incidents</td>
</tr>
<tr>
<td>2019(^\text{17})</td>
<td>3,721</td>
<td>757 incidents</td>
<td>702 incidents (1.6 million ha.)</td>
<td>746 incidents</td>
</tr>
</tbody>
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II. Economic, Social and Cultural Rights

Indonesia is a signatory to the International Covenant on Economic, Social and Cultural Rights. Yet, a large portion of its population - estimated at 73.6 million people in 2013⁸ - lives under multidimensional poverty⁹. The most recent survey data available for Indonesia’s MPI estimation was released in 2017, where 3.6 per cent were classified as multidimensionally poor, while 4.7 per cent are classified as vulnerable to multidimensional poverty.

In March 2020, the poverty line was recorded at Rp 454,652 (approx. 31 USD), per capita per month, which included the food poverty line of Rp 335,793 (approx. 23 USD) and a non-food poverty line of Rp 118,859 (approx. 8 USD). As of March 2020, the average poor household in Indonesia had 4.66 household members. Thus, the size of the poverty line per poor household on average is Rp 2,118,678 (approx. 148 USD) per poor household per month. ²⁰

In March 2020, the poor population in Central Kalimantan province reached 132 thousand people, increasing by 1.69 thousand as compared to 131.24 thousand people in September 2019. Meanwhile, in North Sulawesi, the poor population was at 195.85 thousand people as of September 2020.

Rural areas make up for the largest poor population with 124.19 thousand people (10.64 per cent), whereas the North Sumatra poverty rate increased by 0.12 points, from 8.63 per cent in September 2019 to 8.75 per cent in March 2020. This is equivalent to 1.28 million people in March 2020.

Additionally, the Indonesian Human Development Index²¹ (HDI) is currently at 0.718, which places it at a rank of 107 out of 198 countries, with life expectancy resting at 71.7 years and the education rate being approximated at 13.6 years of schooling.²² However, when the value is discounted for inequality, the HDI falls to 0.590, a loss of 17.8 per cent due to inequality in the distribution of the HDI dimension.²³ The HDI value for Indonesian women is 0.694 in contrast with 0.738 for men, resulting in a GDI value of 0.940, which places it into Group 3.²⁴

As of 2019, Indonesia’s Gender Inequality Index (GII) value was at 0.480, ranking it at 121 out of 162 countries. Furthermore, 17.4 per cent of Indonesian parliamentary seats are held by women, and 46.8 per cent of adult women have reached at least a secondary level of education as compared to 55.1 per cent of their male counterparts. For every 100,000 live births, 177 women die from pregnancy related causes; while the adolescent birth rate is 47.4 births per 1,000 women of ages 15 to 19. Female participation in the labour market is 53.1 per cent compared to 81.9 for men.²⁵

III. Climate Change

Climate change is one of the most crucial issues faced by the world today. Every five years, the Intergovernmental Panel on Climate Change (IPCC) produces a comprehensive Assessment Report that compiles scientific, technical and socio-economic aspects on the causes, potential impacts, and strategies to address climate change.

The IPCC’s sixth Assessment Report released in August 2021 has estimated that the global temperature will reach or even breach the previously agreed upon ceiling of 1.5°C of warming within the next two decades. In order to avoid exceeding 2°C within this century, which current emissions indicate will happen, drastic cuts in carbon need to occur.

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¹⁹ Multidimensional poverty examines each person’s deprivations across indicators in three equally weighted dimensions (health, education and standard of living) and is understood to shed light on the multiple deprivations people face.


²¹ The HDI is a summary measure of human development and is focussed on three basic aspects of human development: health, knowledge, and standard of living.


²⁴ Ibid.

²⁵ Ibid.
The Government of Indonesia ratified the Paris Agreement through Law No. 16 of 2016, where its climate commitments are stated in a Nationally Determined Contribution (NDC) document.

The NDC set a target to reduce greenhouse gas (GHG) emissions in the country, accounting for 29 per cent unconditional (with its own efforts) and 41 per cent conditional (with adequate international support) by 2030.

Although climate change is becoming a strategic issue mainstreamed in various policies through the National and Regional Action Plans, the Government of Indonesia is also issuing massive laws and regulations that give privileges to: extractive industries; fossil fuels; and palm oil; as well as infrastructure developments that cause deforestation.

In achieving the adaptation goal, Indonesia focuses on three areas of resilience, namely: economic resilience; social and livelihood resilience; and ecosystem and landscape resilience. The National Medium-Term Development Planning (RPJMN 2020 to 2024) includes adaptation under its 6th development agenda, focusing on: water; agriculture; health; and coastal and marine ecosystem.

Most significantly in the forestry sector, Indonesia has set up an ambitious target by 2030 for the land restoration of 2 million ha. of peat lands and the rehabilitation of 12 million ha. of degraded land. As it stands, REDD+ remains an important component of the NDC target from land use sector.

As mandated by Article 4.19 of the Paris Agreement, Indonesia has submitted a long-term low GHG development strategy (LTS) which defines pathways in achieving low emission development until 2050, and guides the implementation and development of the subsequent NDCs.

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26 In 2019, the Government of Indonesia revised the Law on the Corruption Eradication Commission (KPK) which weakened corruption supervision in the natural resources sector. In the same year, the Government of Indonesia also immediately passed a revision of the Law on Mineral and Coal that has the potential to cause more environmental damages and dirty energy. In 2020, the Government passed the Omnibus Law that eliminates public participation and facilitates investments that have the potential to damage the environment and enable massive land and forest grabs from indigenous peoples. Furthermore, forest zone release through spatial regulations, both at the national and regional level, may accelerate deforestation and environmental damage.

27 Reducing emissions from deforestation and forest degradation, conservation of existing forest carbon stocks, sustainable forest management and enhancement of forest carbon stocks (REDD+) is a mechanism under the UNFCCC to guide states in climate change mitigation in the forestry sector.
Through Long-Term Strategy on Low Carbon and Climate Resilience (LTS-LCCR) 2050, Indonesia will increase its ambition on GHG reduction by achieving the peaking of national GHG emissions in 2030 with a net-sink of the forest and land-use sector, reaching 540 metric tons of carbon dioxide by 2050, and by exploring further opportunities to rapidly progress towards net-zero emission in 2060 or sooner.

For this to occur, Indonesia needs to significantly reduce emission from the energy sector to almost zero and increase carbon dioxide removals through forests. This will require transformational changes in the energy, land use, and food systems, as well as addressing many targets with potential trade-offs, such as those pertaining to: energy security; food security; biodiversity conservation; preventing deforestation; freshwater use; nitrogen and phosphorus use; as well as competing use of lands.28

In the document, the Government aspires to only achieve net zero emissions in 2060, as opposed to 2050 because it still refers to coal as the primary energy: ‘The types of primary energy used in Indonesia are: coal, oil fuels, natural gas and renewables (hydropower, geothermal, solar, wind and bioenergy). Coal and natural gas are also used as final energy in industry, whereas natural gas is also used as final energy in the residential and commercial sphere. It is estimated that from 2010 to 2050, primary energy supply will grow at an average of around 3 per cent per year.’29

The climate commitments in the LTS-LCCR 2050 are more ambitious than those in the NDC 2021, especially in the forestry and land sectors. There is a 2030 target for the land sector to become an emission absorber, and not an emission source, whereas forest and land fires must be suppressed. However, the LTS-LCCR 2050 indicates that Indonesia is still allowed to clear 6.8 million ha. of forest until 2050.

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29 Ibid.
### Deforestation

Deforestation is one of the drivers of climate change.\(^{30}\) Land-use change contributes as much as 12 per cent of the total GHG emissions. Nearly 13 million ha. of forests have been lost as a result of deforestation in tropical countries. Southeast Asia houses one of the largest tropical forest areas in the world\(^{31}\), however, economic activities such as agriculture, timber harvesting, and the destruction of forests in Southeast Asia have caused more serious damage compared to forests in Amazonia and Central Africa. Furthermore, Indonesia was recorded as the country with the highest forest destruction in Southeast Asia.\(^{32}\) Deforestation accounts for 49 per cent of Indonesia’s total emissions while the second largest contributor of emissions is coal from the energy sector.\(^{33}\)

A study conducted by researchers from University of Leeds found that forest clearance in Southeast Asia is accelerating and leading to unprecedented increases in carbon emissions.

The findings show that forests are being cut down at increasingly higher altitudes and on steeper slopes, in order to make way for agricultural intensification. As a result, more than 400 million tons of carbon is released into the atmosphere every year.\(^{34}\)

The World Resources Institute (WRI) Indonesia indicates that the main cause of climate change is exhaust emissions or residual gases from combustion, whereas deforestation is the largest source of emissions.

With climate change, the dry season lasts longer and causes drought and decline in agriculture productivity, reducing the size of planting areas. Meanwhile, the rainy season occurs in shorter periods with increased intensity, which causes catastrophic floods and landslides.\(^{35}\)

One study analysed changes in rainfall patterns during the rainy season in September, October, and November between the year 1900 and 2000, and the findings revealed that the intensity of rainfall increased as the number of rainy days decreased annually.\(^{36}\) This is predicted to continue in the future. The changes in rainfall patterns and beginning-of-season also affect planting periods and patterns. This is very difficult for farmers who are accustomed to the pattern of Pranata Mangsa (Institutionalised Period).\(^{37}\)

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32 Ibid.


IV. Civil and Political Rights

Indonesia has ratified the International Covenants on Civil and Political Rights (ICCPR). However, repressive laws such as the Blasphemy Law (Article 156a of the Indonesian Criminal Code) and the Electronic Information and Transactions (ITE) Law, lead to curtailment of fundamental freedoms, such the rights to freedom of expression, assembly, and association.38

Due to this, the civic space in the country ranks as Obstructed in the CIVICUS Monitor, with state authorities undermining the work of civil society and trying to stifle dissent. Human rights defenders (HRDs) in the country face intimidation and threats, with hacking of social media accounts, arbitrary arrests, and attacks without any accountability from the police and security forces.39

During protests against the Omnibus Law in 2020, it was reported that there were at least 411 cases of the use of force by police in 15 provinces, with 18 people charged under offences contained in the ITE Law – a tactic utilised to silence critics.40

In 2019, Komnas HAM received 888 complaints related to the right to fair trial and access to justice, guaranteed by Article 17 to 19 of the Indonesia Human Rights Law. Most of the cases (i.e., 348 cases) refer to procedural report handling by the police; as well as the police inaction in following up reports (183 cases); alleged criminalisation by the police (75 cases); problems of execution of court decisions (53 cases); and shootings and violence by the police (26 cases).41

Articles 28 to 35 of the National Human Rights Law also protect rights related to personal security. In 2019, Komnas HAM received the majority of complaints of: violations against life and property (36 cases); criminalisation and arbitrary detention (12 cases); and intimidation and terror (14 cases). Overall, parties with the most complaints lodged against them are the police with 774 complaints, corporations with 483, local government with 315, central government ministries with 229 and judicial institutions with 174.

The most common cases in the complaints related to the right to justice are: unprocedural report handling by the police (348 cases); police inaction in following up reports (183 cases); alleged criminalisation by the police (75 cases); problems of execution of court decisions (53 cases); and shootings and violence by the police (26 cases).


Chapter 2
Findings

The Kinipan Forest area which has been cleared and planted with palm oil by PT. SML
The Laman Kinipan Community, Central Kalimantan

I. Background

The Indigenous Laman Kinipan community resides in Kinipan Village, Batang Kawa Sub-District, Lamandau District. When it was established, the Lamandau District spanned an area of 6,414 square kilometres, and was divided into three sub-districts, three wards and 79 villages. To satisfy demands for government and community service expansion, another five sub-districts were formed in 2005, leading to a total of eight sub-districts. Five new villages were also established in 2015.

The average temperature in Central Kalimantan from 1984 to 2000 ranged from 26.08ºC to 26.97ºC. The temperature changes within a year are rather unvaried, with changes being at about 1ºC. The average monthly temperatures can be seen in the next page.

Central Kalimantan saw an increase in air temperature by approximately 1ºC in the last 30 years, from 1984 to 2014. Massive deforestation has been identified as one of the main factors of this increase.


According to data from the Global Forest Watch, 234,000 ha. of tree cover in Lamandau District were lost during the 2001 to 2020 period. This is equivalent to 33 per cent of tree cover loss since 2000.

In recent years, Central Kalimantan has been the province with the second highest deforestation rate in Indonesia. From 2000 to 2008, the province has lost about 0.9 million ha. of forests. Deforestation in the province is driven by various economic, institutional and infrastructural factors. One of the key problems is the decentralisation policy implemented in Indonesia since 2000. The policy has substantially altered governance over the management of natural resources and forests and has been identified as one of the main causes of deforestation.\footnote{Casson, 2001; Colfer and Capistrano, 2005; Ribot et al., 2006; Béné and Neiland, 2006; Larson and Soto, 2008 in Aritta Suwarno and Lars Hein. \textit{Governance, Decentralisation and Deforestation: “The Case of Central Kalimantan Province, Indonesia”, Wageningen University, The Netherlands, and School of Life Science and Technology, ITB Bandung Indonesia} 2015 https://research.wur.nl/en/publications/governance-decentralisation-and-deforestation-the-case-of-central.}

This is validated by Forest Watch Indonesia’s (FWI) data showing that the largest deforestation area in Indonesia was in Central Kalimantan with a total area of 2 million ha.\footnote{Wirendro Sumargo, Soelthon Gussetya Nanggara, Frionny A. Nainggolan, Isnenti Apriani “Potret Keadilan Hutan Indonesia Periode Tahun 2000-2009.” \textit{Forest Watch Indonesia} Accessed 22 September 2021 https://fwi.or.id/wp-content/uploads/2013/02/PHKd_2000-2009_FW1_low-res.pdf pg. 6}

Data from the Plantation Office of Central Kalimantan Province released in 2017 indicates that there are 12 palm oil plantations that have been granted business permits in Lamandau Regency operating within a total area of 162,000 ha. In addition to this, there are two oil palm plantation companies that cover 20,092 ha., but are not yet operating.\footnote{“Perkembangan usaha perkebunan besar (telah memiliki izin pelepasan kawasan hutan dan/atau Hak Guna Usaha), Provinsi Kalimantan Tengah Posisi” 31 Desember 2017, \textit{Dinas Perkebunan Provinsi Kalimantan Tengah}.}

Researchers visited the territory of the Kinipan Indigenous group, who own the Laman Kinipan Customary Forest. According to the Kinipan community, their customary forest spans an area of 16,132 ha. In 2004, there was a rumour that the government would issue a permit to a major private palm oil plantation company in the Delang sub-district of Lamandau. At that time, Kinipan Village was still part of Delang sub-district. In 2007, Batang Kawa, a new sub-district, was established as part of the expansion of Delang sub-district with Kinipan Village as its capital.\footnote{Walhi Kalteng and LBH Palangkaraya. “Kasus Posisi Perjuangan Masyarakat Adat Laman Kinipan.”}
CHAPTER 2 | FINDINGS

Tree cover loss in Lamandau, Central Kalimantan, Indonesia

The first official rejection against the development of a palm oil plantation was declared by the community on 23 May 2005. At that time, the Head of Kinipan Village, the Head of the Village Council (BPD), indigenous leaders, and community leaders wrote a letter to the Head of Lamandau District, stating that the Community of Delang sub-district refused the development of palm oil plantations, including in the Kinipan Village and the Batu Tambun Village of Batang Kawa sub-district.

Despite the communities’ disapproval, the Head of Lamandau District, Ir. Marukan, issued a location permit for PT. Sawit Mandiri Lestari (PT. SML), a palm oil company, on 4 June 2012 for a total area of 26,995.46 ha. consisting of 12,561.52 ha. of core plantation and 14,433.94 ha. of plasma plantation.48 A location permit lasts between two to three years for breeding purposes, and the permit holder must clear the land if it is claimed by communities. Once the land has been acquired, businesses are required to apply for a plantation business license. In the case of PT. SML, this permit was issued in 2014, amidst strong rejection from the Kinipan Village.

In November 2014, despite the community’s opposition, the Head of District issued the environmental permit and the Decree on Environmental Feasibility of the Development of Palm Oil Plantation and Mill in Delang, Batang Kawa and Lamandau subdistricts.49,50

Throughout 2015, PT. SML was issued a series of permits, and in response, the Indigenous Laman Kinipan Community and the Government of Kinipan Village agreed to map the customary areas of Laman Kinipan. Two years later, in March 2017, the Indigenous Laman Kinipan community registered their mapping result to BRWA. On April 24, 2017, BRWA verified the customary area registered by the indigenous Laman Kinipan community and deemed it eligible to be designated as indigenous territory. The researchers of this report have since obtained the certification from the Indigenous Territory Registration Board.


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48 Ibid. The core plantation is a plantation area managed by a plantation company independently, while the plasma plantation is an area still under the company’s license but there must be cooperation with the community around the plantation. The plasma plantations are a part of this plantation, but the management is given to the community with a profit-sharing scheme.

49 Decree No. 188.45/478/XI/HUK/2014 on the Granting of Environmental Permits for the Development of Plantation and Palm Oil Mill of PT. Sawit Mandiri Lestari in Delang sub-district, Batang Kawa sub-district and Lamandau sub-district, Lamandau district and a decree Number 188.45/479/XI/HUK/2014 on Environmental Feasibility of the Development of Palm Oil Plantation and Mill of PT. Sawit Mandiri Lestari in Delang, Batang Kawa and Lamandau sub-districts of Lamandau district of Central Kalimantan Province.

50 Walhi Kalteng and LBH Palangkaraya. “Kasus Posisi Perjuangan Masyarakat Adat Laman Kinipan.” pg.3
The map of Kinipan customary area has been approved by the adjacent villages (i.e., Ginih Village, Batu Tambun Village, Tapin Bini Village, and Suja Village), with the exception of Karang Taba Village.

On 13 April 2018, upon an on-site inspection, the Laman Kinipan community found that their customary forest had been converted. According to information from the contractors that they met in the field, the conversion was part of the land clearing activities, which had been carried out since January 2018. Nevertheless, the Kinipan community were still determined to seek an enactment of their forests as Customary Forest. Their struggle did not bear fruit until 2021.

On 28 May 2021, the Government of Lamandau District issued Letter No.138/89/Kec.Bk/V-2021 on the Verification Results of the Committee of Indigenous Peoples (MHA) of Lamandau District, stating that the documents of the Indigenous People of Kinipan are still incomplete, and asking the community to complete it. The letter also requested the Head of Kinipan Village to form a Committee of Indigenous People.

The Laman Kinipan community have identified that their customary area spans ± 16,132 ha. According to Walhi of Central Kalimantan, from 2012 to 2020, i.e., during the operation of PT. SML, around 4,541.12 ha. of their customary area was annexed by the company. Most of these forests were natural forests...
"Here we were born, Here we live, Here we die."

(Effendi Buhing, Kinipan, 30 May 2021)
Map of Land Clearing by PT. SML, Land Clearing Inside Customary Area

Source:
2. BRWA & AMAN Central Kalimantan 2018
3. Sentinel-2 Satellite Images 2021

This house is called a Juntung, a place where the Dayak Indigenous People put the rice harvests for generations.
More specifically, according to data from Save Our Borneo, around ±2,819 ha. of PT. Amprah Mitra Jaya overlaps with Laman Kinipan customary area.

PT. Amprah Mitra Jaya, a forestry industry company, has a business license for the utilisation of timber from natural forests (IUPHHK-HA) issued by the Minister of Forestry. In 2017, Hendra Lesmana was the acting Director of PT. Amprah Mitra Jaya. In 2018, he ran for Lamandau Head of District. On 26 July 2018, the Electoral Commission (KPU) of Lamandau District appointed Hendra Lesmana as the elected Head of District. Although he officially resides in Pangkalan Bun, Kotawaringin Barat District, he claimed to be familiar with Lamandau since he had been operating a business in the district for about six to seven years through PT. Amprah Mitra Jaya, which is located in Batu Tatal area, Perigi Raya Village of Bulik Sub-district.

Receipt of payment of fine from PT. Amprah Mitra Jaya, in 2017

In January 2017, the Ministry of Environment and Forestry imposed a penalty for late payment/underpayment of the forest resource provision on PT. Amprah Mitra Jaya, for the amount of Rp. 4,507.17 (approximately USD 0.32).59

The presence of PT. SML and PT. Amprah Mitra Jaya in the Laman Kinipan area has had a major impact on the community as far as the loss of timber in their forest. As conveyed by Mr. Ating, the loss of forests means ‘the loss of tall trees, boulders, and deep caves,’ which the people consider sacred.

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II. Economic, Social and Cultural Rights

The impact of palm oil plantations

The Inuhan river is the key means of livelihood for the communities as it is utilised for transportation, washing and bathing – a key element for the enjoyment of economic, social and cultural rights.

When the research team returned from the forest to the village, the water in the upstream river near the forest had become so shallow that the boat had to be physically pushed by people. On a previous journey, they had resorted to using a machine and a couple of oars to keep the boat's direction steady in the narrow passes. Community members said that the river had become shallower after the palm oil plantation began its operations in the village and cleared the forests.

Mr. Elyakin Pangkong, former Customary Leader (Mantir Adat), said that the river began getting shallower in 2003 and has subsequently become worse. He also said that a part of the river flow near the Kramat (i.e., a restricted forest) was bypassed, adding that the original flow was supposed to be curved.

Mrs. Arnia Rani (62 years old) tells us about the polluted Inuhan river.

“We cannot consume the water from the Inuhan river anymore. It has been polluted. Because of the company’s activity above us, the water is no longer drinkable and the fish died. Usually, we are able to catch thorn/baung fish, crabs, batilab (a type of catfish) or eels. We used to look for fish by throwing nets or using a flashlight at night. Now, we can barely see the fish through the murky water. We used to be able to catch fish by only using a 5 kg paint can. We have reported the dying fish incident to the Police Chief of Kundangan. The Head of Village took me to the police station as a witness, but the police did not take it seriously.

Mrs. Linda (52) also complained about how difficult it is to catch fish.

“Our life used to be good, like hunters, we could catch enough fish every day. Now it is different, catching fish is difficult. This is also the case in the Uwakan river. My husband has been trying to catch fish for seven months, not a single catch. For a year, my sister has been failing to catch fish because palm oil is here, it’s there, it’s everywhere.

Mr. Kartinus said angrily, ‘Fish sometimes die, crabs too, because they are poisoned by the fertilisers from the plantation.’ Mr. Antonius corroborated this, stating that ‘the fish are gone, dead.’

Meanwhile, Mr. Hardi shared how ‘Water from the Inuhan River is no longer drinkable. You will not find any fish in the Toyin River anymore. They died in November 2020.’
Mr. Barus, a former member of the Village Council (BPD), claimed that this is because of ‘fertilisers and nondak (herbicide) flowing down to the river, because palm oil plants are anti-weed, unlike rubber and rattan that do not require fertiliser because they can use the weed as natural fertiliser.’

According to Mr. Hardi, ‘The water is murky during the rainy season, but it seems clearer during the dry season’, although it still remains murky. Others such as Mr. Noah have described the water as ‘milky.’ Stating that ‘The river is murky now, like milk.’ As a consequence, the water cannot be used anymore.

Mr. Ating and Mr. Hardi expressed their frustration revealing that, ‘now we must bring water when we go hunting.’ Furthermore, according to Mrs. Arnia Rani, the river is now so polluted that she gets ‘itchy all over her body’ after bathing in the river.

Before the presence of PT. SML in their field area, the Laman Kinipan Indigenous People never experienced a failure of their rice harvest. However, since the presence of PT. SML, their rice yields have decreased, exacerbated by the discovery of a new pest.

In 2020, our paddy was hollow, and it was caused by pests. There were small white butterflies that came out at night, and it had never happened before. The paddy dried as if we sprinkled them with hot water or rondap (pesticide) and finally the stems broke. The white pests looked like chalk.

They hit the chili leaves and it only happened recently; I had never seen such a thing in 2019. Later, there are also the klumpu ants, (termites). They consume the rubber sap and kill the tree.60

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60 Interview with Mrs. Arnia Rani, Kinipan Village, dated 30 May 2021
Mrs. Linda also reported the same problem. With the palm oil plantations, we feel harassed. When we farm, pests are squirming in our field, various bugs like the mosquito. We have to put more effort in protecting our crop, to avoid crop failures. Before the palm oil came, we could plant anywhere without having to worry about pests. Now with palm oil it is difficult, we suffer. The pests make the paddy yellowed and kill it. They are just the size of a mosquito but could kill the paddy and corn. There is nothing to be harvested. We are now making natural pesticide from roots; it originated from the forest and can be planted along with the paddy. We beat the root until we can extract the juice from it and spray it to remove the pests.

In addition to the disruption of the livelihood of the Laman Kinipan Indigenous People due to pests in their rice plants, the presence of PT. SML has also led the Laman Kinipan Indigenous People to lose their game land and animals due to the deforestation that has occurred.

One respondent said:

In 2000s, I used to hunt deer and boar. I used to hunt in Inuhan, about 1.5 km from here, now under the control of PT SML, and managed to catch two deer. I also shot a deer the size of a bull once. It took five people to bring it into the village. Now, not only in Inuhan, even when you hunt in the forests, there is no guarantee that you can catch the animal. Aside from Inuhan, my hunting grounds are Onyu and Belaban area. Forests in Onyu and Belaban are still intact. The people also have cultivation area there, shifting from one spot to another. However, they rarely cleared the forests, very rare. Because in the past, people were not using chainsaw, only traditional axe or machete. It would take a long time to chop down the trees. Therefore, we rather cultivated the existing fields rather than opening/clearing for new ones. Although now there are sophisticated machines, chainsaw, etc., there is an agreement not to clear the forests.

61 Interview with Mrs. Linda, Kinipan Village, dated 1 June 2021

Timber that was cut by PT. SML
Mr. Ijun, a former Customary Figure (Mantir Adat), said the same thing – ‘Deer, boars, antelopes, they are rare now.’

This has had a significant impact on hunters like Mr. Hardi, who sometimes hunts boars, through shooting and setting traps for them. The location where he used to snare animals is now the company’s area, so he no longer has access to its fruit trees. Subsequently, his hunt has dropped drastically. He used to be able to capture 2 to 3 wild boars every day. However, for the last 5 years, he has been unable to hunt and capture the same number. As a result, Mr. Hardi now has to work in someone else’s farm to make ends meet.

Mr. Ating, the Chairman of the Village Council (BPD) experienced a similar thing, he stated that ‘I used to catch boars three times a week, now it’s only once every two weeks.’

According to Mr. Barus the animals have been hunted down by the palm oil company to prevent them from disturbing the palm oil plantations. They pay Rp. 50,000 (approx. USD 3.5) per animal, ‘We are only required to bring the tail.’

Mr. Noah also said he used to catch hedgehogs. ‘The nature has changed. I once shot a hedgehog in Pusaka Balai Batu, it was a big one.’

Mr. Kartinus (66) also lost one of the means of his livelihood – forest honey.

I am a native climber of tapang trees. Our tapang trees are still there, but not the honey. The singat (bees) have run away. In the past, the bees were not only nesting in the tapang trees, but in the other tall trees as well. In 1979, the honey was abundant. I was able to get at least 10 liters of honey from every nest. Well, the price was low back then, but now the price can be up to 100 thousand Rupiah (7 USD) per bottle and 150 thousand Rupiah (11 USD) per liter. Now, if someone were to sell honey here, I’d buy it.62

Mr. Ating also noted that the forest honey is disappearing, together with forest spices and vegetables, such as raja kayu, paku simal, and sahang sibori, which are getting harder to find because most of the area that housed those plants now belong to the company.

62 Interview with Mr. Kartinus, Kinipan Village, dated 30 May 2021
Now, he must go deep into the forests to get them, he notes that before, ‘I used to find them in Kelangkeng.’ Mr. Ating also mentioned several things that are getting harder to find: sengkubak leaves for flavoring, kalurai, (a kind of vegetable), and sengkubak fruit, which is also used a potion to get rid of kapuhunan (i.e., bad luck, or a bad omen). Some fruits are also harder to find, such as pekawai (a kind of durian), torotukan, kusi, kemayau, and leman.

Mr. Hardi also lost his livelihood due to disappearing plants in the forests. Aside from hunting, he used to sell forest jengkol and betel (Piper Aduncum). During the jengkol season, he could get 14 million rupiah (approx USD 982) for one harvest, while the betel would usually be sold for Rp. 10,000 (approx USD 0.70) per pack. The loss of the forests also ‘disturbed our comfort,’ he said.

Meanwhile, Mr. Kartinus experienced the decline of jengkol. He used to find 100 to 200 jengkol trees in forests. Now the trees are no longer productive, he stated that ‘the more you tend to the trees, the less flower it has.’

Mr. Ating said ‘the Kinipan Community used to carry durian seeds when they went hunting, to plant in the forests. Now they are gone. Pinang trees are gone too.’

Pinang is important for Kinipan People because it is one of the ingredients for Pinang Sirih, a traditional snack consisting of pinang seeds, betel, lime and tobacco layers. ‘The forest betel tastes different,’ he added.

The Dayak Indigenous Peoples, inclusive of the Kinipan community, are famous for their traditional medicines. Aside from the use of medicinal plants, they conduct certain rituals to bring out the efficacy of such herbs. Mr. Ijun, the person trusted by the community to cure various diseases, said that ‘all medicines have their own spells or penyurung, from when we obtain them until when we apply them.’ Mr. Barus said that the public health clinic (Puskesmas) was out of reach for them until 1982. ‘Before, the public health clinic was too far to reach, but we had wooden roots to cure stomach pain, malaria, and many others.’

Mr. Ijun complained about how it had become more difficult to obtain medicinal plants. ‘Because the trees were cut down, the herbs are hard to find, not to mention that palm oil plantations cleared everything.’ He also emphasised the difficulty in obtaining a single green coconut. It is unfortunate because Mr. Ijun is in possession of a variety of herbal and medicinal plant formulas for various diseases that have been passed down from generations.
Mr. Noah also said that the forests house a lot of medicines. Therefore, the loss of the forests means the loss of the medicines.

There are many medicinal plants in the forests. There’s a kind of vine for back pain known as tunguk biawak. We also use ubai tree, some kind of bay leaf, for abdominal pain. We can also boil tingkawang tree skin for stomach ache. To keep the hair black and prevent gray hair, we burn ulin fruit and mix it with coconut oil. For liver disease, we boil Lugah Hati plant. The stem is like a fern. If we split the base, it looks like the banana tree. There are two kinds of this herb, the red one and white one. For asthma, there is a mushroom the size of your thumb. It is white, slimy and contains something like jelly marbles. When it’s ripe, it looks like pollen powder. We peel it clean and eat it directly. It cools down the body. We call it Kulat Mata Babi. All of them are still available in the forests although they are not easy to find.

In general, the Dayak people use timber from the forests for their daily needs and have therefore established customary rules to maintain the forest’s sustainability.

Since the destruction of the forest, the timber that can be used is in decline. Mr. Ating, for example, complained about the decline of resin wood (damar), as did Mr. Kartinus who revealed that he used to go to the forests looking for resin wood with his wife and children, but now, few are left.

Meanwhile, Mr. Noah expressed his concern about ulin, he stated that ‘the ulin trees, 90 cm to 1 meter in diameter, are now gone, cleared completely, and the rivers are closed too. Years ago, when the forests were still intact, if you left me there, I could still find my way out. Now, I’m confused, where should I go? It’s because the nature has changed.’

According to Mr. Effendi Buhiing, the ulin trees do not grow in clusters, they scatter. In the forests, ulin trees are not planted deliberately. They grow from the seeds consumed by the animals, and are scattered through their faeces.

According to Mr. Saudianus, Sindur/Sinur is one of the now-rare trees in the Kinipan customary area. He said that oil from the tree can be used for oil lamps and as a remedy for burned skin. He noted that oil from the tree is obtained by making a hole in the tree to extract the sap/liquid, not by cutting the tree down.
III. Climate Change

Drastic weather changes

The impact most felt by the Kinipan community is the shifting of dry and rainy seasons which render customary teachings irrelevant. Generationally, the Kinipan community have had their own farming cycle, from land clearing to harvesting.

Farming Calendar of the Kinipan Community

<table>
<thead>
<tr>
<th>No.</th>
<th>Month</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>June</td>
<td>Land clearing (ditobas)</td>
</tr>
<tr>
<td>2</td>
<td>July</td>
<td>Wood clearing (ditobang)</td>
</tr>
<tr>
<td>3</td>
<td>July</td>
<td>Collecting the debris from land clearing (disimpuk)</td>
</tr>
<tr>
<td>4</td>
<td>August</td>
<td>Burning (dicucul)</td>
</tr>
<tr>
<td>5</td>
<td>August - September</td>
<td>Planting (menugal)</td>
</tr>
<tr>
<td>6</td>
<td>November</td>
<td>Weeding (mengurut)</td>
</tr>
<tr>
<td>7</td>
<td>December - February</td>
<td>Harvesting</td>
</tr>
</tbody>
</table>

Mr. Noah, 52, witnessed the weather/season changing.

I still remember, when I was around 10, the rain was still coming when the people were slashing, taking turns with dry season in June to July. The dry season would come in July – September. Now, sometimes we wait until the month when we are supposed to clear the land (August) and the rain still comes. Last year, in 2019 and 2020, we kept waiting for the rain, but it never came. When I was a kid, the season was predictable. It is all different now. We have rains when it’s supposed to be dry. We had a saying that the months that end with BER (September-December) were supposed to be rainy season. The reality is that they are now dry. The climate is messed up now.68

Mrs. Arnia Rani, born in 1959, also shared the same feeling. The last time she did the planting in accordance with the Kinipan farming calendar was in 2009, but the result was not as expected. Her husband, Mr. Kartinus, born in 1955 said that ‘I was forced to plant while there was not enough sun in 2020; ’ he further noted that he has been recently suffering from crop failures.69

Additionally, according to Mr. Ating, ‘burning season in Kinipan is supposed to be in August, now it’s October.’ He also complained about the declining yields in recent years. Similar concerns were expressed by Rustiono who explained that May ‘is supposed to be the slashing season, the beginning of the dry season, but it keeps raining. Meanwhile, Mr. Antonius said that, ‘slashing [is] during the fifth and sixth month, then [we] go to the forest looking for a good ulin timber.’ Mr. Antonius cuts the timber for personal use, not to be sold. Mr. Hardi said, “The elder said that 2021 will be a dry year, but it keeps raining”70

The Kinipan community is also experiencing strong winds. Mr. Ating said that the forests used to guard their village from strong winds. Mrs. Linda, 52, expressed a similar opinion, stating that

The winds were not as scary as they are today. Now, not to mention if it rains all night and day, even raining just for 1 hour is already scary. The winds, Sir, are terrifying, especially when we are in the forests. That’s because the big trees no longer protect us from the strong winds, they go wild here and everywhere. Earlier, the winds hit Mr. Epangkung’s hut (jurung) until it collapsed. It happened in January 2021. No flood, but the winds were horrifying.

67 Compilation of information from Antonius, Kartinus, Noah, based on an interview held on May 30, 2021 in Kinipan Village.
68 Interview with Mr. Noah, Kinipan Village, dated 30 May 2021
69 Interview with Mrs. Arnia Rani and Mr. Kartinus, Kinipan Village, dated 30 May 2021
70 Compilation of interview of Mr. Ating, Rustiono, Antonius and Hardi, Kinipan Village, dated 30 May 2021
Mrs. Linda further stated that she had to let go of her durian tree.

“Going Nowhere”

There used to be a big durian tree near my house, but I have to cut it down since it could break and fall on my house. The wind also caused many deaths in Tambun Village. It hit the hut (jurung) and damaged the house. No more forests in Batu Tambun because they have partnered with PT. SML.71

In corroborating these statements, Mr. Saudianus revealed that ‘the winds have become too strong because the big trees are gone.’72

Mr. Ating, who is 61 years old, added that, ‘now the days feel hotter, and nights feel colder, in the past they were not so extreme.’73

Mrs. Linda (52) said the same thing.

“Going Nowhere”

It’s 100 per cent changing, Sir. As long as I lived here, the flood never happened although it rained all day and night. We used to have a good life. In the 1990s and the 2000s up until 2010, we could still catch fish at that time, everything was easier. Now, there are many impacts. The hot temperatures are also very unusual. I used to be fine when harvesting the crops during the day although it was hot. Now, I cannot stand even an hour under the sun, I feel like my body is burning. It has been very different since the forests are gone. 74
Increasing floods

Mr. Noah reveals that he heard about the great flood from his grandmother. ‘The great flood had happened once, about a century ago, but it never happened again.’ Mr. Ating’s testimony is similar, he noted that ‘in the past, from when I was born until I was 40 years old, I never faced a flood that drowns the houses.’ In echoing Mr. Noah and Mr. Ating, Mrs. Linda highlighted that, ‘since I lived here, about 15 years ago, there has never been any flood.’

However, in 2020, floods hit Kinipan two consecutive times. One respondent said:

As I recall, the flood happened twice in a month. It shocked the villagers because the rains were too heavy. One house was flooded up to the roof. The head of village headed to the flooded house, it was in the slope, so the water was higher. The flood hit the neighbourhood groups (RT) 1, 3 and 4, the rest was spared.

Mr. Noah also experienced the same:

The flood drowned and killed my pepper garden. I planted 110 pepper plants, 10 died in the Pahiyan area. A hut in the field was destroyed and I have not had a chance to rebuild it.

Another flood victim is Mr. Ijun, who stated that despite the fact that he had to climb four flights of stairs to get into his house, the water still managed to enter his house in 2020. As a result, he had to evacuate from his house and stayed away for a week. The flood also damaged his television, sound system, and small electric keyboard.

Mrs. Linda was also one of the flood victims. She remembers that it happened on 9 July 2020 for two days.

My house was sunk to the roof, Sir, up to the house’s ventilation. Another flood came in September for about 3 days, but it was not as severe as the July flood. Although it was not as severe, it lasted longer, up to three days and in September it hit twice in one month.

Photo of one of Kinipan village’s flooded houses in 2020
Source: Wiliam Hengki (Head of Kinipan Village)
In addition to her house, her fields were hit by the floods.

Our fields were also hit by the flood. Like my father-in-law, Mr. Kartinus, all his paddy in the storage was wet. We were lucky, my neighbour rescued us immediately because the water rose gradually, not hit us at once. In Karang Taba Village, the flood hit at 1 AM and therefore caused a lot of loss.

Mrs. Arnia Rani (62) felt that the flood had something to do with the loss of forests. ‘I feel like our village was hit by the flood because of the palm oil. There was flood in 2020, before it had never happened’. She suffered considerable losses due to the flood.

The flood drowned my paddy and my vegetables. I had harvested my paddy but had not taken them back to the village, still in the barn. After we arrived in Laman Kinipan, the rain came that night and suddenly the flood hit. It drowned my barn and paddy field in no time. In 2020, our vegetables and paddy were flooded, but luckily, I had brought some of them to my house. I did not receive any assistance because I did not get to take picture of my sinking barn because it was so far away. Our vegetables, if we could have harvested them and brought them to the village, would have brought us money quick, 100 to 200 thousand Rupiah (USD 10 to 15). When the flood hit, there goes my livelihood.

The harvest can also be affected by floods and heat. According to Mr. Noah (52):

The harvest yield has been declining in recent years. I usually got 30 sacks (tengkalakan) of paddy for every hectare of the field. This year, I only got 20 sacks. The pest was planthopper (wereng). They dried the paddies, rendering them black like they were burned. Those years, the paddies were fine until the third week when we were weeding. But when it came to harvesting, they were hollow. Still, I have no idea what caused it. In 2020, our yield dropped, and I have no idea why. I usually got 30 sacks (tengkalakan) from 1 hectare, now I only got 20 sacks. Mr. Stepanus had it worse, he only got 15 sacks.
Mrs. Linda (52) shared a similar story. She moved to Kinipan Village around 2006,

“... My in-law is sick, I have a kid, I am freelancing as a cleaning service at the local senior high school. Every day, my husband goes to the garden planting cassava, banana, and corn for chicken feed. Our income is uncertain. During the jengkol season, thank God, we can get 300 to 400 thousand rupiah (approximately USD 21 to USD 28). But if the trees bore no fruits, we could only rely on the crops from the field. Jengkol and durian are precious commodities that can increase our income. However, we used to feel sufficient and were having a good life.'

Mrs. Arnia Rani (62) experienced a similar occurrence: ‘We often face harvest failure. It can be due to pests or too much rain and sun that make the paddy hollow.'

Mr. Hardi also complained that ‘our fields produce less yield now because we don't have enough time.

Because the weather changes unexpectedly, the planting window is shortened. The same thing happened to Mr. Kartinus. ‘There was no sun (dry season) in 2020.' Mr. Kartinus said, ‘Earning from farming, sometimes it's enough, sometimes it's not.'

Floods are also one of the main causes for the declining yield. According to Mr. Kartinus, cleaning the flooded fields requires an extraordinary effort. ‘Because of the floods, I cannot start burning,' while ‘the ash makes it (the soil) fertile.'

The weather also affects the rubber tapping. According to Mr. Ating, the excessive heat causes the trees to produce less rubber sap. Mr. Hardi said the same, underscoring that ‘It is harder to tap the rubber during the rain. The collected sap is often contaminated.'
IV. Civil and Political Rights

Threats and intimidation

Already in 2002, the safe space for dissent of the community was at risk. The researchers were informed that Effendi Buhing, the Chairman of Laman Kinipan Indigenous Community, was allegedly threatened with a gun by the current Governor’s brother. This incident occurred when the community rejected the presence of a company known as PT Tanjung Lingga in the area, which at that time was PT. Tanjung Lingga, owned by Abdul Rasyid. In another incident, a journalist was almost killed by an unknown person in Pangkalanbun for reporting illegal logging related to PT. Tanjung Lingga.76

On 26 August 2020, Effendi Buhing was forcibly arrested by the Central Kalimantan Police personnel at his home in Kinipan Village. The incident went viral in mass media and provoked public outrage. After massive protests for his release, the Central Kalimantan Police finally released him on 27 August 2020 citing insufficient evidence. However, he is still considered a suspect, and has been accused of ordering Riswan, one of the members of Kinipan Community and the chief of government affairs of Kinipan Village and others to steal the company’s wood cutting machine.77

On August 16, 2020, Riswan was arrested on suspicion of committing violations in accordance with Article 365 of the Criminal Code (theft with violence)78 and detained by police. The alleged violent theft referred to an incident on 23 June 2020, when members of the Kinipan Community were guarding their customary forests located on the upstream of Toyin river. They subsequently heard chainsaws, a sign that PT. SML’s workers were still cutting the ulin trees, so Riswan and his friends stopped them.

A day earlier, on 22 June 2020, the Kinipan Indigenous Community tried to stop the land and forest clearing of Kinipan forests by PT. Tanjung Lingga, which had traversed an area where the villagers had marked out as customary land.

Finally, on the same day, a verbal agreement was reached between PT. Tanjung Lingga’s representatives and the villagers, stating that there would be no further activities while they wait for negotiation at the Batang Kawa Sub-District Office, which was supposed to take place on 29 June 2020.

Willem Hengki, the Head of Kinipan Village, was intimidated by the Police when accompanying Riswan to the police station on that day, as he was forced to confess to stealing a chainsaw while he was in fact, elsewhere in Nagabulik (three hours away by car) when the theft supposedly happened.

Prior to Riswan’s detention by the Central Kalimantan Police, four Laman Kinipan Community members - Teki, Yusa, Embang, and Desem – were also detained for allegedly stealing the timber cutting tools of PT. SML.79

The presence of the military conducting exercises in their lands has also been perceived by the community as another tactic to intimidate and silence them. Exercises were conducted on 5 to 9 November 2018 by a group of people claiming to be Army Special Forces (Kopassus) for a counter-terrorism operation in the Kinipan customary forest claimed by PT. SML. According to information received by the researchers, the army stayed in PT. SML’s dorms.80

77 Walhi Kalteng and LBH Palangkaraya. “Kasus Posisi Perjuangan Masyarakat Adat Laman Kinipan.” pg. 11
79 Walhi Kalteng and LBH Palangkaraya. “Kasus Posisi Perjuangan Masyarakat Adat Laman Kinipan.” pg. 10
80 Ibid. pg. 6
Another attempt to hold a military exercise was done at the end of August 2020, but since the Head of Village rejected the request, the exercise was cancelled. The military denied that the exercise was a form of intimidation while the Head of Information of Korem 102/Panjung, Central Kalimantan, Major Infantry Mukholil, denied the army’s plan to hold an exercise in the Kinipan Village of Lamandau. He explained that they were just conducting a field survey. On Saturday, 29 August 2020 Mukholil asked the Head of Village via a phone call not to link the military exercise with the ongoing land conflict in the village stating that ‘it has nothing to do with the arrests. Do not link them.’

Researchers also recorded several cases of uninvestigated police reports. On 1 April 2019, the Head of Kinipan Village reported an indication of criminal activity to the Regional Police Office of Lamandau, namely the sale of village-reserved land of approximately 100 ha.

As it stands, the police have not followed-up on the report, in fact, the case is still at the investigation stage and has not been brought to the prosecutor in over two years.

The villagers also filed a report regarding river pollution, which was causing fish to die en masse, and was making people scared to drink the water, as referenced in the testimony of Mrs. Arnia Rani in the section on Economic, Social and Cultural Rights.

The Head of Village confirmed this. At the time, the police did not even give the villagers a receipt of the complaint. They merely stated that the report was received and that it would be investigated.

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82 Walhi Kalteng and LBH Palangkaraya. “Kasus Posisi Perjuangan Masyarakat Adat Laman Kinipan.” pg. 8

83 Interview with Mrs. Arnia Rani, Kinipan Village, on 30 May 2021.
Civil servants that support Kinipan have also been discriminated against and have been prevented from participating in public affairs.

For example, Mrs. Drianie, S. Pi is a teacher at the Public Junior High School 5 of Batang Kawa Sub-district. She is the wife of Mr. Emban, the former Head of Kinipan Village and was transferred to Public Junior High School 1 of Mentohobi Raya, Lubuk Hiju Village in 2020 because her husband is still fighting for the Laman Kinipan customary area. Erpan, the Principal at Public Elementary School 1 of the Kinipan village, suffered the same fate as he was transferred and demoted to a regular teacher in Karang Taba Village in 2020.

Meanwhile Nueldi, a member of the pamong praja and firefighter’s unit, was transferred to the Office of Lamandau District as administration staff of cooperation and training in 2021. It is strongly suspected that he was transferred because of his membership to Tariu Borneo Bangkule Rajankng (TTBR), a Dayak community organisation that supports the fight of the Laman Kinipan movement. Similarly, the wives of Mr. Ating and Mr. Sumarno were threatened with dismissal and transfer from their daily jobs in 2008; however, the threats did not materialise.

These incidents are not surprising, in 2019, a warning by Lamandau District Head was issued, and stated that Civil Servants must not be involved in any committee in Kinipan, especially where there are written records such as a participant list.

The trees in the Kinipan Forest area are still protected by the community
Manado, North Sulawesi

I. Background

Manado City borders North Minahasa District to the north, and North Minahasa District to the east, as well as Minahasa District to the south; and the Sulawesi Sea to the west.84

The Manado City land area spans 162.53 km². Topographically, it is a plain covering 78.51 per cent of the total land area. The rest is choppy (at 14.27 per cent), hilly (at 7.20 per cent), and mountainous at (0.02 per cent).85

Manado City has a coastline of 17 kilometres, starting from the coast of Malalayang to Tongkaina. The Manado Bay consists of Bunaken Island, Siladen Island, and Manado Tua Island.

Out of the 11 sub-districts, five are located along the coast of Manado Bay, namely Malalayang in the south bordering Minahasa District, Sario and Wenang in the middle, and Tuminting and Bunaken in the north, bordering North Minahasa District.86

Fishery once dominated the Manado Bay coastal area. However, over the past two decades, Manado has been dominated by modern commercial interests supporting the tourism sector. The tourism sector now controls 66.3 per cent of the coastal area while fishery only covers 33.7 per cent.87

84 Statistics of Manado Regency. “Manado City in Figures 2021” 26 February 2021 https://manadokota.bps.go.id/publication/2021/02/26/c7ba37b6a3de4a2cc05bc8b71/kota-manado-dalam-angka-2021.html pg. 3
85 Ibid. pg. 5

Manado Administrative Sections

Source: Google Earth
The waters of Manado Bay are two to five meters deep on the coastal area and reach up to 2,000 meters at the boundary lines between the coastal area and the continental slopes. In the western part of Manado, namely Malalayang area, the beaches consist of pebbles, large pebbles and chunks. In the eastern part, namely Sario, Wenang, Tuminting and Bunaken, the beaches are sandy, muddy, and filled with clay.

As of 2020, the population of Manado City was 451,916 people with a life expectancy of 71.87 years and an HDI of 78.93. Manado’s population statistics show an increase in poverty every year. The unemployment rate has also increased from 10.38 per cent in 2018 to 13.88 per cent in 2020.

Tuminting Subdistrict has nine villages, of which five are located in coastal areas (i.e., Sindulang Satu, Sindulang Dua, Bitung Karangria, Maasing, and Tumumpa Dua). The length of the coastline is 5,225 kilometres and the beaches are sandy. Part of Tuminting’s coast has been reclaimed for the construction of the Boulevard II Road, which continues from the cost of Wenang reclaimed to build the Mega Mas Area.

Malalayang Subdistrict has nine villages, namely Malalayang One, Malalayang Satu Barat, Malalayang Satu Timur, Malalayang Dua, Malalayang Tiga, Bahu, Kleak, Batukota, Winangun Satu, and Winangun Dua. The first six villages are located on the coastline of Manado Bay. Part of Malalayang beach in Bahu has been reclaimed to build a business and tourism zone.

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88 BPS Manado views poverty as an economic inability to meet the basic needs of food and non-food. The value of the two basic needs line is named the poverty line. Thus, the poor are people with an average expenditure per capita per month is under the poverty line. Statistics of Manado City, 2021.

89 Ibid.

90 Ibid.


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A hundred-meter-long stone wall covers fisherfolk boats mooring in Tuminting, Manado
CHAPTER 2 | FINDINGS

Sario Subdistrict has seven villages, namely: North Sario; Sario Kota Baru; Sario Tumpaan; Sario; North Titiwungen; South Titiwungen; and Ranotana. Almost the entire coastal area of Sario Subdistrict has been reclaimed into a business and tourism zone. Only two spots are left for mooring the local fishing boats.92

Manado City has two seasons, dry and rainy. The air temperature in a given place is determined by factors such as its altitude relative to the sea level and its distance from the beach.

Over the past 21 years, the average minimum temperature has become lower while the average maximum temperature has become higher. The data shows a trend in Manado in the last 21 years from 1999 to 2020.93

According to the aforementioned data, over the last 10 years, the average rainfall in the dry months, i.e., June to October, has increased. Meanwhile, in the rainy season, i.e., November to April, the average rainfall over the last 10 years has decreased. Overall, from 2011 to 2020, the average rainfall has gone up and down in approximately 5-year periods. As evidenced, every March the rainfall changes are erratic.

In 2015 to 2016, the average rainfall plunged to the lowest point of 50 mm3 to 12 mm3, then increased significantly in the following year before decreasing to 74 mm3 in 2019. In the same years, during the dry season, the rainfall reached a low point of 0 mm3 to 10 mm3 in August to September 2015 and August to September 2019.94

Although the trend is declining, floods and landslides caused by prolonged high intensity rains are increasingly common. On 15 January 2014, high-intensity rains hit the city, accompanied by flash floods which submerged 75 per cent of the city’s land area.95

Lastly, on 17 January 2021, high-intensity rains accompanied by strong winds and high waves hit the coast of Manado City on the reclaimed land of Mega Mas Area. The storm damaged fishing boats moorings and flooded the Mega Mas Area and Boulevard Road.


94 Ibid.

Deforestation

In 2001, North Sulawesi had 607 thousand ha. of primary forest, which included moist natural tropical forests, covering more than 42 per cent of its land area. In 2020, North Sulawesi lost 1,000 ha. of primary forest, equivalent to 785 thousand tons of CO2 emissions. From 2013 to 2020, 85 per cent of the tree cover loss in Sulawesi were natural forests. Overall, the loss of forest cover is equivalent to 34.2 Mt of CO2 emissions. Meanwhile, the dominant driver of loss in North Sulawesi from 2001 to 2019, or 67.9 Mt CO2e, is commodity-driven deforestation.96

In 2001, Manado had 194 ha. of primary forests, covering more than 1.2 per cent of its land area. In 2020, it lost 76.9 ha. of primary forest, equivalent to 77.5 tons of CO2 emissions. From 2013 to 2020, 68 per cent of tree cover loss in Manado occurred in plantation land. The overall tree cover loss in natural forests in Manado is equivalent to 84.1 kt of CO2 emissions.97

Primary forest loss in North Sulawesi has increased over the past seven years. Forest clearing is largely due to the expansion of residential areas and deforestation. Primary forests that were deforested are now mostly plantation and cultivation areas.98

In Manado, primary forest loss occurred in the following periods: 2001, 2004 to 2007, 2010 to 2011, and 2019. In the same years, Manado City carried out coastal reclamation to build a business area of 67 ha and Boulevard Road in Malalayang, Sario and Wenang subdistricts. Deforested forest land in Manado is now mostly for plantations.99

II. Economic, Social and Cultural Rights

Fishing key for livelihood

In each of the three sub-districts - Tuminting, Malalayang, and Sario - there is a traditional fisherfolk community. They have been fishing in Manado since the early days of Indonesia’s independence. For coastal communities in Manado, fishing on the high sea is known as ‘melao.’

On average, they have been fishing since childhood, when they were still in elementary school. Syamsudin, a fisherman from Sario Subdistrict, was born in Sario in 1962. His father had been a fisherman since the 1940s. After finishing elementary school, Syamsudin followed his father’s path. Similarly, Yafet, Fred, and Welly from Sindulang I fisherfolk community (now 60) told us that when they were children up until adolescence, the fishing business was very lucrative.

Welly stated that:

"When we were children, we were very influenced by them (fisherfolk). That’s because they made money so easily. Just one-time catching fish in the sea using pajeko boat, they could make Rp10,000 (USD 0.7) to Rp 20,000 (USD 1.4). Many of us dropped out of the elementary school or junior high school to become a fisherman.

The fisherfolk in each sub-district has a daseng or fisherfolk shelter, which is usually built on the shore near the moorings of the boats. Daseng functions as: a shelter; a place to store fishing equipment; and a gathering place for the fisherfolk to hold group meetings or just chat amongst themselves. In Sario, daseng also serves as the secretariat of the fisherfolk group and the cooperatives of the Association of Traditional Fisherfolk of North Sulawesi or ANTRA."
The cost of procuring fishing boats varies from Rp2,000,000 (approx. 138 USD) to Rp10,000,000 (approx. 689 USD), depending on the size of the boat and the materials used. The average fisherfolk in Malalayang, Sario and Tuminting own their boats. Those who do not, or whose boats are damaged, usually borrow boats from other people, and divide the catch with the boat owner.

The fisherfolk in Sindulang 1 received an internal engine boat from the Regional Marine and Fisheries Service (DKP). However, they cannot operate the boat because it is too costly for them. For one trip, they usually spend Rp3,000,000 (approx. 207 USD) to Rp5,000,000 (approx. 344 USD), which they cannot afford. As a result, the boat remains abandoned on its moorings. They have asked the Service to replace the boat with a ketinting boat or outboard engine boat, which costs less to operate.

However, their request has not been fulfilled. Another cost borne by the fisherfolk in the fishing business is the procurement of fishing rods such as gomala, which wear with usage. According to the fisherfolk in Malalayang, they have to replace the fishing rods as quickly as once a week if the strings break or begin to rust. They will usually replace the damaged or rusty fishing rods to avoid the risk of malfunction while catching the fish in the middle of the sea.

The cost of fishing equipment ranges from Rp15,000 (approx. 1 USD) to Rp30,000 (approx. 2 USD) for fishing rods that catch tude, malalugis or other small-size fish. Fishing equipment costs for fish such as cakalang or bobara can range from Rp150,000 (approx. 11 USD) to Rp200,000 (approx. 13 USD).

100 Fisherfolk can be distinguished by their fishing gear and tools. Their fishing equipment consists of ketinting boat, outboard motor boats, and paddle boats. Their boats range from 3 to 11 meters. Gamala is the process of fishing by rod, whereas mangael is the process of fishing via sioru. Fish that can be caught with gomala are basic fish such as marlin or tude. The latter can also be caught using a trawler or soma. Fish such as bobara can be caught using sioru or spears known as jubis.
For one trip, the average fisherfolk spends Rp75,000 (approx. 5 USD) to Rp500,000 (approx. 34 USD) to cover the cost of engine fuel, fish bait, ice, food supplies, and other necessities. The longer the distance they travel, the greater the capital they have to come up with. It has been noted that the farthest distance that the fisherfolk in Manado Bay travel to catch fish is 12 miles from the beach. To reach such a distance, they need Rp300,000 (approx. 21 USD) to cover the cost of a small gasoline boat with outboard motors. They also use boats without engines to fish, but this only allows them to reach 3 miles out from the shore, which inhibits them from catching diverse types of fish.

In addition to this, fisherfolk use manual rowing boats as well as boats with outboard engines. The latter usually requires them to go with two to five other people to the sea.

In general, fisherfolk carry stoves on board to cook the catch, especially when venturing out over longer distances. When using a small boat, fisherfolk can expect to catch basic fish or rockfish. Conversely, fisherfolk with larger boats catch a variety of fish as follows:

- Base fish/stone fish
- Bobara
- Tude
- Barracuda
- Snapper
- Marlin
- Puffer fish

Besides catching fish in Manado Bay, the fisherfolk often go to the waters of the Mantehage, Siladen, and Nain Islands, 20 to 25 miles from the Manado beach. They are able to reach the distance via ketinting boat or outboard engine boat and can usually fit two to five people in one boat.

### Fisherfolk’s income

Fisherfolk’s income has been fluctuating to the point that it cannot be estimated per month. This is due to the erratic stock of fish. The fisherfolk usually go out to sea, based on weather conditions and the abundance of fish. Some fisherfolks go out to sea in the morning and return in the afternoon, some go in the evening and return in the morning, while some go out for days at once. However, the catch is unpredictable; there are times when they could get 1 kilogram (kg), 5 kg, 20 kg, or 50 kg of fish per day. There are times when they don’t catch any fish at all.

Danny Teleng, a fisherfolk from Sario Tumpaan’s, revealed that:

> During the tude fish season, the fisherfolk can catch up to 300 heads in one trip. But when not in the season, we can catch only 50, at most. We call such time ‘pakat’, no results.

Yafet of Sindulang also stated that:

> The fisherfolk often come home from the sea bringing nothing. We don’t always bring results. Sometimes we come home empty-handed. Sometimes we say ‘to the sea with only ice cubes, go home with only ice cubes.’ So, we pause, take a break. If we hear some fisherfolk catch fish in the sea, we go back again.

The most common catch can be seen in the following table:

<table>
<thead>
<tr>
<th>Types of Fish</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marlin</td>
<td>Rp35,000/kg</td>
</tr>
<tr>
<td>Tuna</td>
<td>Rp35,000/kg</td>
</tr>
<tr>
<td>Grouper</td>
<td>Rp70,000-Rp80,000/kg</td>
</tr>
<tr>
<td>Cob</td>
<td>Rp18,000-Rp35,000/kg</td>
</tr>
<tr>
<td>Skipjack</td>
<td>Rp100,000/tail</td>
</tr>
<tr>
<td>Bobara</td>
<td>Rp30,000/kg</td>
</tr>
<tr>
<td>Tude</td>
<td>Rp1000-Rp1500/tail</td>
</tr>
<tr>
<td>Snapper</td>
<td>Rp50,000-Rp60,000/kg</td>
</tr>
<tr>
<td>Basic fish</td>
<td>Rp60,000/kg</td>
</tr>
</tbody>
</table>
The traditional fisherfolk sell their catch while they are still fresh. They bring barrels of ice and water on the boat and place the fish in the barrel (alive) to prevent them from rotting in cases where they will be spending a long period of time at sea. They only put the fish on ice when they are about to go back to the beach.

When the catch is small, the fisherfolk in Sario and Tuminting will sell them by the roadside or at the Sindulang Afternoon Market, where people passing by buy from them. In cases where fisherfolk are successful in catching large quantities of fish above 30 kg, they usually head to the Fish Auction Site (TPI) in Tumumpa Dua, where tibo-tibo or fishmongers purchase the fish.

In Malalayang, the women of the Kinamang fisherfolk community sell the fish from 6 am until the fish sell out. They usually offer the fish door-to-door, walking almost 3 km from the shore while carrying 15kg of fish in buckets on their shoulders or on their heads to visit the customers. Sometimes, they use motorcycle taxis (ojek) that charge Rp12,000 for a round trip.

The catch can be uncertain and fisherfolk sometimes come home empty-handed. As a result, they and their family members usually open a side business. In instances where the fisherfolk come home without catch, women in areas such as Malalayang and Tuminting choose to become tibo (seasonal fish traders) in order to help support the family. They buy fish from the TPI and sell them door-to-door or in a small stall. This was the case for Muhammad, a fisherfolk in Sario, whose child opened a small food stall after his boat was destroyed by the waves.

Generally, the fisherfolk experience mild severity of food insecurity. This is because they can only meet their basic needs due to an uncertain income and the high cost of fishing. Sometimes, they cannot sell the fish because their catch is so low and is only enough for the families’ consumption.

This food insecurity tends to cause anxiety. Additionally, coming home empty-handed requires them to eat their catch from the previous days, ultimately keeping them from having a nutritious diet.

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101 Food security means access by all members at all times to enough food for an active, healthy life. Otherwise, Food insecurity is the limited or uncertain availability of nutritionally adequate and safe foods, or limited or uncertain ability to acquire acceptable foods in socially acceptable ways. Corde indicators of Nutritional State for Difficult to Sample Populations, Life Science Research Office, 1990 Accessed 24 September 2021 [https://www.faseb.org/Portals/2/PDFs/LSRO_Legacy_Reports/1990_Cordecorrelationspercent20ofpercent20Nutritional_state_for_percent20Difficult_to_sample_percent20Populations.pdf](https://www.faseb.org/Portals/2/PDFs/LSRO_Legacy_Reports/1990_Cordecorrelationspercent20ofpercent20Nutritional_state_for_percent20Difficult_to_sample_percent20Populations.pdf)
In addition to the ‘boat’ fisherfolk, there are also ‘cage’ (keramba) fisherfolk who do not use boats and gasoline to catch fish. Instead, they put-up cages on the seafront. These ‘cage’ fisherfolk raise fish in places called ‘rumpon’. The traditional fisherfolk have been complaining about this, as it reduces their catch. At night, the fish run to the rumpon because they are attracted to the lights from the cage, making it difficult for traditional fisherfolk to catch them. As a consequence, the traditional fisherfolk often go home empty-handed.

The right to health and education

The average age of the fisherfolk we interviewed were between 50 to 70 years old. Most of them have finished elementary or junior high school. They chose not to continue their education because they were tempted by the fisherfolk income which was seen as substantial when they were teenagers. Moreover, fishing was a common occupation in the coastal population and within their parents’ generation. However, the situation is different these days; the fisherfolk in Tuminting said that their children prefer not to be fisherfolk because it gets harder to catch fish, and the income is not worth the effort. Welly (65) hopes that his child does not follow in his footsteps because life as a fisherfolk is harsh.

In an interview with officers at the Sario Public Health Center (Puskesmas), it was revealed that Upper Respiratory Tract Infection (URTI), hypertension and ulcers are the most common health problems suffered by the fisherfolk community in Sario. The Health Center personnel explained that the fisherfolk often contract URTI due to their outdoor activities. In addition, the coastal area of Manado City is a central business area filled with motor vehicles and is where the fisherfolk carry out many of their activities.

Generally, the fisherfolk have insurance or social security. They usually pay the fees or are registered by the government through free channels. However, most of them cannot afford the monthly premium, especially the free route, after the government conducted equal distribution of social security on the now-paid Indonesian Health Card. Ismail from Maasing-Tuminting complained about this, stating that when he is sick, he only takes over-the-counter medicine because he cannot afford to go to the hospital.
The struggle of women fisherfolk during the pandemic

In Manado, women fisherfolk do not usually go to the sea, only the men do. Women usually sell their husbands’ catch, either to the TPI or by the roadside. If their husbands come home with a small catch or even empty-handed, the women will buy fish from the TPI or from others’ catch and sell them. For instance, Mrs. Nita (30) from Malalayang, stated that she had sold her husband’s half-a-day catch, adding that she sold large skipjack for Rp100,000 (approx. 8 USD) each, making a total of Rp200,000 (approx. 16 USD) for skipjack and Rp50,000 (approx. 4 USD) for tuna on the given day.

Mrs. Nita has two children; one is in elementary school while the other is still a toddler. She usually leaves them behind when she goes to sell fish by the roadside. Leaving the children is not a problem for Nita and other fisherfolk women in her village because their houses are close to each other, and they help take care of each other’s children.

102 Interviews indicate that this is the exception in Malalayang, where women fisherfolk usually go to the sea.

Therefore, children can play in the neighbouring houses or play at home alone without fear of disturbance. The women take care of domestic affairs, such as: cooking; preparing supplies for their husbands for when they go to the sea; taking care of the children; taking care of the house; opening stalls if they sell fish at home; or selling fish by the roadside.

The fisherfolk’s economy has been severely affected by the COVID-19 pandemic, especially amongst the women. The low season coupled with the pandemic restrictions that mandated closure of markets forced them to sell fish by the roadside. Moreover, the purchasing power of the community has declined, making it harder for them to sell their fish. The fish sellers usually start selling at 6 am and go home in the afternoon or evening after the fish are sold. However, there are times when the sales are so low that they must remain open until 10 pm to midnight, or wait until most of their fish are sold. Not only do they have to leave their children, they are also forced to inhale polluted air throughout the day.
Before the pandemic, the women preferred to sell fish door-to-door. According to them, they can sell them faster that way rather than selling them by the roadside. However, during the pandemic, the fisherfolk women in Kinamang-Malalayang could not do that. They could only sell the fish by the roadside.

A woman explained that:

> It is more profitable to sell the fish door-to-door because we can sell them faster with a higher price. In the stalls, our profit is lower because the buyers like to bargain. We must open from 6 am to 10 PM, even 12 midnight to sell all the fish. Sometimes, we fail to do that and must sell them the next day.

During the low season or *paceklik* like these months, they can only sell tude fish. They sell it for Rp20,000 (approx. 1.40 USD) per plate containing seven to eight fish. These traders get the fish from the fisherfolk in their village or buy them from other places such as Tanawangko, about 20 km. from Manado City. They usually purchase a bucket full of tude for Rp650,000 (approx. 45 USD), and can get up to Rp200,000 (approx. 14 USD) when they sell a bucket full of fish. However, their sales have had their own ups and downs. For instance, there are times when they cannot sell anything because there is absolutely no fish. Their buyers are people on motorcycles or cars passing the road.

In Sario and Tuminting, some of the women who open food stalls complained about dwindling customers. Muhamad Broo, a fisherfolk from Titiwungen-Sario, said that:

> Sometimes the officers (Satpol PP and local police) come and shoo my wife’s customers away. They also tell us to close our food stall. In fact, my wife’s side business really helps us meet the daily needs of our family amidst the insufficient and uncertain income from catching fish.

This example also applies to men. In Sario, the men either go to the sea or sell the fish. However, they have experienced fewer consumers due to the social distancing policy to contain the spread of COVID-19. At the beginning of the pandemic in 2020, fish was not purchased for days. As a result, they had to resell the fish at a lower price and put the unsold fish in the freezer for six months. Furthermore, the reduced income made it difficult for the fisherfolk, particularly men, to pay to refine their fishing equipment. Without proper equipment, they would not go to the sea to avoid the risk of equipment breakdown and would head back to the shore with nothing.

At the beginning of the pandemic, some Tuminting fisherfolk received food aid from the government in the form of rice, cooking oil, and instant noodles for two months. They also received Rp300,000 (approx. 21 USD) in Cash Social Aid (BST) between April to December 2020. However, they stopped receiving the aid in January 2021.
CHAPTER 2 | FINDINGS

Other threats to the traditional fisherfolk

The traditional fisherfolk who use traditional fishing equipment must compete with those catching fish with pajeko, a GT30 vessel with an internal engine. To catch the fish, pajeko will put a rumpon (a raft) in the middle of the sea. Each rumpon is equipped with a lamp to attract fish. At night, the fish are attracted to the light and enter the nets. When the rumpon has collected enough fish, the raft keeper will contact the captain to load the fish into the ship.

The traditional fisherfolk have been complaining about pajeko activities that dominate the waters. Data from the Office of Fisheries and Marine Service shows that there are 34 pajeko ships with almost 450 rumpon in Tuminting Sub-district. The pajeko usually places rumpons in the Sulawesi Sea, the nearest is about 4 miles from the Manado beach towards the Sangir Islands.

The fisherfolk in Tuminting said that the number of fish in Manado Bay has declined drastically since the emergence of pajeko activities in the last 30 years. Many fish are already trapped in the rumpons of pajekos, forcing traditional fisherfolk to go even further to get more fish. They must go 12 miles from the Manado beach, and even further up to the area of Mantehage, Nain, and Siladen Islands (20 to 25 miles from the Manado beach) to catch fish. They are therefore forced to spend more money to travel the distance.

Yafet, a Sindulang-Tuminting fisherfolk, revealed:

These large trawls are trapping our fish and now the sea is already full of them. The rumpons have surrounded the Sulawesi Island up to Maluku, also Sangir area. We have asked the Office of Fisheries Service to limit the number of rumpon, maximum 5 units per pajeko because today the rumpon of one pajeko can be up to 100 units. Their catch area should also be regulated, at least 12 miles from the Manado beach.

However, as it stands, there is no single policy that favours the traditional fisherfolk as it pertains to the existence of pajeko.

These pajeko ships use trawler nets that catch every kind of fish in its path, including the small ones. Furthermore, trawling has been proven to damage the environment and marine ecology. They are many in number and are very detrimental to the traditional fisherfolk.

This situation started around 30 years ago when several non-fisherfolk people invested in fishery. They brought in larger vessels and modernised equipment and employed fisherfolk from places around North Sulawesi. In fact, a number of fisherfolk in Manado City were employed as pajeko crew for a short period, however, they did not continue working due to its low wage and high-risk considerations. Its large amount of capital made it difficult for the fisherfolk to start their pajeko business.

The difficulty in catching fish has been occurring for months and has forced some fisherfolk to seek new careers in construction sites or in pajeko ships. Their earnings from working in pajeko ships are relatively low. The earnings from the catch are first deducted by the costs, thereafter 75 per cent of what is left goes to the ship owners and the remaining 25 per cent is distributed to the crew consisting of 20 to 30 people.

There are four crew levels: level 1 and 2 are the Ship Crew, while Level 3 is the Chief Mechanic, and Level 4 is the Captain. Usually, the Captain and Chief Mechanic get the largest share because there is only one captain and chief mechanic per ship. Besides this, they usually get a monthly wage from the ship owner. However, when they fail to catch any fish, the ship owner will record the loss as a debt, which must be paid back by the crew by cutting their wages from the next catch.
Unhealthy environment

Another threat is sea pollution in the coastal area. Plastics are scattered around the moorings in Tuminting, Sario, and Malalayang. The waste piles up on the beach after a heavy rain or high waves.

Danny Teleng, a fisherman from Sario Tumpaan Village said:

“During a heavy rain, the garbage from the sewer – 20 meters from the fisherfolk’s daseng – will overflow. It’s also like that during the high waves, the tides bring waste from the sea to the shore.

The fisherfolk in Tuminting experience the same thing. Whenever there is heavy rainfall, the garbage will overflow from the estuary of the Tondano River. When the rain falls at the same time that the monsoon season blows to the shore, the tides tend to bring the garbage to the shore and make the mooring area very dirty. Similarly, in Kinamang-Malalayang, high waves always sweep large piles of trash to the beach.

The fisherfolk settlement on the coastal area is not spared from the unhealthy environment. In Malalayang, Sario and Tuminting, the average fisherfolk lives in densely populated settlement.
At several points, their houses are in a complex separated only by small alleys about 2 meters in width. In the complex, kitchens and sinks are usually at the edge of the alley. Liquid waste flows to the small sewers at the edge of the alley, smelling foul.

In Tumumpa - Tuminting, the fisherfolk live in rows of houses along the riverbank. Their kitchens are right by the river and waste from their households flows directly into the river. In consideration to the environment, they are not able to apply alternative sanitation methods due to the housing density and the lack of government attention to the sanitation and drainage system in their area. This situation has also made their environment more vulnerable to the climate-related hazards: during the heavy rains, the stream collects a lot of garbage and pollutes the riverside.

Similar scenes can be found at the Fish Auction Site. Here, a lot of garbage floats around the pier. The sewers are flooded with water and are subsequently used to wash the fish that has just been transported from the boats. Rotten dead fish also lay strewn in some places.

The fisherfolk are mostly affected by this unhealthy environment. Therefore, the fisherfolk in Tuminting, Sario and Tumpaan have started working together to clean the beach and pick up the garbage. However, the garbage continues to appear during the rains and high waves.

Their difficult economic conditions force them to continue living in dense settlements and to get used to the dirty coastal conditions.

The threat of reclamation

Most of Manado’s beaches in Malalayang, Sario, Wenang and Tuminting Sub Districts have been gradually reclaimed for the construction of roads and business areas. The first reclamation was carried out in 1993 for the construction of Boulevard Road, which stretches along the coast of Manado, from Malalayang to Wenang. The reclamation of the new Boulevard Road continued in Tuminting District in 2014. During the second reclamation in Sario and Wenang between 2006 to 2013, the Manado City Government built a business centre called the Mega Mas Area.

In addition to threatening the mooring area of the fisherfolk, the reclamation also impacts fishing via the *soma dampar* (collective net) method. Danny Teleng said:

> Catching fish collectively by spreading the nets (*soma*) in the water near the beach is very labor-intensive. It takes 20 to 40 persons for installing the net. The catch is quite satisfying and is more affordable. It does not require capital such as using a traditional or motorised boat.
Coastal reclamation has a huge impact on the fisherfolk; for instance, an inadequate docking area increases the risk of exposure to high waves; whereas some fishing methods become less feasible, and the environment more damaged. Aside from reducing the fisherfolk’s income, the reclamation also reduced the number of fisherfolk in the Manado coastal area.

Furthermore, rapid development on the coastal area is slowly depriving the fisherfolk of their living space. Fisherfolk settlements are slowly being displaced by business districts. As a result, the remaining fisherfolk have to live in dense quarters that are unhygienic and vulnerable to floods.

The reclaimed beach was once a mooring area for traditional fishing boats. Muhamad, a fisherman from Titiwungen-Sario noted that:

"Before the reclamation, Manado coastal area was inhabited by us, traditional fisherfolk. In the past, the distance from the mooring area to our house was only 15 meters away. The reclamation of the beach has blocked our access to the sea. There is less and less mooring area and the condition is poor; [it has become] inadequate for storing our equipment, let alone for our safety. In the past, before there were buildings on the reclaimed land, we fisherfolk could see the weather from our home to decide whether we should go to the sea or not. Now, we have to walk 150 meters to reach the beach.

The fisherfolk agreed to the first reclamation because they thought that they would get a new mooring area.

However, during the second reclamation in 2006, the fisherfolk in Titiwungen-Sario were asked to move the moorings to an area more than 150 meters away from their settlement. According to Muhammad, the mooring location provided by the developer was very inappropriate because the base was made of reclamation rocks that could damage their boat during low tides. As a result, there was a clash between the fisherfolk, the developers and the police. Unfortunately, the fisherfolk were too powerless to fight back.

Muhamad added:

"We were only given compensation of Rp250,000 (approx. 20 USD) to build wooden rails as a base for pulling boats. The developer had promised to build a 100x80 meters mooring area, but the realisation was only 40 meters wide. As a result, our number is declining because there is not enough mooring area to dock the boats. Even the existing pier is not adequate for boat mooring."
Similarly, during the reclamation of Manado Town Square in 2008, developers started reclaiming the beaches that were supposed to be an open space and should not have been reclaimed because that area was used by the traditional fisherfolk as a mooring area.

III. Climate Change

Fisherfolk catch fish based on experience and knowledge passed from generation to generation. They are also well versed on weather patterns and know the types of winds that blow from the west, north, east, and south. This knowledge is important for them to decide whether they should go out to sea. According to this community, they used to be able to predict the exact time for going out to sea. However, the weather is now unpredictable. The fisherfolk from Kinamang-Malalayang said:

“Today’s weather is unpredictable. Sometimes in December there are rains, sometimes there is not. The weather in August and September is supposed to be hot, but now it often rains. The weather has flipped now.”

If the wind blows from the west or north, it means that the wind blows strongly towards the coast with rain and high waves.

The sign of the west wind is the umbrella-shaped dark clouds that appear from behind Mount Manado Tua. During the west wind or north wind, which usually occurs from September to January, the fish are abundant, but the fisherfolk are too afraid to go out to sea because of the dangerous weather conditions at this time, as they could be trapped in a storm.

This is in contrast with the east wind or the south wind that blows from the mainland of North Sulawesi to the sea. Here, the temperature tends to be warmer, and the low tide usually recedes further from the beach. During this period, which occurs from June to August, many fisherfolk will go out to sea, because it is safer, despite the fact that the fish tend to be fewer than in times of the west wind.

From February to May, the weather is a mix between the west, north, east and south winds. In these times, the weather tends to change frequently. Based on their 20 to 40 years of experience, the fisherfolk in Tuminting said that predicting the weather is harder now. There are times when they go to the sea, knowing that there will be no strong winds and storms at sea. However, suddenly the weather changes and a strong west wind appears, forcing them to return to the beach empty-handed.

In the interview with Chandra, an officer of the North Minahasa Climatology Station, he explained that, in recent years, the weather has become more unpredictable. In addition, weather variability that usually occurs once every 4 or 5 years is now occurring almost every year.

Climate change is real because our environment is changing. Just look at our surrounding, the environment has changed, the land changed, the oxygen supply changed, and many more. So, in general, the temperature is getting warmer. Over the last 30 years, there graph shows a temperature rise. Rain is one of the many factors that causes temperature to rise. Data from 2010 to 2016 show a slight temperature rise and it is predicted to continue until 2050.
Furthermore, the temperature rise is affecting other factors as well. Storms, such as the recent *Surigae* cyclone are an example of this. *La Niña* or *El Niño* usually occurs once every three or four years. However, in recent years, monitoring results reveal that it now occurs annually or biennially with *La Niña* in one year and *El Niño* in the year after and so on. If *La Niña* occurs one year, there is a high probability for *El Niño* to occur the next year.

In short, there is an extreme shift from *La Niña* to *El Niño*. Although 2021 is still in a neutral position, the weather change can be more rapid and shorter. This situation can lead to a longer drought but with higher rainfall intensity. Additionally, the Climatology Station says that Indonesia is the meeting point of Asian monsoons and Australian monsoons. This is because Indonesia is located on the equator.

**Chandra** added:

The term east wind means the wind comes from the east; the west wind comes from the west. Right now, the east wind is dominating. Because the air mass is moving from the south and makes a turn on the equator. The North Sulawesi region is usually affected by the east wind.

So, the pattern is from south (Australia), rising to the equator and turn to west, then turn again towards the latitude just above zero degrees before making another turn to the east. Thus, we tend to be affected by the east wind.

It should also be noted that there was also east wind during the transition season in the last two months resulting in a significant increase in rainfall. In the transition phase, the air mass in this area is suddenly hit by the air mass from the south. It bends the direction, intersecting with other winds from different directions and causes disturbances. One of the results of this phenomenon is higher rainfall or extreme phenomenon in North Sulawesi.’

In Sindulang-Tuminting Village, the fisherfolk told a story about another fisherfolk who was found dead on the shore of Tuminting. According to them, he was approaching the shore but due to the lack of lighting at night, his boat crashed into rocks, he was subsequently hit by waves and strong winds.

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103 El Niño is the warming of the central to eastern tropical Pacific Ocean while *La Niña* is the opposite, entailing the cooling of the average sea surface.
Fisherfolk are deeply affected by the difficulty of predicting the weather. The cost they must bear to go to the sea is not cheap. Therefore, the sudden changes in the weather can reduce their income because they are unable to maximise their sailing time.

On top of this, the low safety standards they endure are neglected by the Government. There is no guarantee for the fisherfolk to be safe when they face sudden bad weather offshore.

**Big Wave on 17 January 2021**

In February 2014, Manado was hit with a long period of heavy rains that resulted in floods and landslides. According to the North Minahasa Climatology Station (BMKG), the impact of floods and landslides in 2014 were the most severe. At least 75 per cent of the city was covered by the flood waters. As a result, about 87,000 people had to be evacuated and 25,000 families temporarily lost their homes. The most affected areas were settlements on the riverbanks and hill areas.104

In Tumumpa Dua-Tuminting Village, a fisherfolk settlement on the riverbanks that flowed along Bunaken Subdistrict to Manado Bay was flooded nearly two meters high. Therefore, they had to evacuate to the highlands for a while.

High-intensity rains hit again in January 2021 at the peak of the west wind season. Although the impact was not as severe as the floods seven years earlier, the Climatology Station of North Minahasa stated that the rainfall in January 2021 was the highest ever recorded. The heavy rains hit Manado Bay for a long period, accompanied by high waves that flooded the central business district and Boulevard Road.

The tidal waves occurred evenly in all villages in Manado, including Tikala, Paal Dua, Malalayang, Sario, Bunaken, Tuminting, Mapanget, Singkil, and Wenang sub-districts. 105

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*Tumumpa Dua Fisherfolk’s Settlement on the Riverbank*
The Operational Coordinator of the Meteorological Station of Sam Ratulangi, Manado, Ben Arther Molle, revealed that one of the causes of tidal waves along the Manado Beach is the strong winds and high sea waves. This resulted in the waves coming to the shore being higher than usual. According to him, rob floods (an instance where sea water overflows to the mainland) usually occur in low-topography beaches such as Manatos, a common reclamation area.

In the sub-districts of Sario and Tuminting, high waves cause considerable damage to the shelter (daseng), especially to the floor and roof. The mooring area, made of piles of rock and cement, has also been damaged. Fishing boats were thrown to the curb and onto the shop houses built on reclaimed land.

Muhammad, the fisherfolk from Sario, said:

“A boat was thrown across the mooring, about 3 meters high, hit by high waves. Six other fishing boats suffered irreparable damage.

The loss of boats has had a huge impact on the traditional fisherfolk. Muhamad and Syamsudin (60), tell of how their moored boats were hit by a large wave, broken, and left stranded by the roadside. After the incident, the Minister of Social Affairs came to the coast of Sario and asked his staff to list the damaged boats. He promised the fisherfolk that he would replace them; however, the promised boats never arrived.

Syamsudin can no longer go out to sea. He depends solely on selling other fisherfolk’s catch. Every day, he sells one bucket of fish for Rp150 to 200 thousand (approx. 10 to 14 USD); whereas in the past when he went out to sea, he could earn his own income and made up to Rp500 thousand to 1 million (approx. 35 to 70 USD) when fish was abundant. Syamsudin has four children, two of whom are still in school. Now he has trouble paying for his son’s tuition fees while his daughter sells snacks in front of the house.”
Another fisherfolk whose boat was destroyed was Muhammad (50), Syamsudin's neighbor. He currently helps his wife sell food near the house. And just like Syamsudin, he did not receive government assistance. He recounted:

After the storm, the government said that they would provide us with food and daily needs. However, the aid was placed in the Fish Auction Site (TPI) in Tuminting Subdistrict and there was nothing left when we arrived there, and we and other fisherfolk came home empty-handed.

From January until May 2021 (interview), they had not been able to catch fish. It has really affected their family's income and they now rely on earnings from their wives' stalls. A similar situation also happened to the fisherfolk in Tuminting.

Another fisherfolk that lost his boat during the storm is Mr. Utu (65) from Tuminting. Since he can no longer catch fish, Mr. Utu decided to become a scavenger. His job is collecting plastic bottles or other plastic waste that can be sold. A car usually comes to pick up the bottles he collects for Rp1500 (approx. 0.1 USD) per kilo. He can earn Rp7500 (approx. 0.5 USD) at most, but there are times where he does not get a dime, as well as times when he fails to collect anything. Mr. Utu lives in a house with his two dogs, while his son lives away and his sister comes once a week to bring food to him, making him dependant on his sister.

The fisherfolk in Titiwungen-Sario face a similar issue. They used to catch tude fish every time they went out to sea. But, over the month of March, April and May, along with the long hot weather, they have not caught any tude fish. The declining stock of fish during the erratic drought forces them to opt not to go out to sea, thereby reducing their income.

As for the long drought and its impact on the fish stock in the sea, Chandra from BMKG office explained that:

The fish stock depends on the existing food. In aquatic science, the level of nutrients in the ocean signifies the abundance of fish. Usually, in the transition season fish are abundant because most fisherfolk choose not to sail. Also because of the extreme weather during the transition season. In some studies, the level of chlorophyll is high during the transition season. Fishing activity is certain to be low due to the strong winds and other weather factors. In the rainy season, the sea surface is hotter and thus reducing the chlorophyll level and the fish stock as well. I think the temperature and nutrients level are the reasons for the disappearance of fish in some regions. The temperature tends to be more significant. With higher or warmer temperature, the chlorophyll concentration is lower. In contrast, if the water is colder, the concentration of chlorophyll is higher and it will attract many fish.

Long drought

The fisherfolk in Sindulang-Tuminting said that when the east wind season occurs during the transition between the west and south wind seasons, the weather changes rapidly, from rainy to dry and vice versa. During the dry weather (February to May), it is difficult for them to catch fish in the sea. Welly, a fisherman from Sindulang, said:

The east wind usually comes during the rainy season (January–February). When it comes during the dry season, we call it the “dry wind.” It is most difficult when the east wind occurs during the dry season, the fish are the hardest to find.
IV. Civil and Political Rights

Sario Subdistrict

As a symbol of protest, the fisherfolk of the Sario subdistrict established Daseng (a shelter for a fisherfolk) at their mooring area.

The Sario fisherfolk are now utilising the remaining open space of 50 meters as a boat mooring area. The location is flanked between the reclaimed land owned by the Municipal Government and the reclaimed land owned by the company PT. Kembang Utara. As it stands, they remain worried about the possibility of a developer reclaiming the mooring area at any time.

In the face of deprivation of their living space and blocked access to the sea, the fisherfolk fought back. From 2009 to 2014, the Sario Tumpaan fisherfolk organised protests and distributed leaflets to gain support for their movement. The daseng built on the site became a symbol of their resistance and became the secretariat to the North Sulawesi Traditional Fisherfolks Association (ANTRA).

ANTRA was formed to defend the rights of fisherfolk in North Sulawesi. The members comprise fishing communities in: Manado; North Minahasa; South Minahasa; and Bolaang Mongondow.

On 4 September 2010, Komnas HAM facilitated a mediation between: the fisherfolk of Sario Tumpaan, the developers, and the Manado City government. One of the outcomes was a guarantee given to the fisherfolk to utilise the open beach space at the beach or mooring. However, after the mediation, the fisherfolk were still intimidated and threatened by the developers. The developers who visited the daseng several times intimidated the fisherfolk to not hold any protests.

A police officer also intimated them by showing a firearm. The fishermen also experienced physical violence and assaults at the daseng by security guards and developers’ agents. In 2013, for example, several fishermen were beaten and dragged by PT Kembang Utara security guards as far as 20m from the daseng to the sidewalk. The incident was reported to the police, but nothing has been done until now.
Malalayang Subdistrict

In October 2010, the fisherfolk sent a letter to Komnas HAM requesting mediation. Two years later, a pre-mediation meeting was held at the Manado City Mayor’s Office. The meeting that was attended by Kinamang fisherfolk and Building Utilisation Rights (HGB) holders did not end with a final decision, and the conflict continued.

In mid-2012, the fisherfolk clashed with HGB holders who were escorted by the police. With the help of heavy equipment, the HGB holders cleared the trees around the disputed area. When the fisherfolk tried to block the heavy equipment from clearing the trees, two women were hit by one of the trees that were torn down. One of them, three months pregnant, died, and the other suffered serious injuries. In addition, two fisherfolk were accused of provocation and were questioned by police.

Twenty years on, the Kinamang fisherfolk are still defending the coast as their living space and source of their livelihood. The Local Government has not taken decisive steps to protect the rights of the fisherfolk nor revoked the legally problematic HGB. Currently, the fisherfolk are still living with the threat and in the fear that HGB holders can seize their land.

In 2017, the Regional Government of North Sulawesi issued Regional Regulation No. 1 of 2017 on Zoning Plan of Coastal Areas and Small Islands. In the regulation, the coastal areas of North Sulawesi are divided into certain allotment zones where the north coast of Manado City in Tuminting sub-district is designated as a general utilization zone. The regulation also stipulates that reclamation is permitted in general utilisation zones. Derivative rules on reclamation have also been issued through Governor Regulation No. 30 of 2018 on Reclamation. Reclamation on the north coast of Manado is planned to cover an area of 175 ha., in the form of islands, with each island spanning 25 ha.

The formulation of these regional regulations did not involve the Tuminting fisherfolk community. The master plan on reclaimed land is also not accessible to the public. The developers claimed that they have held meetings discussing the reclamation plans with groups that claimed to be fisherfolk representatives. Meanwhile, the actual fisherfolk, who catch fish on a daily basis in Manado Bay, were not involved in the meetings.

Trash along the beach near the fisherfolk village of Kinamang, Manado
North Sumatra, Medan

1. Background

Medan Belawan is one of 21 sub-districts in Medan, North Sumatra. It shares borders with Deli Serdang District on the west and east, Medan Marelan and Medan Labuhan on the south, and Malacca Strait on the north. The sub-district spans an area of 21.82 km² and has a population of 99,611 people consisting of 49,228 men and 50,383 women.

Medan Belawan has six villages. Based on the population per area ratio, Belawan Bahagia Village is the most densely-populated village with 22,865 inhabitants per km². The majority of people in Medan Belawan are fisherfolk (5,638 people) while the rest works as: civil servants (694 people); private employees (371 people), military personnel (156 people); farmers (70 people); traders (2752 people), and retirees (636 people).

Geographically, Medan Belawan is located in the Malacca Strait, which is strategically positioned along the world trade route. The topography of the Belawan area is coastal, with rivers that flow into the sea. Swamp and mangroves/mangrove forests are also a common feature in the Belawan area.

The researchers visited a fisherfolk village in the 12th neighbourhood of Belawan I Village, in the Medan Belawan Sub-district. In this location, there is a conversion of mangrove areas where the majority of the population are fisherfolk who depend on the sea for their livelihood, and who build houses near the coast, which makes them vulnerable to climate change.


The fisherfolk village is commonly known as Kampung Nelayan Sebrang. Its location is unique; geographically, the village is a part of Deli Serdang District. However, formally and as shown in the identity card of the villagers, it is a part of the administrative area of Belawan I Village, in the Medan Belawan Sub-district of Medan City. This often causes confusion and the Medan City Government often neglects its obligations because the geographical location of Kampung Nelayan Sebrang is considered to fall outside the administrative area of Medan City. As it stands, there has been no attempt by the North Sumatra Provincial Government to resolve this confusion. Kampung Nelayan Sebrang comprises approximately of 500 families. According to the residents, the village was first built in the 1950s. The area was originally a mangrove forest, however, fisherfolk from Karang Gading and Kota Datar of the Deli Serdang District began to catch fish and crabs in the mangrove forest. Following this, they set up huts and shelters on the mangrove coast, which were initially meant to act as temporary settlements. However, due to the increasingly difficult economic situation, they began to consider building permanent houses in the location. This was an attractive option because they could build houses without having to buy the land, they just had to clear the mangroves and would instantly be closer to their fishing location. The initial settlement began in 1957 when five fisherfolk settled on the location; gradually more people arrived and populated the area until it became the village that is now known as Kampung Nelayan Sebrang.

According to another narrative, there was a period of massive clearing of mangroves for shrimp ponds by Acehnese and Chinese businessmen in the 1980s. It was so labour intensive that it accelerated the migration process to Kampung Nelayan Sebrang. This narrative may explain why Kampung Nelayan Sebrang is currently inhabited by various ethnicities/tribes. Today, the population of Kampung Nelayan Sebrang is diverse and is dominated by Malay people, as well as Javanese, Karo, Mandailing, Batak/Toba, Sundanese, and Minang populations.
The people of Kampung Nelayan Sebrang live in simple houses that are square-shaped and divided into several spaces with a simple opening or a window for ventilation and air circulation. Almost all houses are made of wood. Wooden planks are used for the walls and floors, while the roof is made of zinc sheets or asbestos plank with wooden poles to support the floor and roof of the houses.

All the houses in Kampung Nelayan Sebrang (i.e., those that are both on land and on water) are raised on platforms. The houses do not usually have a yard for social interaction and inhabitants have limited space, relying on narrow terraces for social interactions.

From the history of its establishment, it is clear that the land on which the residents built their settlement do not have proper documentation or a strong legal basis to stay on the land.

Although Kampung Nelayan Sebrang has obtained administrative recognition as a part of Belawan I Village, the unclear land ownership status of the residents makes them vulnerable to eviction when the government or other parties with a control claim try to utilise, or take over their land.109

Aside from lack of funds, the residents choose not to build permanent houses with concrete and mortar due to the lack of ownership status, which causes insecurity, as they can be evicted at any time.

Belawan River is the only channel that connects Kampung Nelayan Sebrang to settlements in the Medan mainland and provides an opportunity for interaction with people outside the village. The people usually use boats to reach the Medan mainland, and vice versa. The houses in Kampung Nelayan Sebrang are connected via a road access (bridge) made of wooden planks with support poles made of mangrove wood, which allows for some interaction between villagers. There are also a few access roads made of concrete, built with aid from communities/agencies outside Kampung Nelayan Sebrang.

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109 Information from the resident mentioned that Kampung Nelayan Sebrang is included in the area of PT Pelindo.
II. Economic Social and Cultural Rights

Threatened right to livelihood for coastal fisherfolk

The residents of Kampung Nelayan Sebrang live as coastal fisherfolk. They look for fish, crabs, shrimp, and other sea creatures around the mangrove forest areas and usually use boats from the village to reach the mangrove area. Their catch usually depends on the seasons that affect fish migration as different fish can be caught in different seasons. Since their catch is highly affected by seasons, there are times when the fish is abundant (high season) and times when fish and crabs are scarce (low season). Additionally, the fisherfolk tend to fish individually, as opposed to in groups, only receiving assistance from family members.

According to the community, the income earned from fishing and catching crabs is highly uncertain. On average, a typical fisherfolk could earn up to Rp200,000 (approx. 13 USD) from selling their catch and the effective fishing time, according to the low/high tide, is about 15 to 20 days per month.

As a result of trench sedimentation due to reclamation, the fisherfolk’s catch declined drastically because of the loss of habitats for fish. In 2019, PT Pelindo I, a state-owned enterprise, constructed a new port in Belawan Medan. The reclamation and port construction has been perceived as the cause of destruction of the surrounding marine ecosystems, including trench sedimentation.

The fisherfolk communities in Belawan usually look for fish in trenches and mangroves that are fish habitats. Mangroves provide fish habitats and ecosystem for the fisherfolk’s livelihood. The loss of mangrove ecosystems will certainly disrupt their livelihoods. However, the use of pesticides in palm oil plantations has contributed to the death of fish and crabs in the mangrove/fishing area. Here, the tides bring the remnants of pesticide toxins to the mangrove area, poisoning the fish and damaging the existing mangrove ecosystem.

According to Irwansyah, the shallowing of the trenches in Belawan coast has been occurring in recent years. Irwansyah said that the shallowing is caused by the intensity and height of high tides that carry sand and litter, especially during the 2020 to 2021 period.
Furthermore, the damaged marine ecosystems due to floods, litter, sedimentation, and other factors eventually reduced the fishing area of the fisherfolk, whose livelihoods depend solely on catching fish; this has ultimately affected the income of around 6,000 fisherfolk in Belawan.\textsuperscript{110}

It is important to note that the problem of litter and debris is inseparable from floods and tides. During the high tide, the water carries litter and debris from the sea, which piles up underneath the villagers’ houses. A resident said that he and other residents once tried to pick up the piles and turn it into a soccer field. However, the amount of litter and debris and the increasingly frequent tides overwhelmed them.

The residents of Kampung Nelayan Sebrang claim that reclamation and port construction by PT Pelindo I is one of the causes of the great flood in 2020 and 2021. Reclamation and port construction in Belawan has a direct impact on the fisherfolk in Medan, especially for traditional fisherfolk whose fishing routes go through Belawan. Since the reclamation and port construction began, the fisherfolk have been required to take a detour that is farther than their usual route.

The port reclamation also blocked access for traditional fishing boats, causing them to travel one mile further each day and spend an additional one litre of diesel.\textsuperscript{110}

The obvious implication is that they have to spend more money to buy diesel, at 30 litres per month or 365 litres per year, with an approximate value of Rp3,504,000 (approx. 250 USD) annually.\textsuperscript{112}

In a show of unity, the fisherfolk community has started to develop mangrove ecotourism with the hopes that it will increase their income, amidst the uncertainty of catching fish and crabs. Indeed, while conflict among the fisherfolk over the control of the catching area has not surfaced, the possibility of it looms, as may be evidenced by past reports of tension between the traditional and pajeko/trawl fisherfolk.

Additionally, Tris Zamansyah, the chairman of the Indonesian Fisherfolk’s Federation (FNSI), said that conflict regarding the catching area has heightened over the last decade. This conflict is driven by the use of non-environmentally friendly fishing equipment and other factors that cause damage to fish ecosystems and habitats.

Lack of fish in one area pushes fisherfolk to move to another area. This often leads to conflict among fisherfolk due to the different fishing equipment they use. For example, the fisherfolk in Serdang Bedagai District are in conflict with fisherfolk from the Medan City because they use big ships with trawl nets to fish in Serdang Bedagai District i.e., within the traditional fisherfolk’s catching area. This often triggers physical altercation between the fisherfolk.


\textsuperscript{111} Nikson Sinaga. “Nelayan Minta Ganti rugi Pelabuhan Belawan Dituntaskan.” Kompas 22 April 2019 \url{https://www.kompas.id/label/reklamasi-pelabuhan-belawan}.

\textsuperscript{112} Assuming the price is Rp9,600 (approx. 0.75 USD) per liter of diesel.
Human induced floods affecting housing and health rights

In addition to the various problems and factors that cause floods, Jaya Arjuna, an environment and urban engineering expert, suggested that floods that occurred in Medan, and especially in Belawan, are caused by the lack of drainage and sedimentation of the river that used to function as a waterway. According to him, clogged drainage is caused by litter that is not managed properly.

Furthermore, Jaya Arjuna explained that there are two major rivers that cross the city of Medan, namely the Deli River and the Belawan river. Both rivers flow to Kuala Deli (in the Belawan region). When Medan was under the control of the Dutch Government, the city was built to prevent floods. Thus, the colonial government built a good drainage system. They dug the soil in the city of Medan for approximately 200 km, starting from Pakaran Batu to Parit Busuk, and then to Belawan, and the Pegatalan River, which is parallel to the Deli River, before ultimately ending up in Kuala Deli.

A current example of poor drainage systems of the city is the Medan Industrial Estate (KIM) in the Belawan area. During the Dutch era in the 19th century, the KIM had the most waterways because the Dutch were aware of the flood risk. However, the KIM area has now been developed into an industrial area and is the first area affected when it floods.

Nova, a resident of Belawan mainland, added that floods and robs often cut access to roads making it hard for the residents to see the bridges and sewers. Therefore, people usually get stuck during the floods. She also worried about children getting injured from falling into the sewers.

Nova further revealed that some residents are raising their house onto platforms to overcome the flood, while others are keeping their houses as is because they cannot afford to renovate the house.

The housing conditions in the fisherfolk village are particularly concerning. As previously noted, the uncertainty of the land ownership status and poverty has forced them to live in houses made of wooden planks supported by mangrove wood poles. With more severe impacts of climate change, the residents of Kampung Nelayan Sebrang are very vulnerable to disaster. The fragile conditions of their buildings means that their houses can collapse or sink in case of high waves or tides.

Furthermore, after living in and occupying the houses for decades, no one in Kampung Nelayan Sebrang holds a legal claim to the land. Therefore, the villagers are often viewed as illegal residents that can be evicted or displaced anytime by the Government or private parties when development projects come to the village.

Based on observations and testimonials from the residents in Kampung Nelayan Sebrang, many of them are infected with skin diseases that cause their bodies to itch. They suspect that the disease is caused by the litter and debris carried by the tides and piled up in their settlement. They said that the children have it worse because they often play and bathe in the contaminated water. None of them has access to health insurance, while no health centres are set up in the area.

Children playing unbothered in polluted waters in the middle of the settlement
Unaffordable education and no support

In 2018, there were 2,944 school dropouts in Belawan I Village between the ages of 6 to 12 years. In addition to this, most of the people of Kampung Nelayan Sebrang have a low level of education. The villagers explain that they cannot afford the tuition cost. Furthermore, there is only one primary school in Kampung Nelayan Sebrang. To go to secondary school, students must cross towards the mainland and pay for boat transport at the rate of Rp20,000, (approx. 1.5 USD) per day.113

There are 12 junior high schools and three high schools in Medan Belawan Sub-district. In Belawan I Village, there are four junior high schools and one senior high school, while there are 2,876 school dropouts between the age of 13 to 19 years. The lack of educational institutions in Belawan I Village make it difficult for children to access junior high and senior high school education.

The difficult economic condition of the parents has caused the children to drop out of school, especially since parents are to pay the boat transportation fee for children to get to the junior and senior high school on the mainland.114

Subsequently, low education and poverty have forced the children in Kampung Nelayan Sebrang to help their parents find fish or crabs on the coast. In such cases, the parents do not intend to exploit their children to make ends meet. However, the lack of options has forced the children to help their parents.

Low education coupled with poverty has also resulted in child marriage in Kampung Nelayan Sebrang. Parents are forced to marry their children off to avoid them engaging in sex before marriage, and because they cannot afford the daily cost of their upkeep.

The people of Kampung Nelayan Sebrang, report that they rarely receive development programmes from the Government, for instance in the form of training to improve their economic standing or via funding programs. So far, they have only received capacity building from non-governmental organisations, universities, or research institutions.

According to them, the lack of Government programmes in their village is due to the unclear administration of their village. This poor administration has also led to the violation of the people’s right to obtain ID cards, which is the basic requirement for benefiting from Government programmes.

114 Ibid.
III. Climate Change

The effects of converting mangroves to palm oil plantations

*Kampung Nelayan Sebrang* is adjacent to the mangrove forests in Deli Serdang District. Since its establishment, the people in *Kampung Nelayan Sebrang* have depended on the sustainability of the mangrove ecosystem. A healthy mangrove ecosystem is vital in serving as the habitat of fish and crabs, which is the source of livelihood for the coastal fisherfolk. However, conversion of mangroves to palm oil plantations has become a serious problem for the people of *Kampung Nelayan Sebrang*. Firstly, it has resulted in reducing the mangrove area, which means reducing the fishing area of the fisherfolk. Secondly, palm oil plantation activities have negatively affected the health of the existing mangrove ecosystem. Various studies show that aside from providing a habitat for various fish and crabs, mangroves serve as a fortress when it floods.

Furthermore, they are an important part of climate change mitigation as they absorb greenhouse gases from high-carbon industries; as such, reducing the presence of mangrove trees in the area will have a debilitating impact on the environment.

Despite this knowledge, 5,000 ha. of protected mangrove forests in Paluh Puro, Deli Serdang, were allegedly converted into palm oil plantations by land mafia and corporations.115 According to the village inhabitants, the conversion of protected mangroves for palm oil plantations increased during the 2006 to 2016 period.116

Based on the map obtained from BPKH (Forest Area Establishment Agency) Region 1 of Medan, the total area of Deli Serdang District is 62,739.36 ha. According to the results of a land cover classification taken in 2016, the largest land cover is taken up by settlements, while the smallest consists of bodies of water. Land cover classification results using satellite imagery of Landsat 5 TM in 2006 shows that the largest land cover is palm oil plantations, and the smallest is a body of water.117


115 Ibid.

116 Ibid.

117 Ibid.
Total Area and Percentage of Land Cover Changes in Deli Serdang Coastal Area

<table>
<thead>
<tr>
<th>Types of Land Cover</th>
<th>Area in 2006</th>
<th>Area in 2016</th>
<th>Change during 2006-2016</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Ha</td>
<td>%</td>
<td>Ha</td>
</tr>
<tr>
<td>Settlement</td>
<td>11,511.27</td>
<td>18.35</td>
<td>18,326.20</td>
</tr>
<tr>
<td>Open Land</td>
<td>8,645.98</td>
<td>13.78</td>
<td>13,431.18</td>
</tr>
<tr>
<td>Palm Oil</td>
<td>14,338.30</td>
<td>22.85</td>
<td>15,113.16</td>
</tr>
<tr>
<td>Pond</td>
<td>3943.26</td>
<td>6.29</td>
<td>4321.44</td>
</tr>
<tr>
<td>Dry Land Farming</td>
<td>3902.49</td>
<td>6.22</td>
<td>1313.61</td>
</tr>
<tr>
<td>Rice Field</td>
<td>4698.11</td>
<td>7.49</td>
<td>1854.81</td>
</tr>
<tr>
<td>Mangrove</td>
<td>7233.28</td>
<td>11.53</td>
<td>2938.48</td>
</tr>
<tr>
<td>Shrubs</td>
<td>7398.15</td>
<td>11.79</td>
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<tr>
<td>Water Body</td>
<td>317.67</td>
<td>0.51</td>
<td>344.90</td>
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<tr>
<td>Unidentified</td>
<td>750.84</td>
<td>1.20</td>
<td>2437.87</td>
</tr>
<tr>
<td>Total</td>
<td>62739.36</td>
<td>100.00</td>
<td>62739.36</td>
</tr>
</tbody>
</table>

Note: (+) increase of land cover (-) reduction of land cover

In 2006, the total palm oil plantation cover was 14,338.30 ha. or 22.85 per cent of the coastal area in Deli Serdang District. In 2016, it increased to 15,113.16 hectare (24.09 per cent).\(^{118}\)

One of the causes of this loss is conversion of 1,792.09 ha. of mangrove area into palm oil plantations. This is evidenced by the number of palm oil plantation cover that increased by 1.24 per cent during this period.\(^{119}\)

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\(^{118}\) Ibid.
\(^{119}\) Ibid

Flooding and Pests

In April 2021, the media in North Sumatra reported floods and robbers that hit several villages in Belawan Medan. The floods sank at least thousands of houses in the six villages in Belawan District, Medan. The researchers tried to confirm these findings with the community in the fisherfolk village and its surroundings.

According to Irwansyah, a resident of Kompung Nelayan Sebrang, floods and robbers are common events. They hit once every three months during the high tide but usually last for a few hours at most.
However, the robs and floods in the last three years, especially between 2020 and 2021, are different. They hit with higher intensity and can last from three to five days. Additionally, the high tides come suddenly and have become bigger, not only flooding the roads and cutting off access, but also sinking houses and mosques.

Nova shared a similar story. She recounted that the robs have become higher and bigger this year. They flooded her house to her knees every time they hit.

Haji Irfan, a community leader of Belawan, supported her statement noting that this year is high tide. We the fisherfolk have no idea what kind of tide this is. In 1980s, the high tide was only a seasonal event, just once every five years. Now, it has repeatedly hit our houses.120

Jaya Arjuna, an environmental and urban observer from Medan, also shared a similar analysis.

The root of floods and robs are lowland; the high tide overflows to the land. In the past, there were Muara Sungai Belawan and Kuala Sungai Deli rivers. When the tide hits, it was contained by Kuala Deli first, so the water would not overflow to the settlement. But Kuala Deli is shallow and sandy now, it used to be 10-14 meters deep, so it could contain the tide. Now Muara Sungai Belawan and Kuala Sungai Deli are full of sand because of watershed normalisation activities. They built a high wall and it breaks, leaving 85 per cent of Kuala Deli full of sand and plastics, and they do nothing about it. Without any serious effort, robs and floods will be an eternal issue.121
IV. Civil and Political Rights

The right to identity and public services

Geographically, Kampung Nelayan Sebrang is in Deli Serdang District, but administratively it is included in Medan City area. The poor administration of the North Sumatera Government has caused a lot of human rights violations, where one violation leads to another. Several Kampung Nelayan Sebrang residents do not have identity cards and are therefore denied administrative services, essentially causing them to be ‘ping-ponged’ from one region to another.

Another impact of the poor administration on the residents of Kampung Nelayan Sebrang is the failure to provide equal opportunities for them to benefit from development programmes. The Medan Municipality Government argued that the development of Kampung Nelayan Sebrang falls under the responsibility of Deli Serdang District Government. As a result, amidst the rapid growth of the city, Kampung Nelayan Sebrang is not only geographically marginalised, but also administratively invisible.

The fisherfolk’s protests on the reclamation and its impacts, both on individuals as well as community, were also ignored by the Government.

In 2018, Irwansyah said that he and several people in Kampung Nelayan Sebrang established an organisation to save the mangroves amidst massive illegal conversion of mangroves for palm oil plantations.122 In doing so, the fisherfolk have begun to replant the mangrove areas by establishing a community organisation that is supported by researchers from the University of North Sumatra.

The community organisation rehabilitated abandoned ponds by planting mangroves; repaired houses and roads independently; collected garbage on the beach; built a reading house for fishermen’s children; and created a mangrove ecotourism initiative supported by the University. Although much has been done, the community organisation does not get support from outside the group members. Those outside of the organisation allege that the group is aiming to secure a project from the government. Moreover, the economic management of the group members is very weak, making it difficult to carry out group work programmes.

122 The residents believe that the palm oil plantations are illegal because they are planted on mangrove areas that is supposed to be categorised as protected area.

Uncontrolled trash potentially causing diseases and high floods.
Chapter 3
Conclusion

Stagnant water within settlements
Testimonies and data collected from the field clearly indicate Indigenous Peoples and fisherfolk face significant challenges in the realisation of their human rights. Ongoing economic, social, civil and political struggles demonstrate lax Government accountability and insufficient redress mechanisms. With the negative effects of climate change adding socio-economic burdens, the interviewed Laman Kinipan Indigenous People and fisherfolk will inevitably face exacerbated challenges to their work, livelihood and well-being.

1. Lack of Human Rights Accountability in Indonesia

The Indigenous People of Laman Kinipan have been advocating for their customary rights for almost five years. They are faced with the lack of a working mechanism for the restoration of their rights. The rejection from the Laman Kinipan indigenous community should be a consideration for the Government before granting permits to oil palm plantation companies.

Article 12 (1) of Law No. 39 of 2014 concerning the plantation sector states that if the land required for a plantation business is the customary land rights of the customary community, the plantation business actor must hold consultations with the community to obtain approval regarding the surrender of land and its compensation. Allegedly, the Regent did not grant permission because there was no approval by the Indigenous people of Laman Kinipan, in reality, however, the Regent of Lamandau still gave permission to PT. SML, a private plantation company. Additionally, Article 12 (1) of the Agrarian and Spatial Planning/Head of the National Land Agency No. 5 of 2015 concerning Location Permits states that location permit holders are permitted to acquire land within the location permit area from the rights and interests of other parties based on an agreement with rights holders or parties who have such interests by buying and selling, providing compensation, land consolidation or other means in accordance with applicable regulations.

The District Head should not have given a location permit to PT. SML in Kinipan because there was no agreement between PT. SML and the Laman Kinipan Indigenous community regarding land acquisition.

Existing legal mechanisms suggest a one-sided or discriminatory process, specifically at the police and local government levels. The police, for example, only followed up the reports from PT. SML even though their evidence was scant. By comparison, members of the Laman Kinipan indigenous community’s evidence ranged from clear environmental damage, pollution, and the sale of village assets (forests).

The swift arrest of community members is a direct portrayal of police indifference towards the case. Moreover, at the most basic level, the police have not given the community a receipt of their report nor did they process the community’s claims. This already indicates a violation of Article 103 (2) of Indonesia’s Criminal Code and constitutes a violation of Article 19 and 32 (3) of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

In North Sulawesi, the fisherfolk community had been protesting the reclamation either through protests, hearings with the Regional Representative Office (DPRD), or mediation facilitated by Komnas HAM. One of the mediations resulted in a guarantee for the fisherfolk to use the boat mooring location as an open space. However, after the mediation, the community continued to face intimidation and were threatened by the developers. Ultimately, reclamation continued.

The fisherfolk community has also sought to resolve the land ownership claim through hearings with the DPRD of North Sulawesi, followed by a mediation conducted by Komnas HAM. However, the land claim is still being disputed and the Building Utilisation Rights (HGB) has not been revoked.

Furthermore, in North Sumatra, several Kampung Nelayan Sebrang residents do not have identity cards and they are denied administrative services. The failure to fulfil the right to participate in public affairs (Article 25 of ICCPR) eventually leads to violations of other rights such as the right to: public services; education; health; social funds and government programs; employment; voting and voting rights; and other rights that require identity cards as the main requirement.
II. Lack/Absence of Redress Mechanisms Contributing to Deforestation and Climate Change

In 2016, the Government of Indonesia ratified Law No. 16 of 2016 on the Ratification of the Paris Agreement, legally binding it to submit Nationally Determined Contributions (NDC) to address climate change. In the First NDC submitted in 2016, reducing emissions in the forestry and land sector dominate Indonesia's climate commitment up to 2030.124

Even though the Government has taken obligations to participate in reducing GHGs, laws and regulations that allow and even encourage deforestation remain in place, as may be evidenced by the revised Mining law and the Omnibus Law on Job Creation.125

Those who oppose these laws and regulations, including Indigenous Peoples, continue to be criminalised as evidenced by civil society’s documentation.126 This trend of attacks and criminalisation of defenders inevitably slows down meaningful climate action.

Based on collected findings, the case of the Laman Kinipan Indigenous community in Central Kalimantan and the fisherfolk community in North Sulawesi and North Sumatra demonstrate an inadequate redress mechanism ultimately contributing to the negative impacts of climate change. This constitutes a violation of Article 14 (1) of the ICCPR on the right to equality before courts and tribunals127 and Article 28 (1) of the UNDRIP specifically for Laman Kinipan Indigenous Peoples.128


128 Indigenous peoples have the right to redress by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
The lack/absence of effective redress mechanisms risk delaying targets set in Indonesia's 2021 NDC, with the 2020 NDC already rated highly insufficient to meet the Paris Agreement's limit.\(^{129}\)

### III. Climate Change has Led to Poverty

The impacts of deforestation and climate change suffered by the Laman Kinipan Indigenous People include but are not limited to: difficulty in finding certain vegetables, spices, and seasonings; difficulty in finding medicinal plants; a polluted river and undrinkable water; as well as a declining number of animals, plants, and honey to hunt and sell. As Indigenous Peoples, the people of Kinipan mostly depend on the forests for their livelihoods. Deforestation has therefore undermined their quality of life. In addition, some of them must switch jobs because their regular profession's income is no longer enough to support their families.

Poverty among the fisherfolk communities is not merely caused by fate or bad weather. Upon closer observation, coastal development, reclamation, and unfair competition also contribute to this cycle of poverty. The main problem that afflicts the fisherfolk is weather uncertainty, which makes it difficult for them to calculate the best time to sail or not.

With unpredictable weather conditions, it is harder for the fisherfolk to make the right decisions to earn; often, they think that the weather is good and they decide to go to the sea, however, erratic weather patterns compel them to go home without catching any fish. Even if some are lucky to catch a skipjack or two, the selling price is only enough for meals for a day or two. Furthermore, in the past, they did not have to deal with additional emerging threats such as coastal development, garbage pollution, or big ships that use trawler nets, arbitrarily intercepting the routes of traditional fisherfolk.

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Storms have also contributed to impoverishment. As a means of production, fishing boats play an important role. The government promised to replace boats that are damaged during storms but the compensation has never happened. With fishermen forced out of their livelihood, the family ultimately relies on the wives’ income from selling food in small stalls, often with inadequate daily earnings. The number of school dropouts in North Sumatra is another indicator of violation of the right to education. Poverty is the most common cause for children dropping out of school. The lack of options has forced children to help their parents, resulting in low education levels in the area.

In North Sulawesi, even though the Regional Regulation on Zoning Plan of Coastal Areas and Small Islands stipulates that the developers are responsible for the fisherfolk’s settlement and alternative livelihood, it is obvious that the developers never fulfilled any of these obligations. This runs contrary to Article 7 (a) (ii) of the ICESCR on the right to just and favourable conditions of work.130

Violations on the right to life, health, food, and a clean and healthy environment are caused by the increasing frequency of high tides and floods. The floods are not only damaging the marine ecosystems, but also contribute to the shallowing of trenches and accumulation of debris. This has ultimately reduced fish habitat in Kampung Nelayan Sebrang.

In addition, palm oil plantation activities are not only reducing mangrove areas, but are also damaging the mangrove ecosystems due to diluted pesticides from the plantation during the high/low tide. The accumulation of garbage in residential areas as well as environmental damage have exposed the residents of Kampung Nelayan Sebrang to various diseases.

130 International Covenant on Economic, Social and Cultural Rights, adopted 1966, entered into force 1976, Article 7 (a) (ii): “The States Parties to the present Covenant recognise the right of everyone to the enjoyment of just and favorable conditions of work which ensure, in particular: remuneration which provides all workers, as a minimum, with a decent living for themselves and their families in accordance with the provisions of the present Covenant.”
Climate change impacts borne by the fisherfolk community already indicate a violation of Article 11 of the ICESCR on the right to adequate standard of living and Article 12 (2) (b) on the right to the highest attainable standard of physical and mental health.131

**IV. Indonesia’s Narrative on Development: Human Rights on the Line**

Indonesia’s economic development model prioritises the expansion of plantations and physical infrastructure. Collected testimonies and evidence in Central Kalimantan show that this approach has led to land-grabbing, licensing overlap, evictions, and criminalisation of communities. Further, this expansion-driven approach impoverishes interviewed Indigenous Peoples by depriving them of their production elements (land, gardens, rice fields); by increasing disasters and environmental pollution; and by compelling those who oppose these expansions to years of legal disputes.

The direction of the coastal development policy in North Sulawesi planned by the regional government marginalises the fisherfolk and threatens their living space. Reclamation undermines the traditional fisherfolk’s access to sea and their right to passage as mentioned in the 2012 Constitutional Court Ruling on the judicial review of the Law on Coastal Areas and Small Islands. The coastal areas should be reserved for fisherfolk who have been depending on marine resources for their livelihoods for decades. The formulation of coastal development policies should also involve fisherfolk through effective consultations rather than mere socialization meetings.

Land conversion in North Sumatra can be perceived as the Government’s failure to plan programmes related to climate change. On one hand, the Government launched a simultaneous climate village programme.132 On the other hand, through its spatial policies, the door remains wide open for investments that cause deforestation and environmental destruction.

We can observe a similar phenomenon at the national level; the Government developed a national action plan on climate change while formulating and issuing various laws and regulations that provide ways for investments that clear forests, exploit mines, evict indigenous and traditional communities, and produce dirty energy.

With the Government intent on implementing economic policies that damage the environment and endanger the human rights of vulnerable populations, climate change programs and targets will be no more than lip service. In such situations, the communities face multiplied threats and impacts such as those from state-driven environmental damage and land grabs, as well as those induced by anthropogenic climate change. Not only do the impacts cost the communities their managed area, but the communities also become the first victims in an event of disaster.

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131 Ibid. Article 11: “The States Parties to the present Covenant recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. Article 12 (2) (b): The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for The improvement of all aspects of environmental and industrial hygiene.”

Recommendations

The Inuhan river, the main access for the Laman Kinipan community to the forest.
To the President of Indonesia

- Extend the Presidential Instruction No. 8/2018 concerning Suspension and Evaluation of Oil Palm Plantation Permits and Increasing Oil Palm Plantation Productivity (Moratorium on Palm Oil), expired on 19 September 2021
- Prioritise and ensure the drafting of an implementing regulation for the anti-Strategic Lawsuit Against Public Participation (SLAPP) article enshrined in the 2009 Environmental Protection and Management Law, in the form of a presidential regulation
- Implement once again the multi-doors mechanism for criminal acts related to deforestation
- Repeal the Omnibus Law on Job Creation and respectfully abide by the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR)

To the Ministry of Environment and Forestry

- Promptly review all permits issued by the Ministry to companies that are converting forest functions into oil palm plantations, and ensure compliance with Indonesia’s human rights obligations under national and international law
- Officially recommend to the President of Indonesia to extend the moratorium on the development of new palm oil plantations

To the Ministry of Marine Affairs and Fisheries

- Regulate fishing areas for traditional fisherfolk and ship-owning fisherfolk, including restrictions on the placement of fishing gear for boat-owning fisherfolk, ensuring the rights to livelihood and food security of the fisherfolk and their families
- Develop awareness raising and capacity building programmes for fishermen to deal with the unpredictable weather triggered by climate change, in collaboration with the Indonesian Agency for Meteorological, Climatological, and Geophysics

To the Ministry of Agrarian Affairs and Spatial Planning

- Ensure the rights of Indigenous Peoples living in their customary lands, also by not granting any concessions to corporations on their forests and coastlines
- Revoke the land Right of Use (Hak Guna Usaha, HGU) granted to PT SML for its oil palm plantations, as it was granted on the territory of the Laman Kinipan indigenous community
To the Indonesian National Police

- Halt criminalisation of members of communities and defenders advocating for their rights and ensure accountability for illicit business conduct
- Enforce the law against businesses responsible for land grabbing and investigate reports and complaints filed by members of communities and defenders

To the The House of Representatives of the Republic of Indonesia

- Monitor and take concrete steps to halt all acts of criminalisation, arbitrary arrest, and detention by the police, including of Indigenous Peoples advocating for the respect of their rights

To the Ombudsman of the Republic of Indonesia

- Monitor, investigate and report on allegations of environmental management maladministration

To the Corruption Eradication Commission (Komisi Pemberantasan Korupsi)

- Supervise the operations of law enforcement agencies and investigate complaints of corruption cases related to the management of natural resources

To the Komnas HAM (Indonesia Human Rights Commission)

- Promptly investigate reports of human rights violations and environmental degradation, including intimidation and criminalisation of human rights defenders and environmental defenders

To the Lamandau Regency

- Expedite the process for recognising the customary forest of the Laman Kinipan Indigenous community
- Halt the concession of licenses to any businesses aiming to operate in Indigenous customary lands without their free, prior, and informed consent
- Act upon the complaints filed by the Laman Kinipan community members on the impact of the palm oil plantations on their rights to access water and food

To the Manado City Regional People’s Representative Council

- Regulate fishing activities by ensuring that traditional fisherfolks’ right to livelihood and food are respected and not unfairly affected by the proliferation of more modern, invasive, fishing techniques (pajeko), as well as by the weather unpredictability triggered by the climate crisis
To the Medan City Government

- Protect the economic, social and cultural rights of the Kampung Nelayan Sebrang community, in particular, their rights to safe house and sanitation, access to water and food security

- Provide shelter and financial support to all communities affected by regular floods, and clean up inhabitable areas covered in litter and debris

- Preserve the mangroves and the right to livelihood of the communities depending on this ecosystem, and support the fisherfolks’ initiatives of developing mangroves’ ecotourism

Trash and unsafe living conditions can be seen in the settlements.
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