
[Indonesia: Forest burning and punished victims. The tragedy of the Delang indigenous community in Lamandau, Central Kalimantan](#)

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A ban on indigenous Delang traditional fire-fallow cultivation puts a threat to their food sovereignty and cultural fabric. Despite that most forest fires in Indonesia started within expanding oil palm plantation concession areas, companies are not being persecuted. The Delang however have decided to resist.

On a journey from Palangkaraya to Nangabulik, the capital of Lamandau Regency in Central Kalimantan, you see a monotonous landscape: oil palm plantations. If you continue the journey to the border of West Kalimantan, you will come across a hilly area with rather dense forest. Delang indigenous peoples live there. Delang is also the name of the district in Lamandau Regency, Central Kalimantan, which is a buffer area for Lamandau Regency with protected forests and Bukit Sebayan (the Sebayan Hill). It is believed to be a sacred place, where the ancestors of Kaharingan, the ancient religion and peoples of the place, used to live.

Delang indigenous community has long been known for their opposition to various destructive investments in their forest and environment, such as oil palm plantations, mining and forest concessions. Most villages at Lamandau Regency and Central Kalimantan in general, however, have already lost their forests.

Since before the Republic of Indonesia existed, up until today, Delang people have been contributing to forest protection. However, unfortunately, they are being punished instead of rewarded for their valuable contribution. **The government banned their traditional fire-fallow cultivation** (also called 'slash and burn' or swidden cultivation) after vast forest fires rampaged several provinces of Indonesia in 2015.

The blanket banning of shifting cultivation was put in place without any alternative being provided. The ban also contradicts the fact that **the ancient practice of swidden farming is protected by environmental protection and**

management Law. Article 62 of the law allows indigenous communities to carry out fire-fallow cultivation on a maximum area of 2 hectares per family for planting local crop varieties and by building a ditch to prevent fire spread.

Banning shifting cultivation farming without providing any alternative is a tragedy for the Delang community. They have become victims of forest fires and forest clearing by corporate burning. However, instead of receiving recovery support or compensation for damage caused by others, they have been punished. The government, using police and the army, harasses them, threatens villagers with many years of imprisonment, terrorizes communities with water bombs thrown from helicopters. The water used was sourced from fish ponds traditionally used by communities: their ponds were emptied and the water poured back at them in the water bombing.

Forest and land burning in Central Kalimantan

Forest and land fire incidents have been increasing in Indonesia in the last decade. In 1997 and 1998, forest and land fires were spotted in Sumatera, Kalimantan and Papua, with more than 2 million hectares of peatland having been burnt. These fires became one of the biggest contributors of greenhouse gas emissions in Indonesia. (1) **In 2015, forest and land fires took a total area of 1.7 million hectares** (2), of which 770,000 hectares were in Central Kalimantan and 35.9% of this was peatland. (3)

Forest and land fires in Central Kalimantan have been recorded since 1992, which coincides with the development of oil palm plantation in Kotawaringin Barat and Kotawaringin Timur Regency. (4) Forest and land burning in Central Kalimantan has three interconnected major factors, namely 1) deforestation and degraded land due to logging, 2) uncontrolled oil palm plantation expansion and 3) corporation's control over an expanding area of land.

80 per cent of forests in Central Kalimantan have been converted into oil palm plantation or been destroyed through mining, the highest figure of deforestation in Indonesia. (5)

Central Kalimantan's forestry office affirms that in 2010 there were more than 7 million hectares of degraded land, mainly due to logging activities. The Watershed Management office of Kahayan emphasized that 7.27 million hectares of the remaining Central Kalimantan forests have been destroyed, with a deforestation rate of 150,000 hectares per year. (7) **Logged forests and degraded land with scrub are prone to fires.** (8) Large fires are less common

in intact tropical forests and, only after a prolonged dry season, these forests would become more vulnerable. Central **Kalimantan's government adopted a policy that stipulated that oil palm plantations are supposed to only expand on "degraded land", however, in reality, intact forests have also been converted into oil palm estates.** (9) The change in forests and climatic events like "El Niño" have aggravated forest fires in the last 20 years. (10)

Oil palm plantation companies began their operations in Central Kalimantan in 1992. Regional regulation essentially facilitates oil palm investment in the region. (11) As a result, massive expansion of oil palm plantations took place unchecked. **Forest and agricultural land, including peatland, have been converted without hesitation.** The total allowed conversion area covers almost the same or a bigger area than that of the regency itself. This reveals an out-of-control permit issuance. In 2012, at least 5 regencies issued land conversion permits to companies that covered equal or bigger areas as the administrative regency itself.

Lamandau Regency, where Delang people live, is one of these regencies. **With a total area of 641,400 hectares, the Lamandau Regency authority issued permits to corporations covering a total area of 530,526 hectares.** Barito Utara Regency issued permits covering a total area of 1,452,468 hectares, whilst the actual size of the regency is only 830,000 hectares. Kapuas Regency issued permits for 1,761,579 hectares on a total size of 1,499,900 hectares. Gunung Mas Regency issued permits for 996,251 hectares for an actual size of 1,080,400 hectares. Barito Timur Regency issued permits for 359,043 hectares on an actual size of 383,400 hectares. (12)

The Indonesian NGO WALHI Central Kalimantan noted that corporations control 12,7 million hectares of a total 15.3 million hectares of land - more than 80 per cent of the province. They acquired control through logging, oil palm plantation and mining concessions. (13) **Many land and forest fires started within these concession areas. In 2015 WALHI recorded 17,676 hotspots in Central Kalimantan, with the majority of those located in corporate concession areas.**

A 2008 study by Pasaribu, S.M and Friyatno Supena explained that the cause of fires in Kalimantan was associated with land clearing to establish plantations. According to the study, traditional shifting cultivation systems also contributed to land fires, although only 20 per cent. (14)

Indigenous communities as shield

The majority of land and forest fires have been located inside big companies' concessions. Yet, there is little legal persecution. WALHI Central Kalimantan noted that only 30 corporations were investigated and 10 of these cases are already closed without the companies having been held responsible. None of their cases were followed up. (15) At the national level, the central government listed 413 companies allegedly involved in a total area of 1.7 million hectares and only 14 were sanctioned. Further, WALHI explained, law enforcement has not yet touched the big actors which are involved in vast area of forest burning. Those include Wilmar Group, Best Agro International, Sinar Mas, Musimas, Minamas and Julong Group. They control land use not only through their own concessions but also through the purchase of crude palm oil from mid-size and small companies and profit from land and forest burning on these smaller companies' land. Sanctions and legal persecution are random and selective. (16) In Central Kalimantan, the big companies involved in forest burning include Sinar Mas and Wilmar. (17)

Land clearing using mechanical equipment is twice as expensive as by fires. (18) Oil palm companies employ local people to clear the land through burning. (19)

Research by Bambang Hero, a lecturer at the Forestry Department of Bogor Agriculture Institute, revealed that in 2015 many corporations employed local people to clear land using fire. **Companies are using them as a 'human shield' to prevent legal consequences from using fire to clear the land and forest.** When the team to verify fire incidence visited the site, the companies would claim that the cleared land belonged to the local community. Six months later, the very land would have changed hands to the corporation and local people who were blamed for clearing the land were nowhere to be seen. (20)

There is a systematic attempt to portray corporate crime as individual crime by **putting the blame on indigenous or local communities.** The regulation that protects local indigenous farming practices is used to shape public opinion so local customary communities are blamed for forest burning, even where the fires are a result of clearing within concession areas.

Instead of enforcing the law, the government prefers to punish indigenous communities, including the Delang people, for alleged crimes they have not committed. Central Kalimantan's regulation protecting indigenous Dayak communities' traditional farming practices was revoked by Government regulation No.15/2015. **'No burning' signs were posted on every street corner.** The army and police were sent to villages to check and harass people.

Those indigenous groups who continued to practice slash-and-burn farming were terrorized, **water bombs were dropped from helicopters to put out the fires used within their traditional farming systems.**

Victims are punished

The indigenous Delang community is the victim. They have been exposed to the dangerous smoke of forest and land fires that originate in the concession areas controlled by the corporations. They also have taken the brunt of the expansion of the oil palm industry, which resulted in severe economic pressure on Delang peoples and their traditional economies.

In the last 10 years, **in addition to losing land to oil palm plantations, the Delang have been exposed to economic pressure due to government policies that are not supportive to local people.** They include (1) the drop of the rubber price, (2) the appropriation of community living spaces through designation of villages into forestry areas, (3) deforestation and climate change, (4) the expansion of monoculture oil palm plantations, and (5) environmental degradation through illegal logging by companies.

Rubber is the main crop from which Delang indigenous community generates income, besides rice, dogfruit and fruits. Since the government banned the export of raw rubber, the price has fallen from 20,000 rupiah in 2009 to 5,000 – 6,000 rupiah nowadays.

The issuance of excessive permits for corporate activities resulted in high deforestation rates. Loss of forest has also changed the micro-climate, which in turn affects farming cycles, too. This complicates traditional agriculture. Prolonged rainy seasons and extreme dry seasons lead to a drop in productivity and failed harvests. Unlike before, rice harvests are no longer sufficient to live on for a year. An increase in insect outbreaks further aggravates the situation.

Before oil palm arrived in the area, rice grew well and gave a good yield. There was no insect outbreak. Now, rats and bugs attack people's gardens and have become serious problems. Fruit trees are replaced by oil palm and bees are gone, which has led to a drop in fruit and honey production. On top of this, illegal logging is rampant in the area adjacent to the Delang land, especially after two logging companies started their operation there.

The economic situation of Delang people is dire. Many have sold their land to

ease economic problems. The government is adding to the problems by banning traditional farming. **People are afraid of the police and the military in charge of enforcing the ban, and yet, in order to survive, people have to farm wherever take-over from corporate concessions has left a little space and opportunity.** Because of that, often the harvest is poor. Some dare to carry on with swidden farming. Due to these economic pressures, many have to look for work outside the villages.

Delang people have been treated unjustly. They are not the culprits of forest and land fires. They burn and clear their own fields. People's fields are not concession land. **A field is a small plot of land, less than one hectare, whereas concession land can be hundreds to thousands of hectares in size.** Farming is for subsistence, not for profit. **There have never been large forest fires in Delang due to their traditional small farming practices.** Delang people (and Dayak peoples in general) apply a "fencing" system when practicing shifting cultivation, guided by strict indigenous rules and hefty fines for violators. Each household can only manage one hectare of land and the burning is managed collectively. It's a significantly different practice to the way corporations use fire, where thousands of hectares of land and forests are burned without any capacity to control it.

The ban of traditional farming is not only denying people's right to food sovereignty and rights to a livelihood, but **it also decimates the social and cultural fabric of indigenous communities that is connected to these farming activities.** People are frustrated with the economic pressure they are facing and with the government policies that put even more pressure to them and jeopardize their livelihoods. In the end, **the Delang have decided to resist.** They will carry on with traditional swidden farming and they are ready to be put into jail together.

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(1) Adinugroho WC., I NN Suryadiputra, BH Saharjo, dan L Siboro. 2005. Panduan Pengendalian Kebakaran Hutan dan Lahan Gambut. Proyek Climate Change, Forests and Peatlands in Indonesia. (*Guidance on Forest and Peatland Fires Management*). Wetlands International – Indonesia Programme dan Wildlife Habitat Canada. Bogor. Indonesia dalam Kebakaran Hutan Dan Lahan: Sebuah Tinjauan Analisis Kelembagaan (in '*Forest and Land Fires: Institutional Analysis Review*')

(2) Karnawati. 2015. Pelajaran dari Kebakaran Hutan dan Lahan. (Lessons from

forest and land

fires)

<http://nasional.kompas.com/read/2015/10/30/18000081/Pelajaran.dari.Kebakaran.Hutan.dan.Lahan>

(3) <http://hutaninstitute.or.id/surat-terbuka-ngo-indonesia-kepada-pemerintah-republik-indonesia/>

(4) http://interseksi.org/archive/publications/essays/articles/pengaruh_sawit.html dalam Dilema Kebijakan Yang Pro Rakyat, Kritis, Vol. XXIV, No.2, 2015

(5) <http://www.antaraneews.com/berita/466282/80-persen-hutan-kalimantan-tengah-beralih-fungsi>

(6) Statistik Bidang Planologi Kehutanan tahun 2011, Badan Planologi Kementrian Kehutanan, dalam Laporan Pemantauan Kejahatan Sektor Kehutanan di Wilayah Moratorium Kalimantan Tengah, WALHI Kalimantan Tengah (*Statistic of Forestry Planology Sector 2011, Planology Agency of Forestry Minister, in Report on monitoring of forestry sector crimes on moratorium area in Central Kalimantan, WALHI Central Kalimantan*)

(7) Kalimantan Pos, 27 April 2010

(8) https://www.wri.org/sites/default/files/pdf/indoforest_chap4_id.pdf

(9) Lihat hasil riset the Institute for Ecosoc Rights di Kalimantan Tengah: "Palm Oil Industri and Human Rights, 2014" (*See research of the Institute for Ecosoc Rights in Central Kalimantan: "Palm Oil Industry and Human Rights, 2014".*)

(10) https://www.wri.org/sites/default/files/pdf/indoforest_chap4_id.pdf

(11) Sejarah Perkebunan Kelapa Sawit di Kalimantan Tengah, Dinas Perkebunan Provinsi Kalimantan Tengah, 2009 (*The history of Oil Palm Plantations in Central Kalimantan, Plantation Office of Central Kalimantan Province, 2009*)

(12) Palangka Post, 1 Juni 2011 dalam The Institute for Ecosoc Rights, Palm Oil Industri and Human Rights, Jakarta 2014, page 16 (*Palangka Post, 1 June 2011 in The Institute for Ecosoc Rights, Palm Oil Industry and Human Rights*)

(13) WALHI's presentation for researchers of the Institute for Ecosoc Rights,

(14) Dilema Kebijakan Yang Pro Rakyat, Kritis, Vol. XXIV, No.2, 2015

(15) <http://www.mongabay.co.id/2015/10/06/berikut-korporasi-korporasi-di-balik-kebakaran-hutan-dan-lahan-itu/>

(16) www.gresnews.com/berita/hukum/101960-tebang-pilih-hadapi-korporasi-pembakar-lahan/

(17) <http://www.mongabay.co.id/2015/10/06/berikut-korporasi-korporasi-di-balik-kebakaran-hutan-dan-lahan-itu/>

(18) https://www.wri.org/sites/default/files/pdf/indoforest_chap4_id.pdf

(19)
https://www.academia.edu/21086380/Kebakaran_Hutan_Dan_Lahan_Sebuah_Tinjauan_Analisis_Kelembagaan

(20)
<https://nasional.kompas.com/read/2016/08/30/18105451/perusahaan.pembakar.hutan.disebut.kerap.jadikan.masyarakat.sebagai.tameng>