

Conclusion

Women Research Institute has identified that most regulations are gender neutral in which women's participation is not specifically mandated, resulting in women's low participation in forest concession activities. Intervention, therefore, must advocate for regulations which mandate women's participation and contain detailed procedures for transparent and genuine community involvement in which complaint mechanism is enabled. There is also a need to allocate a quota for women as the most affected group in deforestation and environmental degradation.

WRI has also identified that women's participation in forest concession allocation has been overlooked as a consequence of gender labour division. Consequently, men's participation is mentioned more frequently while our findings indicate that women also participate in the effort to solve problems related to forest concession, resulting in the exclusion of wo-

men from getting involved in training and meetings on land use and forest concession. At the same time, intervention was also absent in the area as we identified that there was no other parties helping rural women in Sungai Berbari, Siak District, and Teluk Binjai, Pelalawan District, to build their capacity. Cooperation with local CSOs is therefore essential to help local communities to participate in the concessions of natural resources.

End notes

1. Based on data on resource-related conflicts in Riau Province documented by Scale Up in the year of 2012 and 2013. Most conflicts in the boundary sector are resource-related. The number of natural resource-related conflicts in the boundary sector amounted to 4 cases in 2012 and 6 cases in 2013.
2. Plantation owner is an individual holding Indonesian citizenship who operates plantation business without having particular business scale. See Article 1 of Law No. 18/2004 on Plantation.
3. SIKLUS is an NGO concerned with environmental issues.
4. Information from Focus Group Discussion on Gender and Forest Concession, Pangkalan Kerinci, Kabupaten Pelalawan, 27th August 2014.



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Fact Sheet

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Gender and Forest Concession Greater Transparency and Participation Case Study in Siak and Pelalawan District, Riau

Women's Participation in Forest Concession

People's settlement area and access to forests has been narrowed by the expansion of palm oil companies, impacting communities which have collectively managed forests for generations who indicate that these lands in effect have been "taken without sufficient compensation or communication with local communities".

Regarding this, an abundance of national and local rules in Indonesia mandate public involvement or community engagement in the granting of forest concession. In a review of 57 regulations governing land, forest use and local governance of forest, 20 referenced these requirements. However, in practice, these regulations have not been implemented in the interest of the public and local communities, leading to land disputes and conflict.¹ Land disputes and conflicts are only two of the many problems that occur as a consequence of the absence of public participation in the granting of forest concession. Other problems are concerned with food security, people's welfare, and the environment.



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Furthermore, the practice of public participation has not yet been sufficiently developed in Indonesia to facilitate the participation of both women and men equally. In fact, the findings of this study indicate that the practice is still dominated by men even when women play an important role in activities related to forest concession. Women empowerment in the forestry sector can actually create opportunities and result in benefits for both the household and the community, particularly in rural areas. Unfortunately, in many areas, women suffer limitations of access to resources and lack of opportunity to make decisions, decreasing women's productivity and contribution in the forestry sector. It is necessary, therefore, to encourage public participation, particularly women's participation, in the process of forest concession allocation.

Policies on Women's Participation in Forest Concession

Our policy research shows that there are only 35% (or 20 regulations) out of 57 regulations studied which contain public participation mandate, indicating lack of regulations governing public participation. Most of the regulations with public participation mandate are national level laws and policies while the rest are focused at local level, including one regulation for the District of Pelalawan and two regulations for the District of Siak. At Riau Province level, no single regulation is found to contain public participation mandate. Seventeen of the national level regulations mandating public participation regulate forestry, plantation, spatial planning, environmental impact assessments, the environment and conflict. Regulations in Siak and Pelalawan cover forestry, plantation and conflict. However, all of these regulations for public participation are gender neutral.

1. Regulations on Forestry and Plantation

Among the Acts regulating forestry that include mandate for public participation is Government issued Decree No. 76/2008 on Rehabilitation and Reclamation of Forest, regulating the conduct of forest rehabilitation and reclamation by involving communities,

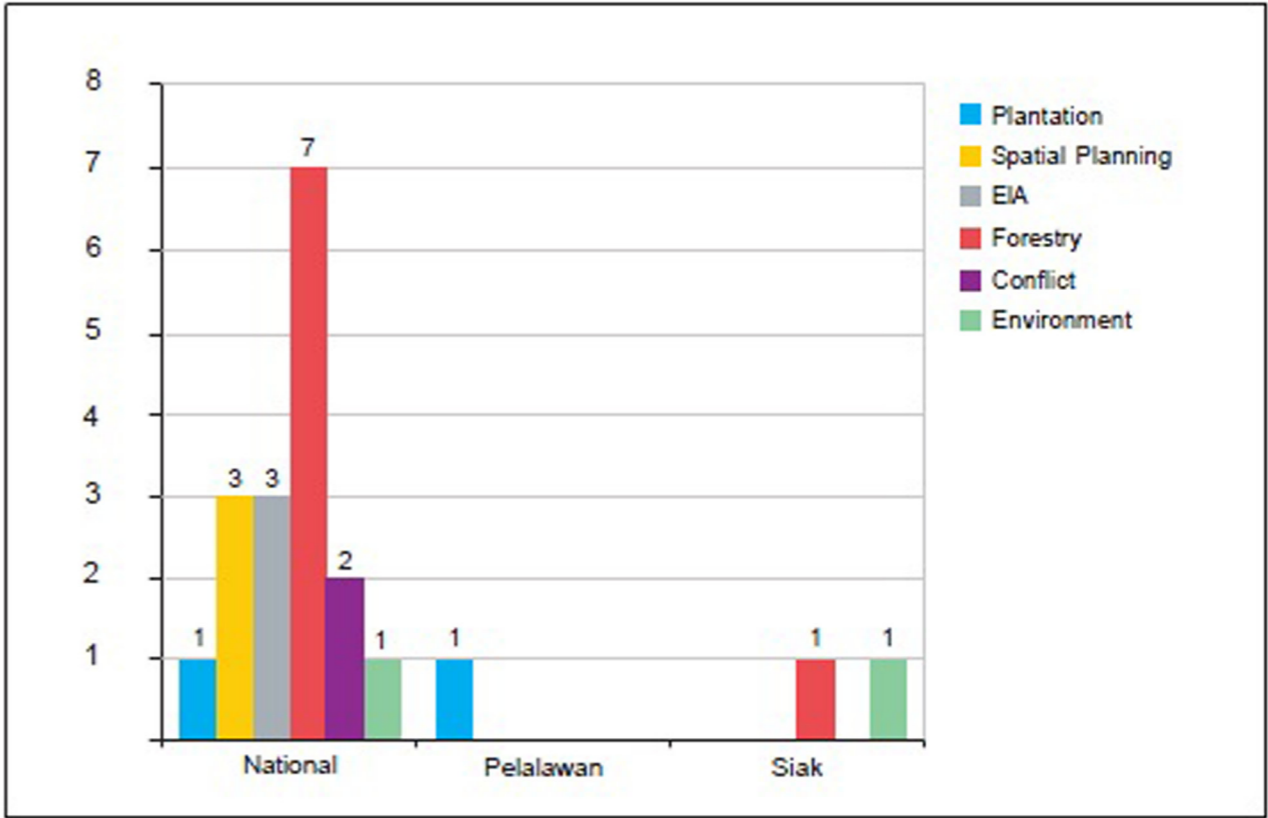
including indigenous people in tanah ulayat. The involvement of the community is conducted through public consultation, partnerships and delivery of information. The mandate in Article 52 Act (1) and (2) reads "(1) Activities of forest rehabilitation and reclamation are done by involving public participation. (2) Public participation in forest rehabilitation and reclamation can be done through public consultation, partnership and information delivery."

Law No. 18/2004 on Plantation is referred to as the foundation of the operation of a plantation. Generally, this regulation mandates public participation in the planning stage of plantation operations, in the process of granting land rights and for partner obligations in the plantation business operation. Article 8 of Law No. 18/2004 on Plantation also regulates that the plantation planning must be done in participatory manner. The explanation section of this Law states that participatory manner necessitates public participation. However, the mechanism for public participation is not described in detail.

In regards to the granting of land rights, particularly adat rights governing land owned by community according to traditional customs, the Law states that the granting of land rights must be based on an agreement with the local people. Article 9 Act (2) states that it is mandatory for a company to conduct a consultative meeting with local community and people who hold land ownership. The Law, however, also states that consultative meeting only becomes mere requirement and the deal reached during consultative meeting is not always followed by the granting of land rights.

For companies holding land rights, the Law states that in their business operation, they are required to build partnership with plantation owners,² employees and community members to ensure that companies help in improving the welfare of their employees, plantation owners and local people living around the company as well as keeping the security, sustainability and integrity of the plantation business.

Chart 1. Regulations Containing Public Participation Mandate based on Level and Groups of Regulation



2. Regulations on Spatial Planning

Law No. 26/2007 on Spatial Planning is the legal foundation for the central government, local government and communities. The Law covers the regulation, implementation and monitoring of spatial layouts for lands where concession may be allocated. The Law regulates public participation in spatial planning as stated in Article 65 Act (1) as, "Spatial concession is conducted by the government with public participation." Article 60 outlines that people have the right to participate in spatial planning, including during the planning, utilisation and monitoring of land. The right includes:

- 1. Knowing the spatial planning.
- 2. Enjoying added value of space as the result of spatial planning process.
- 3. Gaining decent compensation upon the loss incurred by development that is in line with the spatial planning.
- 4. Filing an objection to the authorized officials against development that is not in line with the spatial planning in their area.

- 5. Filing a demand of permit revocation and discontinuation of development if it is not in line with the spatial planning to the authorized officials.
- 6. Filing a lawsuit for compensation to the government and/or permit holder if.
- 7. development activities are not in line with the spatial planning incurred loss.

3. Regulations on Environmental Impact Assessment

Another regulation, the Environmental Impact Assessment, outlines public participation requirement in the preparation of environmental impact assessment document. This is stated in Article 9 Act (1), (2), (3) and (4) Government issued Decree No. 27/2012 on Environmental Permit which states "(1) Initiator, in the preparation of Environmental Impact Assessment document involves people environmentally affected, environmental observers and/or any parties affected by all forms of decision in the Environmental Impact Assessment process. (2) Public participation

is done through the announcement of business plan and/or public activities and public consultation. (3) Public participation is done prior to the preparation of Terms of Reference document. (4) Within 10 days since the announcement, people have the right to convey their suggestions, opinions, and responses about the business plan and/or activity plan.”

Further, in Chapter II of the Decree of the Ministry of the Environment No. 7/2012 on Guideline of Public Participation in the Process of Environmental Impact Assessment and Environmental Permit, precisely point B on the Announcement of Business Plan and/or Activity Plan, it is stated that the initiator is required to announce his/her business plan and/or activity plan to the people who will participate in the environmental impact assessment process through both local and national printed media and make an announcement board that is easily accessed by the affected people.

4. Regulations on Food Security

Participaton in food security policy is regulated by Government issued Decree No.6/2007 on Forest System and Plan of Forest Concession and Utilisation. This regulation requires companies to provide an area totalling as much as 5% of the total width of land for building partnerships with community. To support this policy, local government are to make programmes in an effort to solve food security problems including, for example, a programme providing free seedlings of short-term crops.

5. Regulations on Conflict Resolution

From the diverse policies studied, there is only one regulation that specifically mentions women’s participation which is Law No. 37/2012 on Social Conflict Handling in Article 47 Act (1), (3) and (4) which states,“(1) Membership of taskforce of social conflict resolution consists of the elements of the local gov-



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ernment and community members. (2) Elements of community as stated in Act (1) consist of religious leaders, adat leaders, community leaders, peace-makers, and representatives of groups in conflict. (4) Element of community members stated in Act (3) have to pay attention to women’s representation, which is 30% (thirty percent) at the least.” Besides requiring public participation, this Law also requires at least 30% of women’s participation in the membership of the conflict resolution taskforce.

Findings

The regulations studied generally use the term “pelibatan masyarakat” or community involvement, but do not specifically mention the involvement of men and women; hence, most of these regulations are gender neutral. Even though some of the policies studied provide opportunities for public participation and involvement, they do not yet open the possibility for women’s participation.

Focus group discussion on gender and forest concession in Pelalawan suggests that often, women’s participation took place with the initiative of the head of the village. At Teluk Binjai for example, in every village meeting, women were given a quota of 10% out of all participants. Although women still tended to be passive, the quota could be taken as their opportunity to increase their participation in decision-making process.

Regarding environmental impact assessments, governmental and ministerial decrees have clearly stated public participation requirement. However, it was found during interviews that, in practice, the announcement made by the initiator of the assessment did not directly target people living around the concession area. Companies also tend to announce it with a very minimum effort, resulting in late information for community members and environmental observers. Accordingly, they could not immediately convey their suggestions, opinions and responses to the business plan and/or activity plan which eventually lead to land disputes between community members and companies.

From our interviews, we also learned that consultation process was done merely as a form of formality. Appointed representatives did not necessarily represent the aspiration of the community members living around the concession area. Essentially, the community members were divided into two groups, one who were against the operation of the company and the other who supported it. Very often, the elected representatives did not perform their job well and consequently, people’s aspiration was not properly conveyed.

In the village of Sungai Berbari, Dosan and Teluk Binjai, the environmental impact assessment was not implemented in accordance with the procedure. In Sungai Berbari and Dosan, both men and women in general, did not understand the concept of Environmental Impact Assessment. Most of the community members had not heard of the phrase. It can be concluded that the legal requirements were not put into practice in these villages and that neither men nor women participated in the process of environmental impact assessment.

Based on our interview with SIKLUS,³ environmental impact assessment was again still seen as merely a form of formality by companies who often used tricks to speed up the process. For example, the required public consultation whose aim was to be a communication forum between companies and communities where information was gathered was often done only once by the company. Consequently, consultation process did not result in the gathering of necessary information to support environmental impact assessment.

It was also noted that companies, in their implementation of forest concession policies, especially one pertaining to public participation, conducted the process half-heartedly. This can be seen, for example, from the fact that most companies did not adhere to Government issued Decree No. 6/2007 on Forest System and Plan of Forest Concession and Utilisation which requires a company to dedicate 5% of its total land for cultivation space as a partnership area for the community and company. As an exam-

ple, in Teluk Binjai, District of Teluk Meranti, Pelalawan, our FGDs revealed that company, who previously had an agreement with community members to allocate 10% of the 1.200 hectares upon the completion of its land maintenance, delayed the granting of this land to community which was supposed to be done in 2015.⁴ The closing of this access to the forest and land means the closing of community's access to their livelihoods. Even though community members had attempted to follow up the agreement by regularly having meetings with the company, the problem remained unclear and to date, the company has not resolved this situation.

In Siak, particularly in Dosan Village and Sungai Berbari Village, companies limited villagers' access to their own land, preventing both men and women to manage their land for food crops cultivation, including the cultivation of ginger whose planting was encouraged by Perkumpulan Bunga Bangsa.

In regards to conflict resolution, while there was no significant conflict during the concession allocation process in the village of Sungai Berbari, Dosan and Teluk Binjai, disputes arised during the plantation development stage as companies did not keep their promises. Representatives of the village attempted to ask for confirmation from the company by organising demonstrations to blockade the roads.

Demonstrations took place in Sungai Berbari Village where companies promised to water the road twice a day, which in reality was not done by the company, making the road dusty. Furthermore, the plantation of palm had also caused drought conditions which leads to air pollution, impacting community's health and resulting in the high rate of respiratory problems. To demand road watering, women in the area organised protests against the company by asking men to place wooden blocks in the middle of the roads to prevent companies' vehicles from passing. While companies tended to keep their promise following a protest, oftentimes they neglected their promise again after some time. This case illustrates the overlooked role that women play in the negotiation process.

Gender issues have been an important component in the decision-making process as men and women have different roles and access to decision-making and occupy different leadership positions. Accordingly, the involvement of men and women is crucial in achieving proper forest concession. Meanwhile, research on gender and forest concession, particularly one pertaining to women's participation in concession allocation process, is still very limited.

In the meeting held during our fieldwork, women identified a number of instances where they participated in the allocation of land and forest concession. However, their contribution was still seen as hidden and often unseen. Using Harvard Tool Diagnostic, we learned that gender labour divisions between men and women in Sungai Berbari, Dosan and Teluk Binjai resulted in heavier workloads for women as well as longer completion time as women had to be involved in land concession while also performing household chores unlike men who were only responsible for land concession and were not tasked with house chores. As a result, men had the time to attend village meetings while women do not, making women uninvolved in the community empowerment programmes provided by both government and corporate representatives.

In rural areas, the long-held notion suggests that women's place is in the domestic sphere to manage money and food supply. However, our findings suggest that women also played an active role in managing non-timber forest products, such as honey, mushrooms, herbal plants and fruits. As the village area was narrowed by forest concession, it started to become difficult to cultivate food crops that women had to actively search for alternative foods for their family. This demonstrates that women's roles in sustaining food security are bigger than that of men, suggesting that women are more vulnerable to changes in food security.

In some cases, NGOs intervened and helped women to maximise the use of their yard. Riau Women Working Group (RWWG), for example, actively assisted women in Teluk Binjai to take an active role in



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managing food resources for their family. In Siak, with the support of Perkumpulan Bunga Bangsa, women actively managed the land allocated to them for the cultivation of ginger and formed a saving and loan group for women.

Since gender labour division still strongly prevails, particularly in Dosan, women carried out more of the reproductive work, such as doing household chores. On the other hand, men tend to actively perform productive work, such as work in the field and the selling of rubber and oil palm fruits. It was interesting, however, to note that for social and political activities, such as negotiation with companies and village authorities, women and men played a fairly balance role. As an example, in Sungai Berbari, women actively participated in overcoming problems they faced as the result of forest concession process. In Teluk Binjai, women had access to capital loans

provided by Mutiara Binjai, a credit union assisted by Riau Women Working Group, who has multiplied its members from 23 to 111 and increased its capital from Rp. 15.000.000,00 to Rp. 362.341.700,00. This credit union was developed to overcome economic problems faced by many families who were impoverished by forest concession. However, the money borrowed by women was used by their spouse instead to support the selling of rubber.

Women in Teluk Binjai were also assisted in fostering creative economy by improving their skills in managing non-timber forest products, such as Pandan and honey waste which were processed to be value-added products to help with their economy. Unfortunately, the assistance in ensuring the sustainability of products marketing was not done properly and accordingly, there wasn't much activity done to keep the sustainability of this creative economy.