

Lessons Learned Between Datuk Rajo Melayu With PT PSI

BACKGROUND

Melayu Pertemuan Suku¹ is recognized as an indigenous group and part of the *Negeri*² of Tigo Koto Sebelimbing by the Kampar District Government in Riau Province. The *suku* is led by a chief called *datuk*. The *Negeri* of Tigo Koto Sebelimbing is registered as the territory of Siabu Village, Salo Sub-district, Kampar District. The origin of the Melayu Pertemuan Suku is Pertemuan Village that has been abandoned by all *Ninik Mamaks*³. The members of the Melayu Pertemuan Suku currently live sporadic outside their customary land. However, there are a few of *Ninik Mamaks* living in Pertemuan Village and doing farming activities.

Since *Datuk* Rajo Melayu title was bestowed to Saripudin in 2007, a group of people, on behalf of the Melayu Pertemuan Suku, has protested and occupied the land in the concession area of Lipat Kain District of PT Perawang Sukses Perkasa Industri (PSPI), a pulpwood supplier of Asia Pulp & Paper (APP) Sinar Mas. *Datuk* Rajo Melayu accused that PT PSPI has been operating in the customary land of Melayu Pertemuan Suku and converted their farming land into acacia plantation with heavy equipment since 1993.

They then formed a farmer group “Pertemuan Jaya”, and the members of the *suku* and other community members who are considered as the part of the Melayu Pertemuan Suku were united in this organization. They took several actions in an organized and systematic way, such as planting rubber and palm oil trees and setting up huts in the area during the re-planting phase after the area was harvested by PT PSPI. PT PSPI considered those actions disrupting the operation of the company. Therefore, the company has taken various steps and approaches to address the issue.

Meanwhile, *Datuk* Rajo Melayu sought ways to raise the issue through letters addressed to various parties that could support his cause. They contacted many parties and sent them petition, in request for support. The parties included the Minister of Forestry of Indonesia, PT PSPI, Regent of Kampar, Kampar Adat Institution (LAK), the National Forestry Council of Indonesia (DKN), the National Commission on Human Rights of Indonesia (Komnas HAM), and other various related agencies. In addition, *Datuk* Rajo Melayu and his farmer group also actively communicated and participated in the meetings with PT PSPI. The meetings were facilitated by the selected various agencies, both due to the request by the *Datuk* Rajo Melayu and initiative of the PT PSPI.

Resolution process

Since the announcement of its Forest Conservation Policy (FCP) on February 5, 2013, Asia Pulp & Paper (APP) Sinar Mas has designated the customary land dispute with the Melayu Pertemuan Suku

¹ Suku refers to a big family / clan that is united by kinship and descent.

² Negeri refers to a social unit formed by three or more than *sukus*.

³ *Ninik Mamaks* refer to a group of respected *mamaks* who have socio-political roles in their groups.

as the pilot of dispute resolution and the company requested for the National Forestry Council's (Dewan Kehutanan Nasional / DKN) active role in mediating the dispute.

The first mediation was carried out on 17 June 2013, where parties agreed on Terms of Reference (TOR) of the mediation. The process started with clarifying the object of dispute with field verification and collecting & reviewing historical data. The field verification would be carried out jointly with representatives from PT PSPI, Datuk Rajo Melayu, other neighboring datuks (Senior Datuk Koto Padang of Piliang Suku, Datuk Bandaro Kebun Durian, and Datuk Singo Lipat Kain), the village / district / sub-district government, observers (The Forest Trust, Scale Up, and LAK), and the mediators.

Data analysis and clarification were carried out with the neighboring datuks between 26 November – 28 December 2013. The overlaid map was used as the reference in the discussion; and the neighboring datuks were requested to sign it as a form of validation of the field verification's results. In February 2014, mediation was held to present the map result based on field verification and the overlaid map. The verification team wanted to show that there are at least 1,561 hectares of customary land located within of PT. PSPI's concession. The result of the meeting was mutual agreement that Datuk and the neighbouring Datuks should firstly agree and approve the boundary in the verification map.

On 24 June 2014, PT. PSPI presented company's offering for cooperation in the 5% of the concession area that did not overlap with neighboring suku. The total area for cooperation and the forms of cooperation would be outlined in the Memorandum of Understanding (MoU) and signed by the parties. This was continued with discussion in December 2014, where Datuk Rajo Melayu and PT. PSPI presented their proposals for livelihood plants and partnership. For the livelihood plants, PT. PSPI suggested that Datuk Rajo Melayu took the role as contractor for planting and maintenance. The parties agreed on the need for establishing a cooperative.

On 12 June 2015, PT. PSPI and Datuk Rajo Melayu agreed on points included in the MoU and also came with final agreement to end the dispute. The terms included the scope, the implementation timeline, land status, the type of the agreement, rights and obligations, the profit sharing mechanism, the termination of the agreement, and force majeure.

Implementation of the agreed resolution

PT. PSPI has fulfilled his commitment on the MoU agreement as follows:

1. PT. PSPI has paid advance fee 20% of 1,000 hectares area of cooperative land, with total amount IDR 200 million. For 80% will be paid after harvesting with planning:
 - Year 2015: 101 hectares
 - Year 2016: 197 hectares
 - Year 2017: 302 hectares
 - Year 2019: 400 hectares.
2. Assistance to provide rubber seeds to be planted in an area of 100 ha outside concession cannot be realized because Datuk Rajo Melayu cannot present the location. Subsequently, it changed into economic improvement program. And PT PSPI has realized the economic improvement

program to Datuk Rajo Melayu and his family in the form of cattle. It was given to Datuk's children who live in 2 villages: Lipai and Siabu village. These cattle are managed in rotation and the expected results of animal breeding will be deployed and developed for the children and the nephew of Datuk Rajo Melayu.