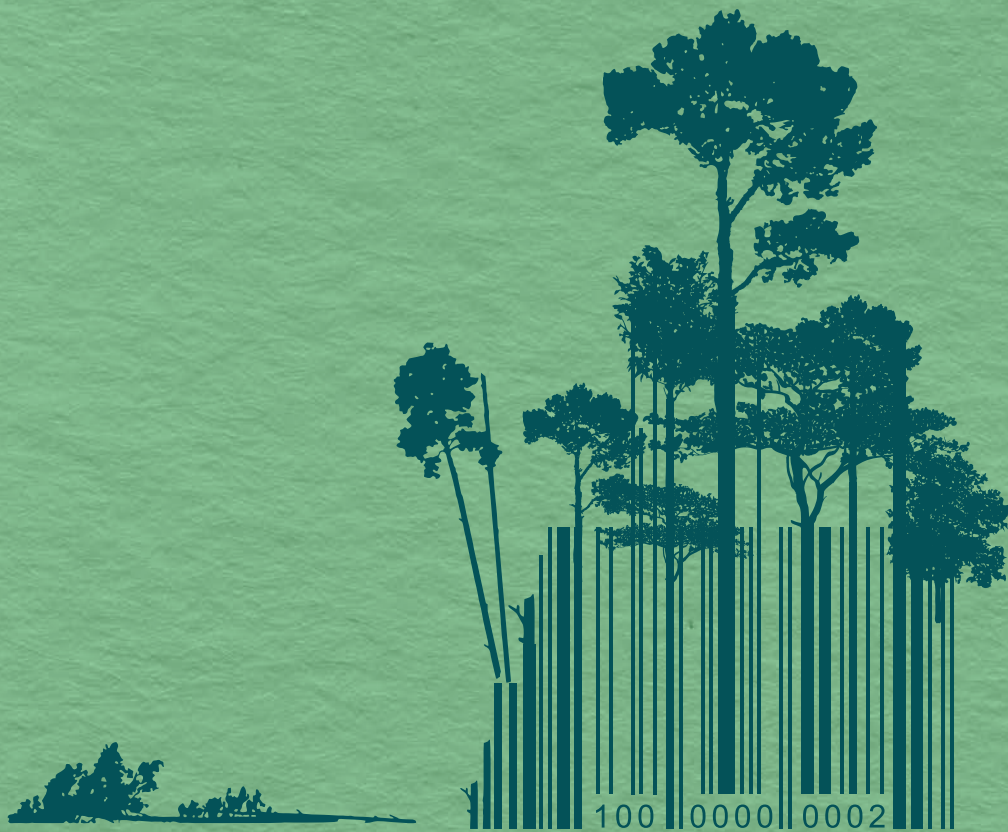




RECKLESS EXPANSION OF INDUSTRIAL PLANTATION FOREST in West Kalimantan



PT MAYAWANA PERSADA Ecological Damages - Human Rights Violation Report

RECKLESS EXPANSION OF INDUSTRIAL PLANTATION FOREST in West Kalimantan

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Introduction

The expansion of industrial plantation forest (HTI) has been on the rise in West Kalimantan Province for the past five years. As a result, deforestation is inevitable. The drastic increase in deforestation in HTI concessions was triggered by massive forest clearing for the conversion of timber plantations of PT Mayawana Persada, a subsidiary of the Alas Kusuma Group.

PT Mayawana's 138,710-hectare concession stretches from Ketapang Regency to North Kayong Regency, West Kalimantan. Since 2016, PT Mayawana Persada has cleared more than 35,000 hectares of forest. Worse, the land clearing was carried out in high conservation value forest areas, which are habitat for orangutans and carbon-rich peatlands.

In addition to ecological degradation, the presence of PT Mayawana Persada has also caused social conflicts and violated the rights of communities around the concession. The company has flagrantly ignored the fact that the lands and territories that are the areas of the company's business permits are territories, lands, and forests that have been controlled and utilized by indigenous peoples for generations as places of life and sources of livelihood. The forcible acquisition of community land was accompanied by a series of acts of intimidation and criminalization.

The bad practices of corporations in clearing natural forests cannot be ignored and must be revealed to the public, especially in the

midst of the government's claims of reducing deforestation that contradict the facts on the ground. For this reason, Satya Bumi together with Walhi West Kalimantan, Linkar Borneo, the Alliance of Indigenous Peoples of the Archipelago (AMAN) West Kalimantan, and Ketapang Utara with the support of a number of other civil society organizations compiled a joint report containing the findings of ecological damages and human rights violations committed by PT Mayawana Persada. We would like to thank all parties who have assisted in the preparation of this report, especially Aidenvironment and Mighty Earth who have contributed various data to strengthen this report.

December 2023

Civil Society Organizations Coalition

Alas Kusuma Group and FSC Certificate



Alas Kusuma Group is one of the largest holders of forest concessions in Indonesia. Currently, it manages one industrial plantation forest concession company (PT Mayawana Persada), three integrated logging and wood processing companies (PT Sari Bumi Kusuma, PT Harjohn Timber, and PT Suka Jaya Makmur), and two palm oil concessions (PT Kusuma Alam Sari and PT Sawit Jaya Makmur). Of the four timber businesses run by Alas Kusuma, only two of them still hold Forest Stewardship Council (FSC) certificates. PT Harjohn in particular is said to have been terminated recently on December 6, 2023, although the information on the FSC website does not mention the reason for the termination.

Table 1: FSC certification status of Alas Kusuma Group companies

Source: The certification status is announced on the FSC website, accessed at <https://search.fsc.org/en/>, on December 6, 2023.

No.	Company	Business Operations	FSC Certificate Code	FSC Certificate Type
1.	PT Harjohn Timber	Logging and wood processing	Terminated on December 6, 2023	Chain of Custody (CoC)
2.	PT Sari Bumi Kusuma	Logging and wood processing	NC-COC-001617; the rest was terminated on January 6, 2016 and suspended	Chain of Custody (CoC), Forest Management (FM)
3.	PT Suka Jaya Makmur	Logging and wood processing	CU-FM/COC-812699	Forest Management (FM)
4.	PT Mayawana Persada	Industrial Plantation Forest	-	Not certified

FSC certification is a voluntary scheme within the timber industry, which aims to ensure that timber is sustainably sourced throughout the supply chain. FSC issues three types of certification, each of which is tailored to different stages of timber production:

- (1) Forest Management Certification (FM): This certification is issued to forest concessions, affirming that forests are managed sustainably, conserving biodiversity and providing benefits to local communities.
- (2) Chain of Custody Certification (CoC): Specific to wood processing companies, CoC certification verifies the origin of forest-derived materials during the production process. The aim is to guarantee that the source of materials is separated from "unacceptable materials" while complying with the FSC standard. This is ensured through a comprehensive due diligence process, as set out by the CoC standard. This stipulates that organizations are allowed to source non-FSC certified materials that are classified as "controlled materials", provided they meet certain requirements. Among these requirements, there is a fundamental condition: controlled materials can only be used if they fully meet the FSC standard.
- (3) Controlled Wood Certification (CW): This certification is designed to separate unacceptable materials by mixing them with FSC-certified wood, which is usually labeled as "FSC mixed product". This certification plays an important role in

ensuring that the materials used meet acceptable sustainability criteria, even if they are not fully FSC certified.

It can be seen in the table above that two of the four timber businesses run by Alas Kusuma have FSC certificates in the FM and CoC categories. Although only two companies in the group still hold certification, unacceptable practices should no longer be part of the group's operations. However, investigations conducted by Satya Bumi revealed that PT Mayawana Persada, Alas Kusuma's industrial timber plantation, cleared approximately 20,000 hectares of forest between 2016 and 2022. Then, Mayawana continued to cut down 14 thousand hectares of forest between January and August 2023. In October 2023, they cleared an additional 2,567 hectares of forest. Thus, since 2016, PT Mayawana Persada has cleared more than 35,000 hectares of forest. This finding makes two subsidiaries of the FSC-certified Alas Kusuma Group (PT Suka Jaya Makmur and PT Sari Bumi Kusuma) - sister companies of PT Mayawana Persada - indirectly implicated in allegedly 'unacceptable' activities that do not comply with FSC policies, putting their certification at risk.

FSC Association Policy:

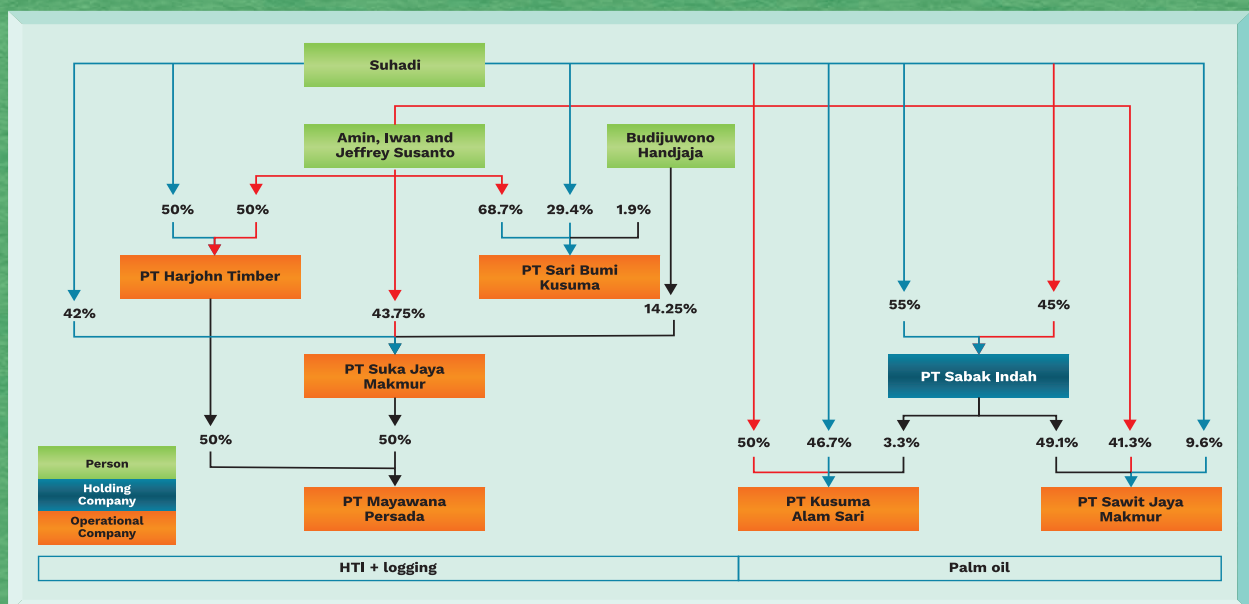
'Indirect Involvement Involvement of the associated organization or individual, with a minimum ownership or voting power of 51%, as a parent or sister company, subsidiary, shareholder or Board of Directors, to an organization with direct involvement. Indirect involvement also includes related entities or involvement of subcontractors when acting on behalf of the associated organization or individual.'*

PT Mayawana Persada

I. Ownership Structure

Based on the company profile data managed by the Ministry of Law and Human Rights,¹ Between 2016 and 2022, Alas Kusuma Group companies are controlled (>80% stake) by a tycoon known as 'Suhadi' (age 97, born in China) and his close family members: Amin Susanto, Jeffrey Susanto, Iwan Susanto, Suhadi, and Budijuwono Handjaja. Interestingly, except for Jeffrey Susanto, all these names are documented in the "Panama Papers" as shareholders in a shell company registered in the British Virgin Islands called First Asset Management Ltd.²

▼ **Image 1:** Alas Kusuma Ownership Chart, before January 2023
(Source: Aidenvironment)



¹ Ministry of Law and Human Rights of the Republic of Indonesia. <https://ahu.go.id/pencarian/profil-pt>

² International Consortium of Investigative Journalists. "Panama Papers – Mossack Fonseca." 2015. <https://offshoreleaks.icij.org/nodes/10098166>

In January 2023, PT Mayawana Persada underwent a change in ownership, with half of its shares acquired by a Malaysian company called Green Ascend (M) Sdn Bhd. We did not obtain the company profile of this company, but based on information that can be accessed by the public, the company was only formed in 2018, as a holding company for investment activities.³ Given the recent ownership changes, the Alas Kusuma Group may also be in violation of FSC Policy for Associations Version FSC-POL-01-004 V3-0

EN regarding Group Companies, which comes into effect on January 1, 2023.⁴ Information published by the company through the information system at the Ministry of Law and Human Rights shows that each company still has a different beneficial owner report, even though the correspondence address is the same. The name Yap Xian Long appears as the person who owns PT Mayawana Persada, which is different from the beneficial owners of other companies in the Alas Kusuma Group.

Table 2: Beneficial owners of Alas Kusuma Group companies

Source: Beneficial owner data on the page managed by the Ministry of Law and Human Rights is accessed via <https://ahu.go.id/pencarian/profil-pemilik-manfaat>, on December 6, 2023.

Company	Beneficial Owner	Criteria
PT Harjohn Timber	Suhadi	Has shares and voting rights of more than 25%
PT Sari Bumi Kusuma	Iwan Susanto	Has shares, voting rights, receives profits of more than 25%, has the authority to appoint board members
PT Suka Jaya Makmur	Amin Susanto	Has shares, voting rights, receives profits of more than 25%, has the authority to appoint board members
PT Mayawana Persada	Yap Xian Long	Has the authority to appoint board members

II. Supply Chain

In 2022, PT Mayawana Persada supplied its timber to several companies, including PT Harjohn Timber, PT Basirih Industrial, PT Wijaya Tri Utama Plywood, PT Putra Kalimantan Sukses, and PT Indonesia Fibreboard

Industry. Further analysis of trade data by AidEnvironment in 2021 revealed that these companies supplied to various Japanese companies (see Table below):

Table 3: Purchasers of PT Mayawana Persada products in Japan, 2021
(Source: Aidenvironment)

Companies	Japanese Buyers (2021)
PT Basirih Industrial	Itochu Kenzai, SMB Kenzai, Nippon Paper Lumber Co Ltd, Sojitz Building Material Corporation.
PT Wijaya Triutama Plywood Industri	Yuasa Trading Co Ltd, Japan Kenzai Co Ltd, Noda Corporation, Sia Trading Inc, YNK Corporation.
PT Indonesia Fibreboard Industry	SMB Kenzai Co Ltd, Noda Corporation.
PT Harjohn Timber	Daiken Corporation, Itochu Kenzai Corporation, Noda, Omni Tusda, SMB Kenzai, Sumimoto Forestry, Yuasa Lumber.

³ SSM Info My Company Data. "Green Ascend (M) Sdn Bhd". https://mydata-ssm.my/report/GREEN-ASCEND-M-SDN-BHD_1280592-P_201801018576

⁴ This FSC policy governs controls within group companies that cause or are associated with unacceptable activities, hereafter see: https://fsc.org/sites/default/files/2022-03/FSC-POL-01-004%20V3-0%20D5-0_IND_Kebijakan%20untuk%20Asosiasi%20FSC.pdf

Notably, PT Harjohn Timber exports its products internationally to countries such as Japan and the United States. Among Japanese importers, Sumitomo Forestry Co Limited ranked the highest, with a total of 6,600 net weight tons imported between January and September 2021. Another important importer

for Harjohn Timber's plywood was Itochu Kenzai Corporation, which imported 1,400 net weight tons of plywood during the period. During the same period, Itochu had a strict No Deforestation, No Peat, No Exploitation (NDPE) policy that also included wood sourcing.⁵

III. Natural Forest Deforestation

PT Mayawana Persada's concession stretches from Ketapang Regency to North Kayong Regency in West Kalimantan. In 2016, more than half of the concession area was still covered in forest, making it an important part of critical orangutan habitat and valuable

peatlands. As shown in the table below, more than 64% of the total concession area is officially recognized as orangutan habitat. Therefore, this area is critical for conservation

Table 4: Overview of PT Mayawana Persada's Concessions

Category	Area (ha)	Percentage of concession area
Concession area	138.710	100%
Forests in 2016, as mapped by the Indonesian Ministry of Environment and Forestry	88.100	63,5%
Orangutan habitat, as published by the Ministry of Environment and Forestry (2017)	89.410	64,4%
Carbon-rich peatland areas, as mapped by the Indonesian Ministry of Environment and Forestry	83.060	59,9%

Although the concession is located in a high conservation value forest area, Aidenvironment's tracking shows that PT Mayawana Persada cleared approximately 20,000 hectares of forest between 2016 and 2022. The table below provides a summary of deforestation figures within this concession between 2016 and 2022.

There was a significant increase in annual deforestation from 2021, most of which occurred in orangutan habitat and peatlands. Especially later in 2022, deforestation within PT Mayawana's working area even quadrupled from the previous year.

⁵ See: https://www.itochu.co.jp/en/csr/society/value_chain/activity/index.html

Table 5: Deforestation by PT Mayawana Persada 2016 - 2022
(Source: Aidenvironment)

Year	2016	2017	2018	2019	2020	2021	2022	Total (2016-2022)
Deforestation	186	518	345	2281	1569	3034	12107	20039
Deforestation within peat	0	0	0	15	0	269	7031	7315
Deforestation within orangutan habitat (PHVA)	131	354	246	1840	1194	2695	9183	15643

Not only that, Satya Bumi's further investigation showed that PT Mayawana Persada continued to cut down up to 14,000 hectares of forest between January and August 2023. In October 2023, they cleared an additional 2,567 hectares of forest. Thus, since 2016, PT Mayawana Persada has cleared more than 35,000 hectares of forest. Below is an image of satellite imagery showing deforestation by PT Mayawana Persada from 2018-2022 as well as more recent data from

the beginning of this year through October 2023. This satellite imagery shows how deforestation by PT Mayawana has increased in the last two years. This information shows that Aidenvironment's 2022 findings showing PT Mayawana's destructive activities are still pertinent to observe.

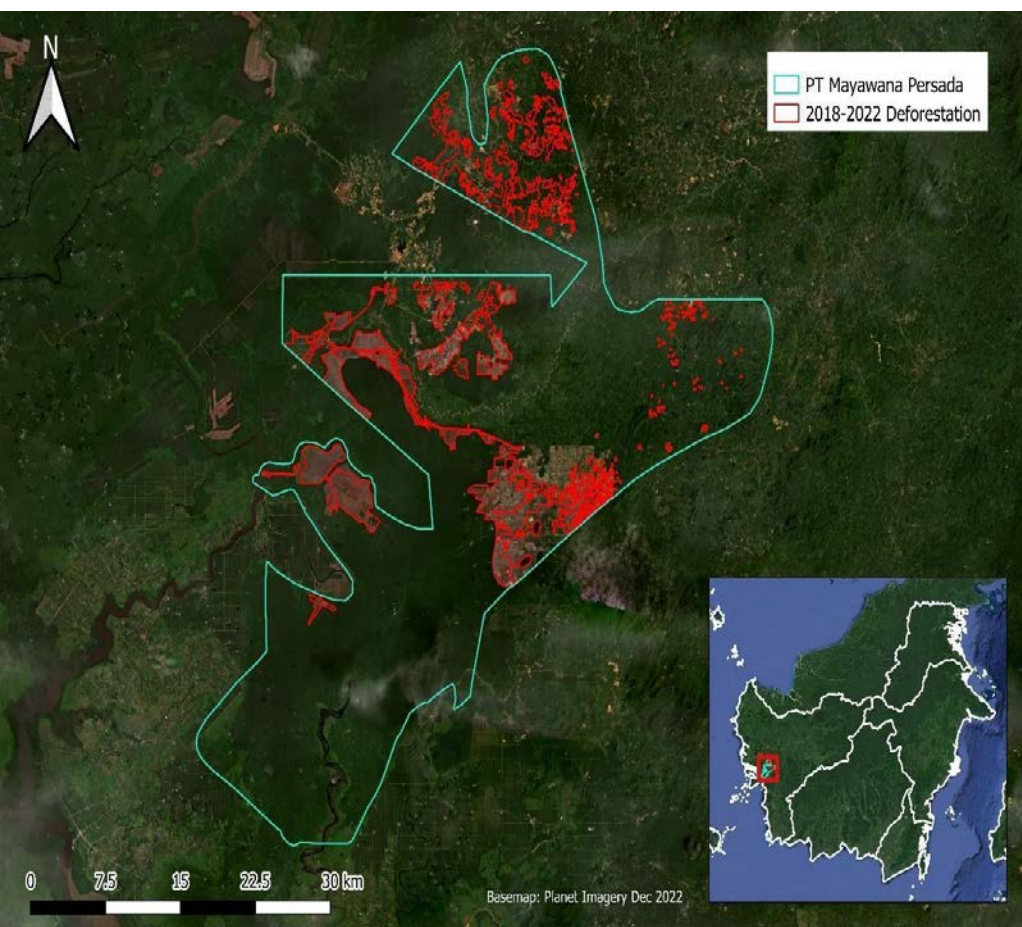


Image 2:

Forest conversion in PT Mayawana Persada concession, West Kalimantan January 2018-December 2022 (extent of forest conversion shown in red)
(Source: Aidenvironment)

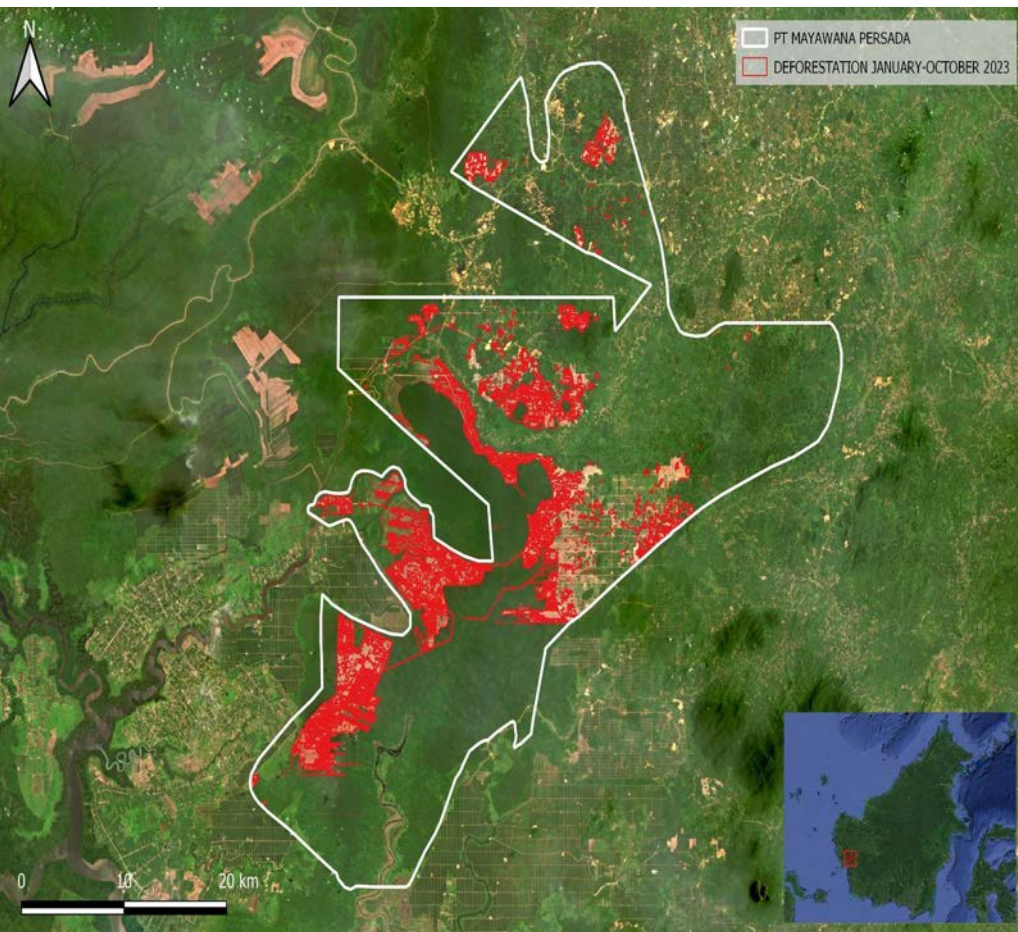


Image 3:

Forest conversion in PT Mayawana Persada concession, West Kalimantan January 2023–October 2023 (area of forest conversion shown in red)

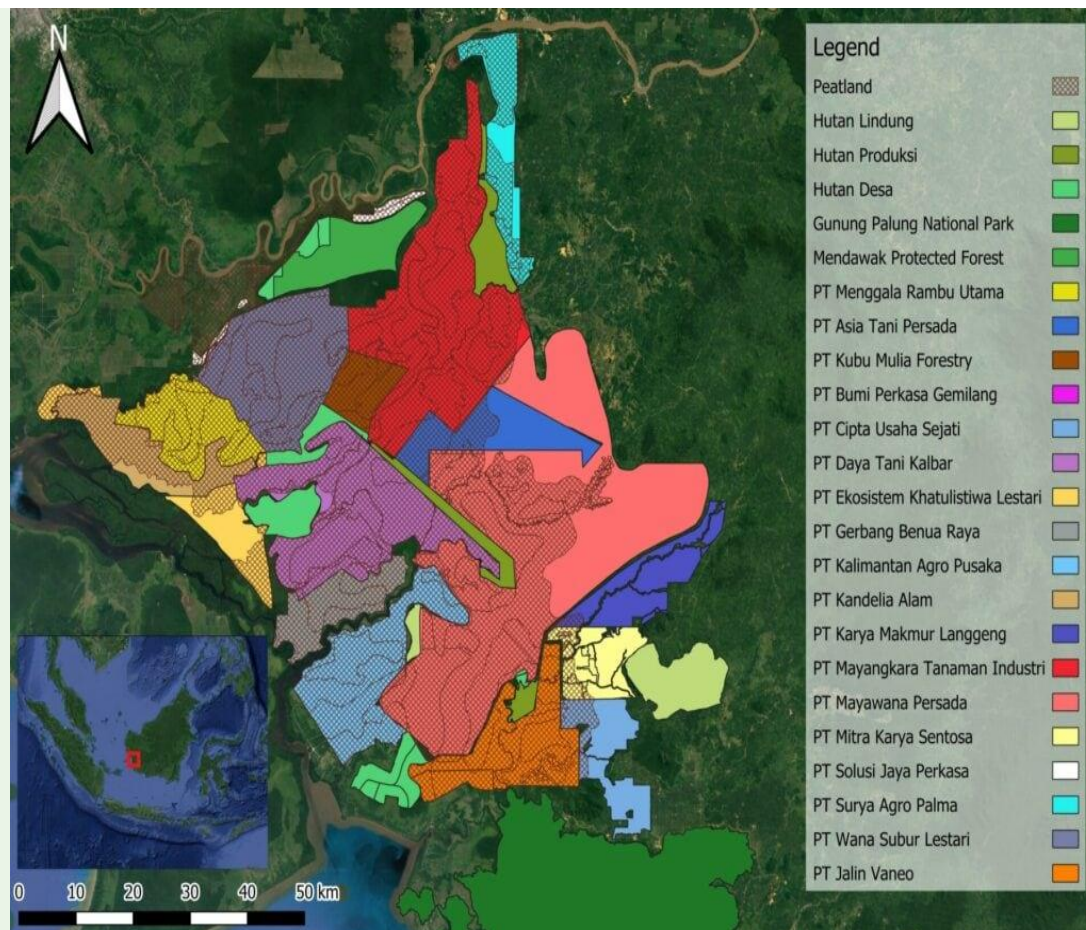
(Source: Aidenvironment)

IV. Orangutan habitat and Peatland Destruction

Despite being registered as a legal entity under the Indonesian Ministry of Law and Human Rights since 1994, PT Mayawana Persada began clearing operations in 2019. Initially, PT Mayawana Persada functioned as a joint venture between PT Inhutani III (a state-owned enterprise) and Alas Kusuma. However, since 2006 it has been entirely managed by Alas Kusuma. Deforestation activities within

PT Mayawana Persada are of concern for several reasons. As of 2016, more than half of the concession area was still covered in forest, making it an important part of the remaining forested orangutan habitat not only in the wider landscape, such as the so-called Mendawak, but also throughout West Kalimantan.

Image 4:
Mendawak Landscape
(Source Aidenvironment)



Mayawana's concession alone is larger than Gunung Palung National Park, which is home to nearly 3,000 orangutans. In the concession-dominated Mendawak region, PT Mayawana Persada has the most remaining orangutan forest habitat, and also covers large areas of peatland. However, PT Mayawana Persada has been clearing land cover in this biodiversity-rich area, particularly since 2019.

Image 5:

Forest conversion of
Orangutan habitat
identified in PT
Mayawana Persada's
concession (forest
conversion area
shown in red) January
2016-December 2022
(Source Aidenvironment)

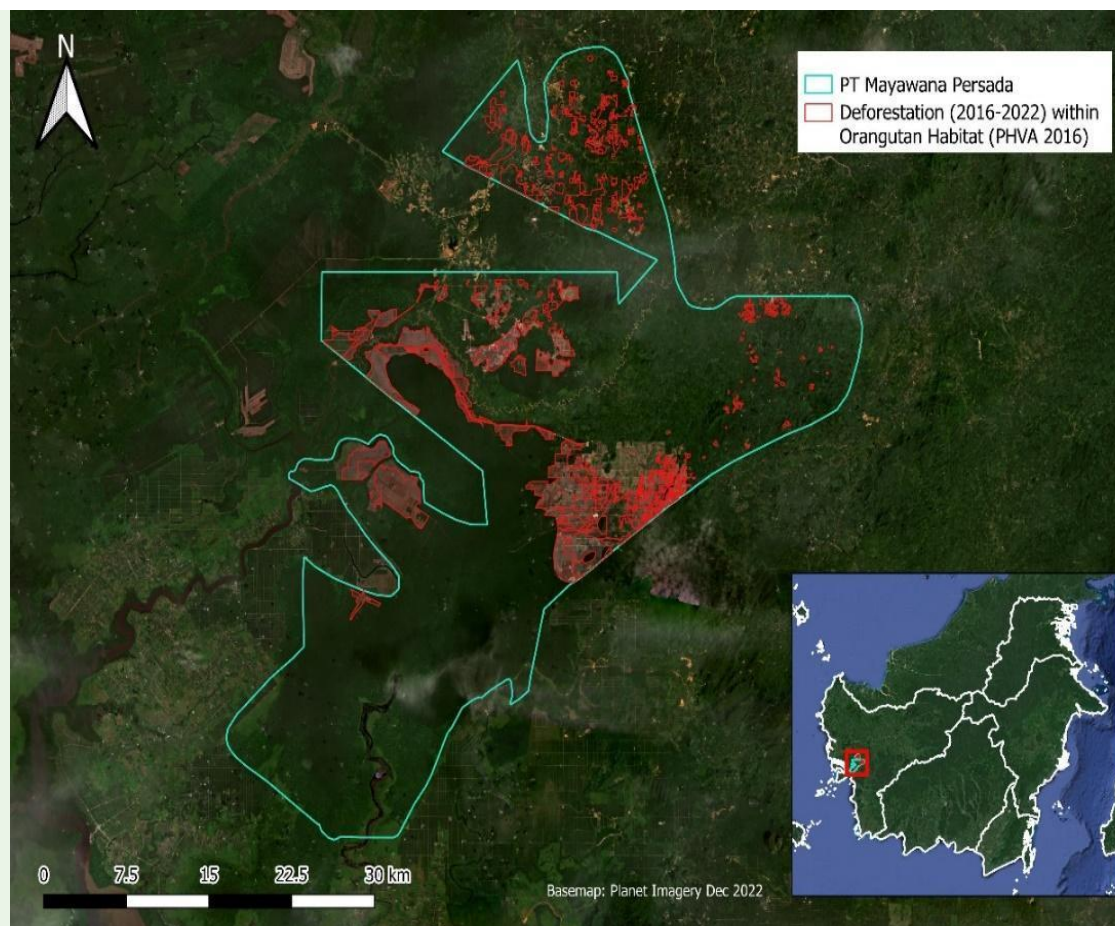
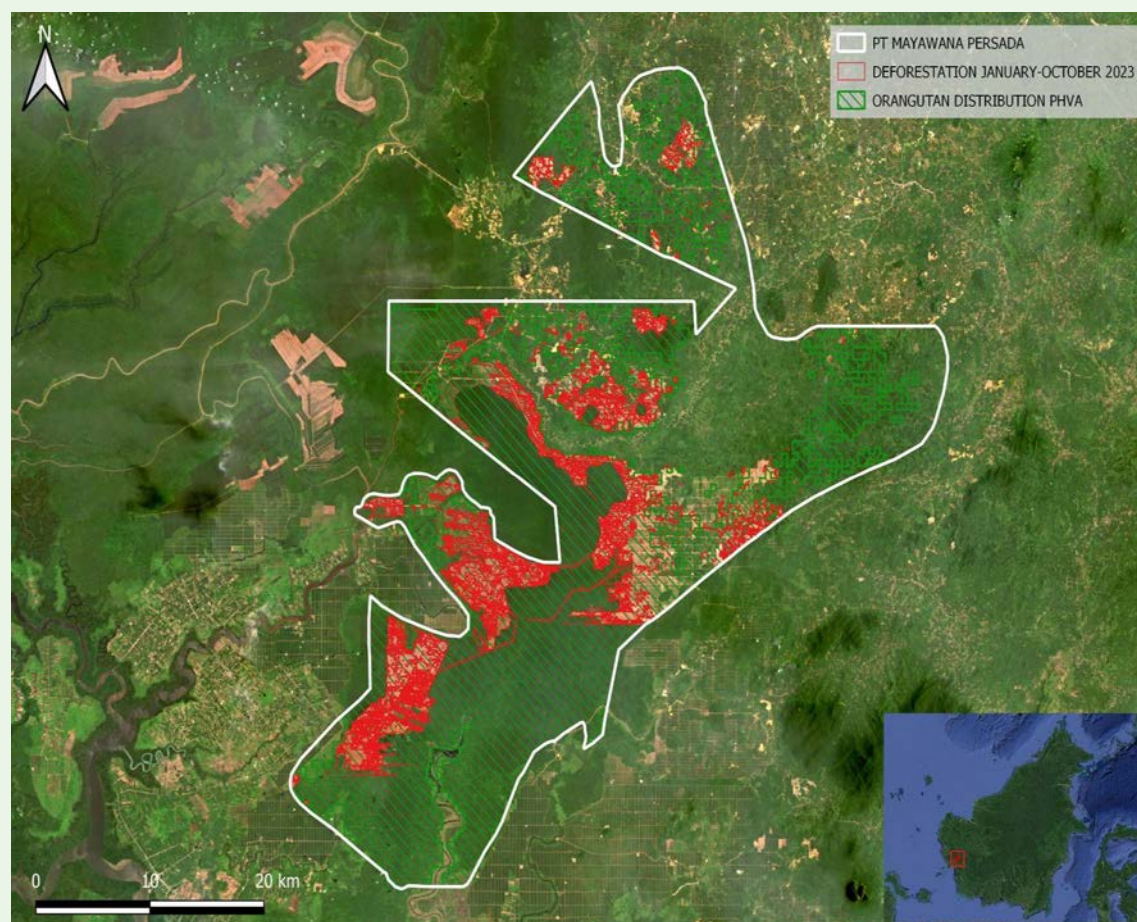


Image 6:

Forest conversion of
Orangutan habitat
identified in PT Mayawana
Persada's concession
(forest conversion area
shown in red) January
2023-October 2023
(Source Aidenvironment)



A study conducted by Yayasan Palung showed that in the Paduan River Peat Protection Forest, which borders PT Mayawana to the south, there is an orangutan population of approximately 61 individuals in that location (YP, 2022). Based on this study and the orangutan Population and Habitat Viability Analysis (PHVA) distribution map, Yayasan Palung estimates that there is a sizeable orangutan population in the PT Mayawana Persada concession, although this must be confirmed through further field surveys.

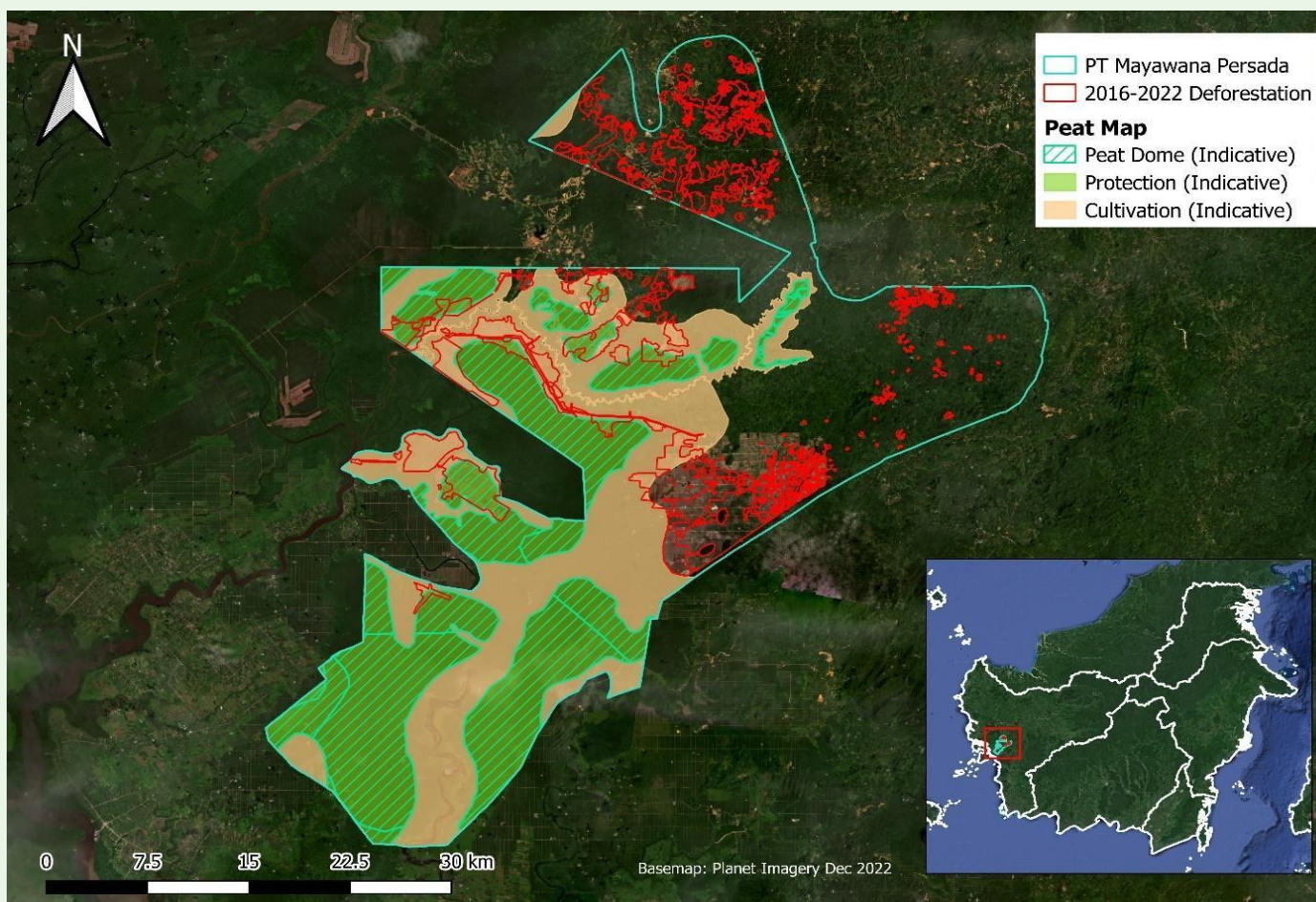


Image 7:

Forest conversion on peatlands mapped in PT Mayawana Persada's concession (forest conversion area shown in red) January 2016-December 2022 (Source: Aidenvironment)

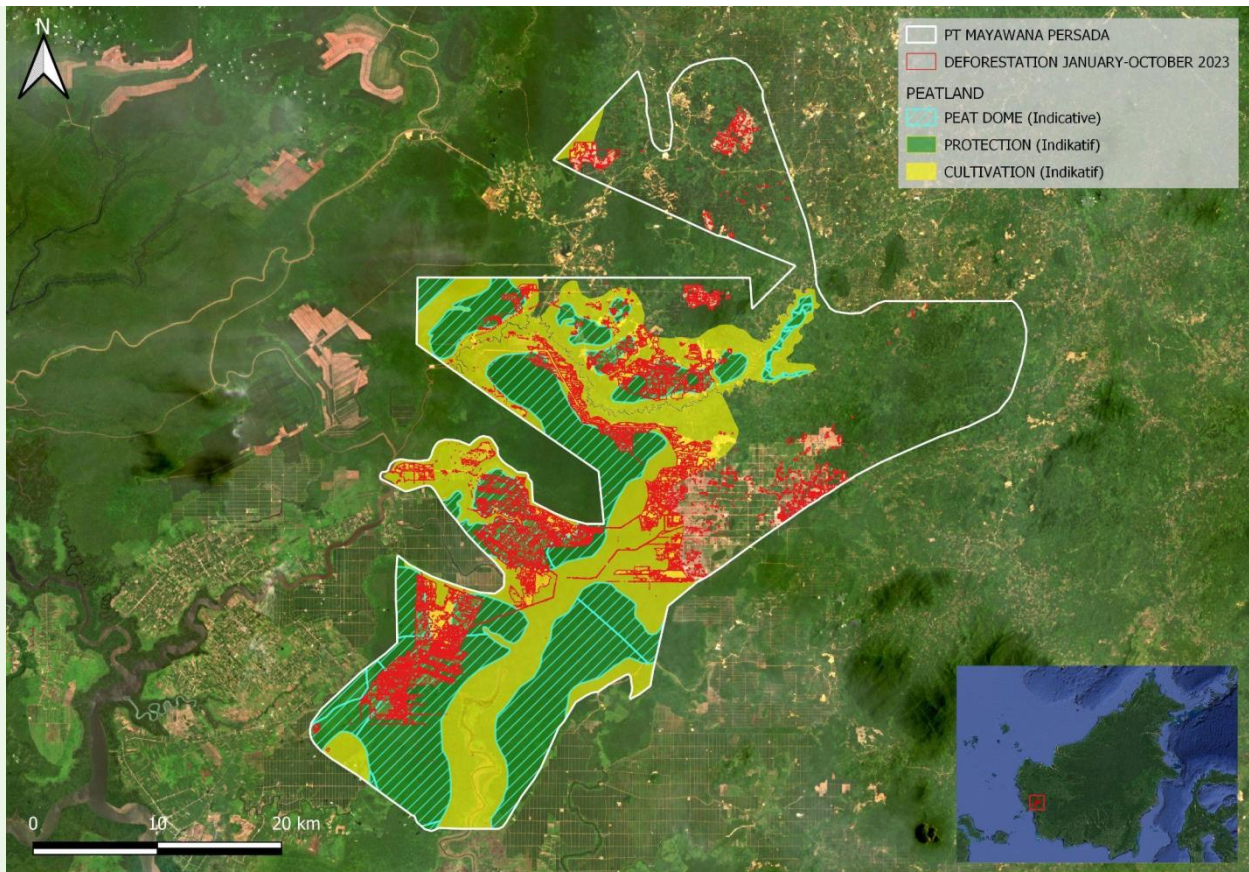


Image 8:

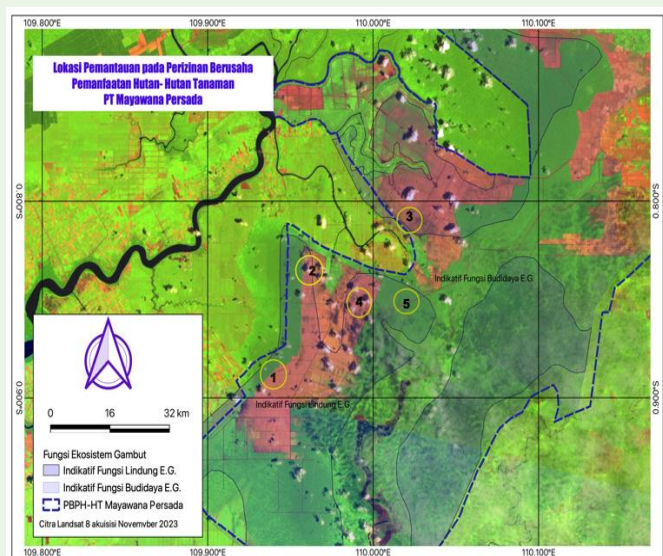
Forest conversion on peatlands mapped in PT Mayawana Persada's concession (forest conversion area shown in red) January 2023–October 2023

(Source: Aidenvironment)

Analysis and Field Findings

In early November 2023, Walhi West Kalimantan conducted a field monitoring around PT Mayawana Persada's concession area, which was indicated to be in a peat ecosystem. Based on the Peat Hydrological Area Map (KHG), PT Mayawana Persada's concession is located in the KHG Sungai Durian – Sungai Kualan which has an indicative peat ecosystem protection function and an indicative peat ecosystem cultivation function.

The monitoring was then carried out at five points located around three villages, namely; Sungai Sepeti Village, Durian Sebatang Village and Banyu Abang Village, Seponti District, North Kayong Regency. The details are as follows;



1. Location 1 at coordinates 0° 53.319'S 109° 56.511'E
2. Location 2 at coordinates 0° 49.848'S 109° 57.637'E
3. Location 3 at coordinates 0° 49.225'S 110° 1.350'E
4. Location 4 at coordinates 0° 50.746'S 109° 59.935'E
5. Location 5 at coordinates 0° 51.196'S 110° 0.988'E

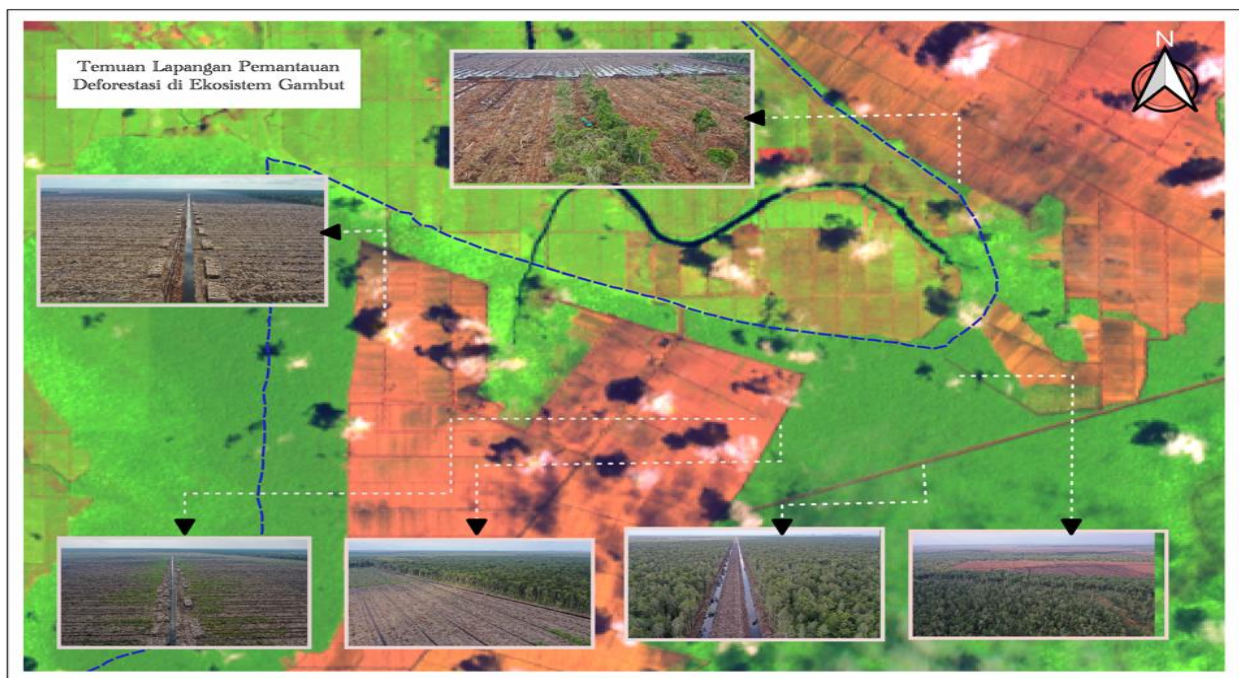
Walhi's findings at those five points corroborate the fact that there has been land clearing that previously had natural timber stands. In addition to the clearing of natural forests, field findings also show the clearing of peatlands with evidence in the form of making canals (drainage). Field findings show that the clearing of natural forests is still ongoing, heavy equipment (excavators) continues to cut down natural timber and piles of felled wood are found stacked along the canals. Referring to a study by the World Resources Institute, each hectare of tropical peat drained for plantation development emits an average of 55 metric tons of CO₂ each year or approximately equivalent to burning more than 6,000 gallons of gasoline.

If the study conducted by Walhi Kalbar shows that during the period 2022–October 2023, PT Mayawana Persada has cleared and drained 14,505 hectares of peatland, it means that the company's activities have emitted 797,775 metric tons of CO₂ or the equivalent of 8,703,0000 gallons of gasoline burned. It's a frightening number that threatens the sustainability and safety of the planet.

In Government Regulation (PP) No. 71 of 2014 concerning Protection of Peat Ecosystem Management, article 26 states that;

Any person is prohibited:

- a. Clearing land in peat ecosystems with protective functions;
- b. Opening drainage that causes the peat ecosystem to dry out;
- c. Set fire to peatland; and/or
- d. Conducting other activities that result in the exceeding of the benchmark criteria for peat ecosystem damage as referred to in Article 23 paragraph (2) and paragraph (3).



Damage to peat ecosystems as mentioned in the PP above is explained in article 23 paragraph (2) that;

Peat ecosystems with a protective function are declared to be damaged if they exceed the standard criteria for damage as follows:

- a. there is artificial drainage in peat ecosystems with designated protection functions;
- b. exposure of pyrite and/or quartz sediments beneath the peat layer; and/or
- c. reduction in the area and/or volume of land cover in peat ecosystems with designated protective functions.

Based on the above regulation, it is clear that PT Mayawana Persada has destroyed the peat ecosystem with a protective function, where it has opened canals that have the potential to drain the peat. This is despite the fact that peat has a large carbon (C) content. Calculations by Matbi and Immirizi (1993) in Murdiyarso and Suryadiputra (2004) suggest that global peat contains 329-525 Gt (35% of total global carbon). Peat in Indonesia stores 46 Gt (note: 1 Gt = 109 tons) or 8-14% or 8-14% of the total carbon in peatlands. Peat plays a very important role as a safeguard against global climate change. If peatlands are burned or degraded, they will emit various types of greenhouse gases (mainly CO₂, N₂O, and CH₄) into the atmosphere that are poised to exacerbate global climate change.





▲
Image 9:

Peatland clearing in PT Mayawana Persada's concession (Doc. Satya Bumi-Walhi West Kalimantan)

Based on the above data, it is clear that the company is not conducting business in accordance with FSC policy and falls under the category of 'unacceptable activity' in the FSC Policy for Associations: 'Destruction of High Conservation Values in forestry operations'

As highlighted above, the areas that were mapped as wetlands and orangutan's habitats have been converted into wood plantations in the PT Mayawana Persada concession area. The scope of "unacceptable activities" which include the destruction of High Conservation Value (HCV) Forests and the destruction HCV non-forest, including the zone/resources with value of impacts towards the needs of the society (NKT 5) and cultural value (NKT 6) outside of the forest area that was impacted by the development of PT Mayawana's concession. The development of wood plantations by PT Mayawana is heading towards "the destruction of resources with

high conservation value, which are crucial for the surrounding community.

In 2021, Mongabay⁶ contacted Alas Kusuma to comment on the suspected deforestation by PT Mayawana Persada. In response to that, Alas Kusuma's representative claimed that the corporation has followed the recommendations based on the orangutan spread analysis and the HCV assessment that was conducted by a third party. However, due to the unavailability of the NKT documents in the NKT Resources Network database, the public could not access the documents and verify the claim.

⁶ FSC-certified Indonesian logger may have cleared orangutan habitat: [Report \(mongabay.com\)](https://www.mongabay.com)

V. Social Conflict and Human Rights Violations

Social Conflict and Violations of Indigenous People's Rights

Field findings also show that PT Mayawana Persada's timber concession has led to social conflicts and violations of the rights of local indigenous communities known as Dayak (or Kalimantan Indigenous Peoples). One such conflict occurred in Kualan Hilir Village, Simpang Hulu District, Ketapang Regency, West Kalimantan.



Image 10:

Banner of Kualan Hilir Community's Rejection of PT Mayawana Persada (Doc. Link-Ar Borneo)

Based on a rapid assessment conducted by Link-Ar Borneo, the dispute over land claims between the indigenous Dayak Kualan community and PT Mayawana Persada began in 2010 - when the company conducted socialization related to their business license and operational plan to the Kualan community at the Kualan Hilir Village Office. The socialization received a massive backlash from the locals. The locals believe that the working area of the concession business would invade indigenous society's area and lands owned by the people, either the field owned by private persons or customary land and forests.

The backlash from the local residents then caused the business's operation plan to come to a halt. The business could only continue the negotiation with the local residents in 2014. The negotiation was mediated by the Ketapang Regency Government, who was directly

represented by the Vice Regent of Ketapang, Henrikus. However, the negotiation that took place at Hotel Aston Ketapang did not reach any form of agreement between the locals and the enterprise. The locals insisted on rejecting the working plan. The working plan that would take place in the indigenous area and land of the Dayak Kualan then would not continue between 2010-2018. The suspension of the working plan was not only due to the strong rejection by the locals, but at the same period there was also the promulgation of The Suspension of Granting Permits for Primary Natural Forests and Wetlands (PIPIB) policy through the Presidential Instruction No. 10 of 2011.

After several years, the enterprise proposed a re-negotiation with the locals. The negotiation then took place in 2019 in Pontianak, through the help of the Village Officials of Kualan Hilir and the Indigenous Representatives. After the re-negotiation, the customary ritual ceremony that signaled the opening of the business activity in the concession area around the Village of Kualan Hilir has begun. Most of the locals were shocked and did not authorize the activity, since the re-negotiation and the agreement were done unilaterally by the village officials and the indigenous representatives without consulting with the society and asking for their approval. However, the enterprise stayed silent.

It was at that moment, the attempt of land grabbing from both the locals and the customary area of the Dayak Kualan indigenous society in Kualan Hilir Village. As a compensation, though it was not fully accepted by the locals, the enterprise has offered a reparation called 'Tali Asih' for the lands owned by the residents for Rp 1,500,000 per hectare and a promise to give some fee for the logs for Rp 2,500 per cubic.

Since then, the locals were gradually forced to accept the compensation and some of them were forced to waive their lands. The conflicts between the locals began to rise. The locals were polarized between those who are willing to let their lands and receive the compensation, and those who reject it. The horizontal conflict between the locals from different villages culminated when they started measuring and marking limits. As a consequence, the Dayak Kualan's union as a single indigenous community was torn apart. Similarly, this is also the case with the severing of their kinship relations, which used to be a good form of ties between the members of the society. Meanwhile, the unilateral action and polarization attempts were continued by PT MP and the eviction was expanded.

In 2020, the Kek Jung's cemetery area along with Gensaok Bersatu group's farmland got

evicted. Moreover, PT Mayawana Persada also cut down the Sabar Bubu Hill – a part of the Tonah Colap Torun Pusaka (TCTP)'s indigenous forest, which their customary rights over the land are recognized as Benua Kualan Hilir indigenous community's tenure (No.: 01/ LPA/MAKM/12/02). This area is carefully preserved in accordance with a very strict set of customary laws. TCTP, which is also a water absorption forest area (preserved forest), an important part of the livelihood of the locals, has a set of strict rules, even for chopping down a tree. However, PT Mayawana Persada did not obey them and continued the deforestation on that hill. In June 2020, PT Mayawana Persada had started the deforestation of the natural forest, which continued all the way to May 2023. Nothing was left behind, except damage to the environment, land, and deforested woods.

**Image 11:**

Sabar Bubu Hill, a Customary Site (Tonah Colap Torun Pusaka) which has been deforested by PT Mayawana Persada and was converted to a mono cultured Acacia (Doc. Satya Bumi)

In June 2023, An Independent Institution of AMAN (Nusantara Indigenous Society Alliance),⁷ which the members come from indigenous communities, stated that PT Mayawana Persada had deforested Tonah Colap Torun Pusaka (TCTP) customary forest owned by the local indigenous community of Benua Kualan Hilir. AMAN affirmed that the locals have ‘sent a notice to the company [PT Mayawana Persada] which told that the locals are rejecting and do not accept the presence of PT Mayawana Persada in Tonah Colap Torun Pusaka’.

AMAN’s statement solidifies the agreement on the land dispute settlements in May 2020 between PT Mayawana Persada with the indigenous society, through customary rituals that were attended by Kualan Hilir Village Officials, Dayak Simpang Hulu Customary Council, Indigenous Official representatives, and also the management of PT Mayawana Persada. The outcome of the event is an agreement reached between the Indigenous Community and PT Mayawana Persada, which was mentioned by AMAN, that PT Mayawana made a promise in 2020 to “return the land to the Indigenous Community”. However, until now, PT Mayawana Persada still has not done so and is keeping on clearing the land.

Altercations and Criminalization of the Locals

According to the rapid assessment conducted by Link-Ar Borneo, physical altercations between residents and the PT Mayawana Persada’s security unit could not be avoided, since the locals were against the presence of PT Mayawana and its operational plan, as what had happened and been experienced by the residents of the Lelayang neighborhood in Kualan Hilir, around September 2022.⁸ That did not stop there, because in December 2022, some plantation sheds owned by the residents of Lelayang-Kualan Hilir, were burned down by some people who were suspected to have received orders from PT Mayawana Persada.

Because of this, besides the sheds that got obliterated, all work equipment like daggers and saws were found to be broken because of the arson, including several tons of crops from the plantations by the locals.

In February 2023, the corporation sent a notice regarding its plan to take over some lands owned by the locals. The delivery of the notice was followed by verbal threats. Despite all of that, the locals did not back down. The locals were firm on their stance to reject it. The corporation then tried to hold another round of negotiation with the locals. Negotiation, then, was held in March 2023, but the locals insisted to undoubtedly reject the corporation’s existence and operational plan.



▲ Image 12:

Crops that got burned inside a shed (above) and the shed owned by the Lelayang locals that got burned down by the masses who were in favor of PT Mayawana Persada from Kampar Sebomban Village (below) (Dok.Link-Ar Borneo)

⁷ Rindang, Kurnianto. “AMAN dan BPAN Kalimantan Barat: PT. Mayawana Persada Segera Tinggalkan Wilayah Adat Kami.” Aliansi Masyarakat Adat Nusantara. 7 Juni 2023. www.aman.or.id/news/read/aman-dan-bpan-kalimantan-barat-pt-mayawana-persada-segera-angkat-kaki-dari-wilayah-adat-kami

⁸ Rusuh Tak Terhindarkan ...!!! PT. Mayawana Persada tidak membayar hak masyarakat <https://www.youtube.com/watch?v=orfbRlk21RQ>

Realizing the strong and firm rejection by the locals, according to the statement of some residents, PT Mayawana Persada was often asking for some assistance from the West Kalimantan's local police authority to dispatch the Operational Control Assistance (BKO) unit to guard PT Mayawana Persada in conducting the company's operational plan. In some occasions, the West Kalimantan BKO unit – equipped with complete armaments – was involved in the intimidation of locals when a negotiation or a mediation between the locals and the corporation took place in the camp of the latter.

Not only receiving intimidation and threats, the locals who rejected PT Mayawana Persada's presence and plans were faced with criminalizations. Throughout the period of Dayak Kualan's community struggle, several summonings, investigations, arrests, detentions, and imprisonments were also experienced by them. Here are the lists of some of the criminalization:

Firstly, in 2021, the Head of the Sekucing Kualan Village, was arrested and imprisoned for approximately 1.5 years, due to the accusation of burning PT Mayawana Persada's land. In fact, the Head of the Village was burning the area to clear the plantation for his paddy field;

Secondly, in 2022, Daniel Ariyanto, the son of the Kualan Hilir Customary Minister, got arrested and imprisoned for 6 months in the Ketapang District Police detention house, with the accusation of removing and destroying acacia plants that were planted by the corporation on his land. The land, which was previously owned by Daniel Ariyanto, was taken over by force by evicting it and planting acacia trees as ordered by PT Mayawana Persada.

Thirdly, in the same year, Abel, Kualan Hilir Village Secretary, was reported to the Ketapang

District Police by PT Mayawana Persada's legal team. The report says that he, together with the Kualan Hilir residents, were demonstrating in KM 18 to bring PT Mayawana's operation to a halt. In response to the report, Ketapang District Police summoned the both of them to be questioned.

Although the locals keep on receiving intimidation, some of the Dayak Kualan indigenous community members persist, in order for their rights to be recognized, respected, and protected by the State and all parties, including PT Mayawana. Negotiation, mediation, discussion with the government, to the point of punishing the corporation with customary laws – due to the fact that it has violated numerous customary laws on land tenure, indigenous land area, and the polarization of the society – are all forms of struggle which have been and are going to be conducted up until the present day. Some of the examples of struggle initiated by Dayak Kualan in their efforts to defend their land tenure, which are:

Firstly, in 2020, the local community punished PT Mayawana Persada according to the customary law in Gensaok neighborhood, on the grounds of deliberately polarizing the community and committing arbitrary actions towards them.



▲ Image 13:

Patih Jaga Pati Laman Sembilan Damong Sepuluh symbolically receiving a gong as a sign of customary punishment for PT Mayawana Persada

Secondly, in September 2022, located at Betang House Simpang Hulu Dusun Pasir Semandang, the locals gave a customary punishment to PT Mayawana Persada due to its illegal eviction on a customary land in Lelayang Neighborhood, an area neighboring the Kampar Sebomban Village.

Thirdly, on the 21st of May 2023, the local community protested in order to stop the operation of PT Mayawana Persada, due to the eviction of Tanah Colap Torun Pusaka (TCTP) on the Sabar Bubu Hill. The locals put a Mandoh on Sabar Bubu symbolically as a sign of customary rejection.



▲ Image 14:

Symbolic submission of tools to the customary officials as a customary punishment for PT Mayawana Persada at the Kualan Hilir Village Hall.

Fourthly, on the 31st May 2023, PT Mayawana was punished according to the customary law after accusing the Kualan Hilir community of stealing a 55-liter fuel in the event of a protest against PT Mayawana at Block G. However, the accusation was baseless, since there was no evidence and witness. The locals, time and time again, have expressed their repulse towards the corporation's operation in Kualan Hilir.

Fifth, on the 26th June 2023, the local community initiated an escort for the measurement of their land, which was being forcefully cleared by PT Mayawana Persada. In this period, there had been some mediations, and the indigenous community once again convicted the corporation based on the customary law on the grounds of forced eviction of the land owned by Gensaok and Lelayang residents. In that mediation, the locals were accompanied by Tariu Borneo Bangkule Rajakng (TBBR) and Link-AR Borneo.

Sixth, the peaceful demonstration to expel the workers of PT Mayawana Persada and the seizure of 13 heavy equipment. The action was done until an agreement was reached by all parties and realized.



Image 15:

Mediation as a settlement on the case of land eviction owned by the locals without an approval from the owners, as well as declaring the customary punishment for PT Mayawana (above) and the seizure of 13 heavy equipment PT Mayawana Persada that has been suspended by the Kulan Hilir community (below).

Conclusion



PT Mayawana Persada's presence has sparked social conflicts and violated the rights of the local community around the concession area. The corporation has also ignored the reality that the land and the area in which they were planning to conduct business, are the areas, land, and forests owned and managed by the indigenous society of Dayak Kualan for ages as their neighborhood and for their livelihood. The forced takeover of the land, which included the destruction of crops and plantations, sheds, and followed by intimidations, arrests, and imprisonments against the locals, as well as attempts to polarize them, gave strong indications that PT Mayawana Persada had practiced land grabbings of several Dayak Kualan indigenous land and areas.



PT Mayawana Persada, in conducting its business operation, was also proven to have violated the principles and procedures of Free, Prior, and Informed Consent (FPIC) as the mechanism to clear the land. The community never gave any approval freely and have never received any benefits from the corporation's presence. No matter how many times the corporation claimed that they have socialized with the locals regarding their work plan, negotiations, and mediations, the wide rejection from the indigenous Dayak Kulan community of the corporation's presence and plan still goes on.

Not only that, PT Mayawana Persada was also proven to have practiced forest destruction in order to realize its work plan, including conducting business activities on a rich biodiversity forest like on wetlands and the habitats of orangutans. PT Mayawana's business practices went fully against the principles of No Deforestation, No Peat, and No Exploitation (NDPE). Because of this, PT Mayawana – as a sister company from the Alam Kusuma Group holding company that has an Forest Stewardship Council (FSC) certificate – has ignored the principles, indicators, and criterias of FSC as a certification system as a “credible guarantee that all products sold with an FSC claim originated from well-managed forests”.

Due to various actions from PT Mayawana Persada, Mighty Earth (International Environmental NGO) has complained about Alas Kusuma through the complaint mechanism at the FSC, especially regarding the FSC Policy for Associations in the Category of 'Unacceptable Activities': 'Significant conversion of forests into plantations' in PT Mayawana Persada (timber plantation) and PT Kusuma Alam Sari (oil palm plantation) concessions, in West Kalimantan, Indonesia. This complaint is based on the results of Mighty Earth Analysis via satellite imagery for PT Mayawana Persada and PT Kusuma Alam Sari, and it is concluded that: First, it is estimated that +- 19,649 hectares (ha) of forest conversion occurred between January 2018 and December 2022. Second, it is estimated that ~16,738 ha of forest conversion occurred in mapped orangutan habitat (Indonesian Ministry of Environment and Forestry, 2017) between January 2016 and December 2022. Third, ~8,706 ha of forest conversion occurred in carbon-rich peatlands between January 2016 and December 2022

Recommendation



Civil Society Coalition that consists of WALHI of West Kalimantan, AMAN of West Kalimantan, Link-AR Borneo, and Satya Bumi, to call upon the Government and the corporation to:

Government

1. Give recognition to the Dayak Kualan Hilir's indigenous forests;
2. The Ministry of Environment and Forestry to conduct an updated study to calculate the population of orangutan in the area surrounding the concession zone as a continuous action of conservation;
3. The Ministry of Environment and Forestry to review the concession permit of PT Mayawana Persada that overlaps with indigenous forests and high conservation area.
4. **The Ministry of Environment and Forestry must review all PT Mayawana Persada permits because they damage the peat ecosystem and orangutan habitat;**
5. The National Police to instruct the West Kalimantan Regional Police to stop any forms of intimidation towards the Dayak Kualan indigenous community.

Company

1. PT Mayawana Persada shall stop and review any business activities in the indigenous community's area and forests with high conservation value;
2. It must open the High Conservation Value documents and its plans to follow up to the conservation in its concession area;
3. To recover all ecosystem damage, including reforestation of the Sabar Bubu Hill; and
4. To stop any forms of intimidation and criminalization against the local community, to give compensation that is equal to the damage on the local's plantations, and to return the land ownership to the indigenous community.



