

PDF NOTES: When We Lost the Forest, We Lost Everything

Summary, Key Recommendations, Methodology

- “Palm oil derivatives make their way into many grocery store products including frozen pizzas, chocolate and hazelnut spreads, cookies, and margarine. They are also used in manufacturing numerous lotions and creams, soaps, makeup, candles, and detergent. Crude palm oil is also processed into a biodiesel blend used in vehicles and industrial machinery.” pg.12
- Complex web of domestic and international companies are involved in growing fruit, converting to oil, manufacturing ingredients, and producing consumer projects
- The expansion of palm oil plantations in Indonesia has adversely affected indigenous people’s rights to their forests, livelihood, food, water, and culture
- There are 2 companies the Human Rights Watch focused on for plantation operations: PT Ledo Lestari in Bengkayang regency of West Kalimantan province, and PT Sari Aditya Loka 1 in Sarolangun regency of Jambi province
- What’s causing these issues??, “A patchwork of weak laws, exacerbated by poor government oversight, and the failure of oil palm plantation companies to fulfill their human rights due diligence responsibilities, have resulted in loss of land and livelihood opportunities for Indigenous people in West Kalimantan and Jambi in the projects we researched.” pg.12
- Indonesia has 14 hectares of land planted with oil palm (no clear estimate of number of land disputes or displaced households)
- Deforestation on this large of a scale has a global significance, as it contributes to carbon emissions and climate change
- “Indigenous peoples have an intrinsic relationship with their environments. Their traditions, knowledge, and cultural identity are deeply connected to the natural environments in which they live. Any disruption to their natural environments, as in the case of the Ibans and the Orang Rimbas, affects their culture, languages, knowledge, and unique traditions” pg.15
- There have been lots of issues with companies giving verbal promises to communities that they do not follow up with. Such as promises of health clinics or amenities.
- While companies have requirements about consulting with affected communities, they often fail to do so. Pg.18
- “The oil palm plantations not only destroyed Indigenous people’s forests, lands and the resources in them that they were using for generations but also failed to create any mechanism to explore restitution or provide just and fair compensation for losses suffered, in consultation with the Indigenous people impacted.” pg.20

- “ability to continue to harvest within their yards, land titles, shares from a plasma, or community plantation, that the company would set up, and other amenities including health clinics and schools, to lure them to leave the area.” pg. 20, these were promised but not materialized by companies.
- One company, PT Ledo Lestari , did engage in some consultations which included conversations about family land and payouts but they do not seem to have included women in those discussions.
- “Francesca, a 28-year-old mother of two, stands on the site of her former home. She and her husband refused relocation. She said that company representatives torched her home in 2010, rendering them homeless. Bengkayang regency, West Kalimantan, September 2018.” pg.20
- The companies and their security guards have even gone so far as to call some of the indigenous people “thieves”
- “Today, in Jambi province in central Sumatra, the Orang Rimba community lives in abject poverty. Many have been left homeless, live in plastic tents, and without livelihood support. The Orang Rimba Human Rights Watch interviewed said that they had once been self-sufficient but are now reduced to begging on the highway or “stealing” oil palm fruits from the plantation area to sell and make money.” pg.24
- Water pollution is making one self sufficient communities be forced to buy fish and search for fish in waters they once fished i easily
- “PT Agro Astra Lestari, the parent company of Sari Aditya Loka 1, which operates the oil palm plantation in Jambi Province, has a host of policies on sustainability, traceability, and grievance redress, that apply to all its subsidiaries and oil palm plantations.” pg.24
- “PT Ledo Lestari, which operates the plantation in Bengkayang, West Kalimantan, does not have any published policies on sustainability or the protection of Indigenous people’s rights. It has also not engaged with Human Rights Watch or local NGOs.” pg 24-26
- (Needed Government Reforms) pg.26-27
 - “Customary rights of Indigenous people are lost in a maze of laws that were designed to protect them but do the opposite. As a result, Indonesia’s Indigenous people struggle to have their rights to customary land recognized.” pg.26
 - Many areas have been mapped but few legal certificates have been issued
 - “Adopting new laws and a high-level commission are critical to ensuring the success of Jokowi’s 2018 “Complete Systematic Land Registration until 2025” program. The World Bank-funded initiative aims to register all land in Indonesia by 2025. “ pg.27

- Pg.28 key recommendations:

- TO THE INDONESIAN GOVERNMENT • Urgently recognize and protect Indigenous peoples and their community rights to land and forests. • Revise the Indonesian Sustainable Palm Oil (ISPO) certification system to align with international human rights standards. • Establish a Land Dispute Resolution Mechanism.
- TO OIL PALM PLANTATION COMPANIES IN INDONESIA • PT Ledo Lestari and PT Sari Aditya Loka 1 should initiate mediation with affected communities and Indigenous peoples to resolve long standing grievances, and offer compensation or remediation to those affected. • All companies operating plantations should carry out robust human rights due diligence and provide just, fair, and equitable compensation in accordance with international human rights standards.
- TO OIL PALM IMPORTING COUNTRIES • Require companies to be transparent about their palm oil supply chains.
- TO DONORS • The World Bank and other donors should support the Indonesian government in carrying out the reforms needed to protect community and Indigenous people's rights to land.

- Methodology

- Report from 2018, 11 weeks, february to september
- Focused on palm oil plantation disputes and indigenous people claims in Kalimantan and Sumatra
- Human Rights Watch conducted interviews with 00 pus people from communities, and lawyers, and NGO representatives working on conflicts
- “. Of these interviews, 57 were with ethnic Iban Dayak and Orang Rimba people, of which 42 were with women. Human Rights Watch conducted four interviews in groups of 3 to 10 people; all others were individual interviews.: pg.29
- “In August 2018, Human Rights Watch sent letters explaining our research and a list of questions requesting information to both PT Ledo Lestari and PT Sari Aditya Loka 1. The companies did not respond to our letters. In June 2019, Human Rights Watch hand delivered another set of letters to both companies explaining our findings and including a list of questions. Letters were also emailed to PT Sari Aditya Loka 1 in August 2018 and June 2019. PT Ledo Lestari has not responded. In August 2019, Human Rights Watch received a letter via email from Bandung Sahari, vice-president of sustainability at PT Astra Agro Lestari Tbk.” pg. 29
- Reviewed primary data sources, including laws, ministerial regulations, three court decisions, and other legal documents

I. Indonesian Palm Oil and Land Conflicts

- Foreign, domestic, private and state own companies buy and develop land for oil palm plantations
- Indonesia is the world's top palm oil producer and exporter
- 40 billion plus tones
- Over half of the world's total production
- Palm oil production is projected to grow in the coming years, propelled by the global demand for biodiesel.
- Although not in the EU
- The EU has announced a cap on all palm oil imports for biofuel at 2019 levels until 2023, and a total phase-out by 2030.
- Rapidly declining forest cover pg.32
 - “Between 2001 and 2017, commercial ventures in Indonesia destroyed more than 24 million hectares of its tree cover, an area nearly as large as the United Kingdom.” pg.32
 - The forest that have been cleared and burn for oil palm and paper pulp plantations have cause air pollution and natural carbon sinks
 - Respiratory health across the region has been affected
 - Spike in carbon emissions
- Pervasiveness of Land Conflicts
 - Indonesia has 50 to 70 million indigenous people, quarter of population
 - Land disputes are with the indigenous people living in or around the forests
 - “Over the years, these conflicts have continued, exacerbated by a combination of poor protection for Indigenous peoples’ land rights and complex land governance systems that fail to prevent or resolve disputes.” pg. 34
- Indigenous Peoples’ Struggle to be Legally Recognized
 - “At the heart of land conflicts involving Indigenous peoples and corporations lies the struggle of various Indigenous groups for legal recognition of their identity and collective rights. Local nongovernmental organizations (NGO) have repeatedly called for effective, streamlined, and time-bound procedures to recognize and protect Indigenous peoples’ land rights.” pg. 35
 - There are over 2330 distinct indigenous communities, but no official data on how many are legally recognized

- “One NGO noted that authorities recognized 18 Indigenous communities between 2015 and 2017.” pg. 35

- “Indonesia’s constitution and laws recognize that adat (literally, custom or tradition) communities exist and affirm their communal rights to land.²⁴ In practice, realizing these rights entail cumbersome processes in which Indigenous groups have to prove their existence and register their land rights. Without legal recognition, groups that self-identify as Indigenous cannot register collective rights to land.” pg. 36
- The rights of indigenous people are lost in a “maze of legal procedures” that were designed to protect them but actually have been making things harder.
 - Indonesian laws since 1999 aim to protect Indigenous land rights but are complex and hard to follow.
 - Indigenous groups must apply for legal recognition, but most local governments don’t have procedures in place.
 - Where procedures exist, they require meeting 4–7 criteria and can take years to process.
 - Even after recognition, communities must apply separately for land, forest, and cultural rights at multiple government levels.
 - As of 2018, over 1,100 territories (14+ million hectares) were mapped by NGOs but few are officially recognized.
 - In West Kalimantan, only two communities have registered their land rights.
 - A 2013 court ruling confirmed Indigenous rights to customary forests but it has been poorly implemented.
 - In 2015, the government pledged to recognize 5 million hectares of community forests only about 32,791 hectares have been approved as of 2019.
 - President Jokowi’s handover of 29,500 hectares to 18 groups fell far short of promises.
 - A 2018 moratorium on new palm oil permits aimed to protect forests but systemic issues persist.
 - Overall, Indigenous peoples face a bureaucratic maze, delays, and a lack of political will to secure their rights.

- Key Legal Processes and Responsibilities of Plantation Companies

- Required Permits (in order):
 - Location permit (Izin Lokasi): Issued by local authorities after checking land rights.
 - Environmental & social impact assessment (AMDAL): Required before operations.
 - Environmental permit (Izin Lingkungan): Based on AMDAL results.
 - Plantation business permit (IUP): Granted by district/provincial government.

- Forest conversion permit: If land overlaps with forested areas
- Right to Cultivate (HGU): Final permit from provincial land office.
- Consultation Duties (required before permits):
 - Before location permit: Inform community, assess social/environmental impacts, gather feedback.
 - Before environment/plantation permit: Consult with community; unresolved issues can be escalated to an appraisal commission.
 - Before HGU permit: Negotiate land transfer and compensation with rightful landowners, including Indigenous communities.
- Problems in Practice:
 - Consultations are often rushed or skipped, with poor oversight from authorities.
 - Community members are sometimes uninformed until after permits are issued.
 - New online permit systems speed up approval but may weaken accountability.
- Additional Legal Responsibilities:
 - Compensation: Required for communities losing land access.
 - Plasma plantations: Companies must allocate at least 20% of cultivated land to local communities via profit-sharing or cooperative partnerships.
- While laws are in place to protect community rights, in reality, enforcement is weak, consultations are often bypassed, and communities frequently receive little benefit or involvement in the process.

II. The Human Cost of Oil Palm Plantations

- Human Rights Watch researched the development and operations of palm oil plantations in : West Kalimantan and Jambi in central Sumatra
 - Both started over a decade ago and are still operating today
 - The research found that neither companies have followed domestic laws and international human rights standards
 - “The Indigenous communities are still grappling with serious impacts on their human rights to a livelihood, access to food and water, and culture. To date, they have not been adequately compensated for their loss. The loss especially to Indigenous women has been ignored.” pg. 45
- Case 1: PT Ledo Lestari, West Kalimantan Province

- “The forest used to supply all our needs. Now if the rains come, everything floods. The forest is gone. There is no way to hold back water. We can’t plant anything. We lost everything to palm oil.”
—Lindan, 58-year-old mother of three with five grandchildren, Semunying Bongkang, May 2018
- “Forest means everything. Forest provides water. Water is blood ... land is body, wood is breath. When we lost the forest, we lost everything. We can’t pray to the god of oil palm.”
—Mormonus, village leader, Semunying Jaya, May 2018

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Concession Map of PT Ledo Lestari



Source: Global Forest Watch 2016 Oil Palm data

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- PT Ledo Lestari did not properly consult communities before operations, which would have been in violation with Indonesian laws
- Residents of the community didn't realize that operations were beginning until they saw bulldozers

- When a resident asked what the bulldozers were for they were told it was for building a state road
- Villagers realised they were given false information when more workers arrived and began to cut through forests, rice fields, and tree farms while expanding their construction camp
- There were protests and the government brought in military with guns to intimidate villagers and stop them from stopping company operations
- Two village leaders were detained after protests
- Someone who introduced himself as the director of PT Duta Palm Nusantara group overruled them and money if they supported the oil palm plantation
- Some government groups were started to help represent the villagers but no actual leaders of the villagers or communities were in the roles
- Inadequate Compensation and Unfulfilled Rehabilitation Promises
 - PT Ledo Lestari negotiation compensation with families but most was not properly fulfilled
 - There were oral promises of land titles, benefits from a “plasma” plantation, and other amenities, including health clinics and schools.
 - They only compensated SOME families for their losses of land with rubber trees and rice crops.
 - Those who received compensation reported receiving between IDR 1 million and 2 million (US\$70 to \$140) per hectare per family
 - Families do not know how this loss was quantified
 - The company ended up relocating the families: 21 families into permanent housing (constructed concrete buildings with metal sheet roofing) in another location in the plantation. It placed 11 other families in “company camps” scattered around the plantation and who still await permanent homes.
- “Semunying Bongkang residents told Human Rights Watch that the resettlement followed written “agreements” families were expected to sign. Residents said that some weeks later people they identified as company representatives burned houses at the original site even before residents had removed all their belongings. Francesca, a 28-year-old mother of two, said she and her husband refused relocation and declined the “agreement.” She said that company representatives torched her home, rendering them homeless:
 - “An assistant manager came to my home. On that day my oldest son had fever. He said to my husband, “Your five hectares of land here is gone and two hectares here is gone. Go to the company and get your money.” My husband told them he doesn’t want to sell. Months later, while I was at my mother’s new house [in the plantation] and my husband was away in Malaysia, we heard a loud noise and could see

smoke. I went to see, and it was crazy. My house was already burned. Everything was in there, my son's bicycle, clothes, and all the wood we planned to build a house, all was gone.” pg. 55

- “Many of those who signed the “agreement” said they felt compelled to do so because their forests were already cleared.¹⁰⁶ Susanti, a 37-year-old single mother of four, said:
“The [company] cleared the land and said I must move to another place. I had to sell my land or let them take it with no pay. I did this to survive. They [company] did not provide transportation for me to move my things [to new location]. They burned my wood and belongings I left behind.” pg. 55
- The “Plasma” Plantation Promise Unmet
 - Plasma plantations were offered to villagers and used a key “selling point”
 - Although almost all of the promises that came alongside them were unmet
 - There were promises of concrete houses, schools and plasma, all unmet
 - “The oil palm plantations continue to have a devastating impact on the livelihoods of communities, especially women, and on their access to food, potable water, and their culture.” pg. 57
- Livelihood
 - Pre-plantation life: Iban Dayak communities lived off fishing, rice farming, and rubber tapping; sold natural goods for extra income.
 - Impact of deforestation: PT Ledo Lestari’s forest clearing destroyed local livelihoods without adequate compensation.
 - Employment gap: Only 10 out of 93 affected households were employed by the company, earning low daily wages (\$4.25–\$5.65).
 - Rising costs: Families must rent farmland farther away, increasing financial strain; many are worse off than before.
 - Women's challenges: Women face barriers accessing farmland, do hard labor for low pay, and struggle to fund their children’s education.
 - Educational impact: Families can't afford school costs; children drop out due to expenses like transportation and uniforms.
- Food and Water
 - Food insecurity: Loss of farming and hunting grounds reduces food availability; rice harvests fail due to bird attacks.

- Fishing decline: Fish populations declined; residents blame pollution from palm plantations.
- Polluted rivers: Residents report skin issues and discoloration of water linked to pesticides and effluents.
- Water scarcity: Forest destruction and irrigation rerouting dried up streams; water must now be piped or collected during rain.
- Community displacement: Semunying Bongkang residents relocated within the plantation lack clean water access.
- Culture
 - Cultural erosion: Loss of forests severed ties to sacred adat land used for rituals, harvesting, and communal knowledge.
 - Weaving tradition dying: No natural materials available to teach new generations; motifs and stories risk extinction.
 - Loss of community: Displacement broke social bonds; new resettlements feel like shelters, not home.
 - Unacknowledged grievances: PT Ledo Lestari has not responded to residents' complaints or Human Rights Watch outreach.
- Case Study 2: PT Sari Aditya Loka 1, Jambi Province in Central Sumatra
 - Operations began three decades ago
 - Human Rights Watch interviewed 31 Orang Rimba men and women who live in PT Sari Aditya Loka 1 plantation areas in Sarolangun regency.
 - Many Orang Rimba were pushed to live in the national parks because of palm oil productions

Concession Map of PT Sari Aditya Loka 1



Source: Global Forest Watch, 2016 Oil Palm data

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- Ongoing Adverse Human Rights Impacts
 - PT Sari Aditya Loka 1 have not adequately corrected the harms its operations have caused to the Orang Rimba
 - Orang Rimba report that there was no discussions with government officials or company representatives before land and forests were cleared and planted
 - “Since the oil palm plantation operations began, the Orang Rimba have lived in the area without proper rehabilitation. Many Orang Rimba have been compelled to live in small groups of 5 to 10 families, pitching sudungs (a sheet of plastic tied to posts) in oil palm plantations, hurriedly moving frequently when discovered and chased by company employees. Human Rights Watch researchers witnessed several Orang Rimba women and children begging along the highway.” pg.63
- Orang Romba ; An Indigenous People
 - The Orang Rimba are a semi-nomadic Indigenous people with their own customs, forest-dependent livelihoods, religious beliefs, and community decision-making structures.
 - The government created a national park, Bukit Duabelas National Park, as a measure to mitigate forest and biodiversity loss; but Orang Rimba and WARSI said the company did not meet their human rights responsibilities by not compensating or returning land to Orang Rimba.

- In response to the claim that companies didn't have adequate consultation and compensation the company have simply responded saying that they "obtained the relevant permits"
- Livelihood
 - The Orang Rimba traditionally relied on the forest for rattan, dragon's blood resin, food, and materials to trade with neighboring villages.
 - Deforestation from PT Sari Aditya Loka 1's palm oil operations disrupted these subsistence and trade-based livelihoods.
 - Very few Orang Rimba were hired by the company, with most jobs going to non-Indigenous transmigrant workers.
 - Although the company claims to have offered training and small economic programs (e.g., fish farming, ginger cultivation), these efforts have had limited success or reach.
 - Orang Rimba face discrimination when trying to access employment or integrate into neighboring communities, discouraging participation, especially among women.
- Women Reduced to Begging and Scavenging
 - With no land or reliable employment, some Orang Rimba women and children are forced to beg along highways.
 - Others scavenge fallen oil palm fruit to sell for minimal income, often risking confrontation with company security guards.
 - Camps are frequently raided and dismantled by plantation security, creating dangerous conditions for vulnerable individuals, including the sick and pregnant.
 - Hunger and lack of income force families to go days without proper meals, sometimes eating only boiled palm fruit.
- Food
 - Before the plantation, Orang Rimba gathered forest produce, hunted, and were self-sufficient.
 - Now, they must purchase food from village markets but often lack the money to do so.
 - Some families resort to stealthily collecting and selling oil palm fruit, though this is considered theft by the company and can lead to confiscation or arrest.
 - Company-provided food aid (e.g., monthly rice packages) reaches only some individuals and is not a sustainable or empowering solution.
- Culture
 - The clearing of the forest has erased sacred spaces and rituals tied to birth, death, and prayer, severing cultural traditions.

- Traditional birthing and burial customs are no longer practiced due to lack of forest space and access.
 - Orang Rimba have lost the ability to pass down knowledge and practices tied to the land, including medicinal plant use and spiritual symbols.
 - Displacement has pushed families into makeshift shelters, disrupting communal cohesion and traditional housing.
- While the company claims to have a respectful policy regarding interactions with the Orang Rimba, there is no evidence of active enforcement or accountability.

III. Key Land Governance Issues

- Failure to hold Corporations Accountable
 - Prompt and meaningful government measures would both prevent and remedy corporate abuses that affect Indigenous people but in the research there was no indication that Indonesian authorities were holding companies responsible
- Urgent Bills Languish
 - The laws and regulations surrounding land rights procedures are very confusing, contradictory, and have lots of overlap
 - There are two proposed laws which could help this situation and simplify the problem
 - The Land Rights bill could clarify the role and authority of various government institutions related to land.
 - The draft law on the Recognition and Protection of Indigenous Peoples' Rights aims to simplify the process for recognizing specific Indigenous peoples and their territories. The draft law would also set a path toward the resolution of many of Indonesia's land disputes.
- Unresolved Land Conflicts
 - "Communities struggling to resolve land conflicts have found a lack of coordination among ministries crucial to resolving them." pg. 80
 - National Land Agency of the Ministry of Agrarian and Spatial Planning
 - Ministry of Environment and Forestry
 - Home Affairs Ministry
 - Because of the disorganization between these groups, some cases have become near impossible to get to the bottom of
- Poor Data Collection and Lack of Transparency
 - no clear tracking of the numbers of land conflicts, their status, and whether they are resolved, outside of the mediated cases that have been analyzed

IV. International Human Rights Law

- Right To Culture and Participation
 - The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) affirms Indigenous peoples' rights to:
 - Maintain cultural, political, legal, and social institutions.
 - Be free from dispossession of lands and resources.
 - Participate in decisions affecting their rights.
 - States must ensure free, prior, and informed consent (FPIC) before actions affecting Indigenous communities.
 - International law protects traditional ways of life impacted by environmental change (e.g., hunting, fishing).
- Land Rights and Protection from Dispossession
 - Indigenous peoples' land rights include collective ownership, use, and control based on traditional occupation.
 - Governments must:
 - Legally recognize and protect communal lands.
 - Prevent dispossession or displacement.
 - Provide redress, including restitution or fair compensation, when dispossession occurs.
 - Land rights do not require formal legal title; traditional use counts.
- Economic and Social Rights
 - International treaties (like the ICESCR and ICCPR) protect:
 - Right to food
 - Right to water
 - Right to housing
 - Right to health
 - Right to an adequate standard of living
 - These rights include safe, accessible, and affordable basic needs, even in the absence of formal land tenure.
- Right to Redress and Compensation
 - When Indigenous peoples lose lands or cultural property, they are entitled to:
 - Restitution where possible
 - If not, just, fair, and equitable compensation
 - Compensation can be in the form of equivalent land, money, or other resources.
- Human Rights Responsibilities of companies
 - Under the UN Guiding Principles on Business and Human Rights, companies must:

- Conduct human rights due diligence (HRDD)
 - Identify and address actual and potential harms
 - Avoid contributing to abuse and remediate when harm occurs
- Due diligence should be ongoing and focused where risks are highest.
- Business responsibilities apply to:
 - Plantation companies
 - Mills
 - Brands and manufacturers further down the supply chain