

Whose rights count?

Public participation dilemma of transmigrant population in Indonesia's environmental decision-making



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Environmental Assessment as Instrument for Justice

Justice as vital element of sustainable forest governance

- Ethical reason: Inequitable distribution of environmental harms on marginalised people and communities
- Practical reason:
 - Resistance and violence if people perceive injustice
 - Increase the cost of environmental management



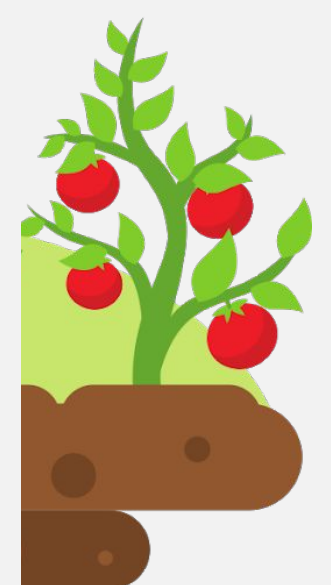
International Platform

Incl. UNFCCC, RAMSAR
and RSPO



National Procedures

Applied by 191 of the 193
UN member states



Indonesia's EIA

The only legal process enabling public participation in environmental decision-making

Top-Down Company's Permits Issuance



Principal Permit
Location Permit
Business Permit

Transmigration

National resettlement program that provide 2-hectare free agricultural plot to participating household

Participation in Indonesia's Environmental Impact Assessment



Public Consultation → Analysis Review Commission → Environmental Permit Issuance

Village Case Study

Overlaying land tenure Between a Kutai indigenous community and a transmigrant community in a village in East Kalimantan

Village Level Negotiations



Whose Land?
Who Participate?
Who Decides
Participants?

Results

Recognition

- Transmigrants identified themselves as different community apart from their indigenous neighbors
- Migration experience and spatial segregation as vital elements in shaping transmigrants' sense of belongings

Misrecognition led to

Distribution

- Asked for a fair distribution on cost and benefit sharing of development projects in the village
- Asked for the acknowledgement of transmigrants' land rights and

Unacknowledged land rights led to

Participation

- Transmigrants were marginalised by village government and elites
- Transmigrant were excluded from EIA participation and land use decision made on their lands, which led to conflicts

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