

## IN BRIEF: POLITICAL

dispute, protestations from the DPR delayed the sale for two years amid bitter recriminations that the government was selling out Indonesia's natural wealth. The Malaysian nationality of the purchasing company only served to heighten the controversy in view of the long history of rivalry between the two nations in the oil palm sector. Critics claimed that the sale would effectively hand over control of the CPO market to Malaysia at the expense of Indonesia, while leaving a sizeable tract of land outside of the Indonesian government's direct control.

With this new strategic alliance, it seems that the 2001 predictions of Malaysia's ability to manipulate the CPO market to the detriment of Indonesia have proven unfounded. The alliance rather lays the groundwork for both countries to benefit by working together to set prices and control output.

So what changed in the last 5 years to turn these competitors into partners? Essentially, Malaysia has run out of land for expansion and the high cost of labour is deterring investment there, while Indonesia has a surfeit of both land and cheap labour but a lack of the capital and technical management skills needed to take advantage of these inputs effectively.

In recent weeks the Indonesian government has indeed shown a readiness to exploit its land resources with plans to open up an area of prime forest 2000km-long and 5km-wide in Kalimantan and turn it into a Chinese-owned oil palm plantation. Allegations have again resurfaced that the granting of a plantation permit with the promise of investment and jobs is simply a pretext for the company to harvest the very substantial amounts of timber on the land. Citing a survey from Indonesia's Ministry of Agriculture, environmentalists are arguing that only 10 percent of the land under consideration is actually suitable for palm oil. With regards to the new strategic alliance, it is also interesting to note that this area of land runs along almost the entire border of Indonesia and Malaysia.

While very likely spelling bad news for buyers of palm oil on the international market through a rise in prices, this cartel-like partnership between Indonesia and Malaysia nevertheless shows encouraging signs for the development of the sector in Indonesia. However, with some of the details of this alliance not yet agreed upon, including technology transfer, profit sharing, and reinvestment into the downstream sector, it remains to be seen whether it will finally free the untapped potential of this sector or lock Indonesia into a position of a raw material provider to the better-funded and more sophisticated operations of its neighbour.

### **New religious decree issued on establishing places of worship**

On March 21 the government released a ministerial decree detailing the procedures for the establishment of places of worship. Amid claims by some minority religions that the new decree is discriminatory and likely to heighten rather than diffuse religious tensions, the *Report* details some of its main revisions and analyses their significance.

Compared to the 1969 decree, which this latest decree replaces, the new

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procedures for obtaining a permit is much more complex. Any application must fulfil several preconditions, the most controversial are the requirement to obtain a congregation of at least 90 people and that at least 60 people living in the proposed area of the new place of worship must agree to its establishment. If these conditions are fulfilled, the decision to grant a permit then depends on the written recommendations of the head of the department of religion at the *Kabupaten* level and a new body called the *Forum Kerukunan Umat Beragama* (FKUB), which is to be headed by the vice-bupati. Essentially, the new decree gives much more power to bupati, local department of religion officials, and the religious figures in the FKUB to grant licenses.

In contrast, the 1969 decree was a much simpler document with only six clauses and as such was much more open to interpretation. Permits to worship were granted by an unspecified local government head with optional input from a local Department of Religion official and unspecified religious organisations. According to Indonesian media reports, the 1969 decree required 40 families for a congregation, effectively translating as a 10-20 year wait for minority religions before new places of worship could be established. This was not written into the original decree, but probably arose in some localities due to the wide degree of latitude afforded to local government heads in their interpretations. This meant that members of minority religions tended to congregate at places of worship that were not officially recognised and has since given groups a legal justification to force the closure of some churches, which most recently occurred last year in West Java when dozens of churches were closed.

Minority religious groups, especially Christians, have been vocal in their condemnation of the new decree. As well as the congregation and local resident requirements, criticism has been aimed at the level of government involvement in decisions and the composition of the FKUB whose religious members must come from the six government-recognised faiths. Opponents to the new decree claim that the absence of members of unofficial religions or those with a more secular outlook on the FKUB effectively prejudices the FKUB's decisions and would prefer that permits are allocated according to the same type of planning permission which is currently needed for schools or other community facilities. They argue that the 1969 decree was a reflection of the Soeharto government's desire to control religious activities and should be scrapped altogether.

In response, the government claims that the revisions actually make the establishment of places of worship easier than before and in some ways their point is valid. In a woefully under-reported clause, the new decree states that if a congregation of at least 90 people can be found but the agreement of 60 residents cannot be secured, then the local government must find an alternative place of worship. In the meantime, it is also possible for bupati to issue temporary permits of up to two years without the congregation or the local resident agreement requirements being met. The new decree also provides a mechanism whereby the bupati and officials from the local Department of Religion can decide on any disputes.

Regulations governing the establishment of places of worship can be found

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in most countries throughout the world. The practice in Western countries tends to be that local councils issue permits for places of worship if they are satisfied that community planning regulations are not contravened. In residential areas, the level of noise, traffic, and the condition of the general environment are usually the most important considerations, objections from local residents are also allowed based on these issues. To be sure, such stipulations have the potential to be abused and international organisations have reported that Muslims in France and Germany in particular have faced undue discrimination from local councils when trying to establish Mosques. In some countries, such as the US and the UK, places of worship do not have to be registered with the government, but in order to obtain tax breaks and the right to perform marriages, religious groups often do.

The question then is should Indonesia follow this more secular approach? Is there really a need for the input of other religious groups when granting permits for places of worship? Or, does Indonesia need special consideration?

In this regard it is crucial to note that the government only decided to change the decree after the forced closures of the West Java churches made it into a larger issue. In other words, in a few selected areas of Indonesia the appetite already exists to disrupt the practice of minority religions, especially Christianity. In these locations, if consultation with the surrounding residents was limited to local environmental issues, such as it is in the West, there would still very likely be protestations and obstructions to establishing new places of worship. Parking may genuinely be a bigger issue in the West than the fear of proselytising when granting permits, but a simple substitution of pre-requirements in Indonesia to move more in line with planning permission-type issues will do nothing to address the very real tensions that exist in some areas of Indonesia between Christians and Muslims.

The complicated decision-making structure for the granting of permits contained in the new decree offers many opportunities for obstruction, involving as it does religious figures, the local community, and local government bureaucrats. However, it is also essentially a mechanism to require all of these different constituents to talk to each other about an issue which, in some places in this country, is enormously sensitive. This new decree has the potential to both heighten and diffuse religious tensions in communities; the outcome will depend largely on the views of the Indonesian populace and the guidance of the local government, regardless of the details of the new decree or even its existence. In the final analysis, education and socialisation of religious tolerance will be the most effective weapon against provocateurs. □