

THE STATE AS EXTERNAL CONSTRAINT ON LOCAL PARTICIPATION IN FOREST MANAGEMENT IN INDONESIA

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ABSTRACT

This paper examines the way the state has affected local participation in Indonesia. For this purpose the terms state, local, participation, and forest management are defined. And a brief review of the experiences of a number of countries is conducted before taking a closer look at Indonesian cases. Discussion of the Indonesian government's role revolves around the topics of power structure, state and village government, economic policies, particular forestry programs and practices, and the government's forestry reform agenda. Ideally, reforms should have been directed towards giving local people more access to the land and natural resources, but this reform has not been successful. The gaps between the state's policies and local forest management practices were not eliminated.

INTRODUCTION

In many Southeast Asian countries the governments have an excessive claim over the forest and forest management is very centralized. This centralization is based on the assumption that the state is the best forest manager, developer, and protector, because it applies a scientific management system. However, centralization does not match with the ability of the state to regulate fair access nor enforcement capacity. In some respects it is even damaging.

This is the reason we turn to local people as direct managers of the forest. They have their own systems and practices in managing the forest. They have extensive knowledge of the forest environment and a strong commitment and responsibility to maintain the forest, because their lives depend on it. Unfortunately, in many cases the local system and practices cannot be fully applied, owing to constraints and pressures from outside – especially from the state. This paper describes the way the state has constrained local participation in forest management in one Southeast Asian country, Indonesia. It also identifies gaps between local practices and state policies.

DEFINITIONS

1. The State

The state is referred to as “an autonomous integrated political unit, encompassing many communities within its territory, with a highly specialized central governing authority” (Howard, 1989:113). The state has the central power to enforce laws and to regulate the affairs of its citizens. It claims monopoly over power, authority, laws, and even economic process. This monopoly is a potential source of crisis, because smaller

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political units within the state have their own distinctive systems. Thus, we deal with power and powerlessness, that is, how power is distributed and executed in relation with the affairs of the citizens.

One of the most important components of the state is the government--the political institution with its administrative apparatus known as the bureaucracy. The bureaucracy implements and enforces policy decisions (Raymond, 1992). In practice, delegating authority from the higher-level bureaucracy to the lower ones or governmental agencies carries out this function. In theory, the government, through its agencies, asserts its authority impersonally and objectively. Another component of the state is the military, a coercive institution assigned to enforce state policy, defend the state's interests, and compel obedience from its citizens. In many respects the military is inseparable from the government.

It is worthwhile looking at what other studies say about the influence of the state on local participation. In Nepal (Khan and Hasan, 1985), the imposition of government programs unsympathetic to the existing indigenous resource management system resulted in low levels of local participation. The plethora of rules and procedural formalities created a condition normally beyond the capacity of common villagers. The bureaucratic mentality, illustrated by the preference of forest officials to implement a policies for their procedural obligation rather than their intent, impeded the participation of the common people. Thomas (1985) noted that the lack of people's participation was attributed to the political will of the government.

In Bangladesh, the government did not want to promote public participation because participation might generate people's power, a frightening prospect for political and administrative leaders. Cultural and ideological factors might have also impeded participation. The cultural legacy of colonial times has proven to be unsympathetic to participation in many African countries. Different ideologies have varied impacts on participation (Gould, 1985). Populist-socialism generates popular participation better owing to the conscious effort to break radically from the colonial system of top-down policymaking. Marxism lacks the move to promote participation because it tends to be heavily centralized and elitist. According to Midgley (1986), Marxism tends to impede participation because the state basically acts on behalf of the ruling class, furthering their interest and accumulation of wealth and power. Capitalism pays very little attention to eliminating the colonial legacy; hence it does not promote public participation.

In brief, public or people's participation in development depends on the cultural and historical background of a country, its ideology, power structure and policy, as well as the political will of its politicians.

2. Defining "Locals"

Some writers refer to 'local' as 'community', but both words are confusing terms and a precise definition has proven to be elusive. Redfield, for instance, identified four basic characteristics of community as: a smallness of social scale; a homogeneity of activities and states of mind of members; a consciousness of distinctiveness; and a self-sufficiency across a broad range of needs and through times (Rapport, 1998). Smallness of social scale is the basis for more personal social relationships as opposed to the more impersonal or contractual relationships in modern industrial and urban societies (Seymour-Smith, 1986 cited in Nanang, 1997).

Such a definition, however, ignores the diversity and dynamics of community. There is no homogenous community, since it consists of social stratification (in terms of age, sex/gender, ethnicity, socio-economic status, education, etc). To avoid the notion of a fixed-homogenous community, I prefer to use the term 'local'. By local I mean (following Colfer) any groupings and localities that are characterized by the proximity to forest, pre-existing rights, dependency, indigenous knowledge about forest management, culture-forest integration, and power deficit vis-à-vis other stakeholders. These people derive significant benefits from the forest and therefore have stronger incentives to manage the forest. If there are any changes to the extent and quality of the forest, they will be the first who feel the impact. They may have historical claims on and have developed their norms and rules in managing the forest (Wallenberg, 1998). The management of the forest by the local grouping is called local forest management (LFM).

A locality may take several forms or groupings, such as village, kin group (clan or lineage), and ethnic groupings. In the present condition these groups are hardly isolated and free of external influences. Instead, all communities are influenced by external factors, mainly the state. To understand these influences one should make an analysis of the external forces. These externalities are: the political environment, economic climate, and outside organizations (cf. Wallenberg, 1998). The political environment may influence the community directly or through the economic climate (political economy) and outside organizations/individuals. Meanwhile, economic climate can affect community directly or through political context and outside organizations. Influence of outside organizations/individuals may take a form in the economic climate and political context.

3. Participation

What is participation? Like community, the term 'participation' has several meanings, depending on the user. Inoue, for example, points out three levels of participation. These are: participatory top-down approach, professional-guided participatory approach, and endogenous bottom-up approach.¹ Whatever the definition, participation is "highly context-specific and its effects range from coercion to full local control" (Hobley, 1996:8). According to this approach there are seven levels of participation: manipulative participation, passive participation, participation by consultation, participation for material incentives, functional participation, interactive participation, and self-mobilization. The characteristics of these levels are summarized in Table 1.

LOCAL PARTICIPATION IN FOREST MANAGEMENT

By forest management, I mean the action of the people living in or near the forest to maintain or enhance the forest and to improve their well being (Wallenberg 1998). Based on the characteristics of participation above, participation in forest management refers to the following characteristics:

¹ "Scope of the Research on Participatory Forest Management" by Makoto Inoue. In Draft of Interim Report 1998 of Forest Conservation Project, Institute for Global Environmental Strategies (IGES) (unpublished).

1. Access and control over the land and forest resources by local people, including control over local decisions, independent initiatives, and self-mobilization.
2. “Competing demands on the forest are resolved in ways that reduce conflict and enable complementary or synergistic relationships among different forest uses and users” (Wollenberg, 1998:2).
3. The local people acquire equitable shares of the forest benefits.

Table 1. A typology of participation

Typology	Characteristics of each type
1. Manipulative participation	People’s representative is unelected and has no power.
2. Passive participation	People are simply being told what has been decided; unilateral announcement by administrators.
3. Participation by consultation	People are consulted; analysis and decisions are made by external agents.
4. Participation for material incentives	People contribute resources (e.g., field and labor), and receive cash, food, and other material incentives. People have no stake in prolonging participation incentives when the incentives end.
5. Functional participation	People’s participation is an answer to a predetermined objectives made by external agents. They may be involved in decision-making, but tend to rise only after major decisions have been made. They may be simply co-opted
6. Interactive participation	People participate in joint analysis, development of action plans, and formation or strengthening of local institutions. Participation is a right, not an obligation to achieve a goal. A group takes control over local decisions and resources. They have a stake in maintaining structures or practices.
7. Self-mobilization	Independent initiative by the people. Contact with external institution is based on their need. They retain control over decisions and resource use. Facilitation from outside. Structure and distribution of wealth and power may or may not be challenged from within.

Source: Bass *et al.*, in Hobbey, 1996 (summarized)

1. Power Structure and Local Participation

During the New Order government in Indonesia, the power structure was very centralized.² Power is an ability to command others regardless of their resistance. Some writers might use the term power and influence interchangeably. Though influence denotes the relationship between two or more actors where “one actor intentionally transmits information to another that alters the latter’s actions from what would have occurred without that information” (Knoke, 1994:3). Power is closely identified with the state, as Skalnik (1999:164) puts it, “State power means that decisions are taken on behalf of the whole society by specific state agencies that rely on the state’s monopoly of organized violence.”

In Indonesia, the state’s power has been maintained and backed up by the military. The role of the military has been crucial both in politics and the economy. Justified by the dual function doctrine, known as *dwifungsi ABRI*, the military, including the police, has become deeply and pervasively involved in politics and social affairs. Kahin (1993 cited in Gunawan, 1998) states that the military “dominated the country’s government almost completely... decisively overshadowing and controlling – if not in a functional sense subsuming – all others.” The military can be found in the government, parliament, business, and legislative body, from the very top to the bottom level of the governmental system such as the village (i.e., *Babinsa* or military adviser at village level). The influence of the military is so pervasive that many people believe that only the military has a capacity to lead the country, namely to become a president, governors, and to hold other positions.

The pervasive role of the military in non-military sectors has proven to be undemocratic and undesirable to many local people, for it impedes their rights and access to resources such as land and forest. The military consistently acted on behalf of the powerful interests such as logging concessionaires (HPH), tree estates (HTI), and oil-palm plantations. A story from the people of Muara Begai (East Kalimantan) reveals the role of the military in upholding a powerful coal mining company. The villagers were in conflict with the company for it was to take over most of the village’s territory. The local military office forced the people to give up their land to the company, using even the threat of guns. Another case is found in Muara Nayan (East Kalimantan) where recently the police kidnapped two villagers who resisted giving their land to an oil-palm company. Terrifying experiences with the military have triggered the people to challenge the military roles in non-military affairs. Recently, particularly since the “Reform Order” resumed power, there have been growing challenges towards military intervention in non-military sectors. But the military still dominates.

Military involvement in business and its support of powerful business interests in the forestry sector have triggered more conflicts and limited local people’s access, control, and benefits from forest resources. In some cases, however, the military indirectly supports illegal logging within or outside the logging concession area. Thus, giving more opportunities for a limited number of local people to benefit from the forest.

² The New Order refers to the period in Indonesia’s politics and government after 1966, following political upheavals during and after the abortive revolution in 1965.

2. How the State Impedes Participation at Village Level

There is a structural impediment on local community participation at the village level, particularly in the outer islands. The impediment comes as a result of the promulgation of the Village Government Law No. 5/1979 (VGL). When the law came into effect in the early 1980s, a systematic negation of the local system (called *adat*) started.

In my research on grassroots participation in development in Mancong village, East Kalimantan (Nanang, 1998) I found that villagers' participation in development was minimal, or following the above definition, simply for material incentives (Type 4). There are four reasons for the minimal participation. These are:

1. The village government system was a part of the very centralized government system. It is very dependent on the higher-level government institutions such as the sub-district and the district. A village headman must be approved and appointed, and important decisions of the headman (called *keputusan desa*) must be approved, by the district government before being implemented.
2. Government intervention in village affairs, by delivering many regulations and procedural formalities, limit the villager's participation in development. "Where the power structure is centralized and pyramidal and the decision-making process is regulated by rigid procedural formalities, the form and the intensity of community participation tend to be minimal, and vice versa" (Nanang, 1997).
3. The village government system systematically negates the indigenous village government system, while the process of "indigenization" of the new system has not resulted in an acceptable pattern by the villagers.³ The so-called traditional council (*Dewan Adat*) has been systematically subsumed to the formal structure of village government. Moreover, the *adat* has to be regulated by the government. The Interior Minister Regulation no. 11/1984 authorized a governor to (a) make an inventory of the organization of the *adat* and regulate their status, role, and functions; (b) make a regulation on the naming and structuring of the organizations; (c) make an inventory and regulation of the financial source of the organizations; (d) make regulations on how to guide and develop the organizations; and (e) strengthen the role and function of the organizations based on the goals and objectives that have been determined beforehand by the government (Nanang, 1998). The government's intervention in the local *adat* system is very deep and, in fact, detrimental.
4. Induced development (through the new village government system), with support or subsidies from the government, has motivated the people to be heavily dependent on external initiatives and financial support.

The VGL does not directly regulate people's access to the forest and therefore is less likely to have a direct impact on people's participation in forest management. Indirectly it may affect people's participation because they have lost their own system and have become more dependent on the government.

3. Policy and Participation

³ The VGL is alien to many indigenous people in the outer islands because the village government system is derived from the Javanese system.

What is policy?

Policy is widely used in the study of forest management. Any effort to develop local participation in forest management will fail if it ignores policy. Our concern is, how does policy work and affect local people and how do the people respond to it? But what is policy? It is like an elephant: easy to see; difficult to define. In this paper I adopt a definition made by Easton (1953:130): policy “consists of a web of decisions and actions (including decisions not to act) that allocate... values.” Government policy in Indonesia is formulated in the People’s Consultative Assembly decree (TAP MPR), law (*undang-undang*), presidential decree (*keputusan presiden*), government regulation (*peraturan pemerintah*), and minister’s decree (*keputusan menteri*). Local governments may have their own policies, but these policies may not contradict the policies issued by the central government. In other words, these may not contradict the national interest.

National policy concerned with local people

One of the indicators of community participation in forest management is the access and control of forest resources, including the land. It is worthy then to see how government policy works in this respect.

Local people in Indonesia usually convey their rights, control and use of land, forest, and forest products, in their custom or tradition, which is widely called *adat*. Experiences reveal that when there is a conflict between the *adat* and government policy, the *adat* is likely to be victimized.

The status of *adat* is regulated in the Constitution of 1945 and some laws. The Constitution (article 18) asserts that the division of the Indonesia’s territory is based on the traditional rights of special regions. This recognition is open-ended and subject to diverse interpretations. The Basic Agrarian Law of 1960 (BAL) specifies the open-ended recognition by asserting that the land, water, and space are controlled by the government, but the rights to control them can be given to a community which still practices customary laws, that is, the *masyarakat hukum adat*, insofar as it is required and does not contradict the national interests (article 2 and article 3). In the official elucidation of the BAL, the traditional right to control the land is called *hak ulayat*. The government consistently uses this term, while advocates of customary rights (mostly non-governmental organizations, NGOs) use the term *hak adat* for the traditional right. *Hak ulayat* is different from *hak adat*. “Both *hak ulayat* and *hak adat* refer to traditional right and can be simply called *hak adat*. Yet the *hak ulayat*, which derives from the Minangkabau land ownership system in West Sumatera, refers to communal ownership, while *hak adat* refers to all land ownership based on the *adat*” (Nanang, 1998).

The status of local rights to manage resources such as forest is further regulated in the Basic Forestry Law of 1967 (BFL). According to BFL, ownership of the forest is divided in two: state and private forest. State forest can be managed either on the basis of formal law or controlled by the *masyarakat hukum adat* (*adatrechgemeenschap* - a community based on the *adat*). While the management of state forest can be devolved to local people, the ownership of the forest cannot be given to the people. Like the BAL, the BFL specifies the control over the forest by *masyarakat hukum adat* may not contradict the national interests. According to Nasution (1999) *hukum adat* (customary law) is

consists of decisions made by legal functionaries who are to be fully obeyed by the people.⁴

There are some cases in which forest management has been devolved to local people. These are *hutan adat desa* (village customary forest) in Pangkalan Jambu Sungai Manau in Sorolangun Bangko Jambi (1993), and *kawasan hutan desa dan hutan adat* (village and customary forest) in Kecamatan Gunung Raya in Kerinci District, Jambi (1994). An area 858.3 ha in size was given to four villages in support of the management of Kerinci Seblat National Park. In 1998 the minister of forestry declared 29,000 ha of *repong damar* as an area with special purpose (*Kawasan dengan Tujuan Istimewa-KDTI*) to be given to local people in West Lampung.

Does this devolution really support local participation in forest management? Village customary forest in Gunung Raya is intended to support the management of Kerinci Seblat National Park. Thus, the management of the area should be arranged and regulated by the sub-district head (*Camat*). In Pangkalan Jambu the district government has officially recognized greater control of the forest by local people. But the sub-district head is to coordinate any supports needed for managing the forest. The devolution of the management of *repong damar* in Lampung is to be evaluated every five years, to know whether the *masyarakat hukum adat* still exists and meets the requirements to produce *repong damar*, and the practice of management is not contradictory with the interests of the nation, of the public, and of development. The evaluation is to be carried out by the government, without any (at least formally mentioned) involvement of the people. If the people are to cut any trees in the area, they should get a permit from the local forestry office (*Dinas Kehutanan Tk I*) before hand.

It is clear that, while to a degree the government has given the control of the forest to local people, it is still reluctant to give full control over the area. This means that participation is still limited.

Indeed, the implementation of the *hak ulayat* was poor during the New Order, because the so-called national interest primarily means the interest of the powerful, the ruling elite and the conglomerates. This interest was to be secured behind the so-called national security. Here the role of the military appears to be very important. National interest hardly means the interests of local people, when there is a conflict of interest between local communities and concessionaires. We have seen much of this evident in Kalimantan, Sumatra, Sulawesi, Maluku, Java, and Irian Jaya.

Economic policy

Since the beginning the economic policy of the New Order the government was to accelerate the economic growth of the country. The previous six five-year development programs were directed to achieving high economic growth, with little attention to economic equity. As economic development needs capital, privileges were given primarily to those who own capital – popularly known as the conglomerates. The basic assumption of this approach is that rich people are more likely to invest than poor people, who only spend their money for non-productive purposes and are not supportive of development (Nanang, 1999a).

⁴ Muslimin Nasution is former Minister of Forestry and Plantation.

In the outer islands (Kalimantan, Sumatra, Sulawesi, Maluku, and Irian Jaya), where primary forests dominate and provide timber, logging concessions have been granted to corporations, most of which are Jakarta-based. Privileges are also given to plantation companies, such as oil-palm and rubber plantations, and timber estates (HTI). The advent of these giants, which have encroached even in very remote territories on lands previously owned and controlled by local communities, have triggered many conflicts throughout the country. In almost all cases, local communities have lost their rights and control over land and forest resources.

In Matalibaq where I conducted fieldwork in 1998 (Nanang, 1999b), a conflict occurred between the people and the timber estate of PT. APN. The recent resolution of the conflict favored the interest of the villagers. But in other cases (e.g., Jelmu Sibak and Muara Nayan East Kalimantan, Freeport Irian Jaya) people have lost their control over the land and the forests.

4. Specific Forestry Policy and Practices

Specific forest management models set up by the government have also influenced the participation of local people in forest management. There are six models of forest management set up by the government: *tumpang sari*, PMDH, HTI Trans, *Hutan Kemasyarakatan*, *hutan rakyat*, and *inti-plasma* programs. The following is a brief explanation of the programs.⁵

1. *Tumpang sari* system. This has long been practiced in Java. Peasants cultivate agricultural plants such as cassava and maize between the rows of planted trees. They can harvest the plants, but have no rights to the trees and the land. Thus, they do not assume control over the resources.
2. *Pembinaan Masyarakat Desa Hutan* (PMDH). This program, launched in 1995, is a revised version of the former “HPH *Bina desa* program” started in 1991. In this program the logging companies are bound to provide villages within or near the concession area with the construction of infrastructure facilities such as roads, bridges, church, mosque, village hall, electricity, etc. However, this program eliminated the people from participating in forest management. It was set up as a mere compensation for the loss of their resources, mainly the forest.
3. *Hutan Tanaman Industri-Transmigrasi* (HTI-Trans). This program has been implemented in the outer islands. It is intended to provide cheap labor for the timber estates. Most (75 percent) of the transmigrants are outsiders, and 25 percent of them should come from local communities. As merely labors, the people do not have the rights to land and planted trees.
4. *Hutan kemasyarakatan* (Community Forest) Program. This was launched in 1995 and revised in 1998 (Decree of the Minister of Forestry and Plantation No. 677/Kpts-II/1998). Local people, through cooperatives, are given the rights to harvest from the forest. This is called a “community forestry concession” (*Hak Pengusahaan Hutan*

⁵ Number 1 to 5 of the explanation is greatly inspired by Makoto Inoue’s “Participatory Forest Management in Indonesia” in Draft of Interim Report 1998 of the Forest Conservation Project, Institute for Global Environment Strategies (IGES).

Kemasyarakatan). All activities directed to self-consumption are regarded as community forestry activities.⁶

5. Social forestry program on non-forest lands (*Hutan Rakyat*). This is practiced on privately owned land. For this purpose, certification should go ahead. The main activities are regreening and afforestation. This program is likely to limit local people's access to the land and forest and is difficult to be practiced in the outer islands for most of the lands are uncertified.
6. *Inti-plasma* (nucleus-plasma) practices in oil-palm and rubber plantations. A concessionaire gets a concession for a plantation from the government within the area traditionally owned or controlled by local residents. This has always induced conflicts between the concessionaires and the people. The concessionaire is obliged to provide facilities, credit, and build the plasma plantation for local people aside from the core plantation owned by the concessionaire itself. In many cases local people joined this program, probably compulsorily. However, experiences from oil-palm plantations in Pasir District East Kalimantan, West Kalimantan, and Sumatra, indicate that the people have given more to receive less. They give, for instance, 5 hectares of land and receive back 2 hectares.

NGOs joining in the Consortium for Community Forestry (*Konsorsium Sistem Hutan Kemasyarakatan-KSHK*) launched a program called Sistem Hutan Kemasyarakatan (SHK) or Community-based forest management system. The idea was first discussed in 1994 by representatives from WALHI, Latin, Puti Jaji, and other NGOs.

The idea is that local people, particularly indigenous people, are given the rights and initiative to form and live with their tradition and practices, develop customary norms to manage the forest. However, this program is impeded by the reluctance of the government to officially recognize the system, particularly when there is a potential clash between local people and the concessionaires.

5. The Government's Forestry Reform Agenda

Reorientation of forest management has been initiated by the Ministry of Forestry in Pelita VI (the sixth five-year development plan). Since then there has been an official shift from economic benefit orientation to careful-community interest orientated forest management.⁷ So far, however, there is no significant result of the reorientation, most likely owing to the weakness in its implementation.

After Soeharto was ousted from presidency in May 1998, the so-called "Reform Order" under President Habibie came to power and launched policy reforms in the forestry sector. Efforts to achieve the reform have been made by the government offices (i.e., Ministry of Forestry), universities, and NGOs. One of the problems of forest management in the past – as recognized by the Department of Forestry and Plantation (DoFP) – is that public participation was passive (communities are simply implementers of what was decided by the government), consultative (communities were asked for their opinion, but the government and the rights holders (HPH, HTI) did the analysis and

⁶ *Media Indonesia* (1 February 1999) reported that in East Kalimantan three cooperatives have received a share in logging concession. But it was not mentioned whether these were really local cooperatives owned by the forest-dependent people.

⁷ *Warta FKKM*, No. 1, Tahun I, 1 Februari 1998.

decided the solution, and functional (communities' involvement was used only as a means to achieve the government's and the private corporations' goals.⁸ The reform is directed to define the rights of local communities for forest resources, land, and water, as well as defining a legal basis for the rights (Agenda Reformasi). Legal rights, particularly the rights to land, are being discussed.

Actually, according to Abdurrahman (1998), a sound basis was established by the People's Consultative Assembly (MPR) in November 1998. This includes structural reforms in economic, political, and legal systems, religion, and culture.⁹ A more specific decree, which has to do with the management of natural resources, is the TAP MPR No. XV/MPR/1998 about regional autonomy, just use of natural resources, and a balance of finance between the central and provincial government. Furthermore, a guideline for economic democratization is provided by TAP MPR No. XVI/MPR/1998. The decree asserts that cooperatives and small-scale entrepreneurs should be given more opportunities to develop. Consequently, this assertion will include local people's rights to develop their forest-based livelihood. Article 7 of the decree gives a special assertion about land use. It says that (1) land use and other natural resource use should avoid all kinds of centralization of power and ownership in order to give more opportunity to small and medium entrepreneurs, cooperatives and the public to develop their economy. (2) The land should be prioritized for use by the public, small entrepreneurs and cooperatives.

TAP MPR No. XVII/MPR/1998 is about human rights.¹⁰ The decree recognizes seven basic human rights. Among these is the right to cultural identity of the indigenous people. Here traditional rights to land (*hak adat* and *hak ulayat*) have a strong basis.

However, I would like to share my early assessment on the possible obstacles in the implementation of the decrees. First, it is possible that autonomy will create new power centers at provincial level or district level. Centralization will start from there. This is likely to occur because bureaucratic culture and mentality have not changed yet. Second, privileges of local cooperatives and small entrepreneurs will benefit a limited number of people and are less likely to benefit forest-dependent people, since most of these people do not have good cooperatives and entrepreneurships. Third, recognition of cultural identity of indigenous people has been found in the constitution, BAL, and BFL. But real recognition is problematic because the term used is open-ended and subject to diverse interpretation, especially when there is a conflict of interests. This is likely the case with the recognition of cultural identity of indigenous people mentioned in the decree.

The government has started an effort to evaluate the BAL (land reform). Presidential Decree No. 48, 1999 authorizes a team consisting of members from several related departments, to reanalyze the BAL and set up a new land reform agenda. They were to complete the work within 3 months, beginning 27 May 1999. So far (Sept. 1999), the results of the work have not been made public, and of course we cannot expect a quick result of the reform agenda. The political uncertainty since 1998 is probably one of the reasons why the process of reform is going slowly.

⁸ Agenda Reformasi Pembangunan Kehutanan dan Perkebunan.

⁹ TAP MPR No. X/MPR/1998 in Abdurrahman (1998).

¹⁰ This is the first official document of Indonesia's view about human right in its history (Abdurrahman 1998).

NGOs such as WALHI, ELSAM, YLBHI, and others involved in the *Konsorsium Pembaruan Agraria* (Consortium for Agrarian Reform) have conducted a lot of discussions on this matter. Their efforts focus on promoting decentralized and plural rights to the diverse ethnic groupings in the huge country.

Meanwhile, a draft of the new Forestry Act was approved by parliament on 14 September 1999, despite widespread criticism, protests and intensive parliamentary lobbying from academics, NGOs, and indigenous people's groups. The new act emphasizes state control over all forests, including indigenous people's customary land. It confirms the state's right to determine all aspects of forestry in Indonesia. Local participation does not mean decision-making, but simply guarding the forest and taking part in reforestation program. Millions of people whose livelihoods rely on shifting cultivation are being threatened because clearing forest is forbidden. To continue their traditional land-use practices, indigenous people must apply for their forest to be granted 'special purpose' status.

As mandated in the aforementioned decrees, much of forest management will be given to cooperatives and local government companies. Again, this will benefit people from outside rather than local people, because local people mostly do not have cooperatives and it is not easy for them to set up such a body. Preference is also given to mining companies. At the minister's discretion, a mining company is allowed to operate in 'protection forest' and no local consultation is required.

In brief, there has been no substantial transformation of forestry policy in Indonesia. If the essence of transformation is ideological and paradigmatic, we will not find a new ideology and paradigm of forest management in the new Act. This implies that very little can be expected about the devolution of forest management in Indonesia in the coming years. Instead, conflict over the land and forest will likely to occur as in the past.

CONCLUSION

It is widely known that Indonesia's government system under the New Order was not democratic. It was not only undemocratic; it was oppressive. The militaristic characteristic of the state has become one of the hindrances to local participation. At local levels, the government enacted a village government law, which was intended to assume control over people at the grassroots level. This law, together with the practices of development, has impeded participation in development at the village level and may indirectly influence the participation in forest management as well. Meanwhile, most of the national policies (by law, regulation or decree) regarding local rights to manage the forest do not favor these rights.

The "Reform Order" has established some legal basis for local access to land and natural resources, but problems are likely to occur as in the past, because policy and implementation do not match. In the past, recognition of customary rights depended on the way the government interpreted the terms *masyarakat hukum adat*, *hak ulayat*, and *hak adat*. Today, this will likely remain the same. There are cases in which forest management has been devolved to local people. But these indicate little intent of the government to truly give forest management to them.

Growth-oriented economic policy of the past has given too much privilege to the interests of the powerful and ignored local access to the forest. This induced many conflicts between the powerful and the locals in many parts of the country. In most cases the local interests were victimized. Thus, local participation was restricted.

The government has launched several forestry programs to favor local interests, particularly their economic interest. But none of these programs and practices really supports local participation in forest management, because they are not intended to promote participation; therefore they give no rights and control over the land and the forest to the people. Furthermore, these programs are embedded into the more powerful interests such as those of plantation and logging companies.

The government's reform agenda has not been successful. But the main problem is not that it is has been unsuccessful, rather that there is no comprehensive and thorough reform agenda. The new Forestry Act gives little space for local participation and maintains state control over all forest resources. By comprehensive reform agenda I refer to the overall reform in the legal system, particularly those laws which have great influence on the local people's rights to land and the forest, i.e., agrarian law, forestry law, and village government law.

Local forest management (LFM) relies on customary-based land ownership (resource potential), endogenous local institutions and social arrangements (including norms and regulation), the use of local knowledge (scientific knowledge may support), and the capacity of the people to manage the forest. External intervention functions merely as facilitator. The success of LFM will also be influenced by incentives perceived by the people. It is precisely in these matters that we find a gap between local participation and the state's policies in Indonesia.

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