

POLICY ADVOCACY PROGRAM OF LAND USE-BASED COLLABORATIVE NATIONAL PARK MANAGEMENT

The TNBBS Area in Penyandingan Village, Bengkunat Sub-district,
Lampung Barat, Lampung (Sumatera) Province, Indonesia

Final Report

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INDONESIA

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ACRONYMS

Definition of local terminologies and acronyms

Abdul Rahman	a name of person, and used as a name of TAHURA in Lampung
Bappeda	Badan Perencanaan Pembangunan Daerah or Regional Planning and Development Body in district or province level.
Binakarya	name of community group
BKSDA Jabar II	Balai Konservasi Sumberdaya Alam (Natural Resource Conservation Unit) of Jawa Barat II (West Java II)
Bupati	head of district
Camat	head of sub-district
Dit KK	Direktorat Konservasi Kawasan or Conservation Area Directorate
Dit KKH	Direktorat Konservasi Keanekaragaman Hayati or Directorate of Biodiversity Conservation
Dit PJLWA	Direktorat Pengelolaan Jasa Lingkungan dan Wisata Alam or Directorate of Environmental Service and Natural Recreation Management
DPRD	Dewan Perwakilan Rakyat Daerah of local parliament in district or province level
Formasdakum	Forum Masyarakat Sadar Hukum (Forum of community who concern on legal issue) in Majalengka district West Java Province
Majalengka	Gerakan Nasional Rehabilitasi Hutan dan Lahan or National Movement of Land and Forest Rehabilitation
GNRHL	
HKM	Hutan Kemasyarakatan or Community Forestry
HPT	Hutan Produksi Terbatas or Limited Production Forest
Kanopi Kuningan	a local NGO based in Kuningan district West Java Province
Kecamatan	sub-district
Kenthongan	a tool which is used by local community
LATIN	Lembaga Alam Tropika Indonesia or The Indonesian Tropical Institute
LBH	Lembaga Bantuan Hukum or Legal Aid Foundation
LPI PHBM Kuningan	Lembaga Pelayanan Implementasi (Implementation Service Institution) of Pengelolaan Hutan Bersama Masyarakat (Joint Forest Management) in Kuningan district West Java Province
Pawang gajah	a person who has skill to train elephant
Pekon	village
Peratin	head of village
Perda	Peraturan Daerah or Local Regulation (district or province level)
Permenhut	Peraturan Menteri Kehutanan or The Forestry Minister's Regulations
Perum Perhutani	a name of state timber company in Java island
PHKA	Perlindungan Hutan dan Konservasi Alam or Forest Protection and Natural Conservation
PMPRD	Persatuan Masyarakat Petani Repong Damar or Alliance of Repong Damar Farmers
PMTH Kuningan	Paguyuban Masyarakat Tani Hutan or Alliance of Community Forest
Pokja	Kelompok Kerja or working group
Polhut	Polisi Hutan or forest rangers
PP	Peraturan Pemerintah or central government regulation
PPA	Perlindungan dan Pelestarian Alam or Natural Protection and Conservation, which was changed into PHKA
Repong	Agro-forestry that consist of many kind of trees, including damar (Shorea javanica that produced cat-eye resin)
Sai Batin	chief of customary/indigenous group
Satgas damkar	Satuan Tugas Pemadam Kebakaran or Fire brigade

Setditjen PHKA	Sekretaris Direktorat Jenderal (Directorate General Secretary) of Perlindungan Hutan dan Pelestarian Alam (Forest Protection and Natural Conservation)
SHK	Sistem Hutan Kerakyatan or Social Forest System
SK	Surat Keputusan or decree
Sumbersari	sub-village in Penyandingan village
Syukuran	thanksgiving ceremony
TAHURA	Taman Hutan Raya or Grand Forest Park
Talang	forest settlement grouping which is led by a ketua talang or talang leader
TNBBS	Taman Nasional Bukit Barisan Selatan or Bukit Barisan Selatan National Park
TNGC	Taman Nasional Gunung Ciremai or Ciremai Mountain National Park
UPTD TAHURA WAR	Unit Pelaksana Teknis Daerah (Regional Management Unit) Taman Hutan Rakyat (Grand Forest Park) Wan Abdul Rahman
UU	Undang-undang or Law
WALHI	Wahana Lingkungan Hidup Indonesia, or Indonesian Forum for Environment, an environmental NGO network in Indonesia
WWF	World Wildlife Fund

Policy Advocacy Program of Land Use-Based Collaborative National Park Management

The TNBBS Area in Penyandingan Village, Bengkunt Sub-district,
Lampung Barat, Lampung (Sumatera) Province, Indonesia

INTRODUCTION

Background

Although people's participation has been recognized in the national park management in Indonesia, the facilities are not yet fully provided. There are two regulations relatively more accommodating to people's participation: The Forestry Minister's Regulations (Permenhut) No. P19/Menhut-II/2004 about Collaborative Management of Preserve Areas and Conservation Areas and Permenhut No. P.56/Menhut-II/2006 about Zonation in National Park. In all of the existing regulations, people are limited to participate in using non-wood and environmental service products only—for instance, tourism. They are not allowed to use the land inside the national park; whereas, in practice, many of them do cultivate it.

There is an interesting case in Taman Nasional Bukit Barisan Selatan (TNBBS) or Bukit Barisan National Park in Penyandingan Village, West Lampung to illustrate people's actions towards participation in land use-based collaborative national park management. The fact shows that there has been massive forest clearance within the national park area since the reform era began in 1998. Up until 2005, about 600 farmers were noted to have cleared 600 hectares of land. The people insisted that there had not been any agreement defining the borders between the Marga Bengkunt (an indigenous group) clan's customary area and the TNBBS. The land dispute is a crucial situation that certainly needs a serious response (at the policy level) to rescue the conservation area that is about to be degraded, and requires immediate follow-up (at the management level of the national park). It would be interesting if a newly developed policy were able to make the people living in the surrounding area, who have been cultivating the land, strategic partners in national park management. It is important that access and accommodative zonation practices be applied and regulated for people to engage in 'collaborative national park land use-based management' practices to sustain their farming practices.

History of the land dispute between the Summersari community and the TNBBS

When Dutch Colonialists came to Kota Agung around 1947 to 1948, they met with public leaders (including the late Zakaria, Manhur, Jamaludin, Tabrani and Mahyin). Although no information was available concerning the meeting's subject matter, there was a subsequent move from the government to define the borders of the Marga Bengkunt's areas and the forest areas. The area borders agreed at that time designated paddy fields for Marga's lands covering Muara Pemerihan, extending upwards to Pemerihan Lunik (now known as Km 18), to Paya Bakung, Pelepaian and ending in Menjukut. The state forest reserve was demarcated from Paya Bakung to Pemerihan Kar-damar (Way Pemerihan) on the other side of the river (toward the sea). Furthermore, another agreement identified an area of forest reserve to be cleared when the Marga land had been used up. This section lay across Way Pemerihan River toward

Way Haru limited to 7 kilometers upwards measured from the coast and drawn straight up to Way Haru-Bandar Dalam¹.

The former head of the Sukamarga village, who is a cousin of Syahril Indra Bangsawan, the chief of the Marga Bengkunat (an indigenous group) claimed that, since the Dutch Colonization, the said forest reserve area has been stipulated as a national park. But at present, this has already been cut down. The first time this area had been opened by the people (prior to PT Andatu's entry) was in 1960. Subsequently, five successions (of different groups) had taken charge of this land. Evidence showed that the people of Sukamarga had inhabited the national park, planting coffee, pepper, and hardwood trees².

In 1967, the company PT ANDATU, a timber concession holder, entered the area and severely exploited the forest. Before the timber company came in, there had been some lands (spots) opened by the people. In 1979, PT Andatu left, and people came in to work the land. Seeing that there were a lot of comers, village leader Dullah Sya'ari appointed Pak Munir to regulate the people who wanted to cultivate the land left by Andatu. Most of the comers were from South Lampung and Central Lampung.

By 1980, large scale land clearance had been done; thus far, the land has been cultivated for five periods by different groups of people. The first four "generations" had given up due to the attacks of elephants, destroying their crops. These animals used to inhabit the area before PT Andatu arrived. During the company's timber operation, the elephants were disturbed by the noise of logging machines and went away. They came back to the village of Summersari (the present name) when ANDATU moved and are there to stay³.

In 1983, the people living inside the national park area were relocated by the village headman across Way Pemerihan, which is currently used as a limited production forestland (HPT). On the other hand, the chief of Marga Bengkunat claimed that the relocation area is a part of the TNBBS without stating the official historical reference⁴.

By the late '80s, the problems with the elephants remained unsolved. To further aggravate this situation, the forest rangers of the TNBBS national park began conducting patrols and inspection, telling the cultivators that the place belonged to the TNBBS, although no information was forthcoming as to when the land was appended to the national park. While no one was expelled from the area, the people became distressed as patrols became more frequent, and the people began to be intimidated by the police. As the police intimidation and the elephant disturbance worsened, most of the people decided to sell their land and move⁵.

(..."Regretfully, the map of the Dutch period and other evidences are not available. They were burnt by Pak Munir since he thought it was no longer useful. But he is willing to witness and to be sworn in that what he says is true"...)

When the people abandoned their lands, these parcels became covered with shrubs, reverting to a forested state. By 1997, people from various places⁶ came and reopened this area. In the succeeding years, the people cultivating the alleged 'TNBBS' national park area started to be disturbed by the patrols. Facing the same intimidation encountered by former inhabitants, these groups were ordered to leave the area, on top of having their farming implements confiscated

¹ Source: MUNIR, informal leader, 74 years old

² Source: Former village leader of Sukamarga village, of the period 1980-2004-AFANDI

³ Source: MUNIR, informal leader, 74 years old

⁴ Source: Former village leader of Sukamarga village, of the period 1980-2004- AFANDI

⁵ Source: MUNIR, informal leader, 74 years old

⁶ These groups came from Kalianda, Talang Padang, Pringsewu, Krui, Marang, Gisting, Sukaraja, Way Kerap, Kota Bumi, Kanoman Semaka (West Lampung, Tanggamus, South Lampung, and North Lampung).

by the forest police. Although the intimidation continued, they tried to keep living there; no one left the land they had opened and cultivated.

At the beginning of the year 2000, land cultivation was underway; rice, coffee and dadap (used to protect coffee and as climbing posts for pepper plants) were planted. While bold intimidation from park police has stopped, this continued implicitly. The following year, the chief of Marga Bengkuntat **Syahril Indra Bangsawan** (also known as Pun Syahril) unexpectedly came to see the people and asked for the release 30 hectares of land along the sides of the road between Way Heni and Way Haru. The people refused, and Syahril offered an alternative—the chief would issue a letter of transaction, and the cultivators would have to pay 1 million Rupiahs per hectare. Since the inhabitants were poor, they turned down the offer; they could not afford the amount. Subsequently, the TNBBS park police revived the routine patrols and sternly warned the people not to extend their land.

Thinking that something needs to be done to address their problem, the people formed a farmer group in 2003—facilitated by the Lembaga Alam Tropika Indonesia (LATIN) and the Persatuan Masyarakat Petani Repong Damar (PMPRD)—and engaged in discussions on how to settle the land conflict between the Summersari people and the TNBBS (see Figure 1).

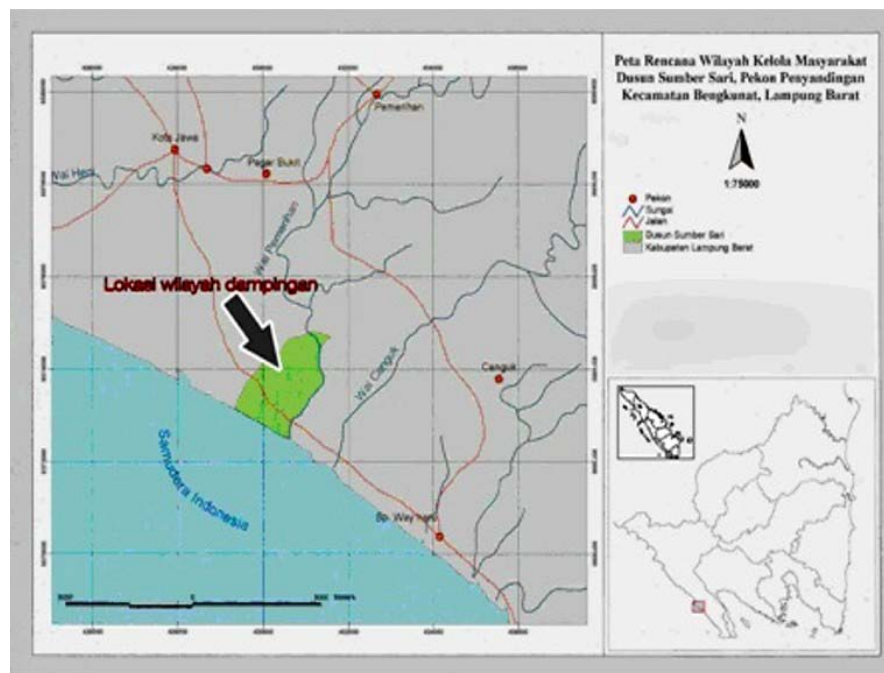


Figure 1. The area where LATIN is doing advocacy work (Penyandingan Village, marked green). Some of its area is being disputed with

The following year, the government instituted the "Gerakan Nasional Rehabilitasi Hutan dan Lahan" (GNRHL) or the National Movement of Land and Forest Rehabilitation project on the people's cultivation land. This caught the people by surprise as it was done without prior consultation and agreement. The people rejected the project. They were doing their own land management program—the repong (agro-forestry) system—and they disagreed with the forest wood seedlings proposed by the TNBBS since these had no economic value, thus unbeneficial to the community.

Despite the cultivators' refusal, the TNBBS insisted on the GNRHL planting scheme, making tracks through the people's plantation and cutting down their trees standing along the lane. This agitated the community and, led by their farmer group, they carried out a rally at the local parliament of West Lampung. They demanded that if the project were to proceed, the seedling must be replaced with mixed plants in support of the repong program planned by the farmer group. If the demand was refused, the project has to stop.

The people's action was duly considered by the members of Dewan Perwakilan Rakyat Daerah (DPRD) – the local parliament or local government council. The DPRD members visited the disputed area and verified the border posts marking the separation of the Marga area from that of TNBBS. Although the border marker was not found, the DPRD asked the people not to expand their land. In turn, the first phase of the plantation project was stopped.

Afterward, the farmer group and the community were invited to discuss different concerns arising from the GNRHL. Also present in the meeting were the Kapolsek (Sectoral Police Commander), Danramil (Regional Military Commander), TNBBS, community members, village leaders, Summersari sub-village leaders, the management group of the GNRHL project, and LATIN. During the meeting, it was found that the project was initiated in Summersari at the request of Penyandingan's village leader. The people urged the government to delay the project until the boundary dispute was settled. As well, the people aired these demands:

- ▶ The boundary delineation between the national park and Marga should involve both the people and TNBBS;
- ▶ If the land turned out to belong to the TNBBS, the people would accept it and support GNRHL;
- ▶ If it were found that it is not part of the TNBBS park area, the people would continue the repong program; and
- ▶ The people should be involved in the realization and management of GNRHL project.

It was agreed that since the group and the community have not finalized checking the boundaries, the first phase of the GNRHL planting activity should be completed and the boundary demarcation would follow.

But the agreement was not followed. As days went by after the meeting, the TNBBS never showed the location of the border markers between TNBBS and the Marga's area. Later, the intimidation against the community resumed, although it was directed more or less to the people who were easily scared.

At the end of May 2006, LATIN came back to visit the Summersari area to support the people's repong activity and provided them with some legal education regarding their cultivation rights as an alternative to the solutions offered during the DPRD meeting. This time, the people gained a better understanding of what they had to do. Meanwhile, group strengthening still continued, and some had strong convictions that the land they managed belonged to Marga⁷.

Objectives, Outcomes and Impacts

The program supported by IIRR and IDRC was intended to test some strategies in problem solving. It was expected that, at the end of the activities, there would be a conducive atmosphere for resolving issues. LATIN proposed that the desired impact after the policy advocacy study would be some revisions in the TNBBS management policy, giving people the right to manage and use the disputed land. This report is going to focus on the strategies

⁷ Source: Focus group discussion of the Kelompok Tani Binakarya Mandiri Summersari)

applied to encourage revisions on the TNBBS management policy, particularly on land use inside the national park area.

Policy advocacy strategy employed

The research position for zoning in national parks is clearly regulated in the Constitution. Hence, it would be very strategic if the advocacy team affiliates with universities/academicians. The academicians to be involved must have definite and strong understanding and position concerning the issues faced by the local people.

The policy target to be achieved was, among other things, to work out research for zoning regulations. The activity may be realized by building a research station for the learning process on land rehabilitation in national parks with the local people. Better still, the application of a collaborative management policy in some conservation areas designated by the forestry department is mentioned in the strategic plan (2005-2009) of the Forestry Department. It is also interesting to note that there are policy developments vis-à-vis conservation districts being developed by the West Lampung local government.

The advocacy strategy focused on affiliating with academicians could work well if the community has a good capability of self-organization and critical thinking about the problems they face. Secondly, the Indonesian Forestry Department should have shared a common understanding of the research concept on a critical land rehabilitation model in national parks for long-term use. Thirdly, the agenda of other stakeholders involved in the collaboration within the national park should be well-integrated and should support the ideas brought in this advocacy initiative.

Planned Activities

1. People empowerment

- 1.1. Advocacy would help the farming community to reflect on experiences they have had, i.e. field experience or training outcome they have got.
- 1.2. Critical legal training would improve the community's skill in analyzing policies on natural resource management and forestry management in Indonesia.
- 1.3. Study tour to *Sumberjaya* would facilitate farmer sharing where they communicate directly with the local community and learn about their experience in fighting for their cultivations rights within the State's forest land.

2. Participatory action research

- 2.1. Policy research for the concept paper/policy paper would investigate the history of natural resource management conflicts in local villages, as well as constitutional provisions on natural resource management within conserved areas, and would provide evidence of rationalization of needs with Natural Resource Supporting Power.
- 2.2. Focus group discussions on research findings would facilitate feedbacks from the people about the tentative research findings and would encourage discussion of proposed policies to be brought to the policy makers.
- 2.3. Spatial arrangements in the village area would make participatory arrangement of the land needed more rational and practical with respect to natural resource supports available around the village.

3. Collaboration with other stakeholders

- 3.1. Regular meetings with TNBBS would help build a common understanding among stakeholders in TNBBS, especially that concerning the model of utility zone management based on lands in the project location.
- 3.2. Public consultation of the outcomes from the meeting with the government officials of the Forest Protection and Natural Conservation and signing of the legal contract with national park managers in West Lampung District would surface more appropriate land use-based models in national park management.

4. Lobbying the national policy makers

- 4.1. Discussion with the forestry department's policy makers would build understanding between the people and the forestry management about the model of utility zone based on lands in the project location.
- 4.2. A policy paper workshop would facilitate the setting up of national park management policy design based on land utility in the project location, supported by a shared commitment among different parties at the national level.

Note that the aforementioned activities, although planned in chronological order, did not happen in the given order. As the participatory action research (PAR) cycle was applied to this initiative, outcomes and learning directed the sequence of activities that ensued.

STRATEGY IMPLEMENTATION

People Empowerment

People empowerment was carried out by means of advocacy through group meetings, critical legal trainings and comparative studies.

Critical legal training – Binakarya Mandiri Farmers Group

Binakarya Mandiri Farmer's Group
Penyandingan Village, Bengkunt Sub-district, Lampung Barat

The critical legal training for *Binakarya Mandiri* was held in July 2006. The training was intended to provide the farmer group with better skills to analyze policies concerning natural resource and forest management in Indonesia, and to improve their ability to negotiate with TNBBS or other natural resource stakeholders.

Thirty participants—five women and twenty-five men—consisting of village officers and affiliated farmer working groups attended the two-day training, which took place at Maswawi's house, the leader of the farmers' group in Summersari, Penyandingan Village, Bengkunt Sub-district, Lampung Barat Province. This training was facilitated by Mukri Friatna, the Executive Director of Wahana Lingkungan Hidup Indonesia (WALHI) Lampung Chapter, and Watoni Noerdin, the Director of Klinik Hukum Bandarlampung (KHB).

Activity process and outcomes

After introductions and orientation on the training objectives, the participants were divided into five groups to discuss different topics. Following are the summary of group discussion outcomes.

Land Management. The status of the land that the farming community had been cultivating was not yet clear. Due to their poor economic condition, they tilled the land in a very simple way, with no mid-term or long-term investments. The group derived a simple question that needed answering: 'Has the government already prepared a program for using idle land?' Apparently, this would have an impact if they were to expand and invest in land management initiatives revolving around sustainable cultivation methods.

Government and Societal Relationships. The 'people' had so far been excluded from the government's land cultivation programs; for instance, in the National Movement for Protected Forest Rehabilitation program, the 'people' were ordered to plant without prior negotiations or agreements, thus provoking quarrels—in cases of boundary agreements conducted at the Sub-district head's office, and in cases over former unclear (valid or not) land status decrees used by the 'people' as legal references.

Legal Decrees and Associated Data. There is a need for clarification over the status of lands being settled by people—i.e. 'clan' land claims vs. national park (State) ownership claims. From State's point of view, it belonged to the national park system. In contrast, the people said it was their clan's.

Land Status. The recent dispute over Summersari land needed to be clarified. Only recently had the national park manager stated that the land belonged to the National Park and not the people of Summersari. On the other hand, the people of Summersari defended their claim citing that the Bengkumat chief's letters indicate the clan's ownership of the land to be used as needed as the Bengkumat clan grew.

Economic Matters. Bringing clarity to the status of the land that the farming community has already been managing is needed. As well, the possibility of reversing the current land status to 'proprietary right', the opportunity for economic stability of the Summersari villagers despite the land dispute; and the viability of support from those in authority to settle the disputed claims are issues that needed direct responses.

Based on the outcomes, the KHB director explained the complete history of land and forest related laws vis-à-vis customary society/community law to the farmers' group. KHB also suggested steps to take in order to confront the land conflict they are facing, i.e. collecting legal documents/evidence about land rights status; interviewing witnesses of current land rights status documents (those involved in the drafting and signing of such); ensuring the document's originality; and collecting official government documents issued since the Republic of Indonesia was founded; among others. KHB persuaded the participants not to get too upset over their current situation since the 'land status' is still going through legal process—'it is time for them to keep improving their economic life.'

Discussions on customary land and law was interesting in two ways—the first being the fact that the customary lands of a clan always shared a boundary with that of another; however, it was noted that this land was not necessarily as big as its customary cultivation area. For example, the land claimed by the Blimbing clan by border looks like a small enclave on a map, but in reality the land they occupy is much larger. Second, land claim areas would often grow as newcomers to the area are accepted, by customary law, and given a plot of land because they are expected to enlarge the population and advance the community, as in the case of the Lampung tribe.

At the end of the first day sessions, trainers handed out publications of laws (*UU No.5 Tahun 1990* and *UU No.41 Tahun 1999*) to the participants. They were then divided into groups to discuss articles selected by the trainers. The participants were expected to learn the articles and their relevance to the problems within the groups' management areas, make notes of any important findings, and make a list the questions they would like to raise the following day.

The next day, the participants presented the outputs discussed the night before.

Group 2 failed to understand article 15 that read (as translated) "For the forest establishment as mentioned in article 14, the following procedures are:

- a) Show the forest area
- b) Arrange the forest area's borders
- c) Mapping the forest area
- d) Stipulate the forest area"

In response, the trainers explained that "showing the forest area" meant that forestry officials should re-check data in relation to forest areas in Indonesia, particularly in Lampung Barat, and that the forestry register should also be checked to confirm which areas of forests belong to whom or what. After this information was confirmed, the group identified the point where needed advocacy work and negotiation processes could begin—that is, all parties, not only those directly connected to the Forestry Department, should be involved in the agreement process for forest utilization rules.

A group member raised concerns over customary society law and its legal grounds since it appeared that some people put their faith in its authority over land cultivation rights even way back in the '70s. To deepen the understanding on customary law and land use, the trainer referred to *UU no. 41 Tahun 1991*, stating that customary forests could be claimed as the State's forest. However, the 'government' has declared that customary forest status would follow (or be recognized by) customary society law, as long as the society existed. But, when the society no longer exists, the right for customary law management over the claimed areas would then be reverted to the government.

In light of this, the participants were asked to contemplate on the possibility of reviving/reverting back to the ways their lands were customarily managed and cultivated, e.g. avoiding pesticide usage to clear the land, implementing traditional agro-forestry systems—the repong (garden) model, avoiding land trades resulting from their unique hereditary system, among others. Meanwhile, the trainers suggested that participants review strategies already applied to get the rights to their land in relation to their group's economic condition and power they have at that moment in light of laws and policies and the government's position.

Moreover, the trainers asked the participants to reformulate the purpose of working in groups, and try to reform the groups' rules, prohibitions, sanctions and membership rights and responsibilities. This 'reformulation' was prompted by the perceived 'disorder' in the organization's internal conditions in terms of relationships, advocacy strategies, organizational discipline, and others. It was expected to be helpful for the participants to be more rational in directing their future.

Discussion outputs

The goal of Binakarya Mandiri, Summersari, Penyandingan Village, Bengkunat Sub-district, Lampung Barat Province was **'to build organizational self-dependence and achieve sustainable natural resource management.'**

Member's Rights:

- ▶ To have hereditary rights for land cultivation
- ▶ To take benefits from their garden crops
- ▶ To have protection of the farmer group
- ▶ To express ideas
- ▶ To vote and to be voted for
- ▶ To participate in every group activity
- ▶ To quit from the farmer group's membership

Member's Responsibilities:

1. To keep, protect and conserve the TNBBS forest around the people's environment
2. To grow woody plants (trees) in approximately 25% of the land they cultivate
3. To manage their garden using the repong garden model
4. To give Rp. 12,000 (1.30USD) per person as an annual contribution to the organization
5. To obey the farmer group's regulations
6. To attend quarterly or annual meetings

Prohibitions:

1. Managing the land without repong garden planting patterns
2. Using chemicals in managing their land
3. Damaging the forest
4. Managing the land without reference to conservation and sustainability principles
5. Disturbing or killing protected creatures
6. Trading of land
7. In case of a member resigning/moving, settlements are made outside of his/her group

Sanctions:

1. In the case that 'management' does not follow repong garden planting patterns, the member's rights will be taken over to become the village leader's or group's rights.
2. In the case of damages to the living environment, the case will be processed by the 'group' and, if needed, then taken to legal officers.
3. Penalties for the violation of points 5, 6, and 7 will be decided by the group.

A recap of the gains that participants obtained from the training includes:

- ▶ Feeling secure in cultivating 60% of their clan lands;
- ▶ Becoming happier as their land was affirmed to belong to clan/customary land;
- ▶ Understanding what customary society/community law and customary forests are;
- ▶ Understanding the content of *Article 5 UU No. 5 Tahun 1990* about biological resource conservation and its ecosystem; and
- ▶ Understanding how to arrange forest ecosystem management, and that the government cannot act unjustly against the people.

Obstacles and solutions

Unfortunately, the participants were not interested in the solutions being offered, such as organizational rearrangement and negotiation with other parties. They were already certain about their customary rights over the land—i.e. that it is owned neither by the State nor by the national park. To strengthen the farming community's stance, intensive advocacy efforts and an immediate comparative study were done in order to make the 'fighting' strategy dynamic and feasible, thus ensuring that the people's land management rights would be reinstated.

On a positive note, participants adhered to the trainers' perspectives that the solution to their land rights is via a positive approach, rather than confrontational through the courts, and by means of extralegal advocacy approaches, such as negotiations and lobbying. Formally, LATIN

did not realize that its 'advocacy strategy' perceptions are different from those of the farmer group members' vis-à-vis understanding of information and the form of advocacy initiatives taken. A solution was presented to the participants where they—LATIN and the farmers' group—collectively implement two simultaneous advocacy approaches, i.e. by court and by action on the ground as alternative approaches to policy advocacy.

Lessons learned from the activity

Before designing a training activity, it is better to have a deeper understanding of the methods and ideas to be presented, and to review every session plan made by the trainers. This can be done during pre-training discussions over the goals of the participants in relation to the trainer's session plan. If these discussions are not seriously conducted, in written or documented forms, it is predicted the training would be just volatile and not as effective as hoped.

Follow-up planning

Concrete steps were taken to accomplish the aspiration of the groups, including:

1. Holding a 'grand meeting' (General Assembly) on 25 August 2006, inviting LATIN, PMPRD, WALHI Lampung, and the Lembaga Bantuan Hukum (LBH) or Legal Aid Foundation;
2. Sending the result of the General Assembly as soon as possible to the village leaders
3. Collecting data about growing plants and the size of all members' management areas; and
4. Supplying of seedlings to support reponing cropping patterns.

Comparative Study on Farmer Group Capacity Improvement

Binakarya Mandiri Farmers' Group, Bengkumat, Lampung Barat
SHK Lestari, Hurun Village, Lampung Selatan

The comparative study carried out by the Binakarya Mandiri Farmers' Group in Bengkumat, Lampung Barat was planned in the form of a farmer group's capacity improvement. The program was expected to give the farmers an opportunity to learn from another community group in the struggle for the rights to manage the State's Conservation Forest where they reside.

The study was originally planned to take place in the Sumberjaya area, Lampung Barat, but was moved to the SHK Lestari, Hurun Village, Lampung Selatan. The location was changed because the efforts taken by SHK Lestari community showed special progress worth noting, and they addressed the same challenges and issues faced by the Binakarya Mandiri Farmers' Group, Bengkumat, Lampung Barat—that is the use of the conservation forest area in the Grand Forest National Park.

Participants included ten members (two women and eight men) from the Binakarya Mandiri Farmers' Group, two advocates, a forest officer and a driver. The participants joined a larger activity as representatives of a *pokja* (working group); in all, there were seven working groups, one women's working group, and the committee members from the Binakarya Mandiri Farmers' Group.

Activity process and outcomes

The first day was spent on getting together and establishing solidarity over the issues the groups were facing. WALHI Lampung Chapter and KAWAN TANI, another NGO, facilitated informal conversations on the efforts to gain land management rights within Taman Hutan Raya (the Grand Forest Park) Wan Abdul Rahman. In the evening, formal introductions and discussions with the Binakarya Mandiri Farmer Group began. Opening the discourse was a visual

presentation by Agus Guntoro (from the SHK Lestari committee) describing the profile of SHK Lestari.

According to the presentation, before the Sistem Hutan Kerakyatan (SHK or Social Forest System) was introduced, the Lestari farmer group had proposed Hutan Kemasyarakatan (HKM or Community Forestry) to the Forestry Service as a “fighting” strategy, and it was refused. The group then explored ways to best maintain/conservate the forest without sacrificing the well-being of people living within the forest area. Hence, the group finally united to form ‘SHK Lestari’, a community organization within Taman Hutan Raya Wan Abdurrahman (TAHURA WAR), on 14 February 2002. The SHK Lestari is composed of seven groups formed according to talang (forest settlement grouping), which is led by a ketua talang (talang leader). To date, SHK Lestari has made some progress, such as establishing the group’s regulations, business unit, loan and savings unit, and community radio. All of the facilities established by the group are used to fight for SHK Lestari’s sustainability. The Lestari group currently manages areas with various potentials—for instance, waterfalls, biological diversity, wild animals, original forest plants, and estate plants. The group conducts activities to improve members’ human resource capacity, actively participates in conflict resolution, as well as in critical land management, hut relocation (out of the forest), reponing agro-forest patterns, development of a coffee business unit, area mapping management, and spatial mapping.

In turn, the Binakarya Mandiri Farmers’ Group conveyed their own experience detailing some history of their struggles. The farming group began cultivating the land in Summersari, in the Penyandingan area believing that the land belonged to the Bengkunat clan. Formerly owned by PT Andatu (ex HPH Bina Lestari in 1975-1983), the land was left idle until some groups came to cultivate the area. But due to various disturbances from elephants and forest fire, the area was again abandoned. When new entrants came to the area, the clan chief—and mandated custom-keeper of the Bengkunat clan—claimed that 30 hectares of land in the area belonged to the clan and asked each cultivator for Rp.1.5 million (163.00USD). In return, the cultivators would receive permission letters from clan chief and the village headman. Aside from this, clan members were frustrated by a claim that the land now belongs to the TNBBS park area. Discussions took place to clarify the controversy. Questions on the TNBBS claim demanded for border demarcations and a response on the claim’s impact on the farmers’ livelihood. Some members of the farming community were motivated to continue the struggle and form an organization named “Kelompok Tani Binakarya Mandiri.”

To give the Binakarya Mandiri Farmers’ Group an insight on SHK Lestari’s initiatives, the facilitator conveyed that the group was initially eager to have proprietary right certificates. Being aware that they did not have any legal power, they decided to initiate another strategy that would improve their lives—that is, maintaining and protecting the forests claimed as the State’s. At this point, a participant from Binakarya asked about the process and how this was implemented.

To have deeper discussions and sharing, the facilitator asked the participants to form groups and discuss three issues, (1) a land management model, (2) problem solving strategies, (3) networking techniques to gather support. The participants became more active in the group discussions due to richer and broader exchange of information among the participants. The discussions produced the following findings:

- ▶ **A Land Management Model:** The land management model implemented by SHK Lestari recognized three crown strata: the Low Crown, Middle Crown, and High Crown. It was stated that the density of growing plants should be at least 300 trees of *durian*, *kemiri*, and cocoa per hectare, among other trees. It was also evident that each group was determined to protect the function of the conservation land area: maintaining water sources, river borders and sacred places (cave, stones, and others). Also noted is that

cooperative seedling and planting within the conservation forest was allowed; however, the use of pesticides is prohibited in order to protect animals.

- ▶ **Problem Solving Strategies:** The strategy used by SHK Lestari was settling, controlling and defending the land being managed. The people applied the reponing model (mixed plantation/agro-forestry) as a sustainable forest management system. At the basic level, the strategy was founded on 'togetherness' to access and manage the area, strengthen the institution, and bind the group together through the conduct of regular meetings. At the village level, the village government was encouraged to make a regulation in reference to the relationship between the village community and the forest (TAHURA WAR).
- ▶ **Networking Techniques:** SHK Lestari held routine meetings with UPTD TAHURA WAR (the head of the UPTD and the head of the Region), involving the DPRD of Lampung Province and other government institutions (Bappeda, Tourism Service, and others), as well as NGOs. Invited to these meetings were the press, both newspaper and radio journalists. SHK Lestari also initiated other activities, such as seminars, lobbied for the building of an understanding between the people, the forestry service and other related parties.

For the second day, the participants of the comparative study were split into two groups. Group 1 was sent to visit SHK Lestari's management area location to observe and discuss agro-forestry techniques. Group 2 was assigned to attend a program held by WALHI Lampung in Desa Hurun on the public consultation of Desa Hurun's regulations vis-à-vis the village people's roles and responsibilities for Taman Hutan Raya Wan Abdul Rahman.

Group 1: This group went on a field study initiative where they observed the conservation land managed by the villagers and discussed plantation methods for *melinjo* seedlings. The group was impressed by the spatial arrangements they saw—clear flowing water and immense biodiversity—and not finding any huts between the forests and idle land.

Group 2: The public consultation of 'village regulation' was intended to enrich the participants' knowledge about SHK Lestari's fighting strategy. The program was attended by most of the Hurun Padang Cermin's people, the Forestry Service of Lampung, the committee of WALHI Lampung, as well as KAWAN TANI, an NGO advocate. The village regulations, jointly formulated by the community, village officers, and the Forestry Service, detailed the rights and responsibilities of the people living in Tahura Abdurrahman. The regulations accommodated all the parties' interests, and the community could securely manage the land and benefit from its resources. As for the Forestry Service, they had noted that it was easier to perform their duties since the people are aware and capable of taking part in maintaining and conserving the forest.

Later in the day, the two groups got together at SHK Lestari secretariat office to review the 'on the ground' findings of the comparative study. Each group first discussed amongst themselves what they had experienced and then presented the following matters:

- a. What they had observed/learned during the study with the SHK Lestari group
- b. How and what they felt during the learning process
- c. What they found most interesting about the learning process
- d. What kinds of follow-up plans could they develop to be implemented in Summersari.

Insights gained during the joint learning

1. There is greater understanding of village regulation-making processes.
2. Village level regulations could be used as a strategy to access and defend cultivations.

3. Although a long process, regulation-making showed serious promises to protect the forest and those that dwell within.
4. Lessons from SHK Lestari indicate that it is possible to cultivate and benefit from the land without possessing it, and that this can be applied to the people of Summersari-Bengkunat.
5. Knowledge has been increased on how to make and select seedlings for *pala* and *tangkil*.
6. The development of an efficient multi-stakeholder regulation program formulated at the provincial forestry service's bedding locations was beneficial for conservation efforts, particularly the information to be gained about the seedlings of plants unavailable in Lampung Barat.
7. Direct learnings about *emping* production have been gained.
8. Knowledge of how to apply networking theories and how to obtain documentation has been enhanced.
9. Knowledge of how to set up group working regulations has been gained.
10. The commitment of the members towards their group was felt and appreciated.
11. Seeing how land can be well-arranged and the needed configurations to derive benefits for the forest and the villagers provided good examples and models.
12. Farmers' Groups can be successful at forest conservation and utilize the land without disturbing it.
13. Direct observation of an artificial forest (thick with plants) along the road, without grass and idle land provided a clear-cut illustration for the group to emulate.
14. Seeing that there were no houses standing between plants showed proper land use.

Participants of the comparative study were impressed by SHK Lestari in that:

- a. It successfully obtained the recognition to manage the land through its hard struggle.
- b. It motivated the participants to implement the plans made for the Summersari-Bengkunat area.
- c. It successfully rehabilitated and maintained the forest so that the water found along the road was clean, clear and ready for use/consumption.

Obstacles and solutions

The members of the Binakarya Mandiri Farmer's Group of Bengkunat were initially hesitant to participate in the comparative study because it was to be held during the dry season, and members were still busy with other projects, such as building village roads and channels. Convincing the group members took some time, but they assented and sent representatives to join in the program after the timing and the need to collect the seedlings of *pala* and *kemiri* needed for their plantations were explained.

On the other hand, the SHK Lestari previously refused to take part in the comparative study visit because the community was having difficulty getting clean water during that dry season. Hence, having visitors would be a bit problematic. Besides that, the study period would coincide with the public consultation of the Hurun village's regulations. To get around this problem, LATIN convinced the Lestari members that the public consultation would be a valuable learning, i.e. as a possible strategy for them to adapt, and a golden opportunity to learn it on the ground. In due course, the participants of the study visit stayed with SHK Lestari members who had enough clean water for the visitors' needs.

Lessons learned from the activity

Determining the location for such a comparative study visit does not require some special 'achievement' of a community. In this case, the fighting spirit, toughness and innovative

attitude of the host community are the important features that need to be promoted and illustrated so others could emulate and apply in their own initiatives. What is most strategic in selecting a study location is the host community's determination to search for new strategies to hit their targets and succeed, and find commonalities in their shared needs. This was clearly sensed and felt by the visiting participants.

During the program's planning process, the duration of the visit seemed to be too short, although the learning materials could still be maximally utilized. This two or three-day visit, not including travel time between the study locations, has proven to be ideal and worth considering for a similar activity in the future.

Follow-up plans

Following are the planned spin-off activities to the comparative study:

1. Hold a general meeting immediately with other working groups (pokja) to communicate the outputs of the comparative study
2. Mobilize other farmer groups to activate their own groups/committees in order to realize the common goal
3. Revise the fighting strategy (shift the focus away from proprietary rights)
4. Follow the steps of SHK Lestari or formulate new steps adapted to the Binakarya Mandiri Farmer Group

Items 1 and 2 constituted holding meetings with community level stakeholders where the outputs of the study were discussed. These resulted in recommendations that the community continue to cultivate the land in the TNBBS area through the reponng agro-forestry system. To go forward with the reponng system, seedlings were urgently required. Moreover, reshuffling the farmer group's committees was deliberated upon since the former committees had failed in activating group members.

Items 3 and 4 were important, as the farmers understood that the process for policy change needed various strategies. The farmers, therefore, realized that the most possible strategy used for that time was how to get access to the TNBBS area without debating the proprietary rights. The position was considered important since this would enable them to initiate a dialogue with TNBBS managers. Various kinds of efforts to meet the TNBBS, therefore, had been tried so they could discuss the conflict. But, the TNBBS managers were not willing to talk with the people.

The situation has primed the facilitators to work harder to search for different tactics, i.e. bringing the Penyandingan Village case to the central government (Forestry Department) in Jakarta; and asking for other institutions (such as WWF and WALHI Lampung) to facilitate the meeting with the national park managers. Furthermore, they made a dialogue with the government of West Lampung about the idea of Conservation District, inviting experts from IPB (Bogor Faaring Institute).

Lobbying the National Policy Makers

The formal hearing (audience) was held on 19 September 2006 (see Appendix 2). As a strategy, four similar cases were presented highlighting the issue of people's access to land within national park areas. These were the TNBBS case, land extension at Gunung Halimun-Salak National Park, Gunung Ciremai National Park planning that involved the people, and the rehabilitation done by the people at Meru Betiri National Park. Paying particular attention to the TNBBS case, LATIN presented the conflict in Penyandingan Village and the methods for resolving the conflict.

The issue of people's land-based management within national parks took a big portion of the discussion. LATIN wanted to know which government department could be consulted on

regulations pertaining to the issue. But, since there was no Legal Bureau staff present in the discussion, the clarity of the regulation would be discussed later with the Legal Bureau of PHKA and the Forestry Service.

It was viewed that the Forestry Department was weak and lacked courage when it comes to handling forest clearance and land conflicts with the people. This was a prevailing perception, and since the department itself does not have a firm position on the issue, both the field officers and the people are confused about policy implementation and could not take a stand. The Forestry Department was cautioned to be careful in tackling the problems related to the people's welfare. As well, NGOs were expected to get involved in assisting the government and bridge the communication gap more wisely.

Attempts to communicate with the head of the national park management head were unproductive. It was suggested that LATIN try to contact not only the national park head, but also the section head, as well as the administration head (*Kepala TU*). LATIN was further advised that boundary disputes between the people of Penyandingan Village and the TNBBS could be resolved by discussion on the ground with TNBBS or with Forestry Department's Planology Agency.

LATIN raised questions about the concept of a national park model. Although the reply was not concrete and not satisfactory, LATIN learned that the national park model was expected to be able to develop a "core business". For instance, the Alas Purwo National Park, following the model, could develop tourism as a core business where beach and marine activities could be promoted, such as surfing.

In the end, the meeting was simply a preliminary step to build closer collaborations with institutions involved in the issue. To follow-up on points and activities that emerged during the formal hearing, LATIN invited some Forestry Department staff to attend a workshop about forestry land reform. The workshop was organized by Badan Pertanahan Nasional (The National Land Agency) to implement the declaration of the President of the Republic of Indonesia that the government would carry out land reform on 9 million hectares of State forest land. The workshop was held at LATIN's Secretariat in Bogor, Indonesia from 24 November to 27 November 2006. There were 17 participants attending the workshop, including staff from the Forestry Planology Agency; staff from the Directorate of Social Forestry; the Director General of Land and Social Forest Rehabilitation; and a staff of the Legal Affairs Bureau of the Forestry Department Secretary General.

During the workshop, the Forestry Department staff commented that substantially, the issue of forestry land reform was still obscure, though the Forestry Minister had been committed to implementing the mandate of the President. Thus far, they are still waiting for the implementing procedures of the land reform policy.

One of the plans agreed upon in the workshop was a ground visit, including a visit to TNBBS. The Planology Agency staff was expected to be involved in the TNBBS visit since the agency is mandated to be responsible for the stipulations on forest boundary delineation, including the one disputed in Penyandingan Village. As of this writing, LATIN has not received the visit schedule of the Planology Agency staff.

Collaboration with Other Stakeholders from Other Areas

While lobbying the policy makers in Jakarta, LATIN was also undertaking dialogues with other stakeholders at West Lampung District. It was another method applied to prime a dialogue with the managers of TNBBS.

Building a network with other extra-forestry stakeholders was carried out as well. Actually, there has been a forestry forum operating at the district level in Lampung. The forum was composed of NGOs working in West Lampung and the local government of West Lampung that had produced a local regulation (Perda) for community-based management of national resources. However, the managers of TNBBS had been ignoring the forum, despite invitation to every meeting.

On top of all these endeavors, another strategy was to find a way to hold a meeting with TNBBS. There were some meetings with WWF and WALHI Lampung, conservation district workshops, and discussions with TNBBS's forest rangers that also involved experts from the academe, such as IPB and UNILA (see Appendix 3). As it turns out, the discussions still failed to spark a dialogue with the TNBBS managers. This urged LATIN and its partner communities to come up with a fresh angle to approaches already applied.

On this note, the group did a brainstorming session and speculated on interesting issues that could make the TNBBS managers engage in a dialogue, i.e. finding common ground on which to encourage dialogue, build understanding, and establish trust amongst the stakeholders. The people proposed, as a topic for discussion with TNBBS, the trouble they were having with the elephants that often invade their plantation in Penyandingan Village. The topic was accepted, and in preparation for this undertaking, a study of the elephants and land use in Penyandingan Village was carried out through a Participatory Action Research facilitated by LATIN.

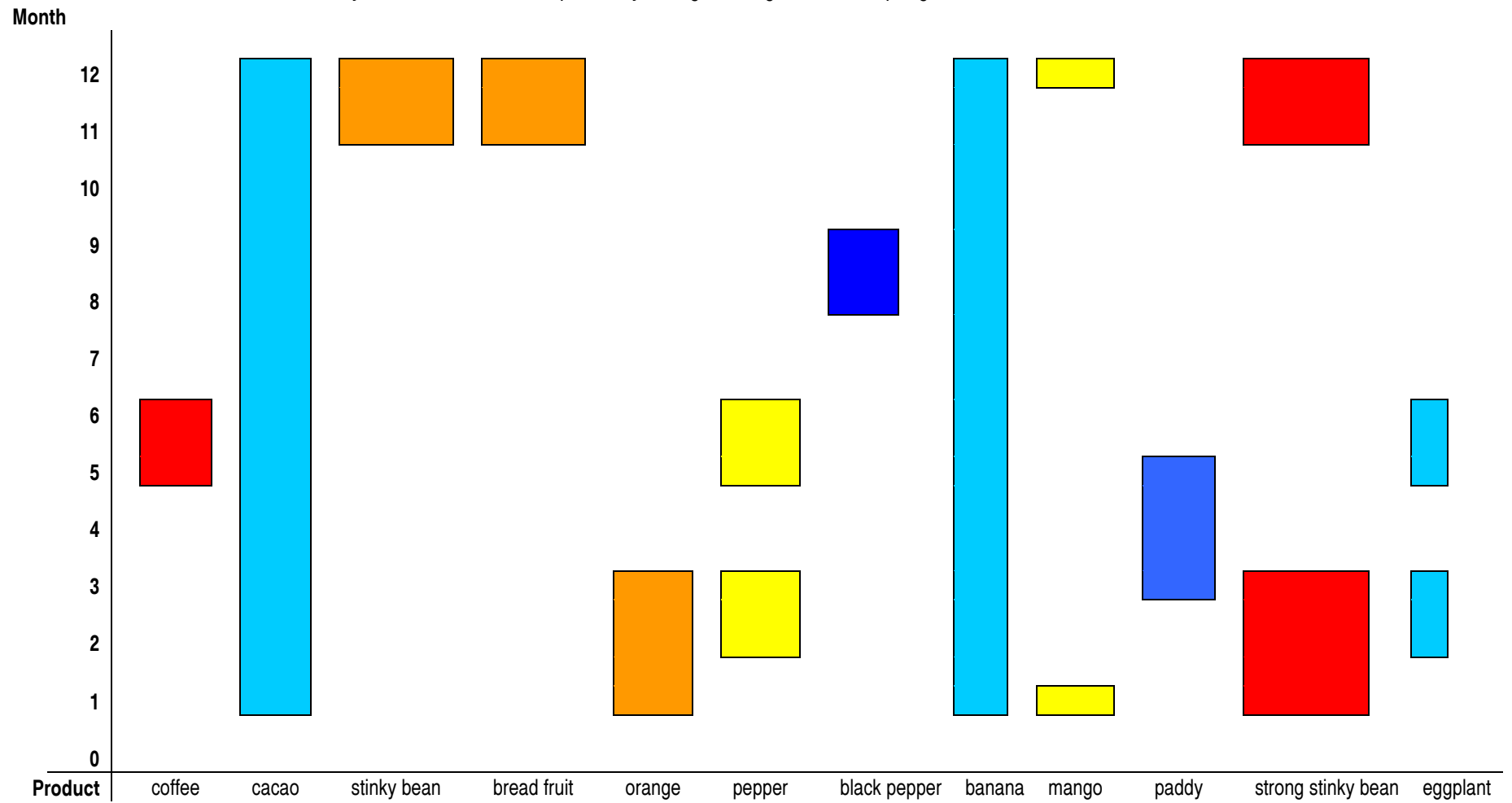
Participatory Action Research

LATIN invited WALHI Lampung and Dr. Pitojo Budiono (an expert from Lampung University) to facilitate the data collection process that would be used for the people's recommendation. The data included the seasonal calendar of the people's agricultural production (Table 1), as well as the village's history and sketches/maps, the seasonal calendar of elephant disturbance (see Figures 2, 3 and 4). In addition, there were discussions with the community to explore their perception, knowledge and attitude towards the elephant issue and land use within TNBBS area (Appendix 4).

The existence of the community in Penyandingan Village was seen as beneficial for the elephants since this means food may be available for the animals. As the community co-exists with the elephants, community members gain knowledge of the animal's behaviors and patterns. This knowledge is advantageous to the farming communities because they could manage their farms around the elephants' feeding cycle and its encroachment into the agricultural areas. Without the community doing farming activities in the area, there's a threat that the elephants might venture into residential areas in search of food.

To support the PAR, it was planned that an elephant tamer be invited to give a community training on elephants' behavior, their favorite plants, the trees that could be used as barriers (buffers) around their plantation in Penyandingan village, as well as ways of coping with angry elephants. Unfortunately, the elephant tamer that worked in Way Kambas National Park (Central Lampung) could not fulfill the invitation due to the need of formal permission from the head of TNBBS. This arrangement was delayed.

Table 1. Seasonal calendar of Binakarya Mandiri Farmer Group in Penyandingan Village, West Lampung



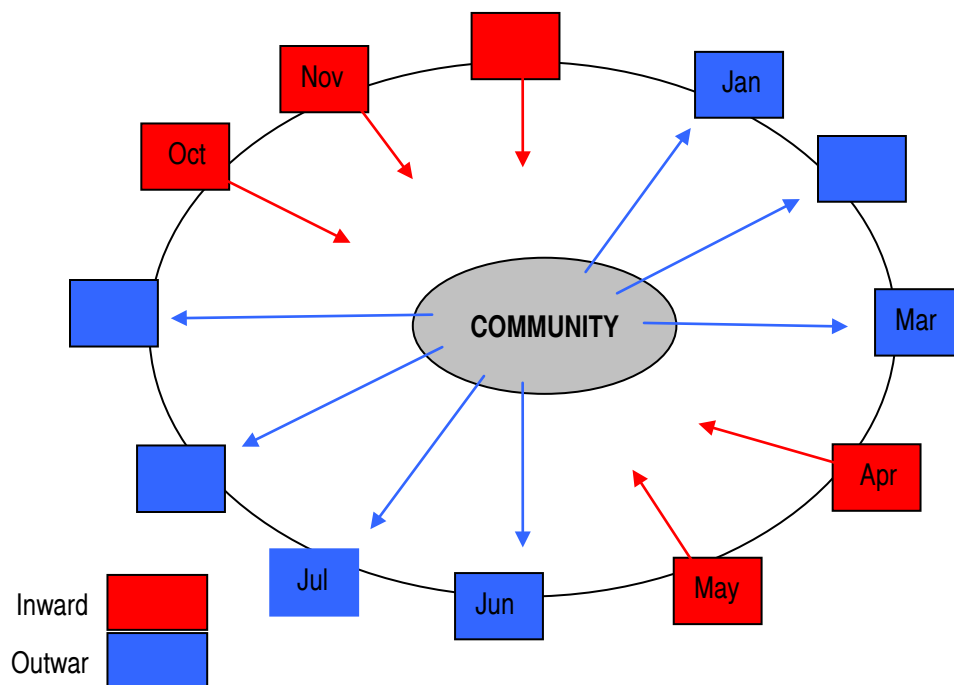


Figure 2. Elephant movement in Penyandingan Village over a 12-month period

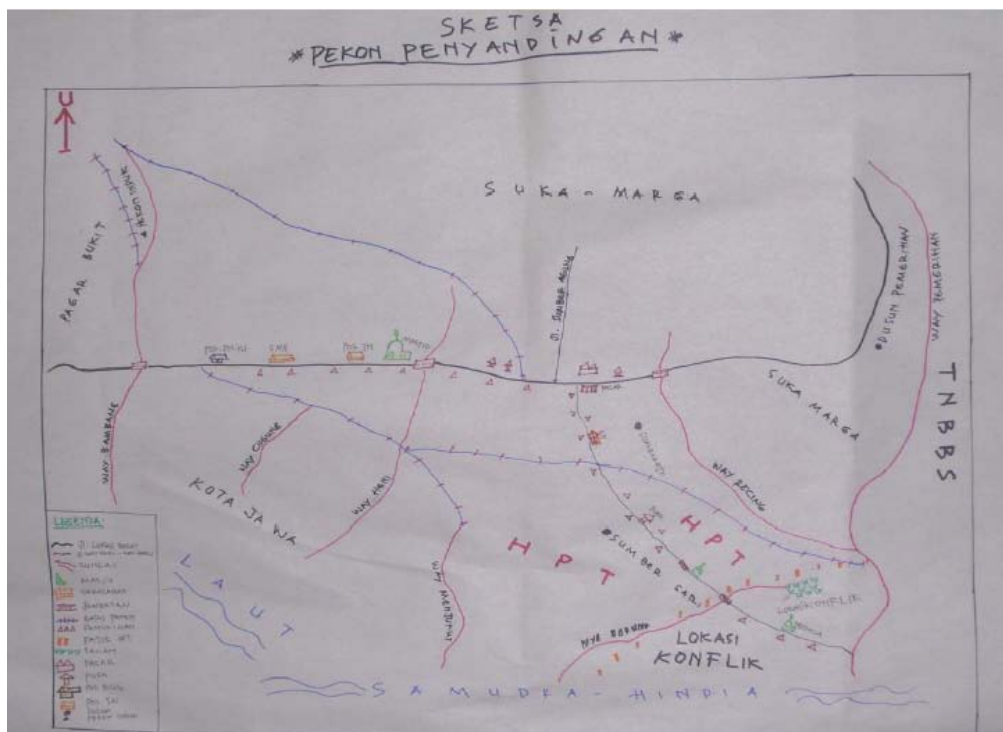


Figure 3. Penyandingan village sketch/map

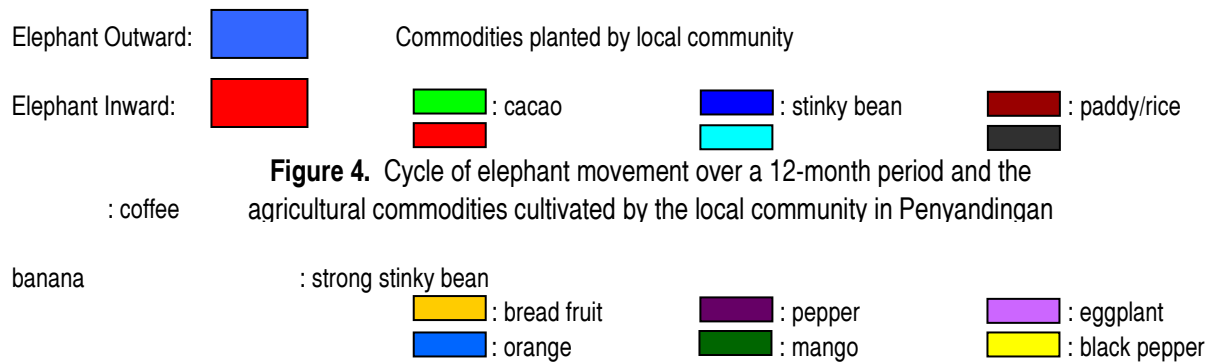
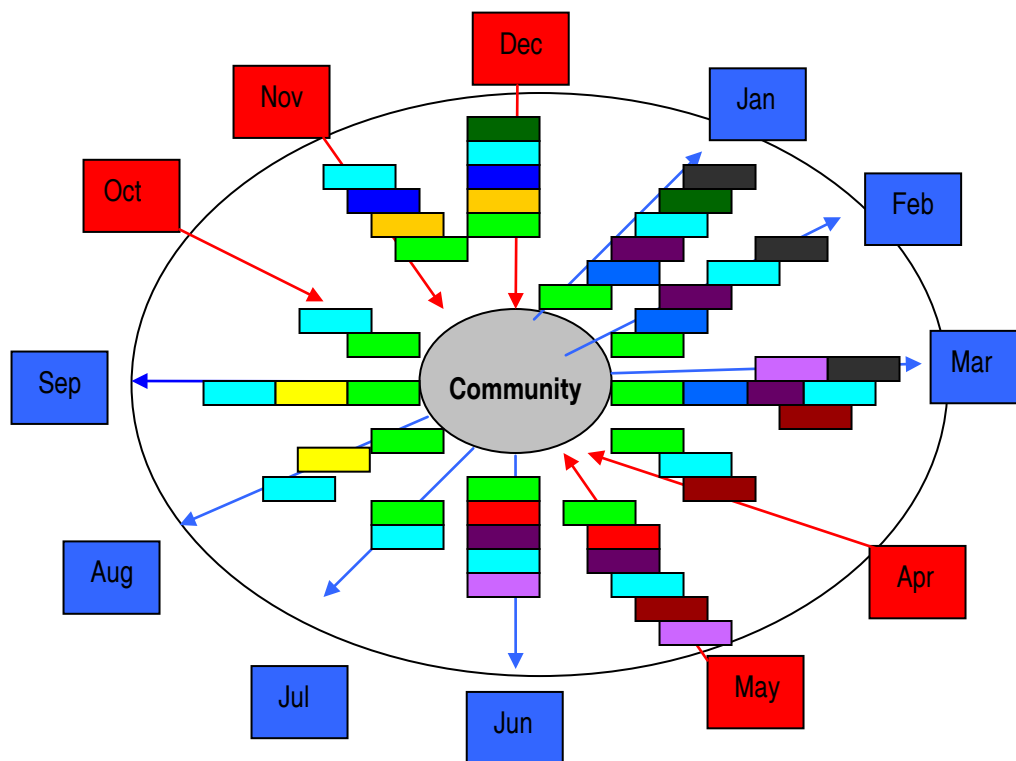


Figure 4. Cycle of elephant movement over a 12-month period and the agricultural commodities cultivated by the local community in Penyandingan

LESSONS LEARNED

The lessons learned are presented here using the action research cycle framework propounded by Wadsworth (1998)⁸, as illustrated in Figure 5.

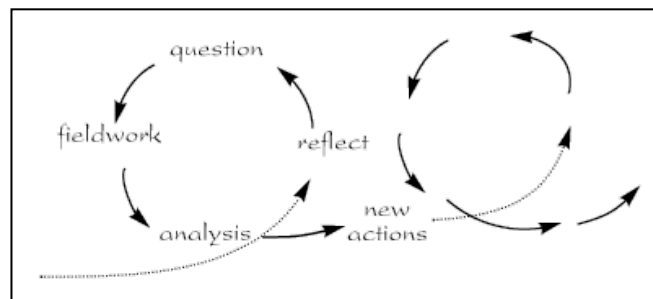


Figure 5. Cyclical research process

In the case of Penyandingan village, the *analysis stage* is the phase wherein an issue is determined and brought into the policy change process. The *reflection stage* is the phase where an issue selection is examined and the previous (failed) strategy is reviewed. At the *questions stage*, there is a discussion about the strategy to use or about a possible method to apply to solve the problem. The strategy determined at that stage becomes the follow up and is continued to the *field work stage*.

Based on the experience obtained during the project operation, the action research process can be illustrated as in Figure 6. The illustration shows that lessons obtained from each cycle have stimulated the emergence of another effective option. From the first cycle, the learning was that frontal measures taken by the people against the TNBBS managers were futile. Instead, the national park managers became more repressive. Hence, another approach/strategy was needed. The people, then, decided to learn from other communities who had similar problems; thus, the cross-visit to Hurun Village was undertaken.

Advocacy experiences shared by the community in Hurun Village during the cross-visit made the people of Penyandingan Village realize that they had to have more strategic options. One of the options was to compromise. Just as the Hurun community had done, they had to concede their customary rights to the land in exchange for cultivation rights. The Hurun experience in negotiating their position for cultivation rights succeeded in breaking open the deadlock with the forest managers; as well, it opened the possibilities for forest management agreements involving the people.

At the second cycle, the cultivation rights issue was proposed for discussion with the government, particularly the central government (Forestry Department). The community initially thought of proposing it to the TNBBS managers, but they were not yet open to dialogue. Hence, another approach was taken—that is, collaboration with stakeholders in West Lampung in order to build solidarity and ensure a liaison with the national managers.

⁸ Wadsworth, Y. (1998) What is Participatory Action Research? Action Research International, Paper 2. Retrieved from <http://www.scu.edu.au/schools/gcm/ar/ari/p-ywadsworth98.html>

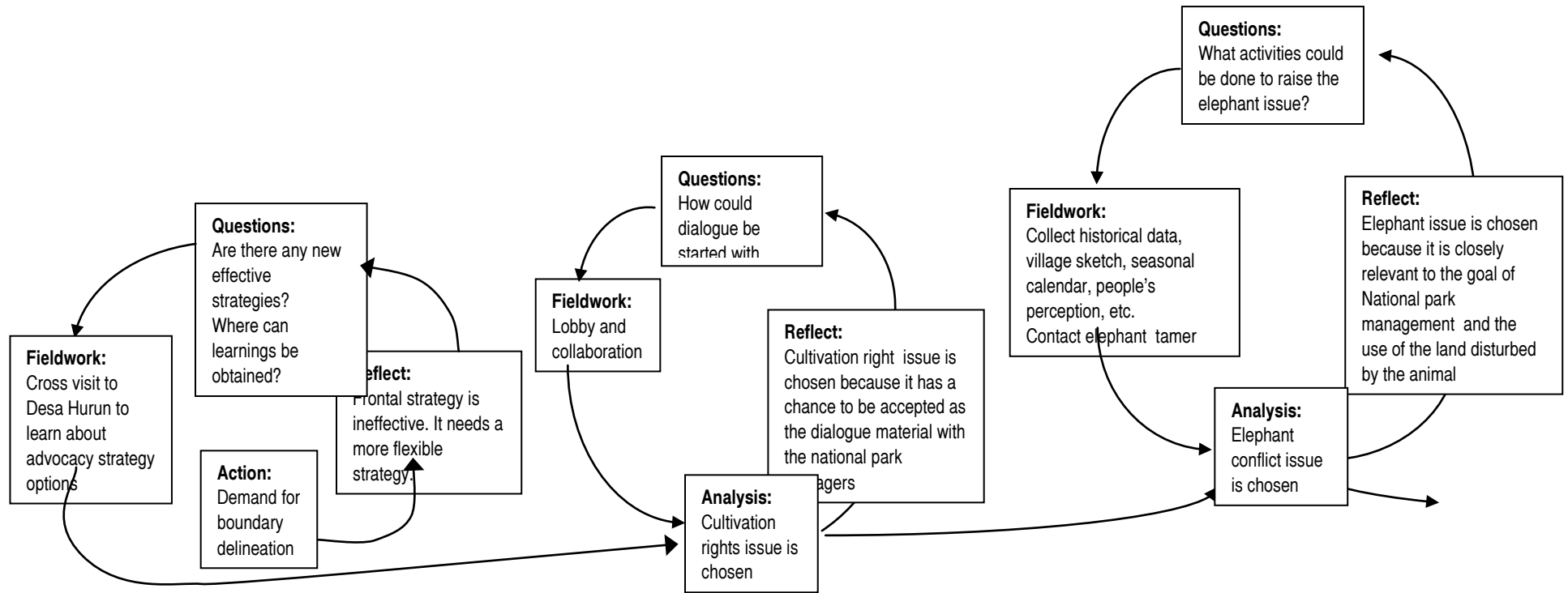


Figure 6. Action research cycle which has been done during the project.

It was still hard to persuade the national park managers to be open even with collaboration and lobbying strategies. What sparked the possibility of a dialogue with the national park managers was the community's move to explore an effective issue—in this case, the threats and disturbances caused by resident elephants within the national park on the Penyandingan Village. Hence, this figured as a significant advocacy material and it entered the third cycle.

At the third cycle, the activities undertaken were the collecting of data pertaining to the land use history in Penyandingan Village, as well as the impact and risks of elephant presence in the community. These initiatives paved the way to a solution. Finally, the efforts paid off and dialogue with park officials pushed through.

Besides the lessons learned from the activity cycle, learnings emerged on the strengths and weaknesses in using a particular advocacy strategy (see Table 1).

Table 2. Strengths and weaknesses of the policy change strategy used in Penyandingan Village

	Strength	Weaknesses
People empowerment	The people are encouraged to think more openly and to explore more strategic options in advocating for changes in policies.	The people had different interests. Only capable facilitators could consolidate the interests.
Lobbying the decision makers	The government directly heard about the actual problems between TNBBS and people of Penyandingan Village.	It was not guaranteed that the officials authorized to handle the problems brought could be present. It seemed to depend on the quality of informal relationship among the officials.
Collaboration with other stakeholders	The collaboration with various parties in West Lampung District has stimulated the emergence of strategic options to prime a dialogue with TNBBS managers.	Collaboration forum might even make the TNBBS managers resistant for fear that the forum would be used as an instrument for criticizing TNBBS policies.
Participatory action research	The people gained a better understanding of their problems and found the better potentials to solve these.	The lack of TNBBS involvement in data collection processes might increase their resistance.

NEXT STEPS

Research to inform a new action research cycle has been drafted, but further work is still needed to refine recommendatory multi-stakeholder actions for submission, consideration and dialogue that would lead to participatory actions (Appendix 5). It is hoped that, through refinement, both the national park management and the lives of people engaged in and around the park's natural resource base can be improved. Still needed in this draft are the following:

- ▶ Background (specifically of repong-based land management)
- ▶ Purpose of empowering the people to restore the land's physical condition
- ▶ Incorporation of academic arguments and needed studies
- ▶ Inputs for UU (law), PP (government regulation), SK (decree) over power structure, levels of incorporation within governance structures, and the comprehensiveness of coverage
- ▶ Recommended next steps for dialogue and action, e.g. form of discussions, capacity development for all stakeholders in the form of a Technical Assistance Agenda

Strategy plans will also be developed in the coming months to further engage with the TNBBS officials in a dialogue over the Action Plan Recommendations to ensure that an equitable participatory approach to resolving issue-bases is taken. Plans include first sitting with stakeholders to discuss how to refine the recommendatory action plan and how to convey this to decision-makers and support agencies for their support.

APPENDIX 1

Notes on Binakarya Mandiri Group Meeting

The purpose of this general meeting was to discuss the agreements made during the Critical Legal Training and the Comparative Study.

1. There will be a general meeting on 25 August 2006, inviting LATIN, PMPRD, LBH, and WALHI Lampung.
2. The result of the meeting will immediately be submitted to the village leaders.
3. Planting/growing and conducting an inventory of all members' cultivation area will be carried out.
4. Seedling for agro-forestry (repong) will be distributed/made available to members.

The meeting was delayed but eventually pushed through on 26 August 2006. The delay was caused by difficulty in the communication process between the community members and NGO partners. The meeting was attended by 22 participants (representatives of working groups) and two community organizers from LATIN. WALHI Lampung and Klinik Hukum Bandar Lampung were absent due to their urgent activities. PMPRD was absent without notice.

At the beginning of the discussion, there was a motion from the major group committee (Binakarya Mandiri) to reshuffle the organizational committee that had been indifferent to the group activities. They reckoned that the stagnation of the farmer group organization significantly affected the group's consolidation and the information distribution among the members.

The motion was resolved by an agreement to do a re-organization (or they termed it 'to re-format Binakarya Mandiri's organizational structure) from the position of the chairman to the subordinates. Despite the re-organization, Sugeng Masmawi was retained as the chairman, but all other lower positions were filled by new individuals. After the organizational problems were settled, they focused on to the major agenda—i.e. planning the follow-up of the critical legal training. The Binakarya Mandiri group agreed to use the agro-forestry system as the land management model at the area disputed with TNBBS.

As an initial activity to the agro-forestry model, various kinds of seeds that supported the agro-forestry pattern were identified. In the discussion, it was revealed that some kinds of seeds, namely: good cocoa seedling/F-1 (as waiting plant), pala, nutmeg, tangkil/melinjo (identified to be disliked by elephants), among others were not available and cannot be supplied. The group agreed to do individual problem solving to deal with this, as well observing other collaborative potentials.

The people attending the meeting also agreed to keep involving the village political party in the realization of Binakarya Mandiri group. It could be manifested by submitting the group's resolutions and policies to the village government. Examining the political condition in their community, the group recognized the difference between the former village leader, who was not cooperative and not sympathetic with the people's concerns, and the leader they voted, who supported the people's struggle for cultivation rights in the area disputed with TNBBS. The last discussion dealt with strengthening (empowerment) of existing working groups and housewives' working groups that are still active. On this aspect, they needed LATIN's support in the form of regular visits and attendance to the discussions held by the working groups. It was found that working groups 1 and 2 had long been inactive from the major group for unclear reasons. Addressing this issue, LATIN's advocates were requested to help the rest of the active groups, while waiting for the progress of working groups 1 and 2.

APPENDIX 2

Minutes of Formal Hearing/Audience with the Forestry Department

Day/date/time : Tuesday / 19 September 2006 / 10.00 a.m.
Venue : The Meeting Hall of Ditjen PHKA,
Manggala Wanabhakti Building, Block VII Lot 7
Chairman : Suparman Rais (Sub Dit Informasi Konservasi Alam)
Participants : Nining, Leon Simangunsong (Setditjen PHKA), Evi Haerliana (Dit KKH),
Mufti Muamar, Agus Haryanto (Dit PJLWA), Dadang Wardana (Dit KK),
Tata Jatirasa (KSDA Jabar II), Arif Aliadi, Kurniadi, Budjo, Ahmad Suwarno
(LATIN), Rismunandar (Bappeda Kuningan), Sanusi Wijaya (LPI PHBM
Kuningan), Edy Syukur (PMTH Kuningan), Alex Leo (Formasdakum
Majalengka), Ma'mun S. dan Beni Sarbini (Kanopi Kuningan).

Minutes:

1. Presentation by LATIN:

- a. Details of LATIN's activities related to PHKA at Gunung Halimun Salak, Gunung Ciremai, Bukit Barisan Selatan, and Meru Betiri National Parks were presented.
- b. LATIN's objective was to achieve biodiversity conservation and people's welfare improvement through collaborative strategy and capacity improvement of local people and stakeholders.
- c. The specific objectives of LATIN's hearing/consultation with the Forestry Department were:
 - Set up a communication with Ditjen PHKA
 - Describe the progress of activities around and within Gunung Halimun Salak, Gunung Ciremai, Bukit Barisan Selatan, and Meru Betiri National Parks' areas carried out by LATIN and its local partners and problems encountered.
 - Propose a solution to problems
 - Ask for inputs for the activities done
 - Establish a common understanding of follow-up actions
- d. Activities in TNBBS:
 - Carrying out the program in Penyandingan, Bengkunt Sub district (within TNBBS area, Sukaraja section).
 - Status of the TNBBS borderline/boundary conflict: Since 1980s, the people has been cultivating the land formerly managed by HPH PT Bina Lestari, which was not vegetated and is vulnerable to fire and elephants.
 - Conducting people's advocacy initiatives from 2003 to 2005 by MKWF, specifically at HPT area
 - Advocating policies for the people who cultivated the land disputed with TNBBS (2006). The land is currently left uncultivated, and the conflict is still unresolved.
 - Obstacles: Discord between TNBBS and the people; the problems arose when TNBBS ran GERHAN project on the land (e.g. PT HPH Bina Lestari in 2005)
 - Proposal for problem solution: the land should be converted to social forestry area; people should be involved in the program developed by TNBBS; participatory border tracking to clarify the conflict.
- e. Activities at Gunung Halimun Salak National Park
 - The program worked: building area rehabilitation mechanism and pattern in two villages around TNGHS (Gunung malang and sinarasa); building people's capacity system and institution in TNGHS area management
 - Progress: area rehabilitation model and village level collaboration building are realized.

- Obstacles: TNGHS zonation system has not accommodated the people's activities; the borderline ends have not linked; there has not been a border reconstruction
 - Proposal: the legal assurance of the people's role in TNGHS management and participatory border arrangement and reconstruction should be promoted.
- f. Activities at Gunung Ciremai National Park Programs conducted:
- Doing Gerhan in TNGC
- Achievement:
- Review of Memorandum of Understanding (MOU) signed by the community and the perhutani in eight villages, and by the people and NPK in one village
 - The issuance of Bupati Kuningan's (District Head's) decree about the formation of an observation team for the collaborative national park management at Gunung Ciremai forest group. The team's job was to analyze the management mechanism, TNGC management plan, institution, and others.
 - The formation of Satgas damkar (Fire brigade)
 - The completion of MOU draft between Bupati Kuningan and Ditjen PHKA
 - MOU between BKSDA Jabar II and Tourism Service
 - The declaration of Kuningan District as a Conservation District
- Obstacles:
- Due to the functional change from production forest managed by the perhutani, the TNGC management is still inclined to adhere to perum perhutani management patterns
 - There are a lot of people who still depend on land around the TNGC area
- g. Programs in Meru Betiri National Park
- The programs already done:
- Building pilot projects since 1992 and developing it to be applied in TNMB rehabilitation zone
 - The program is currently continued by a local NGO, i.e. KAIL
- Achievement:
- Variety of plants
 - Animal diversity
 - Achievement rank/level
 - The number of people groups
 - The level of people's income
 - The income potential from fruits
- Obstacles:
- The absence of legal assurance about the people's rights and duty in land rehabilitation; for example, to what extent could the people take the benefit from the crops they have planted.
 - LATIN sensed that KAIL encountered communication problems in the field with the national park manager.

2. Discussion

In handling the forest clearance and land conflicts with the people, the Forestry Department was "scared" and doubtful. This confused both the field officers and the people in taking a stand. The forestry department was cautioned that in tackling the problems related to the people's welfare, the forestry department should be careful. NGOs were expected to get involved in assisting the government and bridging the communication gap more wisely.

The issue of land-based management by the people at the national park area took a big portion in the discussion. The issue occurred in the four locations where LATIN works. LATIN asked about which regulation could be referred to for answering "yes" or "no" concerning the

issue. But, since there was not any Legal Bureau staff attending the discussion, the clarity of the regulation would be discussed later with the Legal Bureau of PHKA and Forestry Service.

The communication with the head of national park management head was not maximal due to his business. It was suggested that LATIN try to do a communication not only with the national park head, but also with the section head, as well as the administration head (*Kepala TU*).

Boundary disputes between the people of Penyandingan Village and TNBBS could be resolved by discussion on the ground with TNBBS or with Forestry Department's Planology Agency.

Although BKSDA Jabar II had said that MOU with Kuningan and Majalengka district heads (Bupati) could be done by the head of national park/BKSDA since they are in the same location, the representatives from the Kuningan district proposed that the MOU should be signed by Ditjen PHKA because the activity scope was not only related to activity implementation, but also the policy of area management.

For the Meru Betiri initiatives, it was suggested that the activities focus on marketing. For other areas related to land-based programs, the activities should prioritize on community-based where the people's interests did not depend to the land.

The people around the Gunung Ciremai National Park are extremely worried about forest fires, and the representatives of TNGC hoped that Ditjen PHKA would support the fire brigade team (*tim damkar*) with equipments, through BKSDA/TNGC.

LATIN raised questions about the concept of a national park model. Although the reply was not concrete and not satisfactory, LATIN learned that the national park model was expected to be able to develop a "core business". For instance, the Alas Purwo National Park, following the model, could develop tourism as a core business where beach and marine activities could be promoted, such as surfing.

To support a more synergistic collaboration, it was suggested that LATIN create an MOU with Ditjen PHKA.

The meeting was just a preliminary step to build closer collaborations so that it needed further meetings to follow up the points included in the agenda.

3. Closing

The meeting was expected to be the initial meeting to open further dialogues.

Jakarta, September 2006
Suparman Rais, Chairman

APPENDIX 3

Meetings and Consultation Initiatives

10 October 2006 Discussion with WWF

The discussion was held to explore the possibilities whether or not WWF could facilitate the meeting with TNBBS managers. WWF responded that it was the TNBBS Administration who had been arranging the initiative to gather together TNBBS's partners since 2002. The so-called partners are those who have been giving direct contributions to TNBBS activities such as: WWF, WCS, Watala, WTU, RPU, and others who are in favor of traditional protected areas. Meanwhile, the local government has never been involved in their regular meetings. In the discussion, WWF also proposed the idea of Collaborative National Park Management such as that applied in Bunaken National Park, North Sulawesi. But, no one was brave enough to start implementing the idea.

12 October 2006 Discussion with WALHI Lampung

LATIN consulted the director of WALHI Lampung about the possibilities of holding TNBBS regular meetings with a broader-range of stakeholders. To make this happen, it was suggested that LATIN take advantage of the opportunity presented by WALHI Lampung's anniversary on 15 October 2006. The event was filled with discussion, fasting and Syukuran (Thanksgiving ceremony). Discussion that took place explored different approaches/models for tackling the TNBBS forest clearance done by the national park institution itself. Other stakeholders gave their inputs on the matter.

7 November 2006 Conservation District Workshop

The workshop held by the District Government of West Lampung was intended to explore the implementation of Conservation District idea in West Lampung. For LATIN, the workshop was also an avenue to persuade TNBBS managers to be open to have dialogues with other stakeholders in West Lampung District.

TNBBS managers commented that the initiative was an effort of the West Lampung Government to raise additional income from the central government. They viewed that what the local government was doing was separate from what they were doing within the national park area. On the national park managers' side, the collaboration between the local government and the people was not accepted as a strategic option. The dichotomy of 'the **central** government's business is none of the **local** government's business' was still clear in this case.

2 December 2006 Discussion with TNBBS Forest Police

WWF facilitated the meeting with TNBBS forest police. The head of the forest police positively welcomed the activities done by NGOs, such as LATIN, and wanted to be involved in every activity held by NGOs. He realized that repressive approaches that used to be employed by TNBBS forest police was not appropriate. It should be replaced with a social approach. The new TNBBS leader seemed to give TNBBS staff the chance to be more open to other parties,

including the people. He accepted that the former TNBBS head was reluctant to let his staff attend invitations from other parties/institutions.

9 December 2006

Discussion with IPB's Expert about Emergency Action Plan

The discussion was held with Dr. Rinekso Soekmadi, at the Department of the Conservation of Forest Resource and Ecosystem, Forestry Faculty, Bogor Agriculture Institute (IPB). Dr. Soekmadi was the expert mandated by the Forestry Department to make Emergency Action Plans for TNBBS. He was involved in creating the idea of the Conservation District.

The purpose of the meeting was to discuss the handling of forest clearance within the TNBBS area. After the discussion about mapping and characteristics of the forest clearance in each location—including that in Penyandingan Village—it was agreed that the measures could not be taken by using standard methods alone. The issue should be handled on a case-to-case basis. For the Penyandingan Village case, the recommended solution to resolve the conflict is conducting a dialogue. As well, it was stressed that repressive measures should be avoided.

The TNBBS Emergency Action Plan would be completed and presented to the Forestry Department in February 2007. As of this writing, the Emergency Action Plan was not finished; the final recommendation is still unknown.

15 December 2006

Discussion with Lampung University's Experts

Based on the discussion, the group planned on inviting experts from UNILA (Lampung University) to facilitate the data collection process. These data were needed to support the argument that the involvement of the people in TNBBS management—particularly in Penyandingan Village—was important. The experts were also requested to write the report on the results of the data collection and facilitate the meeting with TNBBS managers. The other expert invited in this meeting, Dr. Pitojo Budiono, was willing to help in the process.

APPENDIX 4

Participatory action research—national park border arrangements, land cultivation practices, people's knowledge, attitudes and perceptions

Results of Field Observations and studies

1. Border Arrangements (Boundary Delineation)
 - The border of *TNBBS*, specifically at the area disputed, is considered to be “unusual” since the boundary line was drawn straight. It should have followed the natural shape along Way Pemerihan River. This area had previously been opened by *HPH* (concession holder) *PT Bina Lestari* and subcontracted to *PT Andatu*, which collected the big logs and later abandoned the area. (Data taken from the local people, FGD, 10 Jan 2007).
 - The people do not know the definite borders of *TNBBS* grounds within the area under dispute. All they know is that the “prohibited forest = *TNBBS*” lies across Way Pemerihan river.
 - Latin is suspicious about the boundary line that was “abnormally” drawn straight. Natural forest borders (including that of *TNBBS*) are normally based on the nature's features. Since the period of the Dutch colonization, the natural forest areas have been utilizing natural landmarks as borders, such as rivers.
2. Land Cultivation by People
 - The disputed land is characteristically flat and covered with various crops, largely by coarse grass.
 - Generally, the soil is fertile, making cultivation/farming successful and productive. For this reason, the people are highly motivated, validating their capability to farm.
 - On their respective cultivation areas, the people have grown plants—for instance, rice, peanuts, cocoa, chili, bananas and coconuts—which are mostly liked by elephants.
 - To anticipate the attack of elephants, farmers have shielded the land with trees and branches, and have grown *dadap* species, which the big animals dislike.
 - Learning from the elephants' eating habit, the people can accurately predict which seasons the animals would likely come to take their crops. (Enclosed in this report: Elephant traffic into/out of Summersari village and the types of crops grown by the people)
3. Survey on the people's KAP (Knowledge, Attitude and Perception)
 - a. Land
 - The farmers have no knowledge about the legal boundaries of *TNBBS* land. They have not seen the map. The information on the boundary line is only passed informally (orally) by Polhut (forest rangers) and *TNBBS* officers.
 - Some of the land belongs to *PT Andatu*, which received it from the former concession holder (*PT Bina Lestari*). Other parts of the area have unclear status. Under this condition, the people were only expecting to be allowed to cultivate the land covered with coarse grass.
 - Being powerless, the people have to accept that the land they are cultivating is, in fact, the habitat of elephants. All they can do is install more barriers that turn out ineffective.
 - The land is not maximally cultivated due to the lack of financial capital and manpower. Some of the owners let their land be tilled by other farmers without

any agreement or profit sharing. The only advantage they take is that they can have their land opened and cleaned. (Source: Maryanto, 10 January 2007).

b. Types of Crops

- The people cultivate the land for subsistence (i.e. to fulfill their basic needs), so that they plant staple crops, such as rice and 'palawija'. They also grow plants with high economic value, such as cocoa, pepper, coffee, durian, petai, and others. As well, they are motivated to make repong (garden) for their economic sustainability.
- Unfortunately, elephants also like the crops they cultivate.

c. Elephants

It was revealed in a discussion that the people only have a little understanding about elephants. The fear of elephants has prevented them to better understand the animals' behavior and characteristics, hence their limited knowledge. Some of them believe that elephants are afraid of fire, while some others have witnessed that they are not. In practice, they always chase these animals away by using torches and "kenthongan" from a distance of 20-30 meters.

d. Basic Needs

In reality, both the elephants and the people are struggling for survival, thus creating conflict while they try to fulfill their basic needs. In order to survive, the people have to keep on cultivating the land, despite the disturbance caused by the elephants. Meanwhile, the elephants have no other choice to survive. So far, the people of Summersari Village have been living "side by side" with the elephants without killing or hurting them. Surprisingly, some of the farmers have found that rice will grow better when eaten by elephants as long as the roots are not extracted from the ground. With harder efforts, these will live longer.

e. Conservation

The people do not have a good understanding of conservation. In their perception, their basic needs come first; conservation can be done after they have fulfilled these. The facts on the ground show that the people are capable of cultivating the "unproductive and dormant" land, even on a limited natural condition and under the threat of elephants. They have transformed the land covered with coarse grass into productive parcels. Some of them have even undertaken repong management. The need for subsistence has strongly motivated them to do the cultivation—they have associated conservation with the struggle for survival. But, in general, the concept of conservation relative to their life and long-term dimension is already well-reflected.

f. Facts about partnerships

- The legal basis for partnership is weak, and it needs a clearer foundation.
- The institution supported by LATIN's "field-force" is yet unclear. For example, pokja is perceived to be identical with group; whereas the group activities are not fully understood by the members.
- If the partnership were explored, initiatives for solutions concerning the problems on the ground would be surfaced.
- Conflicts between man and elephant and conflicts about the TNBBS boundary arrangements are crucial matters that need careful responses. The concept of collaboration and partnership likely offers a solution.

APPENDIX 5

Draft recommendations for further multi-stakeholder actions

Field Condition	Recommendation	Remark
Institutional Working Groups (pokja) are already built.	Improvements are needed in terms of proper organizational capability.	Training on organizational substance is advocated by NGO.
The groups are formed but not from felt needs.	Stimulate their organizational motivation.	It can be internally conducted with the presence of NGO.
There has not been any specification of each group (pokja).	Pokja should be distinguished from Group. Pokja works temporarily, while Group works permanently. The terms need reviewing.	It can be internally conducted with the presence of NGO.
The norms in the groups (pokja) are not strong yet.	Organizational norms need reinforcement.	It can be internally conducted with the presence of NGO.
The goal of the group (pokja) is not well understood.	A strategy is needed to convey the organizational goal to the members.	It can be internally conducted with the presence of NGO.
The members are not proud of their group.	Foster positive attitudes and strengthen self-esteem within the group in order to make the group run dynamically.	Positive attitudes and heightened self-esteem will make it easier to motivate them to reach the goal.
The institutions formed have yet to develop their network.	Building group networks reaching out of its circle is needed.	As a medium of learning and for strengthening the goal.

Land Management/Boundary Delineation 1. It is not yet definite.	Participatory mapping between TNBBS and the local people should be advocated.	Joint agreement and management collaboration could be created.
2. Land managed by the people has contributed economic advantages and recovered its physical condition.	Follow-up is needed on joint management between the people and the private sector or the government	The people's capability is already proven in practice.
3. There is no long-term Land Management Plan.	A Land Management Plan is necessary to facilitate the arrangement.	It needs NGO's or Government's advocacy (TNBBS).
4. There are no visual markers for the straight boundary line claimed by TNBBS.	Boundary demarcation (straight) at the conflict area within TNBBS should be reviewed.	Negotiable → people's area

KAP of the Farmers The farmers do not clearly understand their land status.	TNBBS, in collaboration with NGOs, need to give guidance and support to	Multi-stakeholders
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	the people	
The farmers' attitude towards the land has shown careful treatment and management.	The management should be oriented to agro-forestry or reponing model.	Make demo-plots and sample models.

Continued...

Field Condition	Recommendation	Remark
The farmers perceive that the land is the place they count on to fulfill their needs.	They should be sensitized to understand natural resource conservation, including the existence of the elephants.	Pawang gajah, Forestry Counselor and TNBBS's officers are needed.
The farmers perceive that elephants are wild pests that are hard to be tamed.	Let the people meet pawang Gajah from Way Kambas.	Urgent
Elephant behavior is hard to learn, so there is a tendency to perceive these animals as "strange" (unpredictable).	Learn how to tame elephants to make them friends.	Urgent
The farmers have treated the elephants relatively well. They only tried to expel the animals from the distance and not hurt them.	Be friendly to the elephants and find out the local farmers' wisdom in expelling the animals.	Urgent
The farmers have served as traditional land conservationists due to their attitude to avoid pesticides and fertilizers. They work hard to get a satisfactory harvest.	Protect the environment that is sterile from pests and diseases.	Promote organic agricultural method.
<u>Miscellaneous</u>		
Road building to the coast indicates the government's recognition of the people around the disputed area.	Further participatory spatial design is needed incorporating the local people as planners, actors, as well as regulators.	A joint advocacy is needed to prevent new conflict from arising.
Easier access to markets, and the road across Sumatra makes it strategic to improve the economic prospect of the people living around the disputed area.	Do a feasibility study of the commodity that is best grown in the people's management area.	It is important and constitutes a power potential.

—END—