

# CONTESTED DEVOLUTION: THE POLITICAL ECOLOGY OF COMMUNITY-BASED FOREST MANAGEMENT IN INDONESIA

Soeryo Adiwibowo,<sup>1</sup> Mohamad Shohibuddin<sup>2</sup> and Hariadi Kartodihardjo<sup>3</sup>

## ABSTRACT

Along with the democratization process in Indonesia, which has been going on since 1999, and the increased concern for environmental and climate change issues, a more devolutionary approach toward environmental governance has been introduced into the management of both production and conservation forests in Indonesia. This paper discuss three cases of forest devolution in Indonesia occurring within varied contexts: the resin agroforestry in Krui which involved the devolution of production and protection forests at the end of the centralistic New Order regime; the devolution of (part of the) Lore Lindu National Park in Central Sulawesi at the beginning of the *Reformasi* period; and the devolution of plantation forest at the regional autonomy era. This paper also points out that these devolution cases resulted from the policy processes contested among the public, societal groups and the state.

This paper differs from property rights literatures, which emphasizes property rights and collective action as core factors in devolution policy, in that it deals with a much more complex constellation in its discussion of these three cases. Since devolution policy is a contested process, the changes in legal rights to forest resources do not automatically ensure tenure security nor does equal benefit from forest resource. In fact, the successful forest devolution can only be strove for if the process and its entire trajectory reflect democratic governance, characterized by inclusive participation, the responsiveness of central and local government agencies, and respect to values and principles of democracy, such as equality, transparency, accountability and inclusion. In the end, the forest devolution policy will be sustained if it can reform the existing property relations through the transfer of land-based wealth and power among the various members of user groups.

*Key Words: devolution, tenure security, governance, transfer of benefit, Indonesia*

## INTRODUCTION

Since the 1980s there has been a significant shift in the discourse on development in which the extensive role of the state, both as an “agent of development” and as a provider of welfare programs, has been criticized. On the other hand, the role of the market system has been prioritized through various deregulation packages. It is within this context that the ‘participative development’ discourse has emerged (Mohan 2007). Along with this trend, the beginning of the 1990s saw the emergence of a variety of programs for the devolution of the management of natural resources that shift responsibility and authority

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<sup>1</sup> Faculty of Human Ecology, Bogor Agricultural University

<sup>2</sup> Faculty of Human Ecology, Bogor Agricultural University

<sup>3</sup> Faculty of Forestry, Bogor Agricultural University

from the state to non-governmental bodies, especially the surrender of control over natural resources back to user groups. One of the impetuses for this tendency was the awareness of the limitations of the state's capability to manage natural resources effectively, particularly at the local level. The goal of these programs was to reduce the government's fiscal burden, improve the management of natural resources through local knowledge and institutions based management, and empower the local resource users (Meinzen-Dick et al 2008).

Devolution can be defined as the transfer of rights and responsibilities for managing forests from government bodies to local user groups. Although this devolution policy has been applied globally since the early 1990s, it will take more time for Indonesia to adopt it fully. The first steps in this direction were taken in 1998 towards the end of the Soeharto regime, when the Minister of Forestry acknowledged the right of traditional communities in the coastal area of Krui, Lampung to manage state forests as resin tapping agroforestry areas. Other devolution schemes, for the management of both production and conservation forests, then emerged in the wake of the fall of the authoritarian New Order regime.

According to Meinzen-Dick et al (2001), there are two forms of devolution of the natural resources management. When control over natural resources is transferred more or less completely to local users group, it is often refer to as Community-Based Resource Management (CBRM). In this case, the government usually withdraws from a role by reducing staff numbers or entirely reassigning staff. When the role of the local users is expanded but the government retains a large role in the management of natural resources, it is known as joint management or co-management. In fact, most cases of devolution involve a variety of forms of interaction between the state and user groups, where actual control over resources remains a matter of contestation rather than a set of well-defined legal rights.

This paper deals with three cases of forest devolution in Indonesia that span the spectrum of tendencies described above. The first case is the resin tapping agroforestry forests in Krui, Lampung. The second is a community conservation agreement in Toro, Central Sulawesi. The third case is a community plantation forest in Konawe, Southeast Sulawesi. The first and third cases are the CBRM devolution type for production forests, while the second case is co-management devolution in the National Park area. As detailed

below, these three cases constitute ‘contested devolution’ in which access and control over the forests and ensuing benefits are actually reformulated within the interaction and negotiation process among parties concerned beyond the legal provision of devolution programs.

## **FRAMEWORK OF ANALYSIS**

The devolution policy is not an isolated matter but is related to the larger context of overall forest policy as well as the broader social interaction. Therefore, power relations between actors concerned with the devolution policy becomes an important issue. For example, under the decentralized democratic regime in Indonesia, devolution policy is heavily influenced by local government policy, particularly in relation to location permits and selection of user groups.

Several key analytical frameworks are used for analyzing three cases of forest devolution policy in Indonesia i.e. property relations in the devolution of forest rights, democratic governance within the forest management policy reform; the impact of devolution to transfer of wealth and power, and sustainability dimensions.

### **Between Legal Rights and the Actual Property Relations**

A number of studies carried out by CGIAR-CAPRI emphasized that property rights and collective actions, along with technology and market access, constitute determining factors on the outcome of any devolution policies (see Knox et al 1998, Place and Swallow 2000, Hellin et al 2007, Komaruddin et al 2007). The first two, property rights and collective actions, are especially emphasized in these studies as basic prerequisites for the success of any devolution programs.

To the property rights school, clear definition of rights and its legalization are key instruments for ensuring prosperity. Hernando de Soto (1989), for instance, is renowned for advocating programs to eradicate poverty through land registration in developing countries. According to de Soto, the land of most poverty stricken people is dead capital that does not provide much economic benefit, and that its legalization will transform it into productive asset for its integration to the market economy system.

Schlager and Ostrom (1992) offered a more nuanced view to such individual ownership model, particularly within the context of the commons. They conceptualized property rights into ‘a bundle of rights’ covering rights of access, rights of withdrawal,

rights of management, rights of exclusion, and rights of alienation. The holders of these rights can be individuals, groups or nations so that any resources could be held under individual, group or communal (commons) ownership, and state ownership; or there could also be no effective ownership that would lead to the condition of de facto ‘open access’. Depending on the type of rights, the rights holders could take the position of owner, proprietor, claimant, or authorized user.

However, to derive the benefits from any resources depend not merely on the rights established under the law provision. As has been set forth by the institutionalist school, there is difference between the types of rights that have been constructed legally and the actual relations of property rights (Ellsworth 2004). Tran and Sikor (2006), with reference to forest devolution in Vietnam, point out that legal rights (*de jure*) that are provided within devolution programs do not immediately bring about actual rights (*de facto*) as the latter is under intense negotiation among various actors.

In this regard, Ribot and Peluso (2003) offer a useful theory of access that provides an analytical framework for describing and mapping the politics of access and control of resources among various actors. To Ribot and Peluso, access is defined as ‘the ability to derive benefits from things’. This definition emphasizes the concern for broader social relations that can limit or empower an individual or group to benefit from resources without reducing it to a property relations issue only. In this way, access analysis allows us to understand why an individual or institution can or cannot take advantage of or benefit from a given devolved forest resource, whether they have a right to that resource or not.

### **Democratic Governance and Forest Policy Processes**

Should the impact of devolution was mediated by local power relations, then policies providing and strengthening legal rights over forest resources are only the first step toward the successful and meaningful devolution of the forest. The next step, which is no less important, would be to find a way for the state to restructure the unequal power relations among various groups in relation to control and use of forest resources through a series of actions that create more extensive political, economic and social change. It is in this connection that the issue of democratic governance, as was argued by Borrás and Franco (2008) in the context of pro-poor land policy, becomes crucial. According to them, ‘property rights are essentially about social relations, not things!’ For that reason, the pro-poor land

policy must restructure the existing land based social relations into a new platform that is just and biased toward the interests of the poor and landless people.

Accordingly, devolution policy is not simply to reform legal rights. More than that, in order to cope with the unequal relations, the devolution policy must also be directed toward the social relations reform for the sake of democratizing access to and control over the forest resources. In the case of land reform in the Philippines, Borras (1999) emphasizes that for pro-poor democratic governance to be established, the initiatives from above (by various reformist state actors) must be synergized with the demands from below (grass roots actors). Such synergy can only occur by coordinating the following components: (1) 'top-down' reform initiatives from independent state actors, (2) mobilization of autonomous societal forces from 'below', and (3) mutual strengthening interaction between the first two within the context of democratic values and principles.

It should be noted that what Borras means by mobilization of people power from below is a collective action mobilization, which is more than the internal arrangement for resource allocation and enforcement. It is a kind of collective action that capable of creating social power for negotiation and contestation with powerful actors (Borras 1999). To achieve this position, Borras and Franco (2008) stipulated that 'autonomy' and 'capacity' must be developed within the community organizations.

### **Transfer of Wealth and Power**

Devolution policy is not a neutral instrument because it constitutes a dynamic process that is continuously shaping and being shaped by the various state and societal actors. It also constitutes an important vehicle for empowerment as well as for democratic governance of resources. Therefore, besides being important to see devolution policy from the point of view of its formulation process, it is also important to look from the point of view of the directions and outcome of any given devolution policy.

Borras and Franco (2010) develop frameworks for examining two types of transfer within pro-poor land policies, i.e. the land-based wealth transfer and the land-based power transfer. The first is the transfer of wealth from the state or the elite landed class to the marginal and poor groups. The land-based wealth means the land itself, as well as the water and minerals contained within, and all of the land's various products, such as forests and crops. The second is the transfer from the state or elite landed class of the power of control over land-based resources to the marginal and poor groups. Based on the dynamic flow of

wealth and power transfer, Borras and Franco then formulate four types of direction resulting from land policy (see Table 1).

Table 1. Direction of Transfer and the Dynamics of Change within Land Policy

<i>Policy Characteristics</i>	<i>Dynamics of change and reform; flow of wealth and power transfer</i>	<i>Remarks</i>
Redistribution	Land-based wealth and power transfer from landed classes or state or community to landless or near-landless working poor	Reform can occur in private or public lands, can involve transfer of full ownership or not, can be received individually or by group
Distribution	Land-based wealth and power received by land-less working poor without any landed classes losing in the process; state transfer	Reform usually occurs in public lands, can involve transfer of right to alienate or not, can be received individually or by group
Non-(Re)distribution	Land-based wealth and power remain in the hands of the few landed classes or the state or community, i.e. status quo that is exclusionary	‘No land policy is a policy’; also included are land policies that formalize the exclusionary land claims/rights of landed classes or non-poor elites, including the state or community groups
(Re)concentration	Land-based wealth and power transfers from the state, community or small family farm holders to landed classes, corporate entities, state or community groups	Change dynamics can occur in private or public lands, can involve full transfer of full ownership or not, can be received individually, by group or by corporate entity

Since the devolution policy also assumes transfer of wealth and power from the state to local users, hence Borras and Franco’s framework can be adapted here for examining the dynamic of change within forest devolution program in Indonesia.

### **Sustainability Issues**

Based on the analytical framework set out above, the pace, direction and outcome of devolution programs depend greatly on inter-related dimensions and not to be limited into merely legal aspect. In this regard, some propositions could be formulated as principles for successful and sustainable forest devolution.

Firstly, any devolution program will be sustainable if it simultaneously ensures legal and socio-economic security of tenure. Hence, the devolution policy must not only ensure the clear transfer of rights to user groups, but also enable the user groups to empower themselves as such so they able to exercise their rights and derive the optimal benefits of forest resource.

Secondly, the devolution policy will be sustainable if the policy process involves dynamic positive interaction among various pro-reform forces within civil society and state agencies. In other words, it will be sustainable if the devolution process is carried out under democratic governance characterized by the inclusive participatory process, high responsibility and involvement of state agencies (both central and local), and respect for human rights, social inclusion, and gender empowerment.

Lastly, the devolution policy will be sustainable if it fundamentally changes the existing property relations to result in better distribution or redistribution, while at the same time prevent the occurrence of status quo or even (re)concentration.

### **THREE DEVOLUTION CASES**

#### **The Resin Agroforest of Krui**

The traditional agroforest based on resin or *damar* trees (*Shorea javanica*), or *repong dammar*, is located in Pesisir Krui, West Lampung Regency, Lampung Province. This resin agroforest area directly borders the Bukit Barisan Selatan National Park. Since the end of the 19<sup>th</sup> century, *damar* trees have been cultivated by Pesisir Krui communities that are bound together by clan kinship. In the 1990s, there were as many as sixteen clan institutions along the Pesisir Krui coastal area with a long customary history of *repong damar* practices.

The resin agroforest is rich in variety and are made up of many fruit trees as well as the dominant *damar* (resin) trees. At first glance, these agroforests are very difficult to differentiate from the surrounding natural forest. This has led to misunderstanding among government officials and people from outside the Krui area concerning the ‘resin forest’ (*hutan damar*). In general, they believe that the people of Pesisir Krui are making use of forest resources.

The resin agroforest has attracted a lot of attention from forestry experts and ecologists from a number of countries. In 1936, Rappard<sup>4</sup> discovered 70 hectares of resin agroforest areas being cultivated by local communities, among them being *damar* (resin) trees estimated to be at least 50 years old (Suwito and Aliadi 2009). There are 39 species among the older mixed stands of trees, with as many as 245 trees per hectare (Wijayanto,

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<sup>4</sup> Dutch forestry expert who visited Krui.

1993). It has been estimated that up to 65 per cent of the trees are resin trees, followed by durian and several other species. Fruit tree make up 20-25 per cent of these stands, while various other types of trees account for 10-15 per cent.

Several researchers from ORSTOM-France, ICRAF, CIFOR, also came to the same conclusion: the resin agroforest constitutes a unique and admirable form of forest management. This resin agroforest method not only conserves land and water, it also conserves the biodiversity of the flora and fauna in the area around the Bukit Barisan Selatan National Park.

In 1935, the production of resin in Krui reached 120 tons. This resin production continued to increase and by 1994 had reached 10,000 tons<sup>5</sup>. Through a combination of satellite imagery (Landsat 1995) and field observation, Hubert de Foretra<sup>6</sup> has estimated that resin agroforest now accounts for an area of 50,000 hectares. In normal conditions, resin production reaches approximately 500-600 tons per month in Pesisir Krui. Of this amount, as much as 200 - 300 tons is exported monthly to various countries through the Bandar Lampung harbor.

Hubert de Foretra and Michon (1994) states that the resin agroforest in Pesisir Krui is an example of successful community-based forest management, which is beneficial, profitable, and sustainable; however, this condition cannot be effectively realized in the context of insecure property rights. The politics of forests in the New Order period fundamentally changed the property regime of forest resources from traditional customary property rights to state property rights. This changing of rights not only affected the totality of the resin agroforest stands as an ecosystem, but also had an extensive impact on the local people whose lives depended on the continuation of the resin agroforest.

### **The Community Conservation Agreement of Toro Village**

The Lore Lindu National Park (LLNP), which is the context of the second case of forest devolution, covers 217,991 hectares stretching across three districts in Central Sulawesi Province: Donggala, Poso and Sigi Biromaru. Since this region was designated as a conservation area in 1982 and established its border in 1993, the agricultural land and

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<sup>5</sup> H. de Foresta and G. Michon (1994).

<sup>6</sup> The estimates of Hubert de Foresta, Suwito and Restu Achmaliadi (not published manuscript).



forest resources there have been banned from access by the local people. This created a long-running conflict between the national park authority and the local community who depend on the resources of the natural environment. These conditions made the collaborative management an imperative choice for the LLNP authority, especially because the park authority itself had encountered many constraints in managing the border areas with more than 60 adjacent villages.

Through the Central Sulawesi Integrated Area Development and Conservation Project (CSIADCP), the regional administration and park authority made various efforts to bring development activities into line with conservation policies. The main approach of this project was the establishment of various rural development programs to reduce the people dependence on forest resources. The project also contained a plan for the resettlement of people living inside the park and the establishment of conservation agreements with the villages bordering the park.

Toro is a village located at the western edge of the LLNP and extends into the national park through a long winding road, which means that it is almost an enclave within LLNP territory. This occupation of land meant immediate and intense interaction between the village community and the natural environment of the conservation forest. Therefore, Toro was one of the villages earmarked for resettlement under the CSIADCP project.

In 2001, the population of Toro village was 2,006 people. Ethnically, the village inhabitants are dominated by the Kaili Moma people indigenous to the area southwest of the LLNP. Toro located at the western edge of the Park and extends into the Park through a long winding road, which means that it is almost an enclave within LLNP territory, Therefore, Toro was one of the villages earmarked for resettlement under the CSIADCP.

Even so, in terms of their ethnic origins mythology (ethnogeny), these people differentiated themselves from the residents of other villages in the area due to their specific ecological and cultural history. For this reason, culturally, this community represented themselves as a unique sub-cultural variation.<sup>7</sup> However, as a matter of fact, the significant portion of village population is migrant ethnics especially from Rampi, South Sulawesi.

In the middle of 2000, Toro people successfully resisted from the resettlement plan and got the acknowledgement from the LLNP authority to manage the natural resources in

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<sup>7</sup> On the origins and cultural characteristics of this community, see Shohibuddin (2003).

their customary territory (including that within the territory of LLNP) in line with their traditional ecological knowledge and customary institution. This turning point set up Toro as a model for the ‘autonomous’ type of conservation agreement in which the utilization and conservation of forest resources are carried out in line with local traditional ecological knowledge, customary norms, and institution.

This type of conservation agreement is very different from those developed in other villages in that the later has a more “regulate and control” nature.<sup>8</sup> This type of agreement is generally implemented by enacting new rules that very similar to legal articles of formal law and establishing new organizations called the Village Conservation Body *Institution* (*Lembaga Konservasi Desa*, LKD), meanwhile it does not make significant reference to or empower the existing local institutions (customary institutions). In this situation, the role of the state remains more prominent and hence forest devolution does not actually take place.

### **The Community Plantation Forest of South Konawe, South-East Sulawesi**

The third case concerns the Community Plantation Forest (*Hutan Tanaman Rakyat*, HTR) developed in South Konawe Regency, Southeast Sulawesi Province. The indigenous populace of South Konawe is known as the Tolaki people. Besides owning individual property, they also have rights to customary land. Most of the people in South Konawe base their livelihoods on rice cultivation, horticulture and plantation activities (cashews, cacao, pepper, and coffee). In addition, they also plant teak wood on their individual land. The area planted in teak by the South Konawe people reaches 5,600 hektar.<sup>9</sup>

Teak was first introduced in South Konawe in 1969 by the central government under the reforestation program and was planted on 24,538.29 hectares of Tolaki customary land. None of the local people were involved in this program other than as

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<sup>8</sup> Adiwibowo et al (2009) differentiate between two types of conservation agreements that have been developed in LLNP. The first is the conservation agreement that allows community’s access into the national park territory and is marked by acknowledgement by the LLNP authority of the local people’s ability to “manage forest themselves” within the spectrum of the management of the national park. The second type of conservation agreement tends to control or constrain community access to the national park. In essence, the second form is more “regulate and control” in nature concerning the local community’s access to the national park.

<sup>9</sup> Data from Participatory Research from JAUH-Koperasi Hutan Jaya Lestari (KHJL), 2005

coolies who were given teak seedlings to plant on their own land.<sup>10</sup> As a result, a large segment of the customary area that the local people depended on for their livelihoods was damaged. Furthermore, it was changed from customary property rights into state property rights.

In 2002, the Minister of Forestry designated the teak forest in South Konawe Regency as an area for social forestry managed by the local people<sup>11</sup>, and this policy was followed up with a letter issued by the Governor of Southeast Sulawesi<sup>12</sup>. Even so, permission for the management of this area was never given to the local communities. Throughout this period, the administration of South Konawe Regency issued 21 private property logging permits<sup>13</sup> and 31 primary forestry industry logging permits<sup>14</sup> for the previously mentioned state forest. At the same time, Ministry of Forestry officials stubbornly refused to issue forest resource management permits to the local communities. The Sustainable Forest Cooperative (or *Koperasi Hutan Jaya Lestari*, KHJL), which was formed in 2003 and currently has 8,543 private forest land owners as members, was not immediately given any opportunity to manage state forest, even though it had been established by the government with the purpose of managing state forest areas.

The KHJL then processed the ready-to-harvest teak trees on its members owned land. This processing proved the cooperative's capability to manage forest sustainably, and it made possible by the support from Forest Network (*Jaringan Untuk Hutan*, JAUH), a local Southeast Sulawesi NGO, and the Tropical Forest Trust (TFT). This success earned a sustainable forest management certificate from the Forest Stewardship Council (FSC) on May 20, 2005,<sup>15</sup> which enabled the cooperative to access both the national and international markets.

Soon after the government launched the Community Plantation Forest (CPF) program in 2007, KHJL finally received the approval from the Ministry of Forestry in

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<sup>10</sup> Testimony from Halip Olipa, Molinese Village, South Konawe Regency, and member of the Sustainable Forest Cooperative or *Koperasi Hutan Jaya Lestari* (KHJL).

<sup>11</sup> Forestry Ministerial Decision No. 1596/Menhut-V/2002, dated September 16, 2002

<sup>12</sup> Governor Decision Letter No. 577/346 dated December 20, 2002

<sup>13</sup> Or known as *Ijin Pemanfaatan Kayu Tanah Milik* (IPKTM).

<sup>14</sup> Or known as *Industri Primer Hasil Hutan Kayu* (IPHHK)

<sup>15</sup> On May 20, 2005, through SmartWood Program, KHJL received a sustainable forest management certificate from Forest Stewardship Council (FSC).

2008<sup>16</sup> for managing forest resource through CPF scheme. Then in 2009, KHJL received the Timber Forest Usage Permit (or known as *Ijin Usaha Pemanfaatan Hasil Hutan Kayu – Hutan Tanaman Rakyat*, IUPHHK-HTR) from the Regent of South Konawe.<sup>17</sup>

With this permit, the KHJL can manage and process the teak trees both in state forests and on the private land. Under the CPF permit, the status of the forest remains to be the state property. KHJL is allowed to carry out stipulated teak planting and harvesting, and gets access to funding for the cost of developing the Plantation Forest, as well as for training, technical support, and market access for timber products.

## **FOREST DEVOLUTION: NEGOTIATED RIGHTS AND DIFFERENTIATED BENEFITS**

### **Policy Context and Processes**

These three cases grew out of different legal contexts. The differences lay in the legal status of forests, as designated production forests or conservation forests, and the general condition of national politics determined how much authority could be devolved to the community. The most extensive transfer of authority, resulting in community based forest management type, occurred with the production forests during a period when national policy was emphasizing pro-poor programs in all sectors. While in the case of the protection and biodiversity conservation forests, transfer of authority was more limited and the role of the state in the forest management remained strong, resulting in co-management type. Another context that must be considered is the extent to which regional/local administrations were involved during the devolution of forests.

*The Resin Agroforest of Krui.* The devolution policy in the case of the resin agroforestry in Krui emerged as a conflict resolution over natural resources between the local communities and the state. It represented a response to strong demands from below during political transition toward the end of New Order regime; hence it was a unique and location-specific policy.

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<sup>16</sup> The Community Plantation Forest in South Konawe Regency, covering 4,639.95 Ha, was established on the basis of Minister of Forestry Decree No. 435/Menhut-II/2008, dated November 26, 2008 (Ministry of Forestry, 2009).

<sup>17</sup> The permit designated in the Regent Letter No. 1353/2009, dated June 10, 2009, and addressed to the Cooperative of Sustainable Forest (*Koperasi Hutan Jaya Lestari*, KHJL).

Logging in production forest areas and the clearing of land for palm oil estates in the period of 1990-1997 resulted in extensive damage to orchards and resin agroforest sites belonging to the Krui people. In response, the people, with the support of local, national and international NGOs along with national and international research bodies (all grouped under the Krui Team) pressured the government to acknowledge traditional tenure over resin agroforests. This advocacy resulted in great influence over policy process because it occurred toward the end of the New Order regime when the pressure to reform the authoritarian political system was increasing.

The political compromise was the issuance of Forestry Ministry Decree No. 47/Kpts-II/1998 which assigned the Protected and Limited Production Forest in Pesisir Krui, Lampung Province, as a Special Purpose Territory (*Kawasan dengan Tujuan Istimewa*, KDTI) for resin agroforestry. In that decree, the Minister of Forestry emphasized three things. First, the resin agroforest areas in state forests would be classified as 'Special Purpose Territory'. Second, use of resin agroforest areas could be passed down from generation to generation. Third, the resin agroforest areas outside of state forests should be registered and have certificates issued by the National Land Agency.

*Community Conservation Agreement of Toro.* A location specific devolution policy can also be seen in the conservation agreement between LLNP authority and the Toro community. In this case, the devolution policy more or less grew out of an 'individual breakthrough' initiative on the part of the Head of LLNP in response to the demands of the Toro community rather than as a derivation of official state policy on the management of conservation areas. The compromise was a Declaration Letter by the Head of LLNP in 2000 accommodating the demands of the Toro community. There were three points emphasized in the letter. First, the recognition of Toro customary territory inside the national park. Second, the Toro community was given the authority to manage their customary territory inside the national park based on their traditional ecological knowledge and customary forest classification. Third, the customary traditions and indigenous knowledge of Toro community in managing forest resource were acknowledged as an integral part of the LLNP management system.

From a legal point of view, the declaration letter did not have any legal basis and therefore it is unsecure under the existing legal system. Furthermore, it did not clearly specify the rights that would be devolved to the Toro community. In fact it puts more

emphasis on the obligation of the local people to preserve the biodiversity rather than on the rights to access forest resources. Nevertheless, the letter provided a kind of ‘political acknowledgement’ which the Toro leaders were then able to creatively utilize it to legitimize and strengthen their rights over the natural resources.

*Community Plantation Forest of South Konawe.* Unlike the other two cases that represent location specific policy, the Community Plantation Forest (CPF) or *Hutan Tanaman Rakyat* (HTR) in South Konawe was indeed part of a national policy on forest devolution. This CPF policy was actually an implementation of the national agenda set out by the President Soesilo Bambang Yudoyono and Vice President Jusuf Kalla in 2005 featuring the pro-poor, pro-job and pro-growth policy.

However, the procedures for acquiring the location and business permit for CPF are exceedingly meticulous involving several government agencies at central and regency level. Kartodihardjo (2010) identified ten procedures that should be complied by any user groups to obtain permits for CPF (see Figure 1). Hence, unless being backed up by more powerful actors from outside (NGOs or private sector), it is quite difficult for local communities alone to develop CPF under such bureaucratic procedures.

It is, therefore, understandable that the target of establishing 600,000 Ha of CPF annually has not yet been achieved. Three years after the program was launched in 2007, only 383,403 ha of CPF have been approved by the Minister of Forestry (Kartodihardjo 2010). The Sustainable Forest Cooperative (*Koperasi Hutan Jaya Lestari*, KHJL) of South Konawe is one of the user groups that could obtain the permit of CPF, thanks to years of community’s empowerment and capacity improvement carried out by local, national and international NGOs.

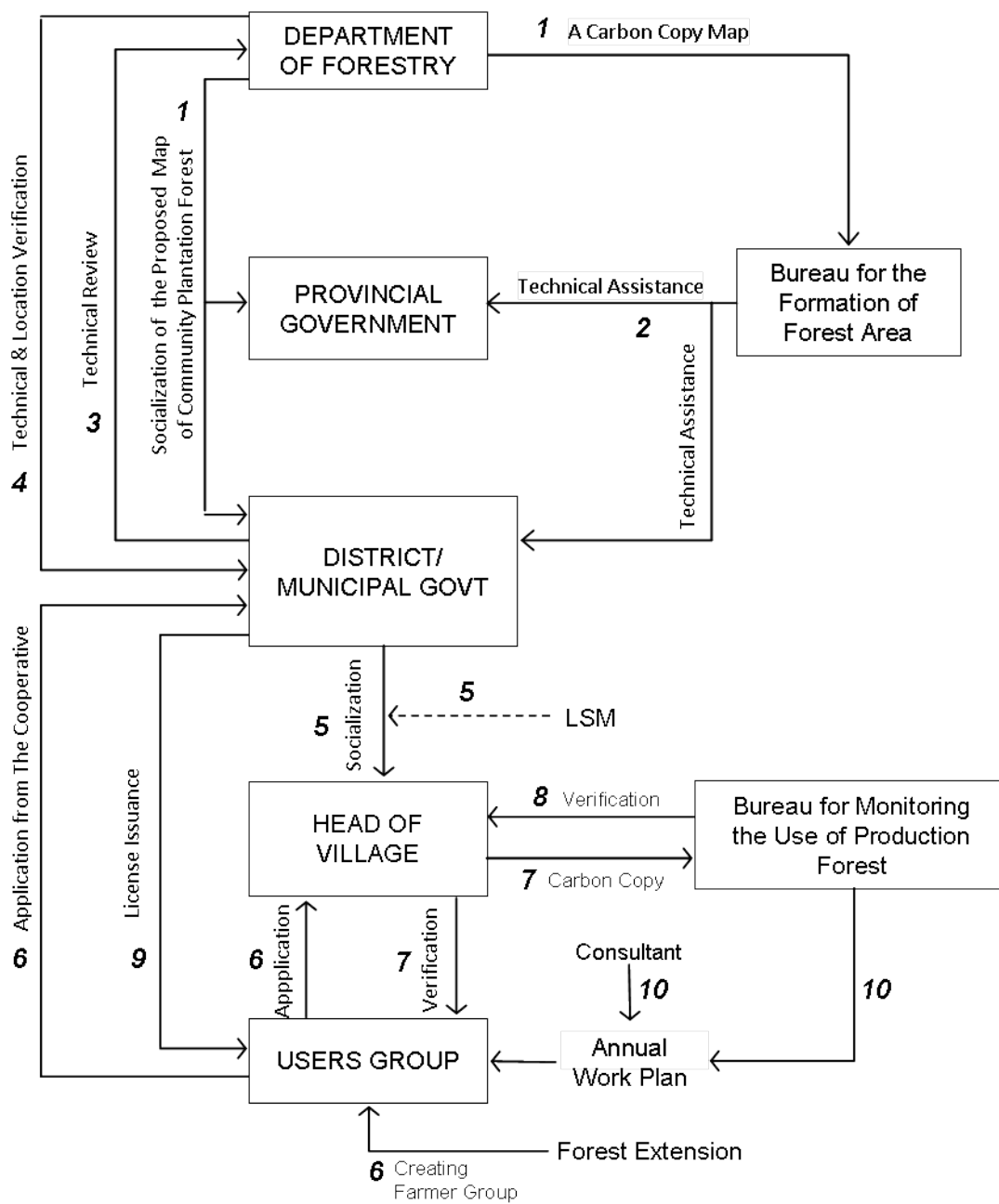


Figure 1. Procedure of Location Establishment and Issuance of Business Permit for CPF (Kartodihardjo 2010)

## **Negotiated Property Rights and Collective Actions**

The forest devolution policy does not automatically ensure the rights over the devolved forest and its security. Instead, these rights are negotiated throughout the entire devolution process. The following discussion will illustrate this.

*The Resin Agroforest of Krui.* The resin farmers of Krui had to go through three important steps before they got acknowledgment from the government. First, dialogues and promotion of traditional knowledge of Krui customary community in preserving and sustaining their forest among different stakeholders. As a result, in 1997, the Kalpataru of the country environmental award has been granted to the Krui community. This award opened the eyes of government officials to the fact that the local community could manage the forest resources sustainably.

Second, collective actions for empowering Krui customary community. The weakened clan institutions became a dilemma for the Krui Team when determining who and which institution would be the most representative for dialogue and negotiation with the government. Therefore, together with several local leaders, they established two associations: a forum for the customary elders of 16 clan institutions in Pesisir Krui and the Resin Agroforest Farmers Union (*Persatuan Masyarakat Petani Repong Damar*, PMPRD) whose members comprised of resin farmers from 78 villages of 6 sub-regencies in Pesisir Krui.

Third, negotiation for recognition. In this phase, the Krui community demanded the government to: (1) return the boundary of the forest to that initially set out in the colonial era; (2) ensure that resin agroforest products would be free of the forestry product tax; (3) ensure that the local people would be allowed to continue managing resin agroforest activities; (4) allow the harvesting of timber from overmature trees in the resin agroforest by the local people; (5) ensure that resin agroforest practices could be handed down to future generations; and (6) acknowledge resin agroforest as a best cultivation practices resulting from the existing community management system.

After intensive mediation and negotiation, the Minister of Forestry finally issued the decree designating the state forest area of 29.000 hectares as Special Purpose Territory for resin agroforest. However, some customary leaders were still unsatisfied with the



decree as they remained insisting that their resin agroforest were not part of the state forest according to forest boundaries established by Dutch colonial administration.

Although the designation of resin agroforest as Special Purpose Territory was regarded as a significant breakthrough in the forest devolution policy, people's fear about the sustainability of this policy is come to be true. In 2009, the Regent of Lampung Barat proposed 28.000 hectares of forest area in this regency to be designated as CPF area. The Minister of Forestry then approved it by issuing Decree no. 47/Menhut-II/2010, but reducing the area into 24.835 hectares. Accordingly, the Regent issued business permit for CPF to two cooperatives: Lambar Subur Rezeki (8.000 hectares) and Sinar Selatan (3.115 hectares). The designation of CPF area in Lampung Barat regency unavoidably overlapped with the forest area previously designated as Special Purpose Territory since the total production forest in this regency is only around 30.000 hectares. It is unsurprisingly that the local community strongly criticized this policy and urged for its dismissal.

*Community Conservation Agreement Case of Toro.* Despite the legal weakness of the declaration letter, the Toro community successfully transformed this kind of 'political acknowledgement' into political capital to strengthen their autonomy in managing Toro's customary areas inside the national park. It was achieved due to their collective actions around the broader 'cultural politics agenda' being mobilized in the post-acknowledgement phase. During this phase, they tried to strengthen their authority in managing customary forest by consolidating the community internally through socialization and education programs. Furthermore, they also tried to gain support, cooperation and alliance from the neighboring villages.

In general, the collective actions that Toro people try to mobilize fell under three related agenda: the 'customary-based conservation agenda', which was expanded to cover an 'indigenous people movement agenda' and an 'agenda toward the improvement of the people's welfare'. These three agendas can be considered as an expansion of collective actions that was not limited to only intra-community relations and between the community and LLNP Office, but also fell within the context of reforming inter-community relations, as well as the relationship of the community with the state in a broader sense. What is most interesting is that these entire collective actions were done within the framework of revitalizing and articulating their cultural identity as an indigenous people.

By doing so, the Toro community was able to show itself as a community with a 'specific mode of existence which is attached to a specific place' (Burkard 2008), and to assert their claim as the party best able to preserve the integrity of Toro's customary areas within the national park. And more than that, the Toro community successfully managed to gain sympathy and support globally by winning the Equatorial Prize award from UNDP in 2004.<sup>18</sup>

The collective action relate to this kind of politics of representation has been translated into an agenda that includes improving the community's livelihoods, especially how to regulate people's access to forest resources. This includes the licensing of Toro villagers to cultivate the forestland and to access forest products in accordance with the customary rules. However, this kind of access regime does not guarantee the equal distribution among the community members as its allocation is not equally distributed.

Aside from the various activities mentioned above, the funding received by the Toro community through village government or the indigenous women's organization could be considered as economic gain from the community's successes in keeping the conservation area intact. Despite this fact, there are many complaints that the fund of the programs do not directly influence the welfare of the villagers especially those who are marginalized (the poor, young families, migrants, etc.).

*Community Plantation Forest of South Konawe.* Unlike forest devolution in Toro community, where property rights were neither legally secured nor clear, the CPF licensing in South Konawe solidifies the property rights legally. Aside from being a realization of national policy on forest devolution, CPF licensing fully authorizes communities or individuals to access devolved forest areas within a relatively long period. They can then engaged in planting and harvesting activities, as well as receive easy access to credit and technical assistance as well as access to larger markets.

Therefore, the problem with the CPF policies does not lie in the security of tenure to the devolved forests. Instead, the main difficulty with this policy lies in the complicated procedures for getting the CPF's license. It is to be suspected that these complicated

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<sup>18</sup> Previously, in 2003, the village head of Toro was awarded "Pioneer of the Environment" from the Governor of Central Sulawesi Province.

procedures represent a licensing bias which prioritizes large business entities and cause ridiculously high transaction costs which are very difficult for the people to cover.

In that context, the CPF licensing to the Jaya Lestari Forest Cooperative (KHJL) is a form of acknowledgement from the government to the hard efforts of KHJL in forest management that back long before the CPF policies issued. The large part of the KHJL success is due to the continuing collective actions by the members of KHJL. The cooperative began as a Social Forestry (SF) assistance program enacted by the Ministry of Forestry. The facilitators from NGO of JAUH assist the farmers in establishing the Social Forestry. This eventually led to the formation of the Jaya Lestari Forest Cooperative (KHJL) that could certainly reduce costs by jointly managing permits and logging and marketing costs.

Furthermore, JAUH and KHJL began to cooperate with TFT (Tropical Forest Trust) for collaboratively working on (1) increasing the capacity of administrators and members of cooperatives in the field of sustainable forestry, (2) facilitating the processes to obtain FSC certification; and (3) raising capital to start the process of community forest management. JAUH specifically plays a role in the process of facilitation, enforcement of rules and other social activities. While KHJL focuses on management skill training programs, making databases of members, determining the annual harvest quota for each village, as well as monitoring the chain of custody of the teak wood. JAUH and TFT also support the marketing of timber from KHJL.<sup>19</sup>

After CPF licensing, KHJL able to improve its performance. The number of KHJL members increase to 761 farmers in 23 villages (covering 763 ha) in the year 2010. Members who own land and teak wood, receive revenues from lumber sales. While those who do not have teak wood would obtain residual profits. However there are some jobs that can be distributed to those who do not have land, such as logging, transportation and cultivation. Thus, the economic benefits of KHJL activities can be received widely by its members, whether they have land or contribute only labor.

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<sup>19</sup> The members of TFT are businessmen that are registered and dues-paying members.

### **Differentiated Benefits**

The three devolution cases mentioned above clearly show that the recipients of the devolution policy are different from one another. The Forestry Ministerial Decree that designated the resin-based agroforestry of Krui as Special Purpose Territory constitutes the recognition to the ‘man-made ecosystem’ that have been controlled and maintained by farmers from 16 different Krui clans. In the case of customary conservation agreement in Toro, the recognition of Lore Lindu National Park Office was devoted to the Toro community that represented by the Customary Institution. In the case of CPF of South Konawe, since the permit provided to the cooperative (KHJL), hence the recipients of devolution policy are the farmers whom became members of KHJL. Therefore, it is interesting to examine further how the benefits are transferred among members of the different groups after the resource was devolved to the user group.

*The Resin Agroforest of Krui.* The flow of wealth among Krui community appears unchanged even though 29,000 ha of resin agroforestry have been appointed as Special Purpose Territory. There are several factors underlying this condition.

First, from the economic point of view, the resin agroforestry is not the leading income for the livelihood of Krui farmer. Lubis (1997) revealed that the main purpose of Krui’s farmers for clearing the forest is neither for dry land food crops nor resin agroforestry, but for perennial crops such as coffee, pepper, duku, durian and other economic crops. After clearing the forest, the Krui farmer transform the forest into three evolutionary stages of cultivation as follows (1) dry land food crops, (2) productive perennial crops and (3) resin agroforestry. It is at the second stage—productive perennial crops—where Krui farmer obtained a substantial income for their livelihood in a lengthier time. The farmers names this phase as ‘a wealthy shock effect’ (or *batin kejut*) as during this period they could finance their children for higher education, marry off their children, go on the Hajj pilgrimage to Mecca, or even buying sawah rice field and resin agroforest field.

Second, although resin-based agroforestry is not a significant contributor to the household economy, culturally it is passed down through the family. In Krui, resin-based agroforestry is only inherited by the eldest child (male). Boys born 2<sup>nd</sup> and so on, receive no such inheritance. Other than through inheritance, the right of ownership of resin-based agroforestry plots can be obtained through the purchase or by opening up a new plot for

resin-based agroforestry. In the eyes of Krui people, the social status of a person or a family is measured by how much resin-based agroforestry plot is owned and/or controlled. Thus, in Krui the perennial crops contribute to the economic livelihood of the farmers, whereas the resin-based agroforestry maintain the cultural identity of the community.

Referring to Borrás and Franco framework, the designation of resin agroforest as Special Purpose Territory, therefore, will not result in redistribution outcome since it doesn't change the intra-community transfer of wealth from one class to another class. The land-based wealth and power will remain in the hands of the village elite or traditional kinship of *marga* (status quo) as long as the resin agroforest are not part of the area converted into corporate palm oil plantations or exploited by logging companies.

Nevertheless, the designation of resin agroforest as Special Purpose Territory did result in distribution outcome, i.e. state transfer of forest authority without any landed classes losing in the process. However, this outcome is recently challenged by the shift of devolution policy since in 2010 the Minister of Forestry issued a decree to designate the same area as location for Community Plantation Forest.

*Community Conservation Agreement of Toro.* The Toro community was creatively able to re-actualize their cultural concepts and values and articulate them in dialogue with new knowledge and discourses such as conservation, biodiversity, rights of indigenous people, gender equality, etc. By doing so they could manage to get cultural legitimacy, both internally and externally, for claiming customary area and managing it in accordance with their indigenous, ecological knowledge and practices.

Nevertheless, there were two processes that didn't go hand-in-hand. On the one hand, this community was able to reform the existing power relation between the state and community into a more democratic one in the context of conservation areas management in particular and rural development policy in more general. On the other hand, however, such process of democratization at the 'macro' level has been accompanied by what Burkard (2008) refers to as 'participatory exclusion' at the 'micro' level, especially in the context of intra-and inter-community relations.

In the context of intra-community relations, the institutional reconfiguration of the local leadership (that was originally agreed upon as a mechanism to share roles and responsibilities in a spirit of synergy and accountability) tends to be characterized by the

personification of the institution to certain community figures or leaders in recent years. At the same time, there has been a weakening and delegitimizing of the authority and function of the Village Representative Body, whereas this body is politically a major channel for villagers come from non-noble and ethnic migrants descendants to voice their aspirations. Furthermore, the articulation of cultural politics built around ethnic identity itself has made the ethnic identity of indigenous people the main reference, related to both the institutional rules of leadership and the management of natural resources. The process of "hermeneutics of authenticity" which centered on the original ethnic identity have resulted in the marginalization of immigrants ethnic, including in relation to opportunities related to their access to forest resources, despite the fact that most of them are not newcomers, but have lived in the area for decades, with some even having been born in the village of Toro (cf. Shohibuddin 2007 and 2008).

The same trend also occurred in the inter-community relations between Toro village with its nearby 'original' villages that have similar customary claim and with 'migrants' village where 'newcomers' do not have customary claims. The participatory mapping of Toro's customary area has triggered this kind of participatory exclusion in the context of inter-community relations. The participatory mapping transforms the traditional space for natural resource management that previously enables spaces for overlapping or intersection of access and management among neighboring communities into a category of exclusive territories. This kind of space transformation has caused conflicts over spatial construction and natural resources access with surrounding villages, considering not all villages with customary claims have conducted similar participatory mapping; in addition, not all of the nearby villages have a strong base of customary claims (such as the villages that are dominated by the ethnic migrants).

*Community Plantation Forest Case in South Konawe.* Unlike the other two cases in which the socio-cultural and economic plurality of the populaces created basic challenges in the distribution of benefits among groups members, the Community Plantation Forest (CPF) case in South Konawe created a fairly equitable distribution of economic benefits to all of its members.

With the opening up of the nationwide domestic and international markets through TFT networks, the cooperative could negotiate directly with TFT members who purchase the wood. The negotiation process was carried out directly by KHJL managers so that

KHJL received 60% up front upon the signing of the purchase agreement, with the remaining 40% to be paid once the wood had been delivered. The KHJL used the down payment to pay for wood from its members in better price than before.

The cooperative could pay the local producers IDR 1,445.000/m<sup>3</sup>. In this way, the local community could make extra income of IDR 161,015,000 (around USD 1,850) from the harvesting of 154 m<sup>3</sup> of wood over the first 3 months, and this amount then divided evenly among the people who had planted the timber, each one received IDR 3,535,000 (around USD 406). The cooperative then sold the wood to buyers for IDR 4,500,000/m<sup>3</sup>. This meant that the cooperative made a profit of IDR 3,055,000/m<sup>3</sup> or IDR 470,470,000 within 3 months. This fund was then managed by the cooperative and used to fund its activities as well as to pay salaries to its managers and employees. The remaining profit was divided equally among all members of the cooperative at the end of the year.

As can be seen from this illustration, KHJL has succeeded in creating real economic benefit that is distributed in a relatively equitable manner to all of its members. Several factors contributed to this happening. First, CPF policy not only ensured clear rights for the people in the planting and harvesting of wood in the designated areas, it also provided funding support and technical guidance that enabled optimal benefit from the devolved forest.

Second, the guidance and advocacy of NGOs had a large impact of the forest management performance of KHJL, within the context of both managerial and technical capacities, and the opening up of market access, as well as acknowledgement from the government. Third, the cooperative, as a joint effort partnership among a large number of parties toward improving the welfare of all members, has run very well. The cooperative has also succeeded in mobilizing collective action for the management of both state forest and privately owned land. Fourth, the equitable benefit distribution scheme established could be utilized for the disbursement of income from wood sales and net profit of the KHJL. As well, the cooperative absorbed manpower from among local people who had no land of their own for various activities, such as logging, loading and transportation, as well as the cultivation of seedlings.

## CONCLUSION AND LESSONS LEARNED

The government has issued a variety of forest devolution policies that have shifted control from the state to the community. The three devolution cases discussed in this paper involve the transfer of this kind of authority over the forest through various degrees of legality.

All these law and policy reforms have been based on the assumption that these reforms would automatically result in the change of social and property relations with the final outcome being the transfer of welfare, authority and power to the local users groups (cf. Tran and Sikor 2006). This linear assumption has not turned out to reflect what is actually happening in the field. The following set out reasons as to why this linear assumption was not fulfilled and further, how to make the policy of forest devolution successfully resulted in sustainable use of forest resource and in the improvement of rural livelihoods.

First, as has been written by Kartodihardjo et al (2006) in a more extensive evaluation of the forestry policy change during the period of 1998–2006, the initiation of regulatory changes were more related to the need of the bureaucratic administration, rather than the desire to improve efficiency and effectiveness of the implementation of forestry policy. This overall condition encountered in of forest devolution policy is also discovered in the implementation of CPF program in South Kalimantan and Riau province (CIFOR, forthcoming).

Second, forest devolution policy is not just a matter of changing regulations and the technical aspects of forest management. More than that, it is a process that is continuously contested between the public and the state as well as among societal groups. This provides a real picture of forest devolution policy that cannot be understood by only looking at changing policy regulations and assuming its linear impacts. As such, it is a matter of governance and political ecology, the dynamics of which are intrinsically linked to various aspects of local politics and power relations among actors in multilevel arenas.

The devolution policy process has resulted in varied tendencies which depend on the historical and political context, the actors and authorities being involved, the forms of devolution policy being stipulated, and the collective actions being mobilized by the local users and their supporters. In this regard, the contribution of external support networks



becomes very crucial for user groups in leveraging their position as well as their capacity. All of the cases discussed in this paper show that support from NGOs and international bodies provide user groups with additional strength in negotiations and policy advocacy, as well as in the mobilization of collective action. With such support the unequal relations between the user groups and the government agencies (central/provincial/regency and local) can be countered.

Third, in order to make the policy of forest devolution successfully, the policy should address the security of tenure not just from a legal viewpoint, but also from a socio-economic viewpoint. A secure legal standing can only provide the community with secured resource endowment, that is, “the rights and resources that social actors have”. However, in order to entitle it, that is to achieve an “alternative set of utilities derived from environmental goods and services”, the devolution process requires more extensive changes in the social and economic environments so that the groups receiving the rights can exercise them and benefit from it optimally (cf. Tan 2006). The Krui resin agroforest case shows how even the provision of “secure” rights over the forest cannot prevent the sale and/or conversion of forest land because the government did not create conducive environment for the community to derive maximum benefit from the forest resources.

The fourth is the extent to which the contested devolution can reflect democratic governance. The assurance of inclusive participation, a high level of responsiveness of government agencies, and high respect for democratic values and principles, such as the protection of human rights, social inclusion, and gender empowerment; are important factors for good democratic governance. Democratic governance is the core condition that must be ensured through actions, not just assumed. The achievement of this condition depends heavily on the quality of interaction between the public and the state, as well as the interaction among the various societal groups.

The resin agroforestry case in Krui and the community-based conservation agreement in Toro are examples of how room for participation seized ‘from the bottom’ (claimed spaces of participation) can result in policy change to make the relationship between the public and the state more democratic. However, these two cases also offer examples of how the democratization of access to natural resources can face internal challenges and constraints from the social structure of the community itself. Whereas the opposite direction occurred in the case of the Community Plantation Forest in South

Konawe, where democratic governance issues did not emerge within the community itself, but came from the permit issuance system within the heavily bureaucratic government. In this case, opportunities for participation handed down ‘from the above’ (invited spaces of participation) are trapped in bureaucratic mechanisms creating high transaction costs.

Fifth, the devolution process can reconfigure the previous existing property relations through actual transfer of wealth and power to and among societal groups. The contested devolution process will move toward sustainable devolution only if this transfer results in equitable distribution or redistribution. Devolution will never be sustainable and will even lose its legitimacy if it resulted in maintaining the status quo or, even worse, results in re-concentration outcome. These tendencies, now emerging in Krui and Toro community, provide a good example of how claimed devolution faces its deficiency when the results are perceived as not having achieved equitable distribution among concerned social groups.

In conclusion, there is a “moral dimension of sustainability” in the forest devolution policy. As set forth by Beckmann and Pies (in Dobel and Hunowu 2008: 274), “Institutions, however, can be fully effective in the long run only if they are considered fair, legitimate, and mutually advantageous.” Similarly, contested devolution can move in the direction of sustainable devolution in the long run if it is perceived as fair and able to result in equitable benefit for all recipients.

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