

# **In Search of Good and Equitable Governance for (Indigenous) Conservation Areas: A Case Study from the Kayan Mentarang National Park**

**Cristina Eghenter and Martin Labo**

Collaborative and community-based management of conservation areas have become the focus of strategies and activities of non-governmental conservation organizations like WWF since the mid-1980s. The adoption and application of local management practices and indigenous knowledge is viewed as the key to success. However, these efforts face difficult challenges whenever they need to be implemented within a political and legal context that might be premised on different views with regard to the management of natural resources and the rights of indigenous people. Moreover, these efforts need to be adjusted to the changing economic and social needs of the communities.

This paper draws on the experience of an experiment in collaborative management in the national park of Kayan Mentarang, East Kalimantan, Indonesia, to examine the factors that have encouraged the adoption of a collaborative management and the circumstances that might hinder its implementation. The paper briefly reflects upon the history of the project as the tale of a search for a governance model for the management of the conservation area that is equitable and sustainable. In particular, it recounts the steps taken to get recognition for local indigenous communities' rights over access to natural resources in their customary lands and the long process of negotiation and compromise to accommodate the different expectations of the various stakeholders.

We argue that the legal and practical premises of the collaborative management of the park will remain uncertain and weak as long as diverging views on what a national park is and who is to benefit from it persist and the economic needs of the local communities are not addressed.

## **The Kayan Mentarang Conservation Area**

The Kayan Mentarang National Park is situated in the interior of East Kalimantan, Indonesian Borneo. It lies at the border with Sarawak to the west and Sabah to the north. With its gazetted 1.38 million ha, it is the largest protected area of rainforest in Borneo and one of the largest in Southeast Asia. A strict nature reserve since 1980, the area was declared a national park by the Minister of Forestry in October 1996.

About half of the reserve consists of species-rich dipterocarp lowland and hill forest, while mountain forest ranges up to Kayan Mentarang's highest mountain at 2000 m. Forty percent of the park has an elevation above 1000 m. The area is considered to be one of the world's 10 biodiversity hotspots, which contain a disproportionately high level of species diversity in a

relatively small area. Kayan Mentarang National Park has also been identified as one of the Global 200 biologically outstanding ecoregions that most represent the world's biodiversity.

The history of the natural landscape of the park is inexorably intertwined with the history of its people. Extensive archaeological remains in the form of stone burials occur in the reserve. They date from about three hundred years ago and were used for secondary burial rites.

About 16,000 Dayak people live inside or in close proximity to the Kayan Mentarang National Park. Roughly half of these people are primarily shifting cultivators. The rest are mainly wet-rice farmers. The inhabitants of the park and surrounding areas depend on hunting, fishing, and collecting wild plants for their subsistence needs. Trade in forest products such as gall stones (from langurs and porcupines), aloes, wood or *gaharu* (*Aquilaria* spp), as well as revenues from temporary employment in Malaysia, are the principal ways to earn cash to buy commercial goods, pay school fees, cover travel expenses to the lowlands, and buy work tools and equipment. These activities have allowed area residents to fulfill basic needs and be self-sufficient, under stable circumstances. However, transportation costs are very high. Only the existence of government price subsidies has managed to keep prices of essential goods under control.



**Figure 1. A carved stone in Long Layu, Krayan. This dolmen and other burial sites provide the main archaeological evidence that the park area has been inhabited for centuries by Dayak people.**

The communities living in and around the park are still *adat*, or indigenous communities. They are largely regulated by customary law, or *adat*, in the conduct of their daily affairs and the management of natural resources in the customary territory, or *wilayah adat*. The customary chief, or *kepala adat*, administers the customary law with the help of the customary council or *lebaga adat*. All elected officials at village level and prominent leaders of the community sit on a customary council. The communities have native customary rights to the entire area of the conservation area. Ten customary lands comprise the Kayan Mentarang National Park.



**Figure 2. Working together to build the new meeting hall in Long Berini, Hulu Bahau. Social cohesion and traditions are still very strong in the Dayak communities of the Kayan Mentarang National Park.**

The Nature Reserve established in 1980 had strict protection status according to which no human activities were allowed inside the protected area. WWF together with LIPI (Indonesian Institute of Research) and local people conducted long-term social science research ("Culture and Conservation," 1991-1997) and experimental community mapping to show that the communities had rightful claims to the land and its resources. The results represented the basis to recommend a change of status from Nature Reserve to National Park, in which traditional activities are allowed, in 1994. The change of status was sanctioned by the Ministry of Forestry in 1996.

## **The Dayak People's Process to Secure Access and Control of Their Own *Adat* Land**

Lack of tenure security was a key issue among Dayak people in the interior. Although Dayak people had been living in the area and made use of forest resources for centuries, the forest they inhabited and managed was "state forest" with a situation of open access whereby the state could decide to allocate exploitation rights or decide to establish a conservation area without prior consent of the local communities. Local communities had very little power and legal control over the forest, and limited ways to secure the source of their economic livelihood against the possibility that logging companies, mining explorations, or outside collectors of forest products would come and exploit the natural resources.



**Figure 3. Women returning home from their gardens in Pa'Upan, Krayan. Women play a main role in the management and use of natural resources in the Kayan Mentarang National Park area.**

Given these circumstances, the WWF Kayan Mentarang project designed activities in the field that focused on ways to show and legitimize *adat* claims and *adat* rights of local people to continue to use and manage forest resources in the conservation area. This was done in partnership with the communities (and most notably the customary councils) by conducting participatory community mapping exercises (training, implementation, and socialization) in all ten customary lands; qualitative assessments of the use and availability of forest resources with economic value; participatory assessment of local institutions' needs and potential, and documentation of all *adat* regulations regarding the use of land and the management of natural resources. In addition, a workshop was organized to seek legal status for *tana ulen*, or protected forests, under traditional customary management. Recommendations were submitted (although to no avail) to the Ministry of Forestry in 1998.

The main purpose of these field activities was to ascertain clearly (and factually) that local communities had unalienable rights to the land they had occupied for centuries and upon which their livelihoods depended. Moreover, once the legitimacy of the claims was established and

traditional management practices documented, this information would have served as the basis to advocate the role of communities in the management of the park as stewards of the forest. WWF (and particularly WWF staff in charge of policy and community affairs) was explicitly aligning itself with the cause of the communities and taking a key role in all negotiations and interactions, sometimes on behalf of the community members themselves.

In the following phase, WWF led participatory planning exercises in all of the communities of the park to address several of their concerns about the boundaries and regulations of a national park. These were perceived as being limiting, repressive, and unfair with regard to the present and future economic needs of the communities. The outcome of the series of community meetings were recommendations for the redrawing of the external boundaries of the park and a draft with *adat* or customary regulations that guarantees sustainability of natural resources to be adopted for the management of the national park (1998-1999). Moreover, representatives of the communities of the park area met with the National Agency for Forest Protection and, for the first time, directly conveyed their aspirations that the park be managed by the communities (community-based) in respect of customary law and rights. For the most part, communities did not dispute the importance of preserving forest for the future but challenged the need for an external government agency to do it for them.

## **Community Institutions and the Collaborative Management of the Kayan Mentarang National Park**

WWF has been aware that the issue of who can legitimately and effectively represent community interests had remained partially unresolved, and that this might have hurt the initial efforts to advocate a strong decision-making role for the communities vis-à-vis the management of the park in negotiations with the government authority.

Consequently, WWF supported the formation of a taskforce to establish an inter-*adat* institution, FoMMA, or *Forum Musyawarah Masyarakat Adat* (FoMMA), a coordinating institution constituted by elected members from each one of the ten customary lands in and around the Kayan Mentarang National Park area. The idea of FoMMA, or Alliance of the Indigenous People of Kayan Mentarang National Park, was started by the leaders of the ten customary lands. The purpose was to create a forum for conveying the aspirations of the indigenous communities and debating issues concerning the management of natural resources in the customary lands of the Kayan Mentarang National Park. FoMMA was formally established on October 7, 2000. FoMMA is concerned with guaranteeing protection and sustainable management of the forest in the customary lands comprising the national park area. FoMMA is also committed to protecting the rights of indigenous people and increasing their economic prosperity.

At the time FoMMA (together with WWF) was lobbying the government for the creation of a new model of national park management that involved local people, major changes were occurring in the political situation of Indonesia. The law on decentralization and regional autonomy and the new Forestry Law were passed. The changes created a better climate and more conducive political conditions for instituting changes in the management of conservation areas. In the case of Kayan Mentarang, the outcome was the legal establishment of a

collaborative management structure for the National Park. The key collaborative management institution is the *Dewan Penentu Kebijakan*, or Policy Board. The Board includes conservation representatives of the Central Government (conservation experts from PHKA, the National Agency for Forest Protection and Nature Conservation); representatives of the provincial and district governments; and the local communities represented by FoMMA. The operating principles of the Board emphasize the importance of coordination, competence, shared responsibilities, and equal partnership among all stakeholders. The board was formally established in April 2002 with a Decree of the Ministry of Forestry. It has no full authority concerning management issues but may advise or make recommendations to the Ministry of Forestry, which will make decisions and approvals.

## **The Future of the Conservation Area**

The collaborative management approach was clearly a compromise with regard to the initial requests of the communities. Representatives of the communities became part of the park management but not the only managers of the park. It is too early at this point to say if the collaborative management model adopted for the Kayan Mentarang National Park represents the best arrangement to guarantee protection of the park and secure access and control by the indigenous people. It certainly represents a breakthrough in the context of park management policy in Indonesia. It may also open the way to a more equitable management and protection of natural resources.

However, existing conditions, and in particular the issue of economic benefits of the park, will limit and undermine the chances of success of this experiment in collaborative management if ignored. The stability of this form of governance is contingent upon tackling more vigorously issues of economic development in connection with conservation and environmental services. The now secured representation and legitimacy of local people on the park management board may not be enough to sustain long-term interest in the national park on the part of local communities. Their development aspirations and economic needs would also have to be fulfilled by securing present and future benefits across the entire area of the park and buffer zones, and not just at the local level.

The challenge is to devise “compensation” schemes that can provide tangible and sustainable incentives to local people and that reward them directly for contributing to conservation and protecting biodiversity. All stakeholders, including the international community through donors, need to collaborate and make concrete commitments. Otherwise, collaborative park management will remain an abstract exercise with no accountability for good governance nor equitable management.

## **References**

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**Cristina Eghenter** ([awing@samarinda.org](mailto:awing@samarinda.org)) is the Coordinator of Community Empowerment and Conservation Enterprise Advisor at WWF Indonesia, Kayan Mentarang Project.

**Martin Labo**, a Dayak Lun Dayeh, is the Executive Director of the Alliance of the Indigenous People of the Kayan Mentarang National Park (FoMMA). He is also a member of the Malinau District Legislature.