

The Crisis of the Commons: Three Case Studies in Indonesia, Malaysia and Thailand¹

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Abstract

To put an end to the degradation of forests that are vital to their nations' economy, the Governments of Indonesia, Malaysia and Thailand have adopted new systems to manage the commons, in which the responses of forest dependent communities have been mixed. In Indonesia, local elites have abused the government's policy of granting small-scale logging concessions to local communities. In Malaysia, the response of local communities towards a Sustainable Forest Management project involving joint-management of multi-stakeholders is varied. In Thailand, to preempt eviction from areas classified as watershed forests, a group of local communities reformed their forest and land use systems to fit in with the objectives of national watershed policy.

This paper is an attempt to address the peoples' responses based on the perspective of moral conflict, that sees disputes over the commons as a competition of different economic and social systems of resource utilization. The moral conflict model provides the tool to assess whether a conflict has the potential to be resolved, or is inherently intractable due to its structure that may have no mutually acceptable resolution.

Traditionally, forest provides the need of communities living within and close to forest environment. Forest dependent communities use natural resources for their food and material needs, and they sell forest products for cash income. Forest and its environs provide the bases for the continuity of their culture, beliefs and identity. However, the quest for modern development driven by monetary gains has increasingly affected the ecological functions of forest and the traditional utilization of resources. Expansion of exploitative and rent-seeking activities into forests has affected these traditions. Construction of roads into the forest frontier has indirectly attracted people to further open up forest for cultivation. In Thailand, geo-political development to head off expansion of communism in Indo-China, and cultivation of cash crop in highland development programme to alleviate opium cultivation, have led to construction of roads all over the forests (Hirsch 1993, Pasuk and Baker 1993).

Having contributed to the economic growth of Indonesia, Malaysia and Thailand, decades of unsustainable and large-scale forest utilization have led to massive forest degradation that in turn leads to declining revenue and conversion of forest into other land use. In Indonesia, political change in the late 1990s resulted in the adoption of a decentralization policy in which district level governments and village administrations were given right to manage their own resources. In line with this policy change, local communities are granted concession rights to harvest timber resources and to retain its

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revenue, with the expectation that the people will manage their forest in a sustainable manner. In Malaysia, declining timber supplies, international pressure and the need to tap into high price market for its timber export, led to the adoption of a sustainable forest management system that is environmentally sound, economically viable and socially acceptable. To fulfil the social criterion, forestry matters of importance to the local communities are built into the system, so that, for example traditional economic activities can be practiced in a sustainable manner. In Thailand, to hold back environmental degradation, remaining vestiges of forests have been preserved for management of protected areas as National Parks and conservation forest for biodiversity, wildlife protection and watershed management. Where the environment has been severely degraded, reforestation measures are taken to restore the functions of watershed forests that are vital for the existence of rivers.

The implication of these efforts on the local people is varied. While the new management systems in Indonesia and Malaysia attempt to benefit the local communities, the one in Thailand seems to deny the right of the people. We shall now see the response of the people towards these new management systems.

To elucidate these responses, the approach of moral conflict helps us to see conflict as a result of the convergence of different economic, political and social systems over utilization of the same resources. In the context of forestry in these three countries, conflicts arise when the emergence of new systems dominates the utilization of the resource and threatens the existence of traditional ones that forest dependent peoples have depended upon for their survival. Conflagration into open dispute occurs when marginalized groups take up actions to maintain their survival. The understanding of moral conflict helps to explain why normal methods of conflict management do not lead to resolution, and that from within the theoretical perspectives of this new approach, there exist alternative methodologies to address the intractable conflicts.

The approach of moral conflict provides a model to assess disputes and to work out innovative mechanisms in partnership with the contending parties to address their problem. A new analytical approach that is acceptable to conflict parties is necessary as most of the contemporary analyses so far are bi-partisan in nature, whose solution that favors one party will not be acceptable to the opposing resource user, as one stands to lose out to make way for the other. According to this “zero-sum game” equation, the dominating side aligned to the modern market economy would have to give way to accommodate the interest of traditional users; and vice-versa, if local communities have to give up their interest. In this polarized condition, when one side wins, the other has to lose, hence the root cause of intractable conflicts in forestry. When the dominant party refuses to accord recognition towards their interest, the marginalized people have stood up and taken the struggle to restore their livelihood.

For the same reason, conflicts between local communities arising from competition over scarce resources are also difficult to resolve. Case studies document the reaction of local communities towards this problem that range from attempt to drive out the supposedly guilty party, to establishing boundaries where none had existed before. The consequence of such actions is also of the “zero-sum game effect” that has prevented resolution of disputes.

This paper asserts that the moral conflict model provides a productive alternative to deal with conflict situations compared to zero-sum models. It will first give an overview of conflicts in forestry, and proceed to present theoretical perspectives on moral conflict. Both sections furnish a background to review and assess the case studies of conflict situations.

Theoretical Perspectives of Moral Conflict

Before we address the problem of conflicts, I present here some characteristics or categories of moral conflicts and the ways of addressing the problems.³

Incommensurate worldviews – where people looking at the same thing see it differently. This results in the inability to comprehend an issue seen from the perspective of the opponent. To overcome this, *abnormal discourse* is one way to address the incompatible argument and reasoning, by having someone who is ignorant of agreed-upon conventions of doing things, or who simply sets them aside, to create spaces and to bridge the contrasting worldviews. Opponents, on their own, need to achieve a paradigm-shift, that is, adopting an ability to see beyond one's own prejudices.

Intractable Conflicts – where conflicts have structures in which attempts to resolve them would fail. The problem is addressed by creating a transformation of relationship between parties through a dual process of empowerment and recognition, leading to a better relationship between the opponents. *Inefficient Conflicts* – where the conflicts have solutions but continue to persist because the participants fail to discern that solution exists.

The reaction of actors in conflict could be assessed to determine the types of conflict so that the appropriate method could be used to find a solution. The Mathematical Game Theory and Theological Dialogue Theory are two approaches that can be used to analyze reaction of the opposing parties.

From experiments conducted under the Mathematical Game Theory, the logic of players' choice and the outcomes of those choices are analyzed. Three outcomes could be seen:

- Zero-sum game of pure competition, in which whatever that one person wins, is what another person loses.
- Non-zero-sum games, in which all players can either win or lose together.
- Mixed-motive games, in which each participant is confronted by the risky choice to cooperate or to compete, where the choice is unknown to the other. If both players choose to cooperate, both can win a lot and lose a little. If one player decides to cooperate but the other chooses to be competitive, the cooperative player would end up losing a lot with the other gaining a lot. This is the dilemma faced by opposing parties during conflict management, whether to cooperate or to compete, not knowing the real motive that motivates the other to come together.

³ This section is an adaptation of Pearce and Littlejohn (1997). The term moral has little to do with codes of sins and virtues, and is emphasized on the idea that people's actions are based in what seems good and right (1997:54).

From this mathematical game perspective, the opposing parties need to be encouraged into adopting the non-zero sum stance to find solution to their problems.

Under the Theological Dialogue Theory, the focus is on the relationship between participants in a conflict. How one reacts towards the other, by way of monologue or dialogue, produces a reflexive effect on the relationship of the participants. In monologue, the end justifies the means. In contrast, for dialogue, the ends as well as means are subject to negotiation and evolution. Questions are asked to gain a speaking turn or to make a point in monologue. In comparison, questions are asked to invite an answer in dialogue. In monologue, one speaks to impress or influence others; in dialogue, one speaks to take a turn in an interpersonal process that affects all participants. From this, conflicts involving monologue should be transformed into dialogue to gain an in-depth understanding of the opposing parties.

Further, the relationship between the opponents needs additional examination on whether the concept of rationality found in game is present. With rationality, there is a sense of commonality between the opponents as they share a commitment to follow the rules of the game. This gives room to each group to maneuver and to negotiate into an outcome that could be favorable to both parties. In contrast, without rationality, as in a debate, the objective is to convince the opponent to see thing as one sees it, and to persuade the other into accepting the outcome that has been predetermined at the onset of the conflict.

Assessment of Case Studies from the Perspective of Moral Conflict

The following provides three case studies, one each from Indonesia Malaysia and Thailand. For narrative convenience, the assessment of the conflicts according to the approaches of moral conflict shall be presented immediately after each case study.

Indonesia

Fieldwork was carried out among three communities of the Bahau ethnic group in the upper reaches of the Mahakam River, in East Kalimantan, Indonesia. The Bahau is one of the numerous indigenous peoples found in the island of Borneo, the third largest island in the world. Traditionally they practiced shifting cultivation.

In Indonesia, the Central Government in 1999 granted autonomy to regional administrations at the district level for their own decision-making. This includes providing local communities to commercially manage their forest resources to improve their livelihood and to provide revenue for regional administration. With this autonomous power, regional governments issued one-year concessions to local communities to commercially exploit their community forests (see also Casson 2001). In effect, problems arose out of that issuance, as focussed in this study. Community leaders and individuals who have access to this information obtain the concessions in community forests for their own benefit - creating conflicts between them and the general public. For lack of capital, they contracted the concessions to logging operators to extract timber using tractors and constructing roads to transport the timber, even though the regulation only permitted use of chainsaw and a type of low technology pulley to transport the logs to minimize impact on the environment.

Boundary disputes occurred between neighboring communities over the forest area as the bigger the forest area, the more the money that could be obtained.

This issuance of concession to local communities over the community forest led to an unprecedented outflow of timber, much of which could not be accounted for. As a result of these problems, the central government revoked the issuance of these concessions. A new form of Community Forestry is being developed to better manage the forest resources.

Assessment

Using the perspective of moral conflict, the issuance of concession over community forest is a reflection of the convergence of two opposing systems of resource utilization, among people who had traditionally practiced the same economic system. The traditional system is primarily based on subsistence economy, with some form of commercialization over some forest products. In contrast, the new system based on the market economy has suddenly created a monetary value on trees and forest that were once financially valueless. With this, the relationship between people and their forests has been affected. Individuals are willing to gain financial income at the expense of the forest environment and the relationship with other community members. Neighboring communities are disputing over boundaries that are not clearly demarcated. This occurrence can be attributed to the zero-sum game effect, where one side will gain zero value over the portion of land that they have to give in to the other, which will instead gain 100 percent of it.

This assessment clearly indicates the clash of the two opposing systems, where the one aligned with the modern market economy will gain dominance over the traditional ones. Individuals or the parties who have gained the upper hand would not want to relinquish their advantage. For that reason, conflicts in the Mahakam have reached the proportion that no resolution could be found among the conflicting parties.

Nonetheless, I see that this conflict in the perspective of moral conflict to be inefficient as a solution could be found. In essence, the system of sustainable forest management, which consolidates all the community forests of neighboring communities into joint-management for an equal distribution of revenue, could be a way out to resolve the problem. Revenue obtained from the joint-management of forest is pooled together to develop basic infrastructure, and to implement activities that could generate additional capital.⁴

Malaysia

In Malaysia, despite various legislations pertaining to sustainable forest management, decades of difficulty in enforcement have led to unsustainable logging operations. Logging operations brought environmental degradation to forests and causing serious impact on the livelihood of forest dependent communities. Conflicts flared up

⁴ In a separate paper, a proposal has been developed with the local authorities, the university, NGOs and local community, to seek funding for capacity building to achieve good-governance among the people and the bureaucracy (Chan et al).

between them and the logging companies. Unable to get the state to resolve their grievances, some communities took up action by putting obstacles to the logging activities. As these obstacles impeded logging operations that in turn affected the return of timber revenue to the state, the police apparatus was brought in to suppress the conflicts. As logging operations occurred in forest frontiers in remote regions, the public did not know most of these conflicts.

In the upper Baram, the resistance against logging was linked to international campaigns against the import of tropical timber products. These have caused the near collapse of the tropical timber trade especially in Western Europe. Nonetheless, present trading arrangement within the Asian timber market that imports timber products from unsustainable sources perpetuates the problem.

In recent years, international trade and environmental regulations require sustainable management of forest resources and there is a growing awareness over the need to address forest conflict and to consider the need of forest communities. Certification process supported by some environmental movements in Europe is an attempt to rectify the situation by encouraging import of timber products from proven sustainably managed forest.

In part due to this development, and in part based on Agenda 21 of the United Nations Conferences on the Environment and Development, the Governments of Malaysia and Germany, in 1998 introduced a Sustainable Forest Management pilot project in the Upper Baram watershed in the state of Sarawak. The project's goal is to develop a resource management system that fulfils economic, environmental and social considerations, in particular to meet the concerns of the local people. This approach helps to bring the competing interests into a common accord and to reconcile the differences of resource utilization. Motivated to meet the stringent requirement of timber markets that only accept certified items under the Forest Stewardship Council (FSC) certification scheme, a private logging company took up the opportunity to attempt the new system in the upper Baram of Sarawak.

Three ethnic communities live within and at the fringe of the pilot project area: the sedentary Penan (formerly practicing nomadic way of life based on a mobile economy system) comprising 12 communities, 7 Kenyah and 1 Kelabit agrarian longhouse communities.

In early 2001, as the project entered its final phase in its formulation of the forest management plan that shall determine how the forest is to be managed, the response of the local communities have been varied. Of the Kelabit and Kenyah communities, consultations with the people through community meetings indicated a strong favor towards accepting the new system. This is not unexpected given their negative experience with the way unsustainable logging had been carried out. Some individuals demanded for their traditional land rights to be recognized by the state before consenting to the system. In contrast, most of the people agreed for the system to be carried out while a system is put in place to address their land tenure problem. Among the Penan former hunters and gatherers, the response has been more varied. Of the twelve communities, three clearly expressed their favor. Three expressed opposition. The remaining six adopted a "wait-and-see" doubtful approach on the implementation of the system in neighboring areas before making any decision.

Assessment

The group that had expressed doubt over the project could not believe how SFM could lead to minimal environmental impact. When the impact of a Reduce Impact Logging (RIL) harvesting operation was shown, one of the communities that expressed doubt changed into a favorable position and eventually participated in the Task Force of Joint Forest Management. They were also concerned that the ideas of community development as part of the SFM system might turn out to be false promises. For it had been the *modus operandi* of logging companies to offer false promises before opening up the frontiers.

In the third year of the project, to help erase the peoples' doubt over the project, the Canadian International Development Agency, the Australian High Commission, and the German Agency for Technical Cooperation provided some funding to initiate some small-scale community development projects.

The three communities that were opposed to the project demanded a logging moratorium and withdrawal of the company from their forests. They also demanded for perpetrators who injured them during their blockades against logging to be punished (allegedly to be the members of the Police). Amongst them surfaced allegation that the project was actually a front of the logging company to cheat them into accepting SFM and perpetuating conventional logging.

As the project drew to its close in end of 2000, two Penan communities agreed to participate in a joint-management Task Force comprising representatives of the local people, Sarawak Forest Department and Samling. The local communities comprised the Kelabit of Long Lellang and Penan of Long Main at the Akah watershed that had earlier indicated acceptance to the project. The other Penan community, Baa Benalih, had changed its position three times – from favoring the project to becoming doubtful and then reaffirming support and then readiness to join the SFM Task Force.

The formation of the Task Force followed the structure of a Multi-Stakeholder Committee (MSC) in co-managing a forest area that has traditional rights held by the three communities. The MSC provides a platform to establish common understandings, gaining of trust, and a framework of cooperation among the different forest users. With the context of conflict management, solutions to problems that are agreeable to the different parties could immediately be acted upon, while protracted competing interests can be set aside for prolonged negotiation.

The Task Force's goal is to show an example on how cooperation between the different stakeholders could take place.

Summing up the response of the Penan communities at the end of the project, while some groups continued to oppose or remain doubtful over the project, others maintained their position favoring it. The Task Force shall be the key on whether the approach of the Multi-Stakeholder Committee in a joint-management of forest could be "up-scaled" into the rest of the project area. The outcome of the project lies with the decision of State Government on accepting such a model of SFM that can be socially acceptable, economically viable and environmentally sound.

Thailand

Fieldwork in Thailand was carried out among fourteen local communities in the Mae Chaem watershed, Chiang Mai Province to examine their responses towards policy of forest management and the conflicts that arose from it. The first policy is an attempt to restore the Mae Chaem, a major tributary of the Choa Phraya River, lifeline of Thailand, into a watershed forest. This regulation prohibits communities from inhabiting sensitive zones, as it is perceived that human activities would affect the watershed function of the area. The second policy relates to the establishment of the Mae Tho National Park that prohibits any human activities inside the park. While the responses of the communities are divided into: (1) positive reaction towards the policies, (2) resistance, and (3) groups of neighboring communities having conflicts with each other, this paper focuses on the first category, cooperation and resistance.⁵

This Karen community living in the Yan San watershed, represents the first group that reacted positively to the policy of watershed management, reformed its land and forestry use, and cooperated with neighboring communities and government agencies towards forest management. The Karen live in the highland regions, and make up the majority of the indigenous peoples who are commonly known as hill tribes in Thailand. As opposed to other hill tribes who had traditionally practiced a form of shifting cultivation based on opium that is ecologically destructive, the Karen practice a form of sustainable cyclical shifting cultivation that is ecologically adapted to the sensitive highland environment.

In 1988, a mudslide in South Thailand that prompted the logging ban in 1989 renewed the call for the implementation of the 1985 Cabinet Resolution on National Watershed Classification. Under this regulation, “all highland area considered as the most sensitive part of the watershed and the water source for lowland basin must be cleared of any activity that would affect its forest function” (Pinkaw 1999:113). Campaigns to drive out hill tribes who inhabit such sensitive zones resulted in the Karen converting substantial amount of agriculture land into the community forest and watershed forest zones.

The conversion of agriculture land into forest had been problematic, as it required affected households to give up their land. Naturally, these households resisted, and the community faced with threat of eviction managed to persuade those possessing bigger land to give to those lacking.

⁵ On examining the conflicts, the “Rashomon Effect” serves as a guideline when interviewing the informants. Rashomon Effect tells us that each witness who saw an event would give his or her own account of the story, according to his perception over what had occurred (Heider 1988). These accounts could drastically differ and even contradict one another. “... *the content of each individual source is likely to be influenced by the source’s values, focus, or underlying agenda. As a result, it is common to find conflicting interpretations of the same events across sources when chronologies are compiled for empirical analysis. This phenomenon has been popularized in social science literature as “the Rashomon effect” (e.g., Scott 1985, xviii; Mazur 1998)*” Cited in Davenport and Litras. Acknowledging this effect, the study does not attempt to reconcile the facts – that is to identify who is telling the truth. Instead, it attempts to identify the underlying causes that led to the conflict, so that conflict resolution or management could address the root causes.

Having resolved their internal problem, the Yan San community initially decided to protect their forest by putting up boundaries and signs prohibiting outsiders from intrusion. They became bolder and decided to fix the territorial boundary into the area of their neighbors (!). They rationalized that the redistribution of land from agriculture into forest had resulted in their land scarcity, and they decided to claim back land taken away in the past from their forefathers by lowland community. They argued that their Karen forefathers simply avoided the newcomers by moving upland, and their fallow land had been taken over. On this, they decided to exert their rights on the land taken away from their forefathers.⁶

After much discussion and persuasion, their lowlander neighbors agreed with the idea of a boundary. In response, the Karen agreed for the demarcation line to be shifted so that plots of land owned by the neighbors would not fall inside their territory. The lowlanders also agreed on the restriction of forest use. Nonetheless, individual members from the neighboring communities did not agree and some even deliberately set forest fire forcing the entire Karen community to rush out to put out the fire. When problems also began to occur between another Karen community with the lowlanders over forest, they decided to initiate a networking for all the communities living in the same watershed to address the conflicts and to find ways to accept the new form of forest management.

Initially, these ideas were objected because the people could no longer enlarge their farms or collect forest products freely when forest had always been free for the taking. The lowlanders were especially against the idea since the lack of forest near their settlements meant they would be restricted from forests located in other communities. The Chairman of the Yan San Forest Committee then launched a personal campaign to meet village headmen, religious leaders, and committee members to discuss the necessity of boundaries and community forest management. The attempt to convince them was extremely difficult and time consuming, and he devised a strategy to counter their arguments. Using the analogy and strategy of Thai Boxing, he encouraged his hosts to speak out first. Through this, he gained an understanding of their thoughts. He concurred on arguments that were correct but clarified mistaken notions. Eventually they came to the consensus on the importance of forests – that only with forest, there would be water for their survival. Since forest under Karen management is located on higher elevation, the water that flows down is beneficial to the lowlanders' rice fields. Agreeable with the ideas of forest management, a watershed level network was set up and this was supported by CARE International, an international NGO based in Thailand. Three-dimensional model maps were developed to provide a clear understanding of the physical landscape, forest zones and actual land ownership.

The information helped to facilitate discussion with outsiders especially with the government agencies. With the map indicating the precise location of the settlement and the degree of gradient of their cultivation area, the Royal Forest Department (RFD) and Land Department declared Ban Yan San as located outside Class I of the

⁶ The account represents one side of the story, from the view of the Karen. Both the present and the previous lowland community leaders denied that such problems had arisen between them and the Karen. This probable act of self-denial, I suppose, indicates their desire to erase painful memory of events that had occurred with neighbors who had very friendly relations with them.

National Watershed Classification, meaning they are not subjected to resettlement and they are entitled to settle where they are.

At the level of inter-community relationship, the three-dimensional models had been instrumental in assisting the communities identify how an activity could affect other areas. It also enabled community members with low levels of literacy a spatial ability to manage forest and land use according to the actual physical landscape.

Assessment

We can see that approaches relating to moral conflicts have been adopted by the Yan San Karen community. First, they recognize that their worldview is incommensurate with that of the modern political system. They reformed their land and forest use system and incorporated it into the watershed management system of the state. They adopted a system of communication shaped by the dominant system through mapping. This information led to their opponent (RFD) to classify their settlement to be outside the Class 1A Watershed Classification where they could have faced eviction. Ultimately when one party understood a game and played according to its rules, the opponent would have no choice but to accommodate them.

Second, to successfully manage a scarce resource, the property right regime needs to be changed from an open access resource into common or private property rights. The change of rights faces resistance, and this is overcome by the use of appropriate methods of moral conflict. The “Game Theory Strategy” approach is used to convince the opponents to accept the new idea. The idea of Thai Boxing mentioned above clearly falls under this category. Initially, the idea seems like zero-sum game effect, where one loses right to something that will be gained by the other. Using dialogue, the opposing parties gain a deep understanding of their collective predicament, and are willing to adopt a new system that benefits both parties. Hence, they shifted their opinion from zero-sum game into non-zero sum game perception. This also conforms to the concept of rationality, where all parties share a sense of commonality, that a common crisis threatens their survival.

Conclusion

As conflicts in forestry usually arise due to dominance of a resource utilization system that is protected by the state’s sanctioned institutions, other forms of uses become marginalized. However, in the Commonwealth countries, the judiciary has increasingly ruled in favor of indigenous peoples against the legal system. In Thailand, civil society in the form of NGOs has risen to advocate the interest of the marginalized people. In Indonesia, a reformation of the political system has given rise to the recognition of the local communities’ right to manage their forest resources.

Nonetheless, regardless the status of the peoples’ right over land, territory and resources, the influence of the modern market economy could not be avoided. At some level, they could resist the dominant system as in Thailand or have their rights recognized as in Indonesia. However, at some point, it is difficult for a subsistence-based economy to escape the clutches of the monetary system. When the external system permeates a society, the community that is not ready to cope with impact of

rapid changes would face internal conflicts among its members, and even conflicts between communities practicing the same system of resource of utilization.

It is inevitable that eventually most forests will come into management systems associated with the wider political, economic and social institutions. As a forest is generally not devoid of human inhabitants, it is necessary to incorporate approaches of moral conflict into forest management, which therefore soften the impact of rapid changes upon forest dependent peoples. We shall see whether the approach adopted in Malaysia based on Joint-Forest Management shall lead to the convergence of resource utilizations that allow could-existence of different economic and social systems.

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