

# **Collaborative management of national parks in Indonesia: an effective model for regulating the commons of conservation?**

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*Old conservation models of protected areas have proven unable to resolve basic economic and social conflicts between local people and park management in many national parks in Indonesia. Low level of support by local people often depends on tenure insecurity, sense of alienation on the part of local communities with regard to a land that they consider their own based on customary claims; the imposition of external regulations; and the high opportunity costs paid by resource-dependent communities in terms of forgone ability to exploit natural resources.*

*In Indonesia, collaborative management has been advocated as a fair and effective solution to conservation management in protected areas by government, local people, and NGOs.*

*Drawing on the examples of two different national parks, Bunaken (Sulawesi) and Kayan Mentarang (Kalimantan), the paper will describe the different forms of collaboration proposed and implemented in the two protected areas, and compare them to the new legal provision of the Decree issued by the Minister of Forestry in 2004 on collaboration in the management of protected areas. The paper will address questions concerning regulations, agreements, power-sharing, costs and benefits that are defining factors in long-enduring common-pool resource institutions. The paper will try to assess the extent to which collaborative management might succeed in limiting "open access" and establishing an effective, robust governance regime in protected areas that promotes sustainable management and increases equity.*

## **1. Introduction**

Old conservation models of protected areas have proven unable to resolve basic economic and social conflicts between local people and park management in many national parks in Indonesia. Low level of support by local people is often the direct consequence of tenure insecurity; a sense of alienation on the part of local communities with regard to a land that they consider their own based on customary claims and which is now claimed as "national park"; the imposition of external regulations; and the high opportunity costs paid by communities that are resource-dependent but now face limitations on their ability to exploit natural resources.

In various national parks around the country, protection and sustainable management of natural resources are challenged by encroachment (illegal logging in Tesso Nilo), use of destructive fishing methods like bombing and cyanide (Bali Barat, Riung). In other cases, local people reject conservation areas on "their" land unless their demands for recognition of their rights and fair participation in management are fulfilled (Kayan Mentarang, Jamursba Medi).

In this paper, we look at the issue of national park management from the point of view of the governance of the commons (Ostrom 1999; Gibson, McKean, and Ostrom 2000). We propose to do so in order to better understand the source of conflicts and identify defining aspects for effective management of conservation areas. By law, national parks are "state land (forest, sea)" where often external authorities have difficulty establishing management regime or regulate users. By customary law (where relevant), national parks are territories under the authority of a customary council and a recognized customary chief. Similarly to "common-pool resources", national parks are also characterized by "difficulty of exclusion" and "generate finite quantities of resource units" in the sense that using a portion of the goods decreases the overall supply ("subtractability"), e.g. forest products, fish, etc. (Ostrom 1999).

In general, existing conflicts between local people and national parks can be linked to what Ostrom (1999:7) call “design principles” or conditions that can help guarantee effective governance of the commons and compliance through generations, including: clearly defined boundaries; congruence; collective-choice arrangements; minimal recognition of rights; conflict-resolution mechanisms, and nested enterprises.

For example, when boundaries are imposed without prior consultation and agreement of all stakeholders, and boundaries are drawn without due consideration of local livelihoods and future needs of the communities, the national park will trigger conflicts and result in a higher level of encroachment. With regard to “congruence,” Ostrom (1999:7) explains that an effective and sustainable institution of the commons requires balance between appropriation and provision rules, and that benefits and costs be equitably distributed.

The recognition of the right of a group to devise their own institutions and participate in the management of resources would increase the legitimacy of rules devised and agreed upon by all stakeholders and strengthen compliance. A fitting example is the indigenous communities of the Kayan Mentarang National Park who have been advocating through FoMMA their right to manage the national park. In Bunaken National Park, part of the success of the collaborative management arrangement depended on the possibility for stakeholder groups to participate in the modification of operational rules.

In Indonesia, the government, through the Ministry of Forestry has the authority over the management of conservation areas like national parks (Basic Law No 5, 1990). The law reiterates the dominant legal concept of “state as owner of the land and other natural resources” (=hak menguasai negara) as stated in the Constitution (article 33).

### **Collaborative management and national parks in Indonesia**

Collaborative forms of management have increasingly come to be regarded as a more effective and fair form of management. In Indonesia, as in several other countries in the region, growing concerns for effective management and sustainability, and increasing demands for equity, have exposed the weaknesses of the traditional state-based approach to conservation area management. A more inclusive approach is needed where all stakeholders, especially local communities, could legitimately take part in the management of conservation areas.

According to resolution 1.42 1996 of IUCN, the World Conservation Union, collaborative management is a form multi-partnership among government, local communities and resource users, non-government organizations and other concerned groups to negotiate authority and responsibilities to manage a specific area and/or its resources.

Wondolleck and Yaffee (2000) identify four main advantages of a collaborative approach: (1) increasing understanding through exchange of ideas and information among agents, organizations, and the public, and thus contributing to solving problems of uncertainty; (2) creating effective mechanisms of problem solving based on processes which focus on togetherness and collaboration; (3) developing good mechanisms through trans-border activity coordination, cooperative management, and mobilization; (4) increasing the capacity, organizational skills of communities to face future challenges.

In Indonesia, after the watershed political and social changes that brought about the fall of President Soeharto and an entire era of political dictatorship, significant steps have been taken to further democratization and pluralism in forest management and resolve existing conflicts. The law on decentralization and regional autonomy, and the new Forestry Law, were formally approved in 1999. The changes created a better climate and more conducive political conditions for change in the management of protected areas. In November 2004, the Minister of Forestry issued a regulation for collaboration of activities in the management of conservation areas (No P 19/Menhut/2004, Regarding collaboration in the management of wildlife sanctuaries and national parks). The new regulation supports implementation of activities by concerned parties based on mutual understanding and agreement to help improve effectiveness in management of conservation areas. Collaboration extends to the following areas: area utilization; boundary marking; formulation

of the management plan; research and development; protection and safeguarding; human resource development in the context of supporting the management of conservation areas; construction of facilities and infrastructure; promotion of public participation.

## 2. Collaborative Management in Kayan Mentarang National Park

The Kayan Mentarang National Park situated in the interior of East Kalimantan, Indonesian Borneo, 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.

The area is considered to be one of the world's 10 biodiversity hotspots. It has also been identified as one of the Global 200 biologically outstanding ecoregions that best 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 burial occur in the reserve. They date from about three hundred years ago and were used for secondary burial rites. About 21,000 Dayak people live inside or in close proximity of 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 as well as revenues from temporary employment in Malaysia are the principal ways to earn cash.

The communities living in and around the park are still *adat* or indigenous communities, 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* administer the customary law with the help of the customary council or *sembaga adat*. The communities have native customary rights to the entire territory comprised in the protected area. Ten customary lands are included in the Kayan Mentarang National Park.

Although Dayak people had been living in the area and made use of forest resources for centuries, the forest they inhabited and managed was legally a "state forest", basically under open access and in which the state could decide to allocate exploitation rights or establish a protected area without any prior consent from the local communities. Given these circumstances, the WWF Kayan Mentarang project designed activities in the field that focused on ways to document 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 by conducting: participatory community mapping exercises, qualitative assessments of the use and availability of forest resources with economic value; participatory assessment of needs and potential of local institutions; documentation of land and management of natural resources. 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. This information was to serve as the basis to advocate the role of communities in the management of the park as stewards of the forest

### Boundaries

Upon the completion of community mapping, WWF led participatory planning exercises in all the communities of the park to consult on boundaries delineation and regulations concerning the use of natural resources in a national park (1998-1999). Regulations were perceived as being limiting (no hunting of protected animals including deer, considered locally as a "pest") and unfair with regard to the present and future economic needs of the communities (no cutting of trees, including *gaharu*). The series of community meetings resulted in recommendations for the redrawing of the external

boundaries of the national park and draft of *adat*/customary regulations for sustainable use of forest resources. These were presented by *adat* leaders and submitted to the Agency of Forest Protection and Nature Conservation (PHKA) in 1999. To this day, there is no final agreement on the external boundaries of the park.

Minimal recognition and the right to organize

For the most part, the communities did not contest the importance of preserving forest for the future, but challenged the need for an external, government agency to do it for them.

The idea of FoMMA (*Forum Musyawarah Masyarakat Adat*), or Alliance of the Indigenous People of Kayan Mentarang National Park, originated with the leaders of the ten customary lands. The purpose was to create a forum where to discuss the aspirations of the indigenous communities and debate issues concerning the management of natural resources in the customary lands of the Kayan Mentarang National Park. This became a coordinating institution comprising elected members from each one of the ten customary lands in and around the Kayan Mentarang National Park area. FoMMA was formally established on October 7, 2000 and is concerned with guaranteeing the 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 enhancing their economic prosperity.

Governance: the authority to regulate

FoMMA and WWF lobbying resulted in the issuance of a Ministerial decree for the “collaborative” and “community-based” management of the Kayan Mentarang National Park, a first in Indonesia. The co-management key institution is the *Dewan Penentu Kebijakan*, or Policy Board. This Board includes conservation representatives of the Central Government 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 with regard to the establishment of the Management Unit (*Badan Pengelola*) and other management issues.

Uncertainty and challenges ahead

To this day, DPK (the Head of DPK is the Head of the District of Malinau) agenda and activities are limited by the fact that there is no allocated budget from the government for DPK. Moreover, the management unit has not yet been established.

Lack of funding is not the only obstacle in implementing collaborative management in the Kayan Mentarang National Park. As a first and innovative model, Kayan Mentarang National park suffers from its own “legislative anomaly.” It represented a first experiment to promote change and better accommodate principles of legitimation, equity, and good governance in protected areas that are claimed by indigenous people. As such, back in 2002, the experiment was not yet backed up by a general law or national policy. Moreover, after the ministerial policy on collaboration in conservation area was issued in 2004, existing conditions and stipulations for Kayan Mentarang National Park would have to be revised or adjusted to comply with the new policy.

### **3. Collaborative Management in Bunaken National Park**

Bunaken National Park is part of the Indo-Pacific region which supports the highest marine biodiversity on Earth. The total area of the Park is 79,056 hectares of land and

marine areas. There are over 8,000 hectares (80 square km) of coral reef in Bunaken National Park. Over 58 genera and sub-genera of hard corals have been identified so far, which is almost triple the number found in the Caribbean reefs. There may also be more than 2,000 different fish species in the area.

A total area of over 21,600 people live within the boundaries of the park and have been living in the area long before it was gazetted as a national park on October 15, 1991. Most people in Bunaken are farmers, fishermen or both. A small number are employed in tourism as diving instructors, boat operators and cottage staff. They live in 15 villages located on all five islands and 11 villages on the main coastline of North Sulawesi in the northern and southern section of the park. Most people on the island of Bunaken originate from the Sangir-Talaud islands and have been living in the area for five generations.

#### Institutions of collaborative management

Collaborative efforts to manage Bunaken National Park had already started in 1997. In October 2000, all stakeholders agreed to establish a coordinating and collaborative institution for the management of Bunaken, named: Bunaken National Park Advisory Board (*Dewan Pengelola Taman Nasional Bunaken-DPTNB*). The board comprises representatives of the central government, provincial government, district and municipal governments, NGOs, university, community and business sector. In addition, there are additional key institutions: Bunaken National Park Concerned Citizen Forum (*Forum Masyarakat Peduli Taman Nasional Bunaken-FMPTNB*) and the North Sulawesi Watersport Association (NSWA). There is also a management unit for the park (*Balai Taman Nasional Bunaken*) under the authority of the Directorate General of Forest Protection and Nature Conservation (PHKA). The head of the Unit must work closely and coordinate activities with the DPTNB.

DPTNB guarantees representation for the thousand of people living in and around Bunaken National Park. In fact, local people have the largest voting block on the board (5 out of 13 votes). A long-term process was needed to define the roles and responsibilities of community representatives and for structuring an effective institutional framework to represent each village and geographic sub-unit.

The NSWA organization brings together most dive operators working in and around Bunaken National Park. As their businesses are dependent on conservation and preservation of the Bunaken National Park, NSWA members organized early and gained a strong voice in national park policy and management. NSWA members however also required significant capacity building prior to being able to collaborate effectively in the advisory board. Given the array of international backgrounds of many NSWA members, capacity building focused on understanding government policies and regulations in national park management in Indonesia.

In order to achieve effective collaboration, the DPTNB invested in capacity building to strengthen its institution and executive secretariat, including capacity building of communities prior to their engagement with other park stakeholders. DPTNB also recognized the need to build sustainability, including improving the entrance fee system, building a visitor and training center, and finding other funding sources.

#### Zoning and park management

Bunaken National Park is divided into different zones based on potential and resources of the different areas, level of interaction by local communities, and constraints and opportunities of management. The zoning system is the result of participatory planning with concerned stakeholders. For example, local communities who depend on the use of marine resources for their livelihoods participate in the delineation of “core” zones (no take zones or zones of absolute protection of flora and fauna) and “support” zones (where local communities have the right to partake in traditional activities for individual and economic purposes in accordance with sound ecological practices). Dive operators are involved in the

establishment of “limited utilization” zones (area that allows for tourism activities that do not alter or impact the environment), as this is crucial to the continuation of their business. The zonation system is flexible and adaptable to changing needs and conditions within the park, and is currently under review.

### Conservation Financing

The Ministry of Forestry through PHKA and park stakeholders, facilitated by the NRM Project, worked on the development of innovative user fee system (NRM, 2004). As mandated by provincial decree and supported by the Ministry of Forestry, park guests pay a visitor fee to enter the park. International tourists can purchase entrance tags that are valid for a year for Rp 150,000. Alternatively, they purchase a single-day pass for Rp 50,000. Domestic tourists can buy single-day passes for Rp 2,500. The fees collected are managed by DPTNB. Eighty percent of the amount collected is allocated for national park management, primarily for patrolling and community development activities. The remaining amount is paid into the central treasury and divided among relevant local, provincial and central agencies. After the new user fee system was in place, Bunaken National Park raised more than US\$ 150,000 from user fee collection in 2003.

### Challenges

There is no single best alternative for conservation financing and conservation area management. The case of Bunaken provides a successful example of conservation financing that contributes significantly to improving conservation management of the national park. The value of securing alternative sources for conservation financing is however dependent on how transparently the fees are managed and how effectively the money is spent, and how accountable the institution of collaborative management are. It is also important to create broader policy support to enable more local efforts for conservation financing and collaborative national park management.

## **4. Field experiments in collaborative management and the new policy on collaboration**

Experiments in collaborative management in Kayan Mentarang National Park and Bunaken National Park were started long before the new government policy on collaboration came into effect in November 2004. The legal basis for such experiments are to be found in the Forestry basic law (No 41 1999) and in the Natural resource management basic law (No 5 1990). In both laws, the role of local communities, especially indigenous communities, is in principle legitimized with regard to the management of natural resources.

Although at different levels of planning and implementation, both cases share aspects of co-management that are in line with the new national policy:

1. Multi-stakeholdership remains the basis for collaborative management. Both local government and local/indigenous communities are involved. The same principle animates the new national policy where the term used is “collaboration in management activities” (=principle of collective choice arrangements)
2. The purpose of national park management is no longer limited to conservation of the ecosystem includes the importance of creating benefits
3. Management activities in Kayan Mentarang and Bunaken are in line with management activities as described in the government policy. Whereas in Kayan Mentarang more emphasis was given to issues of rights and social entitlements of indigenous communities in planning the management of national park (=principle of the right to organize), in Bunaken management is very much focused the use and development of local natural assets for the tourism industry, and on balancing costs and benefits (=principles of congruence; nested enterprises).

Differences also exist between the two national parks and the ministerial regulation:

1. The collaborative institutional arrangements in both cases differ from the model in the new policy on collaboration. In the case of Bunaken, there is a government Management Unit (UPT), in the case of Kayan Mentarang, such an institution will be established.
2. In both cases there is no explicit mentioning of the duration of collaborative arrangements. According to the new policy, the period of collaboration should be included in the MoU.
3. With regard to reporting, in both cases it is unclear how and how often reports on activities should be produced. In the ministerial regulation, reporting must be provided to the Head of the government Management Unit on a regular basis.

## **5. Can the new “kolaborasi” policy improve governance of “common-pool resources” and sustainable management of national parks?**

### Sharing power and practicing equity

Collaborative management, or the equal right of stakeholders to participate and share responsibilities in the management of a “common good” is now regarded as the appropriate framework for management of protected areas in Indonesia. The new national policy on collaboration provides the legal basis for collaborative management in Indonesia which was so far missing. However, modalities of the collaboration and, especially, the sharing of authority remain undefined. The old paradigm whereby authority is fully entrusted with the central government represented by the Ministry of Forestry still underlies the spirit of the new policy on collaboration. The policy focuses on the sharing of responsibilities and collective choices arrangements, but not the sharing of authority.

The new policy remains a major step forward with regard to creating more permanent conditions for equity and good governance in national park management. However, the policy does not clearly address the issue of the rights of local communities, indigenous people, and local government to partake the power and authority in the management of what often is, historically and factually, a common-pool resource.

The roles, responsibilities and rights of all parties in collective arrangements have to be clearly articulated and agreed upon to avoid the persistence of asymmetrical relationships of power, influence, and privilege that might exist among the various stakeholders engaged in the management of the protected area (Eghenter and Martin Labo 2005). Local communities are often on the weak end of the power balance with local and national authorities, with businesses and even with international organizations (Eghenter 2006). Transparent practices should be equally pursued by all stakeholders involved in the collaborative management to make sure and decisions and agreements are the result of full consultation and open dialogue.

### Conflict resolution

The engagement of multiple stakeholders and the collaboration among parties with different interests and expectations might induce tensions or trigger conflicts. Democratization in decision making make it possible to have a wider involvement of stakeholders, but also opens up potential for conflicts: existing conflicts of interests between stakeholders; conflicts as a result of weaknesses in collaborative process and structures; and conflicts as a result of unanticipated success in collaborative management (Means et al. 2002).

The new policy on collaboration does not explicitly address the issue of conflict resolution in conservation areas. While mechanisms for conflict resolution are identified among the “design principles” for the sustainable management of common-pool resources, no provision is made in the ministerial regulation.

In addition to mechanisms and agreements to improve relationships among stakeholders and facilitate collective choices, there is also a human and psychological dimension that needs to be nurtured for successful collaborative management. Wondolleck and Yaffee (2000) state that collaboration runs successfully if it can develop and maintain interpersonal relationship as a social capital, develop trust and respect. This dimension may not be regulated in policies, but should be considered and encouraged through capacity building as part of strengthening collaborative management and consolidating sustainability and equity in the management of conservation areas.

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