

***Tane' Olen* : a piece in the village landscape**
Land Use planning in Setulang village, East Kalimantan
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Introduction

In my previous paper I described the efforts by the people of Setulang to protect their *Tane' Olen* (protected forest). The paper explains the factors that stimulated the people and threats that they faced in achieving their goals (Iwan 2004).

In this paper I would like to reflect upon the changes of the concept of *Tane' Olen* and its relation to the village land use planning. I will start by briefly describing the prevalent concept of *Tane' Olen* before the Uma Lung people migrated to Setulang and how the concept, including the customary institution, changed in Setulang. Then I will explain the general land use plan developed by the people of Setulang and how it relates to the management of the *Tane' Olen*. I will then analyze how the commitment to protect the *Tane' Olen* influenced the overall land use plan, and how the overall land use plan supports conservation of the *Tane' Olen* in the long run.

The changing concept of *Tane' Olen* (1960 – 2006)

Once upon a time in Long Saan lived a group of Kenyah Uma Lung Dayak under the wise leadership of their customary leader. The customary leader and his family known as *Paren*, (aristocratic family) controlled some parts of the forests. These forest were known as *Tane' Olen*.

In those days *Tane' Olen* was part of the forest personally owned by the customary leader and his family. Its use was controlled by the *Paren*, and nobody was allowed to use or even enter. Exceptions, however, are made for special occasions to fulfill a public need. For example, in case of disasters, such as the longhouse burning down, the necessary building material such as poles and rattan could be taken from the *Tane' Olen*. Also if there was a communal ceremony, a hunt for bushmeat would be allowed in the *Tane Olen*. Normally the *Paren* would accompany people into the *Tane' Olen* as a form of direct control and require part of the harvest for their personal use.

In 1968, the customary leader took his people down river in pursuit of a better life closer to markets and the government center. With permission of the paramount customary chief of the Malinau watershed, they settled in the area which is now Setulang. Malinau was at that time as yet a remote subdistrict in the hinterland of East Kalimantan. But processes to integrate the margins of the state also reached these parts. One such process was introduced by Law no 5, 1979 on village governance which imposed a uniform structure on all villages

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in Indonesia and called for the public election of village leader. This had far reaching consequences on the dis-empowerment of adat. Over the next two decades, adat lost power and respect and customary leaders were no longer in control of the *Tane' Olen*.

At the time when the Dayaks in general still lived in isolation, especially in the interior, the customary leader was the undisputed leader, with great influence on decisions made. While before, and even in the early years after the enactment of Law no 5, 1979, leaders had to be from the *Paren* family, these days leadership has been taken over by secular members of the community more tuned in to overall development of the district. People now want a leader who is committed to look after the public interest, able to interact and negotiate with outside parties and able to read and write. These criteria are in addition to criteria imposed on the people by the district government for the election of customary leaders at village level.

Although leadership has changed, the customary rules are still obeyed and used to arrange social relations and use of natural resources. Thus, while the membership of the *Tane' Olen* management body is not restricted to the *Paren*, regulations used are still the customary rules.

Peoples' understanding on the *Tane' Olen* changed: as communally owned forest to be used for the common interest. Similar changes in understanding of the role of *Tane' Olen* have also occurred in some other villages in the Malinau District.

As peoples' perception of *Tane' Olen* changed, so did the opinion of some community members change about its use. Initially in Setulang certain factions still wanted control over the *Tane' Olen* for personal and family benefit. However, since community decisions are made through general village meetings, the opinion of the majority was followed. The *Tane' Olen* in Setulang is presently managed by a body known as *Badan Pengelola* (management body) *Tane' Olen*. Any activity has to be approved by this body. Nevertheless, while the institution controlling the *Tane' olen* has changed, the function and use of the *Tane' olen* are still focused on forest conservation.

Village land use planning

Setulang is a village in the Malinau district, located at the tributary of the Setulang and the Malinau Rivers. Over the last few years, the people of Setulang started to experience land shortage, due to delineation of village territories, logging operations, reforestation programs, plans to establish oil palm plantations and population growth. This situation stimulated the people to consider how to manage land and resources in the village territory. The development of the village land use plan was done through village meetings, facilitated by Center for International Forestry Research (CIFOR) staff. After the village meetings a small committee was formed, including the village head, customary leader, and village leaders to translate these ideas into a village land use sketch map.

In the process, the people of Setulang reached an agreement on the division of their village territory. They designated areas for agricultural tree crops, reserve forest, *Tane' olen*, settlement expansion, and area for the development of oil palm plantation. These uses have been visualized with a village land use sketch map (fig 1) and for part of it customary regulations have been drafted. Some villagers consider customary regulations sufficient to regulate land use. Others think that the village plans should be linked to the district land use

plan to avoid overlap in land use and also so that village planning can be accommodated at district level.

Meanwhile the development planning by the district government is still experienced as top down. Official land use plans are said to include plans for oil palm and acacia plantation establishment. Since the people were not involved in the planning process and were not informed, they are perplexed and worried that these programs are suddenly implemented.

The people are still confused, how much and when should they be involved in the planning process at district level?

A. Settlement area

In Setulang the area for the settlement has been assigned, including the area planned for future expansion, to anticipate population growth and construction of public buildings. Some community members did not agree to the area assigned for expansion, because they have fruit trees in that area. However, after they had been given full explanation in a village meeting they eventually agreed. Land within the settlement area is owned individually, and is regulated through village meetings.

B. Agricultural land

Land that is presently already used for upland rice has been assigned as agricultural area. This area has been selected because the land is relatively fertile, not too steep and close to the settlement. The land is individually owned although usually is considered to belong to a (extended) family. People can plant fruit trees on their land as a sign of ownership, in accordance to the customary rules.

The people have heard that there are plans for oil palm plantation development on their agricultural land, but many people question this plan.

C. Area for tree crops

The area for tree crop development includes coffee, cocoa and fruit trees. The gardens are small scale (household), located along rivers and owned individually.

For large scale plantation establishment planned by the district government, the people have already assigned an area of the fallowed upland rice fields, although they do not know the exact acreage of the planned plantation. Since the information about these plans is not clear and also because they want to see prove first of the promised beneficial impact of the oil palm plantation, they have limited the area for plantation development around the PT Inhutani II road and the access road to Setulang. The people choose this area as it is relatively flat and already has a road. Although this area has been assigned to plantation establishment, the people are convinced that land ownership within this area is still individual, because the (fallowed) upland rice fields are individually owned.

D. Reserve forest for construction material

Located within the area designated for tree crops, these patches of forest have been set aside as reserve forest to supply construction material. The people consider the timber potential in this area sufficient to supply the needs house building by the people and for construction of public buildings, for several years to come. Another consideration was to assign it as reserve forest because it is located close to the settlement and the road close to the forest facilitates transport of building material when needed.

The use of the timber in this forest is regulated by the village. So far only verbal rules are used. If anybody needs material to build a house, he approaches the village head. The same is true if someone wants to cut timber for sale, however sale is restricted to other Setulang villagers only. No payment is demanded for cutting of timber in the reserve forest, based on village discussions.

E. *Tane' Olen* forest (Protected forest)

Tane' Olen is an area of primary forest designated to be protected by the people of Setulang. Beside the initiative of the people of Setulang to protect this area, there is also (moral) support from visitors that come to Setulang. The activities of managing *Tane' Olen* in Setulang have been widely exposed and start to be taken up by neighboring villages. The management of *Tane' Olen* is not yet clearly defined, as some see ecotourism as option, whereas other stress the need for economic development if the villagers want to change and develop.

The long term plans for *Tane' Olen* is entrusted to the management body that has already been formed through a general village meeting. In its annual workplan, the *Tane' Olen* management body is focused on ecotourism development, including a program to improve transport of visitors to the village.

The long term security of *Tane' Olen* is questioned because of the plans for oil palm plantation development, that might result in shortage of agricultural land causing increased pressure on remaining forest. Some villagers feel that recognition for this area is needed from other parties, the neighboring villages, district government and the national government. However, people are uncertain what the consequences will be. The government only recognizes forest status according to the written law which does not include *Tane' Olen* as understood by local communities. To gain legal protection, the forest should be declared a nature reserve or at least a protection forests, neither allowing the community activities presently possible

Challenges and Opportunities

The above described changes in the concept of *Tane' Olen* and the village land use planning are further influenced by other changes. Some changes occur within the community, such as increased expectations of community members, or changing roles of village institutions. External factors influencing *Tane' Olen* and village land use planning are plans for oil palm plantation development and legal uncertainty of the status of the *Tane' Olen* and the village territory in general. I will now describe these influences in more detail.

Challenges

- The question of indigenouness

As told, the Setulang community migrated from their old settlement to the Malinau watershed. The settled in Setulang in accordance with local adat rules having obtained permission and rights of use to the land by the paramount customary chief at that time. At the time of migration the value of natural resources was not much of an issue. However with the increase of population and especially after reformation when the district and local communities became actors in resource extraction, the value of land and forest resources increased, leading to competition and conflict. As indigenouness was used as a primary means to claim rights over resources, the definition of indigenouness itself was hotly debated. It is interesting to note that Martin Billa in his book claims that the Dayak Kenyah

are one of the oldest Dayak group in East Kalimantan² since being 'oldest' is one criteria used for indigenoussness. However, in the case of Malinau, indigenoussness, is measured by the length of time a group has lived in an area. As Setulang is clearly a late comer, other groups that settled earlier in the Malinau watershed consider themselves to be the original inhabitants of the area, although both are of (indigenous) Dayak origin. Therefore, the people of Setulang are considered to have use rights for their rice fields and are not entitled to natural resources, especially forests.

Setulang adopted a conservation strategy to claim rights of access and control over forest. Highlighting its conservation value they declared the primary forest within their territory to be *Tane' Olen*. Interestingly, the use of *Tane' Olen* is more acceptable than the term customary territory (*tanah adat*).

- Conflict over boundaries and plan for creation of new sub-district

The boundary of Setulang with it's neighboring are partially disputed. This started because different views of the exact location in the field and has further evolved due to different vision on the use or management of the forests, especially timber extraction. The problem of the boundary is aggravated due to the plan to create a new sub-district, meaning that part of Setulang's village boundary becomes sub-district boundary as well. This might increase the conflict over the boundary.

- People hoping to gain personally

Although the establishment of *Tane' Olen* was a joint decision, there are some individuals hoping to obtain personal gain from its management. Realizing this, raised a discussion on whether to push for stricter implementation of the rules related to the management of the *Tane' Olen*. So far this hasn't happened yet but when people are serious in maintaining the resources this might become a real necessity.

- Expectation of compensation payments

The activities of forest protection undertaken so far, have been labeled conservation by outsiders. As such it was initially discussed by CIFOR staff with the people of Setulang. At that time the possibilities for compensation payments by conservation organizations was mentioned. Although until now no compensation payments have been made, the forest is still protected. However, the increasing need for cash keeps the issue relevant. One open question is whether people will continue to protect the forest if no compensation payments are received? The management body is trying to develop options where conservation activities can provide cash benefits to support villagers economy.

- Threats to natural resources by small logging companies (IPPK)

At the peak of IPPK (*Izin Pemungutan dan Pemanfaatan Kayu, or small scale logging*) operations in Malinau, some were operating in the areas surrounding of Setulang. Their

² Billa, Marthin. 2005. Alam Lestari & Kearifan Budaya Dayak Kenyah. Edited by Fatich Alfais. Pustaka Sinar Harapan, Jakarta

operations and potential threat to the *Tane' Olen* only served to strengthen the peoples resolve to protect their *Tane' Olen*.

Although IPPK have officially stopped in the district of Malinau because the permits have expired, there are still operations in the field using an IPPK permit to clear area for settlement building, such as in the Paking village territory adjacent to Setulang village area. This might lead to increased pressure on the resources in Setulang's territory, especially on its *Tane' Olen*.

Malinau has experienced great changes since it became an independent district in 1999. Reforms and Decentralization shaped its government, the IPPK experience changed its perceptions on property, and private sector development is pressuring for Malinau to become integrated more fully in the global market. What are the changes of the *Tane' Olen* surviving?

- Plans for oil palm plantations

One great concern of local people is the expansion of oil palm. The district government is planning development of oil palm plantations ostensibly to increase people well-being. Amongst villagers this plan has been debated because there is no clarity on the status of the land that will be planted. Also it is not clear how benefits will be shared / distributed. Meetings to explain the plan have been conducted, but information was only presented verbally and people did not dare to put forward proposals to reconsider the plan. Many people feel they lack the experience and knowledge about oil palm cultivation, in particular maintenance, fertilization, harvesting and marketing of produce. En other concern is the environmental impact. Because the plantations will include agricultural lands, this plan also threatens the availability of farmland for the villagers.

If the income from the oil palm is not sufficient to fulfill basic needs, and there is no other land for rice cultivation, the *Tane' Olen* will come under threat.

- Sub-district land use planning process

An illustration of the lack of community input in the district and sub-district land use planning is the experience of people of Setulang with the land use planning for the Malinau Selatan sub-district, where Setulang is located. When the consultants contracted to produce the sub-district land use plan conducted there public consultation meeting many villages were not represented. This was because communities received information about this event either late or too late. Another problem the people face is that they never receive information or a copy of the finalized land use plan. Thus genuine discussion to develop a land use plan accommodating government and community interests, plans and needs is virtually impossible.

- Legal uncertainty

In planning natural resource management in the village area the people often encounter problems, especially where forest and land are concerned. Community management has a hard time in adjusting to government forestry regulation. The people manage the forest based on their needs and the existing conditions, but according to the government forest

management has to follow strict regulations and guidelines, e.g. scale of operation and administrative requirements to prove legality of management.

The need to get better legal protection (district decree or ministerial decree) for community resource management remains an unanswered question. In Setulang this need is still debated. Base on their experience some people think that customary regulations suffice. Other people are uncertain based on experience elsewhere, like in Krui (Lampung). The people in Krui received a government decree for resource management. But when resin prices dropped and the people wanted to sell the timber because the price for timber was more lucrative they needed to obtain permits. Given the uncertain conditions the people in Setulang decided to discuss and make a village regulation to further strengthen the existing customary rules.

Opportunities

- Peoples' cohesion

The unity and cohesion of Setulang's people are its main asset. Collective action is helping to implement most village development activities and to deal with outside threats. Until the present, *Tane' Olen* is still widely supported and many people are involved in managing it. However, a next generation is growing up with different needs and ideas for the future. Like elsewhere, people have become impatient and want development now.

- Village institutions

The presence of *Tane' Olen* in Setulang has stimulated thoughts within the village on how to divide tasks. Tane olen management body organizes activities and things related to *Tane' Olen*. The implementation of the customary regulations and sanctions related to natural resource use, in particular *Tane' Olen* are also through this body. So far people have obeyed the rules that are based on common decision.

- Basic needs are fulfilled

Another strength of the village is that their subsistence needs are fulfilled with a little surplus providing cash for other needs such as clothing or costs of education. Basic needs, however, are also expanding. Cash for example is increasingly becoming a basic need which might not be completely supplied by the rice surplus. In the past, young people would work for some years in other places such as Malaysia but today this is not as easy.

- Attention from outsiders

The development of *Tane' Olen* in Setulang and its de facto recognition by the government and other villages has been much aided by the high level of outside interest. Assistance in the form of cross visits, training for forest inventory, mushroom cultivation, charcoal production and handicrafts helped to increase the awareness of the community on the importance of conservation and helped to widen their scope of thought. Facilitation of the land use planning process is another form of outside support, provided in this case by CIFOR.

Visits of tourists and research provided moral support to the people. During these visits villagers are often invited to discuss various aspects and possibilities of forest management. These discussions convince the people of the importance to plan management considering sustainability for the benefit of the present and future generations in Setulang and its neighboring villages.

So far, these strengths, which have been told before (Iwan, 2004), have enabled the Setulang community to maintain their protected forest. As a result, although still disputed by some neighboring communities and not legally recognized by the government, de facto their *Tane' Olen* has been recognized. Are these strengths sufficient to face new challenges? Can the Setulang community withstand the pressure to fragment? Will the management body be strong enough to adjust to changing situations?

Tane' Olen and **village development**

So far, the people of Setulang are proud of their *Tane' Olen* and consider it an asset to the village. The management body is slowly growing into its role and learning to plan for the future. Although the land use planning exercise applied to the general village, it raised questions on management in the future. The *Tane' Olen* is not seen as independent of the rest of the village and discussions on future needs resulted in changes in the village land use. For example, if *Tane' Olen* is to be managed for ecotourism, not much logging can be allowed. At the same time, population increase necessitates the expansion of the settlement and new houses. Where is the construction timber to come from? The village decided that the remaining patches of forest in the area designated for plantations should be kept in reserve as production forest. These patches are not big in area and will probably only suffice for the immediate expansion but people have already been planting trees in their abandoned fields for the longer term future.

Conclusion

- In the case of Setulang the concept of *Tane' Olen* has been adjusted to change, but the purpose is still for management and conservation of natural resource in particular forests. This is most obvious in the change of the institution dealing with *Tane' Olen*. Whereas previously the *Paren* (aristocrats) controlled *Tane' Olen*, presently a management body has been established, and its members are not necessarily from the *Paren*. Although the concept of *Tane' Olen* has changed, the community needs recognition and rights for the protected area
- The experience with developing the village land use plan has clarified the relation of the *Tane' Olen* with the other parts of the village territory. It also assisted in reducing (future) pressure on the *Tane' Olen*, e.g. by setting aside some forest areas outside the *Tane' Olen* to supply timber for local construction.
- Supporting factors: unity, fulfillment of basic (food) needs from other areas or sources and existence of rules and institution that are obeyed. Threats: legal uncertainty, conflict over village boundaries, lack of government support, lack of integration of community plans with district government plans

- Although until now the community has independently developed resource management in its territory, they expect support from the (local) government. However, presently the communication between the government and is not good (two way).
- This leaves two important questions still unanswered: How can community based conservation be recognized at higher levels? How can village land use planning be integrated in higher level planning processes?

Literature:

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