

## **A Park in Crisis: local governance and national policy**

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### **Introduction:**

In this time when the carrying capacity of the earth has been exceeded, climate is changing in unforeseen ways, when still new rare or medicinal plants are discovered, when natural areas continue to be degraded and decreased, conservation efforts should be of high priority. Unfortunately, the global economic depression and the drive for economic development have lowered the already low priority of conservation in Indonesia. The perception that conservation is the opposite or even constraining development, is stronger than ever. A common argument in this time of economic depression is that saving people from poverty is more important than saving a species from extinction.

Admittedly, the cost for conservation is mostly carried by local people who are asked to forsake income from exclusive protected areas established for some abstract public good (...). The failure to the many trials to reconcile conservation with development has not helped matters.

In Indonesia, conservation is the responsibility of the national government with protected areas part of the permanent forest estates. Decentralization processes created autonomous districts but failed to clearly define the different levels and scope of responsibilities of natural resources. As districts are also required to raise local revenues, most resource rich districts have tried to increase and capture income from these, thereby taking control over local natural resources. National government designated protected areas within their territory are thus not seen favourably. The failure of the national government to enforce the law and the disinterest of the local governments, have created a situation of open access where everybody breaks the law.

The case of the Kutai National Park is a clear example. Already partly degraded by the fires of 1997-1998, by illegal logging, hunting and large scale encroachment by migrants, the park is in critical condition. Some 23,000 hectares is being proposed by the local government to be excised from the park and become part of district territory. At stake is the future of the park and its high value biodiversity such as the orang utan, proboscis monkey and several increasingly rare timber species set against the livelihoods of local people and a rich deposit of high quality coal.

Is there hope for the park? Will excising 23,712 hectare save the remaining 174,917 hectares? This is a question being studied by a task team mandated to facilitate a solution. The task team has to find a balance in a situation rife with conflicting interests: land and resource use; conservation and development; ethnic competition between Bugis migrants and indigenous Dayaks and Kutai;

and local politicians making use of the case for election purposes, between the national government in name of conservation of public goods and the local government which translates responsibility for development into extraction of resources by the highest bidder.

Set against this background, the paper will discuss the different understandings of conservation, the exclusive status of protected areas, and the role of the different stakeholders. The paper will finish with some suggestions for a more inclusive and participatory conservation and park management.

### **Protected areas, Conservation and Politics**

Studies such as Hayes & Ostrom (2005) show that protected areas are not the only way to conserve forests. Nevertheless, the survival of much tropical biodiversity requires more stringent conservation rather than less (Bruner et al 2001; Curran et al 2004; Lee and Jetz 2008), and protected areas might still be the primary hope for the imperiled biota of the mega-biodiverse region of the Malay archipelago (Sodhi 2008; Bickford et al 2008). Despite caveats to the effectiveness (Lee and Jetz 2008), and evidence that protected areas are not more effective in protecting forest vegetation (Hayes 2006; Hayes & Ostrom, 2005), protected areas are still the main approach to conservation and have proven to be quite effective in conserving biodiversity (Bruner et al 2001). Nevertheless, optimum parameters of institutionalization, including appropriate legal frameworks, in order to balance protection with claims of surrounding communities for sustainable livelihoods and agrarian justice remains to be contested (Sodhi 2008; Hayes 2006; Sunderland et al 2008). Furthermore, the concept of biodiversity conservation itself need to be clarified (Brown 1998) and indicators for success need to be better defined (Sunderland et al 2008; Sayer et al, 2007; Ferraro and Pattanayak, 2006). In the end, conservation is a social challenge rather than a technical one (Moeliono, 2006) and as shown in this paper has become a political tool.

However, it has also become more and more obvious that protected areas alone are unable to buffer against large scale landscape changes. Substantial biodiversity occurs outside protected areas. There is therefore need to integrate the system of protected areas and conservation in general within the broader landscape management, with poverty eradication efforts (Ancrenaz et al 2007; Lee and Jetz 2008; Kaimowitz and Sheil 2007) and as part of the spatial land use management (Hohl and Tisdell 1994). Biodiversity conservation is part of the complex and multilevel social-ecological system and must therefore consider these multiple level and aspects (Sayer et al 2007; Berkes 2007).

One main objection against protected areas is that it often displaces local or indigenous peoples. On the other hand, protecting areas for conservation or reserves is in fact not an alien concept in Indonesia. Many traditional and customary groups have established protected areas for generations. The

Kasepuhan people in West Java have a spatial plan whereby their territory is divided in several areas including a strictly protected area (Galudra 2003 and 2006). In Sumba, areas of primary forest, known as *Tana Paita*, are excluded from the *Tana Kaba* lands designated for subsistence (Mulyana et al , 2005). The Dayaks of East Kalimantan know the *Tana Ulen*; and the people in Jambi know *lubuk larangan*. Frequently these areas served as reserves for later use rather than explicitly for conservation. The results, however, is the conservation of biodiversity and sustainable use of resources.

The concept of nature reserves and national parks was therefore not as alien as is often suggested. However, the establishment of protected areas in general and national parks in particular, did not build on local knowledge or situation nor has there been a real effort to adjust the national policy for conservation with local traditions. Indeed, since its inception, protected area policy in Indonesia adopted concepts largely from the west (Rhee et al 2004). The state took control over all land and resources (Constitution of 1945) and imposed a system of protected areas. Today, Indonesia has 534 protected areas including 50 National Parks, covering a total of 28.2 million hectares<sup>1</sup>.

As proven in many countries, a decree does not make a park (Kaimowitz et al 2003). During the New Order period, repressive ways did protect these areas to some extent. With local autonomy, and the lifting of the repression, parks all over the country have been invaded or exploited. Local autonomy, was more a weakening of the central government rather than strengthening local authorities. The strong society and weak state concept of Migdal (1988) was demonstrated by the fact that the government never actually governed remote forest areas (Kaimowitz et al 2003). The sudden freedom led to what was later named 'euforia otonomi' where district governments raced to exploit their natural resources to increase local revenue, and local people claimed and re-claimed rights over large areas of land. As well, in some cases, local governments have used the promise of giving out lands previously protected in order to gain support.

Local governments are in a difficult situation. Understaffed, underfunded, lacking sufficient skills and knowledge, they are under pressure by the national government to perform, by a growing local population demanding a better life and by investors for rights to exploit. Demand for land is increasing while much of the land considered potential for development, is unavailable as it is either forest land or protected area.

As well, large districts are breaking up and smaller autonomous districts multiplied. In 1999, Indonesia had 268 districts and municipalities. Between 1999 and 2008, 31 municipalities and 141 new districts were established (Kompas, 11 February 2008) making a total of 469 autonomous regions (not

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<sup>1</sup> 249 nature reserves, 76 wildlife refuges, 50 national parks (16.4 million hectare including 4 million hectare marine parks), 123 nature recreation parks, 21 forest parks and 15 hunting parks (Eksekutif Data Strategis Kehutanan 2007)

including provinces). Consequently forest and protected areas are increasingly fragmented with many of the larger protected areas spread over several administrative units. Local governments are vying with national government to gain control over the area and its resources, large parts are degraded, large parts are occupied, illegal logging, hunting and gathering of products is rampant. In short, conservation is in dire straits.

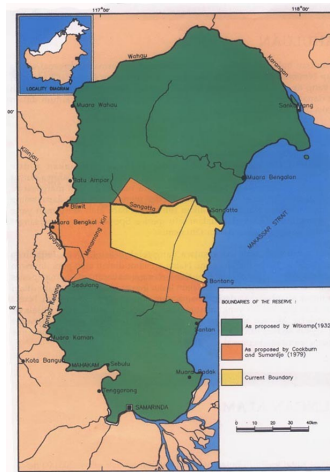
Surprisingly, there are many local communities who managed to protect their resources but these are scattered and overall have little impact beyond their communities. In general there is solid evidence that the success of conservation efforts is linked to direct benefits to the local communities (Hayes, 2006). There have been many efforts to create these direct benefits but so far with little success. Integrated Conservation and Development approaches were part of this effort and but the focus on development has weakened its success in biodiversity conservation (Sunderland et al 2008; Wells et al, 1999). Despite the years of experimentation, linking direct economic development for local people with conservation efforts for the public good has met with little success (Wells et al, 1999).

#### **Kutai National Park:**

The Kutai National Park has an area of 198,629 hectares located between 0°7'54"-0°33'53" Longitude and 116°58'48" – 117°35'29" latitude. The boundary extends over 299,548 km which includes part of the Sangatta River and 73,038 km of coast line. The park was established because of its importance to protect a typical lowland tropical rainforest ecosystem. It contains 6 ecological formations: ironwood-dipterocarps-kapur (*Dryobalanops*); mixed dipterocarps, heath forest, swamp forest, flooded forest and mangroves (Wirawan, 1985)

Overall, it has a typical high biodiversity with a large proportion of endemic species. Eight of the 13 genus of the Dipterocarp family are found in the park of which 13 species are critically endangered. Half of all Bornean mammals are found here (Wells et al, 1999) including 11 of the 13 primate species such as the orang utan and the proboscis monkey (Ali 2002). The park is home to a total of 330 bird species including (BTNK, 2005) of which 239 species or 83% are endemic bornean birds species. These include five of the eight rare birds of Borneo such as hornbills (Cockburn and Sumardja, 1979 ; Wirawan, 1985).

As one of the last remaining areas of tropical lowland rainforest its value is primarily that of a gene pool and seed bank. In addition the area provides some important environmental services, especially as the source of domestic and industrial water for Bontang and Sangatta (Wells et al., 1999) and provides a natural buffer against industrial pollution (...)



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### Origins

The origin of the park goes back to 1932 when Ir H. Witkamp, a Dutch geologist who had been part of a 1925 expedition by The Indian Committee of Science, proposed to establish a wildlife reserve of 2 million hectares. The area would be naturally bounded by the Makassar straits in the east, the Mahakam River in the south, the rivers Kedang Rantau, Ngayau, Telen, Wahau and Miau in the west and the Karangan River in the north. This large area would then ensure the survival of the rhino and banteng as well as the smaller mammals such as honey bears, deer, and clouded leopard as well as the large orang utan and smaller primates.

Although designated by the Dutch, the area was located within the *zelf bestuur* territory of the Sultan of Kutai who in the end approved only 306,000 hectares as reserve forest ("Zelfbestuurs Besluit" No. 80-22 dated 10 Juli 1936 approved by the Governor of the Banjarmasin Residency on 25 Juli 1936). In 1957, after independence the area was confirmed as wildlife reserve (Surat Keputusan Menteri Pertanian No. 110/UN/1957).

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Tabel 1. Overview on the history of the Kutai National Park

	Legal basis	Status	Area (ha)	Notes
Dutch colonial administration	SK.(GB) No.3843/Z/1934	Reserve Forest	2.000.000	
Sultanate of Kutai	SK.(ZB) No. 80/22-B/1936	Reserve Forest	306.000	
Minister of Agriculture	SK.No.110/UN/1957, tanggal 14 Juni 1957	Kutai Wildlife reserve	306.000	

Minister of Agriculture	SK. No. 30/Kpts/Um/6/1971, tanggal 23 Juli 1971	Kutai Wildlife reserve	200.000	106.000 ha settled by local people excised from the reserve
Minister of Agriculture	SP No. 736/Mentan/X/1982	Proposed Kutai National Park	200.000	Third World Park Congress in Bali introduced the concept of National Parks adopted by the Indonesian Government. Kutai was amongst the 1st designated
Minister of Forestry	SK.No. 345/Kpts XX/1991	Proposed Kutai National Park	198.629	Decreased by 1.371 Ha to accomodate the expansion of Bontang and the Fertilizer plant (PT. Pupuk Kaltim)
Minister of Forestry	SK. Menhut No.325/Kpts-II/1995	Established as Kutai National park	198.629	

Geological processes have made this an area rich in gas, oil, coal and other minerals. Rumour goes that the coal layer is one of the richest in East Kalimantan with the highest quality of coal. The story of the National Park is therefore not complete without the history of mining and industrial development in the area.

The Dutch had explored this region in the 1880s and in 1897 started drilling for oil. After it was established in 1907, BPM (Bataafsche Petroleum Maatschappij) was given the monopoly for oil exploitation in Indonesia. BPM started operations in Sangatta in 1936 bringing a large number of migrant labour from other areas. The oil fields were, even then, partly located within the reserve boundaries and today 6 of those early wells located within the National Park boundaries, are operated by PERTAMINA.

After independence, most development was concentrated on Java. The outer islands, while providing large portions of local revenue, were largely neglected. Conservation was of low priority but with overall population sparse, the forests remained largely intact. Along the coast, however, sizeable areas were cleared by several families from Sulawesi who settled in the area of the Park. Claims today are based on a history of settlements dating to 1922 or 1924 ( Departemen Kehutanan dan Pusat Studi Lingkungan Universitas Mulawarman, 1993) with a new wave in 1957 to 1967, triggered by unrest in Sulawesi. Kutai Sangatta dan Dayak groups also claim the area but had not settled permanently in the area

(Departemen Kehutanan dan Pusat Studi Lingkungan Universitas Mulawarman, 2003). A recent survey, however, showed that in fact most (54%) of the 4,927 households people had arrived only after 2000 (Departemen Kehutanan, 2008).

Late 1960s early 1970s, the timber boom started. In 1967, three large timber concessions operated in the park. Camps and roads were built and people arrived in droves. A log pond was build within park boundaries. PERTAMINA re-discovered the oil wells and build drilling rigs. In 1974, a gas plant (PT Badak) was built in Bontang followed by a fertilizer plant (PT. PUPUK Kaltim). These industries built the town of Bontang and attracted an increasing population. Similarly, large scale mining in Sangatta on the northern boundary of the park led to the establishment of the town of Sangatta. In 1991, a road was build to connect Bontang and Sangatta. Both Bontang on the south and Sanggata in the north are typical mining towns, founded by the mining companies to house their employees. Almost all existing infrastructure in use today has been build by the companies while the government became established over time.

Thus, in 1995 when the area officially became a National Park, it was sandwiched between two growing towns and surrounded by several timber and mining concessions and with an oil drilling plant operating within its boundaries. The same year, however, an alliance of these companies was established in support of the National Park.

#### *Political Context: National vs Local Government*

In October 1999, just 6 months after the regional autonomy law was issued, the district of Kutai divided into three separate districts. As a result the park now lies within the territories of the district of Kutai Timur (80%), Kutai Kartanegara (17.5%) and the municipality of Bontang. Claiming the need for development, one of the first acts of the new government of Kutai Timur was to propose the excision of part of the park, east of the Bontang-Sanggata road which included three villages given legal status by the province in 1997. This area had suffered significant damage by the fires of 1982 and 1997 and increasing encroachment made easy by the road.

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Although formation of an 'enclave'<sup>2</sup> in principle was approved on principle (SK no 285/DJ-V/KK/2000), the Ministry later seem to have forgotten or ignored the request. They also ignored the plight of the park. The villages expanded, more and more people moved in. Traffic between Bontang and Sangatta became busier, more and more of the park was encroached on. In 2007, MoF established a task team mandated to facilitate a solution. However, before the task team moved, a group of several hunderd 'indigenous' people arrived and cleared some 500 hectares along the road almost overnight. This crisis finally triggered MoF to action. The team was sent to investigate and develop

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<sup>2</sup> Enclave is understood as an area taken out of Park Jurisdiction. However, some people also hold that the enclave remains part of the park under Forestry Jurisdiction

recommendations. A report was submitted to the Minister in December 2007. To date no decision has been taken.

### *The root of the problem?*

Since its inception the Park has been under continuous pressure. From the original proposal of 2 million, a reserve of 306,000 hectares was established which has been reduced to the 198,629 ha of today's park. Now this area is disputed with claims by local people supported by local government. In fact, this park is about the only one in Indonesia which was never permanently inhabited by indigenous people (Dayak and Kutai) and where no permanent settlements existed at the time it was declared. Like much of the coastal areas in East Kalimantan, it has been invaded and settled by people from overseas, mostly from Sulawesi. These settlements so long ignored and now confirmed by local government has led to incursion by 'indigenous' Dayak and Kutai, who resented the giving away of land to 'outsiders'. Provincial government has even issued property certificates since 1986, providing legitimacy for other settlers as well.

The influx of settlers was particularly high during the period before the district head elections in 2001 and 2005. Rumour goes that the candidates promised security of land (even though located in the Park) to lure voters.

But with most attention focussed on illegal settlers, the fact that mining exploration and exploitation is continuing so far has escaped the media. Earlier, in 1997, an exploration permit by the Ministry of Mines was revoked because of public outcry (Wells et al, 1999), but there is rumour that a large mine starting operation on the border of the park this year, has in fact a concession encroaching on park territory.

The critical condition of the park predates the reform era but reforms followed by decentralization exacerbated the issues. The Park Agency, being a central unit, suffered a loss of status and had to deal with a range of stakeholders which they previously were able to ignore. Interestingly, rather than strengthening the position of the Park Agency, together with the gradual erosion of the area, MoF seemed to have systematically weakened the park management. Most recently the Park Agency was reduced in status thereby losing one of its three field (resort) offices. As well, the budget and the number of staff have been reduced several times.

Meanwhile, the Bupati, thwarted in his desire to control the land has increased efforts to have the enclave approved. He invited members of the DPR komisi VII<sup>3</sup> to visit and observe the park. Having only been shown places of encroachment, DPR concluded that the area is not feasible to be maintained as national park.

In the proposed revision of Provincial Land Use/Spatial Plan, the area of the proposed enclave is already taken out of the forest zone. The Spatial Plan also

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<sup>3</sup> Commission on mining and environment



includes the designation of the Sangkima area (where the resort office is located) as the site to develop an airport.

Thus at the root of the problem are several issues. First is the struggle over control. While initially protected areas were established to conserve biodiversity, the political changes of recent years has shifted the focus and the conflict over these areas has become a matter of power and control. Local government has long resented the extraction of resources for the benefit of the center and although their share of the benefits has increased, they insist that autonomy also means 'control'. Secondly, is the lack of interest of the national government to manage these areas. Lack of law enforcement and general neglect has allowed all parties to break the law with impunity. Thirdly, is the misperception on forest zonation. Two aspects of this need to be highlighted: minimum is taken as maximum and once degraded an area does not fulfill the criteria for a certain zone it can therefore be converted. The first relates to the overall policy of setting aside a minimum of 10 percent of a region's area for conservation purposes and a minimum of 30% should be forest land. If an area then has more than 10 percent conservation area, or more than 30 percent forest, in the local government's perception the surplus should be converted even though it is high value conservation or the land is not really suitable for conversion. The second one relates to the fact that the function of a forest is determined based on its bio-physical characteristics. Thus conservation forest is determined on its high value biodiversity. Once this is lost, the function is lost and the forest should be converted to other uses. There is thus seldom any effort made to restore or rehabilitate the degraded forest, on the contrary, local government allows, and in some cases, encourages degradation of the Park and then use this condition as an argument to convert the park.

Intertwined with these issues, is the general corruption and the lack of acceptance and understanding of conservation. Even more basic is the perception that conservation does not provide benefits locally. Why should local people conserve natural resources for the global public good? Why are orang utans and elephants more important than the lives of local people?

### **Can Kutai be saved?**

Most conservation areas in Indonesia are under pressure by at least three threats: claims and occupation by local communities; encroachment by industries (including illegal logging, oil palm and timber plantations and mining) and the conflict between local governments and the centre to control resources. Kutai is an example where the interplay of these three threats created a particular critical situation. Illegal settlements were legalized, the support for the enclave was taken as fact triggering a high influx of people settling in the park and the development of a land market by speculators expecting the compensation to be paid by investors. In addition, agricultural encroachment, wildlife poaching, and

illegal logging increased with the increasing population in Bontang and Sangatta (Wells et al, 1999).

What can be done?

In April 2007, MoF established an ad hoc team to investigate the problem and recommend a solution. Together with Center for International Forestry Research (CIFOR) several scenarios were developed and analyzed:

Table 1. Scenarios for the Kutai National Park

<b>Scenario</b>	<b>Prerequisites</b>	<b>Risks</b>	<b>Benefits</b>
Abolish the Park: Conversion to non protected status with conservation to be integrated in sustainable development of the area	Need convincing all parties that conservation is a shared paradigm Parties need to forgo short term benefits Policy support, markets, consumers	Conservation not accepted as important compared to exploitation for coal Environmental degradation and loss of biodiversity International criticism Does not solve social problems	Transaction costs for MoF is low Local revenue will increase sharply
Status Quo: MoF does nothing		Open access Open conflict to control resources The Public and mostly the local people will bear the burden of environmental destruction and other social costs MoF will lose more respect and create bad precedents Indonesia's image tarnished esp in relation to the COP 13 talks	Easiest and cheapest action for MoF Profitable for the local government, large industries and local entrepreneurs
Excise 23,000 hectares		Legal precedent exists MoF will lose authority No guarantee that	For MoF: easy and cheap For LG: win control and fulfill demand by local

		encroachment will stop Bad precedent for other PA Small farmers still at risk to be pushed aside by coal mining to encroach elsewhere Increased land speculations	people
Collaborative management:	Need clear structure of incentives and direct benefits for community as well as local government Need to consider: local economy and politics Property rights Industry/presence of corporations	Not all demands/needs of all parties can be fulfilled. No guarantee of success Support of local government low Long term	Legal basis (Decree P 19/2004 on collaborative management of PA Increased access to communities Higher change of sustainability
Special Use zone of 23,000 hectares	Need clear governance structure Need agreements for management: No land speculation, buying and selling Limited public facilities Limited activities Clear division of roles, responsibilities and rights	Interest of local government not accommodated Interest of industrial expansion not accommodated	Legal basis (Decree 56/2006 on zonation Existing precedents Rights to make a living secured MoF retains its authority De facto not much different from enclave
Law Enforcement	Requires support from other parties (local government,	Might trigger conflict Does not guarantee encroachment will be halted	Will increase authority of MoF Will improve Indonesia's

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	police, military, judiciary)	No support from local government Expensive Will not be effective for chronic cases of unenforced law	image internationally If successful might allow the restoration and rehabilitation of the park
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Table 2. Rough evaluation of the scenarios

	Criteria						Scores
	Costs	Time	Resource availability	Support	Risks		
					Social	Env	
Abolish Park	Low 9	Short 9	High 9	Medium 6	Low 7	High 1	41 (2)
Status Quo.	Low 9	Short 9	High 9	High 9	Low 7	High 1	44 (1)
Excise 23000 Ha	Medium 5	Medium 5	Sufficient 5	High 9	Low 7	Medium 4	35 (3)
Collaborative Management	High 2	Long 2	Low 2	Low 3	Medium 4	Low 8	21 (5)
Special Use Zone	High 2	Long 1	Low 2	Low 3	Medium 3	Low 8	19 (5)
Law Enforcement	High 1	Medium 6	Sufficient 5	Medium 5	High 1	Low 8	26 (4)

The task team discussed these, returned to the field for more observation and more discussion and in the end decided on three scenarios to submit to the minister. A first, most preferred scenario, would be the establishment of a special use zone to be managed collaboratively. While maintaining status quo would be a preferred option and one which would normally be taken, politically this would be disastrous. It would erode respect for MoF and MoF's authority even further and it would send the wrong message to the world as the Government of Indonesia and MoF have accepted a significant amount of funding for the REDD projects. The second scenario would be to excise 23,000 hectares, which is the preferred option of local government, and the third one is resettlement, where the more than 20,000 people living in the area now denoted as enclave are to be resettled elsewhere. This is a modification of the law enforcement scenario which would otherwise be too inhuman.

But while the preferred option seem most feasible and is thought to provide a win-win solution, experiences in all parks in Indonesia have shown that it requires a lot of work and commitment.

*Zone khusus: Conservation outside the Park and Development inside the park*

According to law, national parks are protected areas managed based on a spatial plan or zonation based on designated use. The special use zone is usually understood as part of the park occupied by people and or the presence of infrastructure. The law qualifies that the people and infrastructure must have been present before the Park was established (Decree P.56/Menhut-II/2006) (Departemen Kehutanan 2006). Interestingly the new decree makes a distinction between traditional zone for traditional use by people whose livelihood depends on the forest and the special zone. The special zone thus hardly differs from an 'enclave' which is an area excised from the park and therefore becomes the jurisdiction of the Local Government.

What then makes a special zone, special? Without a regulation, park management is free to define the special zone according to need. Thus many parks have taken this freedom and tried to reconcile the needs of local people with those of the park. Thus, when the Halimun-Salak park was expanded to include a 'corridor' linking the Halimun to the Salak, the area around it was declared a special zone to be managed based on negotiations between the Park Management and the local communities.

Unfortunately, usually the conditions and rules for use and management are set by the Park authorities and negotiation means agreeing to these conditions. These rules, generally assume a way of life of traditional people for subsistence only. In Kutai National Park, however, most people are migrants who came to claim land as property. The hardworking lucky ones have established tree gardens or plantations and many make a relatively good living. Their way of live is to clear forest for agriculture and their hope is that the land they occupy be excised from the park and recognized as individual property. They will probably be very resistant to the idea of a special zone controlled by Park Authorities.

A special use zone within the park could be treated as a 'commons' (Berkes 2007) and would require special rules where use must be compatible with conservation. Envisioned is a kind of community based eco-village with clearly spelled out and enforced limitations and requirements. For example, limit to population size, no ownership but use rights, no constructions larger than a certain size, no large scale industrial development, a certain percentage of green area managed as commons. In return, certain facilities must be provided: health care, schools, electricity (using either micro-hydro or solar panels), access to markets, and preferential hiring for park work. It might need the development of local rules developed and used by local (Hayes 2006; Anonymous 2004) residents as well as the means to enforce them. For this approach to succeed,

however, communities need to make a long term commitment, allow for flexibility in responding to new situations and opportunities and establish a strong presence on the ground (Ancrenaz et al 2007). In other words it requires the empowerment of the people, 'giving local people formal voice in decision making processes (Hollenbach 2005) and the use of adaptive management (Lawrence 2007). In developing countries it also requires special programs to alleviate poverty and in some cases it might be feasible to compensate poor people for strict protection (Kaimowitz and Sheil 2007; Hunt 2002).

Obviously, developing a special zone requires much more thought and experimentation. It requires intensive multi-stakeholder negotiations and the development of institutions to enforce agreements. It requires time, investment and consistent attention. And there is no guarantee that it succeeds but if it does succeed it might be more sustainable than giving it up to private property and have it eventually be destroyed by mining.

#### *Collaborative management: who collaborates?*

Compared to the special zone idea, collaborative management would apply to the whole park. This approach has become accepted to manage protected areas world wide. It is considered a win-win solution and often linked to community based conservation. Indonesia officially promoted collaborative management for protected in 2004 through decree P.19/menhut-II/2004 (Departemen Kehutanan 2004). The decree provides very general guidelines on preparation, implementation and monitoring and evaluation of collaborative arrangements.

However, the question raised by a workshop in 2005 organized by the National University in Singapore remains relevant: Conservation for/by whom? (Sodhi et al, 2008). Collaboration for the management of national parks typically involves a multi-party arrangement: central and local government; the park management and forestry service, local people and sometimes private companies, local and sometimes national and international NGOs. All have their own interests, and often enough speak different languages and live in different realities (Moeliono 2008) with different faces not visible in any formal arrangement (Carlsson and Berkes 2005; Agrawal and Gibson 1999).

Collaborative management, therefore, also requires intensive efforts to make arrangements work. For every case, collaborative arrangements have to be designed through trial and error. However, there have been several experiments which can provide examples and lessons, e.g Kayan Mentarang with its alliance of indigenous communities and Advisory Policy Board (Eghenter & Labo, 2003). In addition, where collaborative management is envisioned to develop into co-management it needs to be based on a power sharing arrangement (Carlsson and Berkes 2005) and real partnerships rather than merely allowing other parties to participate (Moeliono 2008; Sembiring 2005; Stoll-Kleemann and O'Riordan 2002). As the issue is complex and experience is limited, it also requires

intensive efforts of active adaptive management (McCarthy and Possingham 2007) and include principles of check and balances among various parties (Agrawal and Gibson 1999) as well as understanding the tradeoffs between conservation and development (Fisher et al 2005).

#### *The 'enclave': excising 23000 hectares from the Park*

An 'enclave' is defined as property surrounded by state land, usually forest. Technically, the term enclave in this case is incorrect because ownership is unclear and the park as wildlife reserve predates the settlements. On the other hand, although a rapid survey in December 2007 showed that 54 % arrived only during the last 6 years (Departemen Kehutanan 2008), there are settlements such as Sangkima Lama are considerable older.

It is unclear whether the conversion to 'enclave' will mean transferring ownership to local people (which de facto already claim it) or to the local government. The fear is that taking the area out of the Park will not guarantee the survival of the other parts of the park. Already there are plans for an airport in Sangkima to be built with corporate social responsibility money extracted from PT KPC (Kaltim Post, 30 Augustus 2007), the implementation of a promise to distribute land local people (Kaltim Post, 19 June 2007). There is no indication that the local government has considered conservation or the link between development of the enclave and the protected area in its spatial and development plans.

The biggest threat, however, is mining. As mentioned earlier the park contains a rich deposit of coal and there is real fear that once the enclave is established, the local government will permit coal mining. Local people are already anticipating the compensation payments they will receive. If this happens, people will probably start to claim more plots within the park on speculation that once degraded a new enclave will be formed.

#### Can Kutai National Park be saved?

It is difficult to say. On the one hand, the discussions on climate change and the government's decision to accept international support to reduce deforestation demands that national parks be safeguarded as well. No one admits to want the Park abolished, the Park is an asset to the province although significantly undervalued; the Park Authority is making an effort, the MoF has send a special team to help, the park has the support of a local NGO and the Friends of KNP alliance of 6 companies and the attention of CIFOR. On the other hand, the rich deposits of coal remain a powerful lure to exploitation in this time of energy crisis with the local government wanting control and local people wanting to maintain the land they occupy.

Only if all parties are willing to forgo the income from coal, if the MoF decides to keep the Park intact and the local government abides with this decision and if a

collaborative arrangement can be established to manage the Park including a special use zone is there hope for the Park and its orang utans. And, only if, all parties are willing and able to spend time and energy to collaborate towards the saving of the Park.

### **Conclusion:**

In a situation of high population pressure and urgent need for economic development, conservation is of low priority, especially when understood as taking control over an area with rich natural resources. Decentralization has strengthened this impression of protected areas being enclaves within a local government's territory: islands of high value natural resources beyond their control. Nevertheless, conservation is a necessity, to protect biodiversity, to provide environmental services and to play an important role in mitigating climate change. Therefore, in agreement with Tan (2008) protected area status must be reconciled with regional autonomy whereby local governments take on responsibility for conservation.

For several decades, the issue of reconciling conservation and development has been discussed and debated where the concepts of development as well as of conservation have been scrutinized. While it is accepted that conservation needs to be understood as part of development and development as improving the overall wellbeing of people, in practice everything is still valued in terms of direct cash benefits. For Kutai National Park this implies that conservation does not weigh up against the income derived from coal mining (see also Limberg's paper this panel).

The Kutai case shows how the delays and reluctance in reaching a decision has created a space where everybody breaks the law with impunity. If the national park is to be maintained, decisive action by the government is required. As well, it requires the national government to collaborate with local government and local government to be mandated with the responsibility for conservation and maintaining the Park. The role of the private sector needs to be clarified where support to the park cannot serve the role for greenwashing. Corporate social responsibility should apply internally in the way the companies implement their operations as well as externally in supporting the existence of the park.

What then is the solution?

Conservation and Development need to be understood, not as opposites, but as complementary, as part of the whole landscape management. Similarly, national and local government should not be opposites but complementary. Collaborative approaches, including with the private sector, are a prerequisite and need to take into account local knowledge and traditions. However, as conservation often has no direct benefit and development activities might have adverse impacts, the two



pronged approach need to be implemented more effectively. The government needs to impose and enforce regulations which ensure conservation, protect the public good and constrains destructive activities. At the same time alternative options for livelihoods improvement developed.

For Kutai this means reconfirming and enforcing the park boundaries, reaching the decision on the designation of a special use zone and collaboratively with the users develop and implement a management plan. Private companies in the area could play a more decisive role, not only to provide much needed funds but also in helping to safeguard the park. Alternative sources of income need to be developed, e.g. tourism; agrobusiness; park management.

Bribery to convert forest for other use has been rampant. Thus, as Hollenbach (2005) also suggested corruption within the forestry sector need to be targeted for reform.

These ideas are not new but have never been implemented well. Conservation should be by local people with support from the world for the benefit the world but most of all for the local people themselves.

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