

11-94  
WORKSHOP IN POLITICAL THEORY  
AND POLICY ANALYSIS  
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*Report files - efr*

**PROCESSES OF AGRARIAN TRANSFORMATION:  
RENEGOTIATING LAND USE AND TENURE IN THE INDONESIAN UPLANDS**

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Presented at the International Conference on Common Resource Management  
Winnipeg, Manitoba, September 26-29, 1991

Not for citation

The social organization of resource use and allocation is linked to a number of institutions ranging from the family to the state. While some analysts have argued for the integrity of "traditional" resource management regimes, and the "community" that supports them, this paper argues that resource management regimes are socially constructed practices, founded upon cultural knowledge which is often contested. The very content of "tradition", including the meaning and definition of key terms, is renegotiated in response to changing material conditions (bio-physical, legal, market etc). There is no pristine, unitary "traditional" or "indigenous" knowledge, but rather a historically constituted domain of meanings and practices.

This point will be illustrated by describing negotiations around access to resources, including land, in an uplands area of Sulawesi, Indonesia. There a population practising swidden cultivation of annual food and cash crops is experiencing a crisis of land degradation due to population pressure on steep and fragile slopes. In response to the need for agricultural intensification and income generation, they are beginning to plant commercial trees such as cocoa and cashew, thereby privatizing and effectively enclosing land previously accessible to a wider group for food production. Locally recognized "indigenous" rights to land are being reinterpreted in ways which diminish the resource access of poorer families and of women. At the same time, officials are contesting the local definition of "empty" land with the objective of reallocating it to outsiders. Three examples will illustrate contested domains of discourse and practice and shed some light on the mechanisms through which transformations in land use and tenure take place.

### **1. Redefinition of ownership rights**

Permanent rights to land for shifting cultivation are acquired by the individual who first clears the primary forest. In the Lauje area rainfall is frequent, and the huge trees of the primary forest are difficult to burn. As a result, secondary forest land is highly valued, and individual rights to it are well developed. The rights of the land pioneer endure even if he should leave the area, and he can sell his rights to another party or pass the rights on to his descendents as he chooses. The descendents who inherit land do not divide it, but use it in turn according to their needs. The process of land allocation among heirs is informal, since it is used only for a few seasons and then left again to fallow. Co-heirs cannot sell land to outsiders since their access rights are shared not individual.

The rights to land described above are well developed and more individualised than those encountered in many societies practicing shifting cultivation. However they are subject to two important limitations. First, people who hold rights to land through pioneering or inheritance are subject to strong social pressures to allow others to borrow the land for a few seasons, especially when the party requesting use of the land needs it to grow food. The right to borrow land is especially important to people whose ancestors cleared little land, or who are living away from their ancestor's territory. Secondly, the land holders do not have exclusive rights to the non-agricultural use of the land: while the land is in fallow, anyone can gather firewood, vines, bamboo, wild foods, game and other useful resources from it.

In the past five years, farmers have begun to plant commercial trees, thereby transforming land use and causing a redefinition of land rights. People who themselves cleared the primary forest have the most strongly developed individual land rights, and have been able to plant trees on their own land unchallenged. Co-heirs have had to negotiate for permanent shares of the land that previously circulated among them, and have referred to various ideas and principles in the course of the land division process. Some refer to the labour or effort principle of ownership, and state that whoever is most energetic in planting trees on the jointly inherited land will, quite legitimately, come to own more of the land. Some state that permanent rights to land for planting trees should be divided among all the heirs through a consultation process, to prevent future disagreements. Most agree that land should be divided equally without distinction of birth order or gender, since this was the manner in which use-rights were allocated under the system of shifting cultivation. An alternative argument, voiced by some, states that more of the ancestor's land should be allocated to the people who helped in the labour of land clearing, especially older sons. This argument adapts the "traditional" principle that rights in land are acquired by the exertion of labour in clearing trees to argue the case that women, who do not cut trees, have weaker rights and are entitled to less land when it is permanently divided.

The rights to borrow land for cultivation and to gather useful resources from fallow land have been seriously undermined by the planting of trees. Obviously, land covered with cocoa trees is no longer available for food production or for other more diverse and sequential land uses. In the context of the transformation in land use, the land rights of the land pioneers and their descendents have become stronger and more exclusive, while borrowing or use rights, which were part of the previous system, can no longer be effectively asserted. During the transition period, some people are still successful in borrowing land, while others are told "sorry, I plan to plant trees there". As the pressure on land resources becomes more acute, new negotiations can be expected to take place which redefine the rights of borrowers in the upland agricultural system. Those adversely affected by current trends may succeed in reasserting their rights by referring to one version of "tradition" - one in which the group ensured access to land to all. Alternatively, if an interpretation of "tradition" stressing the rights of land pioneers and those who have invested labour in trees prevails, they may find themselves transformed into a landless labouring class.

## **2. Renegotiation of women's rights to land**

It was noted earlier that women have equal rights to use the land of their ancestors for shifting cultivation, but that their rights to land being distributed among heirs for tree planting is subject to varying interpretations. While the majority agree that inheritance should be equal, some argue that women have weaker rights to inherit such land. In the context of changing land use and the privatization of land rights, a new significance is being placed on the customary sexual division of labour. In the eyes of some men, the fact that women do not use axes and do not fell the trees of the primary forest weakens their claim to permanently own land, despite the fact that women's labour predominates in all subsequent phases of the agricultural cycle.

Besides the question of inheritance, the sexual division of labour is important also in negotiations around the conjugal contract governing the economic relationship between husband and wife. There is general agreement that where husband and wife work together to prepare land and plant commercial trees, they are each entitled to half the produce, and should divide the land and trees equally upon divorce. However, trees are not portable and, unlike the tools or consumer goods, or the stocks of grain and seed that represent the surplus from swidden production, a share of trees cannot be taken away with the departing spouse. For this and other reasons, women are skeptical of their ability to actually collect their rightful share of commercial trees in case of divorce, and prefer to plant trees on their own. There is general agreement that a spouse who undertakes the entire labour process alone has full individual rights to the product. Some men dispute that women are capable of undertaking all stages of the work themselves, since male strength is needed to clear forest, or hoe the hardened earth, or transplant the heavy seedlings. As a result of even a small labour contribution, men are able to claim a half share of the trees that their wives have planted.

Women appear to be more effective in establishing their rights to land and trees through practice than through argumentation. Their mode of "negotiation" is often tacit. While the legitimacy of women's rights, claims and capacities is being debated in some public arenas, many women are de-facto asserting their rights by going ahead and planting trees on their own account. It is characteristic of Southeast Asian women that they have a high degree of economic autonomy from men, but do not successfully convert their economic power into a strong political voice. For this reason, women are frequently unable to defend their interests, even when the grounds for their claims are not in dispute. Where the basis of claims, in this case claims to land and trees, are in process of revision, public arenas are not likely venues for women to redefine gender relations in ways that benefit them or even maintain what advantages they already have in the status quo. Islam, which is slowly gaining converts in the hills, may further weaken women's public voice. But women's practice may still prove to be stronger than men's discourse in defining new property relations.

### **3. Definitions of empty land**

Lowland authorities are also significant players in the process of redefining key terms in the uplands, a point illustrated by the contested meaning of the word "empty". Lowland officials are inclined to state that the hillside land is "empty". This can mean that it is perceived to be sparsely populated (densities actually reach 50-80 per sq.km); or that the living standards (and hence the worth) of the people living there are regarded as "less than zero"; or that it is mostly forested (little forest actually remains); or that there is "nothing growing there, only cassava and corn" - only commercial trees count as "real things growing"; or that the land is used only once, on a random basis, and then abandoned (such land is seen as "empty", not fallow); or, finally, that the land is indeed used according to a definite system of land use and tenure but, since no papers exist, it is used illegally, and so can be regarded as "empty" and allocated to others for settlement.

At the level of the potential farm plot itself, other more specific criteria are proposed by local officials to determine whether or not a piece of land can be deemed "empty". Some

state that if it has not been farmed for six months it is empty; others place the cut off point at five years; still others use a physical measure - if the forest needs to be cut with an axe rather than a bush knife, it is empty ie unencumbered by ownership rights, and available to whoever chooses to plant commercial trees there. At times, the debate spills over into the meaning of terms in the vernacular. The local language distinguishes between doat, which is primary forest, and ulat or secondary forest. A debate which ecologists might have over whether secondary forest can ever become primary again is played out in the uplands with real political and economic implications. Some uplanders argue that doat refers not only to the physical status of the forest, but to its ownership status - doat has never been cleared, and so is not owned, while ulat, however tall the trees, is always encumbered by definite ownership rights. Others (especially those few uplanders who have started to act as brokers finding "empty" land for lowlanders desirous of planting commercial trees) disagree with this interpretation of the meaning of the key words. Whose meanings will prevail is an open question, to be answered only through the ongoing, unfinished process of cultural production.

#### 4. Implications

Clearly it is not possible to rely on any simple view of "tradition" or "indigenous knowledge" as a unified body of discourse. Nor is it wise to rely on interpretations of "tradition" provided by one or two representatives, particularly given the class and gender biases that turn out to pervade even those societies that appear to be more egalitarian. This does not mean that culture and tradition are unimportant: they are central to the formation and reformation of the social order, as creative moments in a continuous historical process. The laws, regulations, plans and programs of national or international agencies that enter the local scene in the guise of "development" interact with already contested domains of power and meaning. If the "developers" aim to improve the livelihoods of the poorest and most disadvantaged, they would do well to listen carefully to a range of voices, as well as observing actual practices. Through such study they can identify ways to strengthen the hands and voices of those who are already struggling on their own behalf, but whose efforts are all too easily undermined when interpretations of the past, or visions of the future, are too dogmatically asserted.

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#### Note:

The research upon which this paper is based was carried out in 1990 and 1991 in the Tinombo region of Central Sulawesi. Funding has been provided by the Canadian Social Sciences and Humanities Research Council, Dalhousie University, and the Environmental Management Development in Indonesia Project of Dalhousie University and the Indonesian Ministry of State for Population and Environment. For a fuller description of the research area, and more detailed discussion of issues raised here, kindly see the following publications:

Li, Tania, 1991 Culture, Ecology and Livelihood in the Tinombo Region of Central Sulawesi, Halifax: School for Resource and Environmental Studies, Dalhousie.

1991 Rural livelihoods background study: access to natural resources in the TTM sustainable area development site, Sulawesi Regional Development Project (Draft)

Forthcoming "Gender at Work: Negotiating Agrarian Transformation on the Indonesian Periphery" in Simi Afonja ed. Women and Agriculture in the Third World, London: Macmillan