

Wilderness and Order: Forest Conservation in Malinau District, East Kalimantan

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Abstract

What should a newly established district do when it has autonomy, a population of about 50,000 people, a landlocked area of 4.2 million hectares of which 90% is state forest which includes a 1 million hectare national park considered a global common good? The district of Malinau in East Kalimantan has chosen to develop a ‘conservation district’ to attract support.

However, the concept of ‘conservation district’ is as yet unclear and although there has been international support for the national park, no direct benefit to the district has been forthcoming. Within the decentralized state, national parks and conservation of natural resources remain central government issues. The reduced authority of local governments over forests makes conservation even less attractive. Meanwhile pressure from business companies attracted to Malinau because of its timber and mining resources is increasing. Local elites, both at district and community level, are attracted to these business offers for their own individual benefit and do not see conservation as being locally beneficial.

In this paper I will discuss the use of conservation and sustainable development rhetoric including the use of ethnic Dayak identities and their traditional wisdom in managing natural resources on the one hand and the reality of increasing privatization of land and resource extraction on the other hand. I will then link this to the implications of developing a conservation district and the way local communities perceive conservation.

Introduction

In the ‘Heart of Borneo’ against the northern border of Indonesia’s Kalimantan lie the districts of Malinau and Kapuas Hulu. Both districts are young, established at about the same time as the start of regional autonomy (2000). Located inland and upland, until recently, their remoteness and rugged terrain protected the forests and consequently both districts have still large areas with almost intact valuable forest, protecting the sources of several large rivers.

Reforms and decentralization establishing local autonomy brought new opportunities but also new burdens. Local governments now have the authority to manage their natural resources although their role in the management of the state forests has been reduced significantly in the revised decentralization laws. Autonomy, however also meant that districts are required

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to provide for basic services to citizens as well as promote the development of the districts and ensure sustainable livelihood.

The Bupati (Head of District) of these new districts are directly elected by a people which through reforms have awakened to their customary rights, are more involved in local politics and are linked to a globalized world through information and markets. In this world, the natural wealth of Malinau and Kapuas Hulu have become contested by conservationists for the ‘global common good’, by business corporations to make a profit, by local people to make a living, by the central government as a source of power and by the local government as source of local revenue.

Local people look to the Bupati to solve these problems. The Bupati is in an unenviable position. Though elected and in theory accountable to his constituency, in practice the constituency wants a king to govern them. They do want a benevolent king but king nevertheless, who provides for his people and ensure their welfare. On the other hand, the Bupati is part of a government structure and is also accountable to the higher levels of government. The revised decentralization law emphasizes this point explicitly (Law 32, 2004 article ...), while in practice this is reinforced by the fact that districts are dependent on budget allocations from the center. Between local people and government hierarchy, the Bupati is expected to successfully ‘develop’ the district and ensure its environmental integrity.

The Bupati of Malinau is facing difficult choices. Leading a district which includes a National Park and is about 90% state forest, he opted to follow the district of Kapuas Hulu and in 2005 declared itself ‘Conservation District’. But what does this mean?

Decentralization and development in Malinau

Malinau district: a short description

The district of Malinau was established concurrently with the decentralization law of 1999. Ethnic politics rather than geographic rationale (Tim Peneliti Pemekaran Wilayah Tingkat I, Kalimantan Timur, 1999), dictated the way of partition. Malinau was thus formed from the hinterland of the old Bulungan district, comprising a land locked and forested area of 4.2 million hectares. More than 90% of its area is officially state forest including a National Park of a more than 1 million hectares. The Kayan Mentarang National Park has one of the richest biodiversity and because of its relatively pristine condition has attracted numerous scientists, as well as tourists, but more importantly the interest of international conservation organizations. This large, rich area, however, is legally beyond the jurisdiction of the district as it is regulated by the central government. Local government has no authority over the land. On the other hand, the approximately 6000 people living in and around the park are citizens of the district.

The whole district is inhabited by slightly more than 50,000 people of some 20 different ethnic groups. Dominant are the Kenyah, Merap, Lundayeh and Tidung with the partly still hunting-gathering Punan representing ...% of the population. The majority of the people are swidden farmers growing mainly rice. Cash income is obtained from supplementary activities mainly gathering non-timber forest products.

As a new autonomous region in a time of reform, Malinau should have been able to build a democratic government structure with professional staff to administer the district in the most efficient manner and in accordance to local customs and needs. Politics and habits

entrenched during the new order, however, dictated the structure (Wollenberg et al, XXXX). Now, after five years it has built a quite rigid hierarchical bureaucracy consisting of the district secretariate, 20 sectoral agencies and a 20 member parliament.

Regional Autonomy also brought a new trend of ethnification of the local bureaucracy. In the first few years this trend was particularly strong and discriminatory. Only people born and bred within the district, the so called '*putra daerah*' or native sons would be selected to become government officials. Later, realizing the impracticality and limitations, this unwritten rule was relaxed although local candidates are still preferred. Thus of the 28 highest officials, 18 are *putra daerah*; of the 10 highest positions, 4 are Kenyah, 2 Tidung, 3 Lundayeh and only 1 is from elsewhere. Of the lesser officials, however, many are ethnically Toraja (from south Sulawesi), Javanese, Banjar (South Kalimantan) and others (Andrianto, 2006).

The new government is now also the main employer of the district. By its 6th year 1565 people out of 11.391 households were civil servants, thus roughly 10% of all households have one or two civil servants in the family. Interestingly this is in accordance to Parkinson's Law of 1957 which says that bureaucracy tends to increase, not because more work but to improve its sense of importance (Parkinson, 1957).

Family relationships have and still play an important role in the way Malinau is governed and serves its people. While in the first few years of regional autonomy, the government grew closer to the people, the new huge governemnt complex of today symbolizes an increasing distance. Villagers are reluctant to enter this imposing building and instead approach relatives to gain access to the bureacracy, the way it has always been done.

The Bupati of an autonomous district

One effect of regional autonomy has been the strengthened position of the Bupati. His (hers) is the final decision. Consequently, the person of the Bupati, his vision and way of working has a tremendous influence on the way a district is developing. The case of Malinau provides an interesting example.

The Bupati of Malinau is first of all a *putra daerah* (native son). He is ethnic Dayak, born in Apo Kayan, in the western part of Malinau. He was schooled in the ways of government, first in the academy for government (Akademi Pemerintahan Dalam Negeri) and later at the university in the field of governance. Recently, he earned a doctorate in development studies from the University of Brawijaya in Java. Similar to other Bupatis in Indonesia, he went on several study trips abroad from which he returned with new ideas and connections. As well, following a trend among district heads, he commissioned a biography (Alfais, 2003) focussing on his commitment to development. Interestingly he wrote a second book discussing the culture of Dayak Kenyah and their traditional way of life in harmony with nature (Billa, 2005). As quoted in Republika online (9 July 2005): "The indigenous people, the Dayaks, are accustomed to live in harmony with nature. They make use of natural resources according to traditional wisdom. This is the initial asset for Malinau to become a conservation district"

As an ethnic Kenyah, the Bupati is member of the *Lembaga Adat* (adat institution) of his group. Although, he has done his best to find a balance between the different groups and tries to give equal attention to all ethnic insitutions, ethnic affiliations make a difference. Being Bupati gives prominence to the Kenyah and in turn, the Lembaga Adat supported his

election and re-election. Publicly, he does not make too much use of this, but the fact that he commissioned the book on Dayak Kenyah and their traditional wisdom in managing resources, reflects his awareness of the use of the right rhetoric.

Development since autonomy: Is there room for conservation?

Malinau's vision of the future is that by 2010 the Movement to Develop Self Reliant Villages (Gerakan Pembangunan Desa Mandiri or *Gerbang Dema*) all villages in the district will be self reliant/sufficient. This is to be achieved through development of a 'sistem ekonomi kerakyatan' or people based economy based on sustainable use of natural resources, improving regional equity, and increasing the role of the private sector.

While the first two are lagging far behind, the role of the private sector has increased almost without active government intervention. The private sector learned fast and responded quicker than all other stakeholders in making use of the new opportunities created by decentralization. Within a few years many companies were also able to strengthen their position by building close links to the elite within the government as well as within the communities. Thus, while well-being remains high on the agenda, it has been subsumed by the emphasis on economic development driven by the private sector.

Private companies having a permit to extract timber or coal, for example, are required to negotiate with local communities and support local development. While local communities do receive a share, it is not always significant in comparison to the profit made (Palmer, n.d.; Limberg, 2004) and often does not compensate for the environmental damage they have to bear.

As forests are Malinau's main asset, it was the first to experiment with private company-community relations. As described by Limberg et al, 2005; Affandi, 2005; and Barr et al, 2001, the 2000-2001 IPPK logging boom led to unsustainable logging over some 56,000 hectares and provided substantial albeit short term cash benefits to many communities, and more importantly strengthened community but also individual ownership over resources in their traditional use area (Wollenberg et al, forthcoming). Fees based on amount of timber cut, compensation payments and contributions from the logging companies became part of life. Despite the realization that most payments are short term, many communities remain eager for this income.

Malinau was one of the first districts to shift towards a better organized system called IUPHHK, which is modeled after the Indonesian Selective Logging system of large concessions, but limited to a maximum of 50,000 hectares per concession in production forest. Legally (Government Regulation 34, 2002 Article 42), these permits are to be issued by the Minister on recommendation by the district, but in Malinau, the permits were issued by the Bupati prior to the issuance of GR 34. Despite a questionable legal status, 11 permits covering 363,925 hectares were issued between December 2001 and March 2002, though only five had started operations in 2004 (Affandi, 2005). The permits come with a set of rules and the requirement to negotiate with local people, however, there is as yet no effective monitoring system, nor real support for local communities to negotiate better and enforce the resulting agreements.

After timber, mining was opened to local permits. However, this proved more difficult as mining involves higher technical input and more environmental and social disruption. As

reported in the ‘Kabupaten Dalam Angka’ (district in figures) 2004/2005: “... under normal production processes, coal production would increase annually..... from 2001 to 2002 production increased by 31.11 percent. In 2003 production decreased by 19% because the running contract had expired. In 2004 production decreased another 75%” (Bappeda & BPS Kabupaten Malinau, 2005). Decreasing production is partly due to problems with local communities and partly due to the difficulty of extracting coal along river banks. Similar to forest exploitation, coal exploitation is now linked to fees, compensation payment and other contributions given to local communities, although there is no data available on the amount actually received.

A third focus to drive economic development, also dependent on the private sector is oil palm development. Malinau considers itself lucky that a Malaysian company was interested to invest and has signed a Memorandum of Understanding accordingly. Oil palm is considered a lucrative business as it is relatively easy to grow and quick producing, and the added attraction is the profit obtained from land clearing activities in forested region. In fact, in many cases throughout Indonesia, companies often only take the timber and forget to plant the oil palm.

Meanwhile, an overarching compulsion by the government is improving access to stimulate economic development. Many villages in Malinau are indeed remote and difficult to reach. Villages on the upper Bahau, for example, can still only be reached by plane or river boats. The government is already subsidizing flights to remote villages but even more wants to construct roads. With limited funds but much forest, Malinau solved the problem of funding road construction by paying the contractors in kind, allowing them to extract timber along the road to be constructed. In this way, some 150 km of road has been built linking the sub-district towns of Tanjung Nanga, Long Alango and Pujungan to Malinau. Partly old logging roads, unpaved and with stretches that remain impassable due to the difficult topography, nevertheless these roads are already making a difference in people's view of life.

Still, road construction is a contentious issue. The government sees roads as a basic necessity leading automatically to economic development. Most communities want roads although some have doubts on the way these are built. With no monitoring, logging along the roads has often exceeded the 1-2 kilometer limit agreed on. In some cases, communities were not aware of the agreement and demanded fees and compensation for the timber extracted. There have not been any environmental impact studies and when the terrain is too difficult, contractors might take the timber and leave the road unfinished. Despite various problems associated with road construction, the government is pushing ahead and plans to continue road construction to link all subdistrict towns to Malinau.

Parallel to these developments but not quite connected are the discussions on conservation. Malinau talks about being the source of 24 large and small rivers. It boasts of its forests which are the richest and as yet most intact tropical forest in Southeast Asia. The Kayan Mentarang National Park alone counts 1,012 species of plants and 320 species of animals, many of which are endemic to Kalimantan (Eghenter and Labo, 2003). On the other hand, most of the rural population is considered poor and many are dependent on the traditional forest use. In an effort to optimize available potential, natural and human resources as well as the social capital build through national and international networks, development of a conservation district offered some solutions (Radar Tarakan, 9 July 2005).

The idea was first developed collaboratively by WWF and the district of Kapuas Hulu in 2003 (WWF, 2005) and suggested to Malinau a year or so later. Malinau's willingness to join this experiment is not surprising considering that several of the high officials in the government had collaborated with WWF in the past. They are therefore quite familiar with conservation speak: conserving biodiversity, environmentally friendly development, the importance of endemic species, watershed protection, and the traditional wisdom of indigenous people who live in harmony with nature. Also, outside parties such as CIFOR and WWF had raised ideas about carbon trade and compensation payments for conservation efforts.

The conservation district of Malinau

In 2003, Kapuas Hulu declared itself a conservation district by official decree of the District Head (SK Bupati Kapuas Hulu Nomor 144 Tahun 2003). Malinau has not issued such a decree but called a meeting to enlist national support. A high level workshop was organized attended by the ministers of Forestry and of the Environment, representatives from the national planning board, several universities as well as international organizations such as CIFOR², WWF and Tropenbos

The workshop was considered to be the official declaration of Malinau as conservation district. It thereby received formal and recorded support from the Minister of Forestry. However, within Malinau and especially at community level, conservation district has not been explained. The declaration of conservation district has been directed outwards and was aimed at soliciting more than merely political support, i.e. funds for development. Referring to Malinau's rich resources and primary forest the Bupati was quoted in Kompas (15 December 2004): "it is no surprise that with this condition, many parties insist that the district of Malinau become a conservation area. The virgin forest should not be logged. However, we have not received anything from the central government, not even from the non-governmental organizations that pressured us to conserve".

Still, publicly the Bupati advocated for conservation and development of a conservation district. Although in his book, the Bupati makes much of the traditional harmony between Dayak and nature, thereby positioning them in the larger context of the district (Li, 2000; Billa, 2005), in his speech at the workshop he uses the language of environmental advocates. In declaring Malinau a conservation district, the Bupati gave the following rationale: "the concept of conservation district as development model is driven by the consciousness of the local government and local communities about the importance of Malinau as steward of the rich biodiversity, lungs of the world and source of water. This concept is the results of in depth discussions, debates and reflections on the meaning of these future assets which have to be protected and passed on to the next generation" (translated from the Proceedings of the Seminar Nasional 4-5 July 2005).

The issue of compensation payments has been discussed from the early days of the district's establishment. There was the new district, heavily forested and burdened by a large national park with a world looking on and demanding it be conserved. Both Kapuas Hulu and Malinau expected to get paid to protect the 'lungs of the earth' in the interest of local, national and international ([Sinar Harapan online, 5 June 2004](#)).

² CIFOR has been doing research in Malinau since 1998 and is a major stakeholder. Similarly WWF has been working in the Kayan Mentarang National Park since 1990

Indeed, from the start of regional autonomy, Malinau already insisted they deserve compensation payments for not logging the national park. It has to be admitted that for local governments the presence of national parks is particularly troublesome. Legally, national parks are outside a district government jurisdiction but practically they are located within a district territory and often inhabited by citizens of the district. While excluded from using the area, the district is expected to help protect the park against illegal activities, while no direct funding is received by the district.

Kayan Mentarang was established as a reserve as early as 1980 and was thereby declared a global common good. It has been protected mainly by its isolation and low population pressure, but decentralization is changing that. In the first rush of autonomy and new authority over its forests, the new district had followed the general race to sell its timber. Although the Kayan Mentarang Park was safe enough due to its inaccessibility, the district now was conscious of the cash value of the timber and of the unfairness of not being able to sell it. If this is a global public good, providing clean air and water to the world, let the world pay for it!

Meanwhile, Kayan Mentarang National Park has received significant international attention. WWF has been active since 1991 working with local people and was instrumental in changing its status to national park in 1994 to allow secure livelihood for its residents (Community Forestry E-News 2003-14). In 2000 ITTO provided a 1.3 million dollar grant for the management of Kayan Mentarang through the Department of Forestry (Republika 12 December 2000). However, the contributions while not insignificant do not accrue to the local government. Instead, the most direct beneficiaries are the central government ministry of forestry and local communities.

It is unfortunate that the budgeting structure in Indonesia does not reward conservation. Although regional autonomy implied that self generated revenue would grow and thus decrease dependence on the national government, most districts remain very much dependent on the shared revenue from natural resources. In the case of Malinau this means that it receives back 32% of the royalties from logging and mining in the district, as well as a share of royalties raised in the province (Cahyat, 2005). Clearly, it is more to the advantage of districts to allow high rates of extraction. No incentives for conservation are built in the system. On the contrary even the way the reforestation funds are distributed does not encourage conservation. According to the revised budgeting law (Law 33, 2004) 40% of the collected reforestation funds are returned to the ‘contributing’ region, where contributing region means the region where the forest is logged and funds are collected, and 60% is to be used for national level rehabilitation projects. One issue is that ‘contributing region’ is defined as province to receive the 40% while for the 60% distributed, district is used as the unit (Oka and William, 2004). Districts perceive a basic unfairness in that the system benefits regions with less forest and large areas in critical condition while districts that produce the money receive proportionally less. In an effort to develop incentives for conservation a group of proposed a system for conservation payments, whereby conservation districts were to receive additional funds to finance conservation efforts and to compensate for income not earned. Unfortunately, lack of understanding and concern by the decision makers resulted in conservation funds being equally distributed amongst all districts,

a sum of about 200 million rupiah in the total budget of 3-4 billion (F.Agung Prasetyo, personal communication³).

What is in it for Malinau to conserve its forests? The workshop identified several options:

- Compensation payments for environmental services within the province based on upstream-downstream agreements
- A higher proportion of shared revenues
- Special allocation funds for conservation districts as incentive to conserve natural resources
- Direct payment for environmental services
- Conservation concessions
- Clean Development Mechanism
- Debt for Nature Swaps
- Grants from international donors
- Partnership with international as well as national institutions

There is thus a clear expectation that being a conservation district is a means to obtain direct cash benefits and higher revenue. To receive this, however, should require a clear conceptual framework, hard work and visible signs of commitment, which so far has been lacking.

On the other hand, the national government has not responded very enthusiastically to these initiatives. As told the effort to provide additional funds earmarked for conservation has met with failure. Internationally there is a lot of discussion and debate on the different incentives for conservation and mechanisms of implementation including direct and indirect payments (Ostrom, 1999; Ferraro and Kiss, 2002; Pagiola and Platais, 2002; Wunder et al, n.d.; Hayes and Ostrom, 2005), there is as yet no effective mechanism created to pay for these. As a result, interest in conservation districts is waning and districts are looking for other options. And the private sector stood ready while communities have not been asked.

Conservation at community level

Decentralization has led to the integration of interior people in the larger state and thereby highlights problems typical of tropical forests around the world. Traditional people are in the process of to adjust to new technologies and need while protecting their resources from encroachment by outsiders (Alcorn, 2000) exemplified by the IPPK. The IPPK period was an intensive learning period for local communities. The interaction with private companies was empowering for some and disempowering for others but most communities learned to negotiate for better deals and consider longer term benefits.

In the midst of the race to log, the village of Setulang resisted and established a conservation area, the *Tane’Olen* (Iwan, 2004), thereby making use of their customary traditions to reinvent themselves as a community in harmony with nature (Li, 2000). Originally a traditional concept of reserved forest for the exclusive use of the nobility, it was transformed to become more explicitly a forest set aside for conservation purposes. WWF working in the Kayan Mentarang National park has been instrumental in developing the concept for conservation purposes. Most villages on the upper Bahau located within or bordering the National park have designated areas called *Tane’Olen*. Examples are Long Alango, Long Kemuat and Long Berini. In the case of the village of Long Alango, the paramount customary

³ F.Agung Prasetyo is a CIFOR scientist involved in the Forest Partnership (WWF, Tropenbos and CIFOR)

chief, explained that these forest first belonged to the nobility (*the paren*) whereby the *Paren* had exclusive control and rights of use. In his case, control over the forest was handed by him to the community for conservation purposes.

Most of these Tane’Olen are outside the national park and some companies have already put in a bid for the right of logging. In one case, the paramount customary chief has already sold the Tane’Olen to a logging company for a ridiculously low price, without agreement or even involvement of the community.

The insecurity of tenure remains the most crucially important issue throughout Malinau where most of the land is state forest land. Similar to the way of Setulang (Iwan, 2004, also see Iwan’s and Limberg’s papers, this panel) communities use the Tane’Olen concept to strengthen their claims on the territories (see also Zerner, 1994; Li, 1996). In fact, to ensure their rights of access even more, they have requested that these lands be included in the national park. Unfortunately neither the central nor the district government has responded. In fact, as mentioned in the previous section, there is a movement afoot to reduce the area of National Park.

However, as little support the central government is giving to Malinau’s attempts to build conservation into its development strategy, does the district give to village efforts. Setulang was acknowledged only after national and international attention focussed on their efforts. Good intentions by other villages such as the neighboring village of Setarap or Long Alango on the Bahau, and probably many others, go unnoticed and unsupported.

Conservation in a globalized world

Conservation in Indonesia has been part of the forest management, forestry rules and regulations since the Dutch Colonial Times. However, it was not considered high on the agenda until the 1980s when Indonesia participated in international events such as the drafting of the World Conservation Strategy in 1981 by IUCN, WWF, FAO and UNEP, and the international congress on National Parks in Bali (Mulyana, 2002). Consequently the government of Indonesia agreed to support the establishment of a system of protected areas and the designation of 10% of each Biome as protected area. Unfortunately, not much thought was (and still is) given to any existing rights of local and indigenous communities in the areas designated to be ‘protected’.

Meanwhile, official policies have followed international fashion very closely, from the 1970s when nature was to be protected against people ‘for the benefit and enjoyment of all’ to the wave of ‘conservation with development’ approaches of the end of the 1970s, Integrated Conservation and Development Projects (ICDPs) to community based conservation and a new wave of interest in poverty (Fisher et al, 2005). This is not surprising considering that conservation efforts have been funded mostly by international organizations. IUCN, WWF, FAO and ADB have been present since the 1970s and more recently international organizations such as Tropenbos, TNC and CI have joined the crowd.

This last wave of interventions for conservation had to cope with international movements to acknowledge and empower indigenous people and their rights over land and resources. National NGOs and alliances of NGOs took to these movements and made them their own (Royo, 2000). They started to pressure the government to recognize customary rights and acknowledge that many local communities have usually, purposively or not, integrated

conservation strategies into the cultural landscape. Efforts to reconcile the need for conservation and the rights of local communities where there is also pressure for economic development have led to a rethinking of conservation and consideration of alternative approaches (Agrawal and Gibson, 1999; Hayes and Ostrom 2005; Fisher et al, 2005; Scherr et al 2004). Almost all contain an element of collaboration and participation by multiple parties in different sorts of arrangements as well as the need to empower local communities. Among these, ICDP and CBC models were widely implemented by NGOs with international funds.

The weakening state in the last years of the new order, allowed local communities to reveal what was hidden before: conflicts over land and forest resources. In the first rush of new freedom, local governments and people took control over natural resources. A few years of rampant uncontrolled exploitation followed. It should be noted, however, that illegal activities in protected areas have been part of the landscape for many decades (McCarthy, 2000; Obidzinski, 2004), but increased communications and information flows since the reforms have highlighted these issues. The former president, Megawati Sukarnoputri, explicitly blamed environmental degradation on decentralization (.....).

The perceived inability of districts to control natural resource exploitation has been one of the reasons for revising the decentralization laws. The new law re-instates the province as part of the governmental hierarchy and reduces the authority of local governments over the exploitation of forest. Meanwhile conservation in Indonesia was not decentralized and the Ministry of Forestry shows no sign of releasing this authority. In fact, it appears that MoF is attempting to strengthen this part of their mandate through expansion of protected areas, even though the protected area approach is being questioned globally (Scherr, et al, 2004; Hayes and Ostrom, 2005). Thus, since 2000, Indonesia has established 30 new national parks alone bringing the total to 50 national parks. Official figures claim 32 million hectares set aside as protected areas, Within national parks (.....). National Parks are considered the most strategic approach to protected area management today (Wardojo and Masripatin, 2002) as these allow zonation with different use levels while at the same time have international status. However, as also stated by Kaimowitz et al (2003), establishment by decree does not make a national park.

The government might have formal power, but de facto, national parks are managed (or not-managed) by the people living in and around the park. Almost all protected areas in Indonesia are under threat from increasing population pressure, extractive industries, land clearing, hunting etc. The government is not able to guard the large areas it has assigned for conservation. Local governments are seemingly not interested while communities which have no legal rights, even if willing, are not able to protect the park against encroachment by outsiders. Private companies might be willing to manage a park if profit is involved but even then have to cope with local communities. Thus, collaboration and participation for conservation has become not only an option, but a necessity.

Nevertheless, most national parks are an accepted presence both by local governments and local people. In Malinau, this acceptance has been one consideration to become a conservation district. As mentioned earlier, for local governments, national parks are often considered more of a burden than an asset. Districts are held responsible for its safety but have no legal authority. And because it is centrally managed, any revenue obtained from eco-tourism for example, will accrue to the central government. As conservation district,

there is an added hope that the district has more freedom to manage the park and obtain any benefits from its presence.

At present, National Parks are managed by the local National Park Office or the local office of the Directorate General of Nature Conservation if no office has been established. Even where there is an office, usually staffing and operational budgets is far from sufficient. This lack of facilities and manpower is one reason for involving local government.

Although overall, conservation should be the responsibility of the national government, without devolving some authority over protected areas to local actors, rules will not be enforced. Following the wave as indicated above, the government has recently issued several new decrees which cover options for collaboration. One of these is a ministerial decree on collaborative management of national parks (P19/Menhet-II/2004).

Kayan Mentarang, was in fact, the first park experimenting with collaborative management. With facilitation from WWF, communities united in an inter-adat institution (FoMMA) and lobbied the central government for the right to manage the park in accordance with customary law and rights. The government agreed on the establishment of a Policy Board which comprised representatives from central, provincial and local governments as well as local communities (Eghenter and Labo, 2003). However, after several years the Board has yet to decide on an agreed on zonation and management plan. The Bupati at one point was so fed up that he petitioned the central government to dissolve this board (.....).

Order in the Wilderness

What then is the hope for the future? How can the Bupati of Malinau find the balance between conservation and development? Between local, national and global interests?

In trying to navigate between the many often conflicting interests, Malinau like many other newly autonomous regions, started by consolidating its power in a visible way. It imagined itself as a ‘modern state’ and build visibility through a shining office complex, and legibility through a land use plan (Scott, 1998). And within this now legible framework they imagined self reliant villages (desa Mandiri), as described in Agrawal and Gibson (1999) as well as by Li (2000). Meanwhile, communities with outside facilitation embarked on efforts at countermapping (Vanderveest and Peluso, 1995) as well as reinventing their own image of community (Agrawal and Gibson, 1999).

Land Use Planning

Spatial plans can be a very useful tool to regulate competing land uses, ensure economic integrity, protect rights and promise equity. As a regulating tool, spatial plans should provide an overview of available land, its possible uses and limitations, feasible development possibilities and necessary protection measures. It should indicate sites for public services such as main transportation networks, agricultural land, public housing developments, electrical and water supply plants etc. In short, it should be the framework within which all development activities are planned and implemented, providing an overview for the government to make the most appropriate decisions and guidelines for investors seeking ‘legal’ opportunities. On the other hand the public should be able to use the information in the spatial plans to optimize planning and implementation of their activities, whereby the

spatial plan can serve as protective framework. It is a tool for further planning and should not be considered and used as a fixed site plan.

Land use planning is mandated by law (Law 24, 1992), whereby a land use plan has to be produced for the nation as a whole, every province and every district. Although emphasis is given to integration and coordination, for many years the different hierarchical plans had little connection. Spatial planning is seen as a project, to be made within a limited time period, usually outsourced and then conveniently shelved. Despite the little actual use, on given autonomy, many districts felt the necessity to articulate this in their own spatial plan. In the case of Malinau, the low population and advent of large scale developments should have been an opportunity for rational planning.

Malinau hired consultants to do this planning. Complaining of low budget and political interventions, the consultants produced a land use plan based on minimal field visits and consultations. The public consultation required by law was limited to a one time expose of the final draft a few weeks before the project deadline. No inputs were solicited. Although the plan was legalized by district regulation in 2003 (Perda (district regulation) No. 12, 2003), the government did not really accept it as is, has not announced it to the public and does not appear to use it. On the other hand, the same consultants were again hired to draft land use plans for sub-districts.

Meanwhile actual developments bear no relation to the land use plan with sustainable development an uphill battle against the pressure from the private sector. Although the government banned the 100-1000 hectare small scale logging permits, it issued 11 larger scale concessions, covering about 360,000 hectare (Andrianto, 2006). The government is still paying road construction in timber, it has permitted several IPK (wood utilization of land clearing) to construct settlements and does not monitor any of these. The government is also actively seeking investors for large plantation and has secured a contract with SFI (Sabah Forest Industries) to establish oil palm plantation.

An additional complication is the conflicting regulations of sectoral departments. Thus the Forest Land Use Mapping which designated 90% of Malinau's area as state forest was made independently to the land use plans of provincial and national level coordinated by the planning bureau and the ministry of home affairs. In an effort to synchronize the two, a process of '*padu serasi*' (harmonization) has been going on for some time. Meanwhile, national and district forestry offices quote different figures of the forest area. MoF says that there is some 625, 481 Ha of protection forest but districts put it at 744,647 hectare (Bappeda & BPS, 2005). Conversion forest according to MoF is 421, 436 hectare and according to the district 752,763 hectare. The matter of forest conversion is of course of high interest in East Kalimantan as so much of the land is claimed as forest beyond local government's authority. Not surprisingly, as recent as this year, the Province of East Kalimantan submitted a proposal to the central government to convert an area of about 1 million hectare from forest to non forest land (....)

Within Malinau, the area planned for conversion vary between 400,000 hectares⁴ and 600,000 hectares (Andrianto, 2006). Additionally, Malinau is also interested in the designation of a 5 kilometer strip along the border with Malaysia, some 425,000 hectares, as

⁴ and ⁴ Based on the final revision of the land use map as agreed on by the Governor of East Kalimantan and all the district heads and proposed to the central government for approval (personal communication from the Manager of the Malinau Research Forest, Kresno,)

Kawasan Strategis Negara or KSN (State area of strategic importance). While this is not necessarily conversion from its protective function, the fact that the province also proposed this area for conversion is cause for concern.

The Bupati, in his final speech for re-election, where the candidates were asked to introduce their vision, mission and programmes, highlighted this expansion of non-forest land, over which the district government will have full authority as one of his finest achievements (Second session of the People's Assembly of the District of Malinau, 6 February 2006). Although not legalized as yet, the Bupati has on several occasions stated that the forest area of Malinau now comprises 40-50% of the district's territory rather than the hitherto quoted figure of 90%.

Clearly, as ultimate decision maker, the Bupati remains undecided about the direction of Malinau. On the one hand is the extensive and valuable because it is largely primary, forest resources and on the other hand the pressure from the private sector with promises of cash benefits and economic development. As well, the revised decentralization law reinstated the province as overseeing districts. East Kalimantan wants to expand plantations, allow more mining and wants to save the wood based industries. Thus, there is a proposal to convert more than 1 million hectare of forest land to non-forest uses, including the 300,000 hectares in Malinau (Anonymous, 2001).

Meanwhile, CIFOR had been doing action research along the Malinau river in 27 villages and was facilitating community participation in decisions on land and forest use. One outcome has been two villages drafting a land use plan (Limberg et al, 2006a). These plans were formulated based on focus group discussions and consultations as well as workshops. Interestingly, one issue highlighted by the community was the importance of balancing exploitation and conservation. (Limberg et al, 2006b ... ITTO report).

Land use planning at village level is a useful exercise as it helps the community articulate their aspirations as well as to understand the options available as well as the limitations for development within their village. For the district it should provide detailed information on resources and people and their aspirations. However, village plans are usually drafted without input or consultations from neighboring villages. This should be a role for the district or subdistrict and part of the annual planning meetings. However, both at the formal level (district, province, and national) as well as at the informal level (village, subdistrict) land use and spatial planning are separate from the development planning. As well, village land use plans have no legal status and are therefore of little interest to the district.

Mirroring the attitude of the district government, discussions show that while villagers are willing to contribute to land use planning they expect others to actually implement them. Thus there is the expressed hope that government, but mainly incoming companies, will build roads, irrigation systems, clean water supply systems and even plant the trees on farmers' fields as part of the plantation schemes (ITTO report).

Land use planning at village level is also hampered by the uncertainty of tenure. As mentioned before, 90% of the land is claimed as state forest land. The district government acknowledges de facto right over village territories although until today has not confirmed village boundaries legally. In many places rights over forest and other resources are still contested, where alliances of local elites, local entrepreneur and government officials results in the marginalization of weaker groups). Consequently, communities are hesitant about

planning detailed use categories or planning too far ahead. By designating general categories such as area for cash crop or community forest with some general management rules, communities maintain the flexibility to adjust to opportunities as they occur such as government programs or cooperation with the private sector (ITTO report).

At district and province level, land use plans are often seen as fixed even though in practice nothing is fixed. The use of these plans is therefore limited because even the absolutely necessary guidelines for environmental integrity is thereby ignored. One challenge is the integration of the micro, diverse, specific village plans into higher level plans and for higher level plans to have legal force but provide sufficient latitude for variation and diversity (Brosius et al, 1998).

For district level, land use planning is indeed an instrument of control (Mintzenberg, 1993) while at village level it is an instrument of learning to take some control over the future and as a basis to negotiate with others. It is especially important for the villages which want to retain part of their land for conservation purposes. In the case of the village of Setulang, the land use plan strengthened their resolve to conserve the Tane’Olen as well as showing possibilities to obtain needs from the forest from other parts of the village. Thus, realizing the future need for construction timber, they revisited the plan and designated remaining patches of forest in the area designated for plantations to be reserved for timber production.

Desa Mandiri

Gerbang Dema and land use planning and development of a conservation district share words such as sustainable development, environmental protection, equity and well being. These three concepts also share a vision of order. *Gerbang Dema* as mentioned was conceived by the Bupati during the early years of his first tenure (2001-2002??) based on reflections on the local situation. He perceived the main strength of the district to be in the awareness and willingness of the people to be involved in development. “We want to encourage a bottom-up process in line with the spirit of regional autonomy where all community members are involved in development so that they feel a sense of ownership and will be responsible for the prospect of development’ (Alfais, 2003: 116).

The Bupati’s vision is to set into motion a movement driven by community members themselves, with measurable progress assessed regularly. The assessment will take into account local characteristics and potential. He is imagining a process similar to Thailand with its one village one product strategy, with each village deciding on their their comparative advantage and focus on developing this.

Unfortunately a vision remains a dream on paper without proper translation into action. Although mentioned in all discussions on development, each official had a different perception often very different from the principles stated in the official documents (Andrianto, 2006). Sectoral agencies tend to resist these holistic programs as they are used to act as implementors rather than regulators and projects are their main source of power (and income).

One problem hampering the implementation of the Bupati’s vision is the way the concept was developed. The Agency for Village Empowerment (PMD) rather than the planning board (BAPPEDA) took the lead. While at the time, the head of the PMD was a respected person close to the Bupati, PMD itself is a marginal agency without authority to coordinate other

agencies. Thus, similar to the poverty alleviation strategy, *Gerbang Dema* became a parallel strategy to the kabupaten strategy developed by the planning board, with neither one being able to coordinate effectively.

As a result and despite the hype and rhetoric of *Gerbang Dema*, development still follows the old paradigm of being driven by the government based on a perception that customary ways of live and upland rice farming is primitive and backward, part of a wilderness in need of order to become civilized. Development remains a collection of sectoral projects marginally linked.

This way of thinking has been strengthened once more by intervention of the central government through compensation payments for the fuel increase. In mid 2005 the government reduced fuel subsidies with the result that fuel prices increased significantly. To reduce the effect of increased prices ‘poor families’ were given a cash subsidy of Rp 100,000 a month for a year and a number of ‘poor’ villages received a grant of 250 million rupiah. Suddenly all villages were poor and no more self reliant.

The reality is, while general development is seen as the responsibility of government, individual community members contribute to actual development through their own efforts to improve their well being. What we learned through research, communities have practiced intuitively, i.e. principles for survival are making use of ‘spontaneous orders of cooperation’ (Wollenberg et al, XXXX) and the natural resilience inherent in local traditions (Alcorn, 2000). In fact, most villages have remained more or less autonomous, i.e. mandiri (Despite the universal declaration of being poor, most communities are relatively self reliant. The majority are still farmers and even government officials often retain and work their rice fields. Overall, Malinau is self-sufficient in rice. Traditionally, cash income would be provided by the sale of various non-timber forest products. Logging as a source of cash is relatively new in this area.

Meanwhile, the term ‘mandiri’ itself might be understood in different ways. The Bupati defines ‘mandiri’ as villages developing on their own initiative utilizing all available resources. Wahono (2004) translates it as autonomous while in development literature it is taken as meaning self-reliant or self-sufficient. Villages who had never received any projects would say “we are self reliant”. In general self-reliance is seen as not being dependent on government aid (from interviews with communities and government officials during a survey conducted in 2005). Government, however, perceives a development from pre-mandiri: traditional villages where outside influence is non-existent where people’s livelihood comes from primary sources and productivity is low. A partial-mandiri village is one step ahead, local customs are in transition, outside influence changes causes more progressive ways of thinking and more options for employment are available. Productivity increases are balanced by increases in village infrastructure. And a village classified as ‘mandiri’ would be a village further developed where relations are more rational, sources of livelihood more diverse, new technology adopted leading to high productivity and sufficient infrastructure (pedoman umum strategy Gerbang Dema 2002, quoted by Andrianto, 2006). Clearly, the Bupati’s vision is not shared by all.

Conclusion

The story above highlights the tensions within a district trying to establish itself in a time of regional autonomy and globalization. Malinau has to cope with the responsibility of conserving a globally important national park against the pressure of globalized corporate reality where cash is the main driving force. It has to cope with the wish for modernity and economic development against the customary way of life and rules of ethnic groups, the different ways of elite capture against the promise of equality for all. In these tensions, the Bupati is the key figure, the one providing direction, the ultimate decision maker and the one to blame if things go wrong.

The way by which a Bupati makes decision is a factor of his ethnicity, his upbringing and his experience. The Bupati of Malinau makes use of them all. He uses his ethnic identity, the rhetoric of both environmental advocates as well as community participation. He is politically astute but seems to lack in ability to evaluate individuals (or perhaps he has been mistaken in trusting individuals), but he remains a government bureaucrat. As such he follows the letter rather than the spirit of law, paying more attention to formalities rather than result.

Three experiments have been explored. Development of a conservation district, land use planning and community participation. In the end none are direct failures nor great successes and Malinau still has to find an appropriate solution.

The development towards a conservation district can not succeed without support from the national government and international community. Like elsewhere (Kapuas Hulu,) it has been first raised by outside parties, in this case the Forest Partnership of WWF, Tropenbos and CIFOR. Lack of national support has halted the process. However, it could still have moved if a mechanism for environmental service rewards could have been promised. While there is scope for this in the future, the district of Malinau needs it now.

Land use planning which could have been a tool and a means for managing and allocating resources in fair and equitable manner and guide and control development to secure environmental integrity has become instead merely a tool to articulate autonomy and to fulfill the formal requirements of the law. It has become an end in itself rather than the means to achieve goals. Made by consultants it had limited input even by officials. Like all over Indonesia, land use planning has no real connection to general planning or development planning. Political considerations and pressure from the private sector in the end dictate decisions on land use.

With regard to community participation, again the Bupati's rhetoric has been translated in unexpected directions. The Bupati has on several occasions said: "development without community participation will only create dependence and the people will only become an object of development" (Alfais, 2003:115). Officials talk about the role of government as facilitators and service providers, collaboration and community aspirations which have to be considered. But, the government then signed a MoU with investors in a non-participatory manner and expects the investor to then take the lead in community (economic) development.

Participation does not arise from nothing but has to be learned by government as well as communities. One basic requirement is trust, but this element is missing. Communities accuse the government of not being transparent and the government thinks the communities do not understand. Communities demand results immediately and the government responds with regulations. Making regulations is easier than changing a development paradigm.

In the end the most emphasized direct action intended to benefit communities was the opening of Malinau to private investors while pressuring them in providing facilities such as roads, clean water and electrical supplies to communities in addition to fees and compensation payment. It appears that thereby, local government has shifted the task of community development to private companies. Communities would then ask for extras such as the fuel for the generators or cash contributions for Christmas celebration. Compensation payments have sometimes become difficult to distinguish from extortion, where local community demand and often receive contributions for community celebrations and compensation payments for a range of things from dust on crops, to dirty water to replacement of crops due to road building.

How then does this fit with self-sufficiency and self-reliance?

As also mentioned by several authors (Scherr et all 2004; Fisher et al, 2005), people are willing to participate and collaborate in natural resource management if they understand the reason and if it is clearly in their benefit. To this end, a structure of incentives and disincentives must be in place as well as a set of some common rules. The village has found that land use plans can be used to set these rules but as the government remains too busy reproducing itself, village initiatives remain isolated incidents.

At village level, communities have remained more or less self sufficient and self reliant (in contrast to regions with less abundant natural resources) but future options are limited. Providing better access is probably a good thing but need to be considered and designed in accordance with the need for environmental conservation.

Conservation is necessary but the bottom line is whether we want conservation for the global public good at the expense of local people. In terms of conservation districts, this means that the global beneficiaries accept the necessity of finding a workable mechanism to reward local people and local governments for their efforts to conserve and use natural resources in a more sustainable manner.

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