LAND PRACTICES INITIATED BY LOCAL GOVERNMENTS AND CIVIL SOCIETY

Endang Suhendar & Haryunani Kumoloraras

June 20, 2003

This working paper was prepared by the consultants for the Indonesia land policy dialogue, which is sponsored by the Ministry of Home Affairs and National Planning Agency with the collaboration of the World Bank. The views expressed in this paper are those of the authors and should not be attributed to the World Bank, its Executive Directors, or the countries they represent.
Recognizing the need for an integrated land policy and anticipating the fundamental changes in the land administration system with the implementation of decentralization, the Government of Indonesia and the World Bank have engaged in a land policy dialogue during 2002-2003. The goal of the dialogue is to help the Government to develop a National Land Policy Framework to guide specific land policy reform.

This working paper is a product prepared by the consultants under the request of Ministry of Home Affairs. It presents five examples of land administration and management practices initiated by the local governments and civil society, where pressure from the community played an important role in the process.
# Table of Contents

I. Background........................................................................................................2  

II. Establishment of Team 13:  
   Efforts to Handle Land Conflicts in Lampung Province (Sumatra).............5  

III. Forest Management by BUMDes:  
    Local Initiative in Settling Land Conflicts  
    in Sumedang District (West Java).................................................................11  

IV. Community-based Forest Resources Management:  
    Wonosobo District (Central Java).................................................................18  

V. Agreed Village Land Usage System:  
   Local Initiative in Settling Forest Land Conflicts  
   in Sanggau District (West Kalimantan)..........................................................30  

VI. Formulation of Community-based Natural and  
    Environmental Resources Management:  
   Local Initiatives in Overcoming Land Problems  
   in West Lampung Regency............................................................................38  

VII. Conclusions.....................................................................................................47
I. Background

Initiative and innovation, these two words would perhaps influence the success or not of the implementation of regional autonomy nowadays. Without bottom up initiative and innovation proper management and development of all its regional potentials would become something impossible. This is due to the fact that the greater part of regional management authority is part of and hence is the responsibility of the respective local government. Therefore the era where local governments ask for guidance and assistance from the central government in the implementation of regional development does not exist anymore.

In Indonesia’s Law 22/1999 about Local Government it is stated that autonomy is given to a legal community. Therefore, the responsibility of the implementation of various governance and development activities in the region is not solely on the local government or executive, but must also involving various regional stakeholders. In this case partnership represents something which must be carried out in the efforts to develop commitment and simultaneously to get synergy of various existing potentials in the region. Partnership also represents pre-requisite in the realization of good governance in the region.

Law No. 22/1999 provides the districts/municipalities with a broad authority to organize and manage their own governance. Being more precise, this law allows the local governments total authority to organize 11 types of authorities, amongst which is included the authority to manage land administration, except those responsibilities as stipulated by Government Regulation Number 25 of year 2000 where the Central Government still possess the land affairs related to: determining the requirements for conferring land rights; determining the requirements for land reform; determining setting land administration standards; determining setting land services costs; determining the national cadastral framework and implementing the national 1st and 2nd order cadastral base surveys. In the meantime, the authority of the provincial government regarding land affairs are not stipulated in mentioned Government Regulation 25 of 2000. This means that any authorities regarding land affairs other than those that are not mentioned above will be part of the authority of the district/municipal government.

The implementation of regional autonomy that became effective in January 2001 has not been free from problems and constraints. It is presently admitted that many issues still need to be improved, especially those related to the relation between the central, provincial and district/municipal governments, as well as the horizontal relation, at each administration level. Besides, the opportunity to organize and manage their own affairs is not yet fully utilized by the regional governments. This is particularly related to the influence of outdated/policies, where in the past the local governments were not more than executing agencies of policies set by the central government. It has to be admitted that the reform paradigm of organizing government/governance, from a previously centralistic pattern into a more decentralised pattern, needs time and patience from all parties involved. Hence it is expected that in the transition period the local government will utilize its capability to produce initiatives at the local level.
An issue that needs to be stressed, and of interest for local governments, is how to eliminate poverty in the local regions. Various basic issues causing poverty need to be quickly identified, and a comprehensive way out should be found. From the various poverty-causing roots, one that needs to be quickly settled is that related to land issues. As we all know, in the past three decades the land issue has drawn increasing attention from various parties. Various issues such as land dispute cases, disparity in the ownership’ structure, land control and land use, procurement of land for various purposes, and others occur in all regions of Indonesia. This condition can not be taken apart from the policies of the past, that were more inclined to achieve economy growth without sufficiently taking into account the interest of the general public.

Presently in various regions, provincial as well as district/municipality, efforts have been exerted to settle such land dispute issues. Some regions tried to delegate the authority to manage forest areas to the local community, others tried to settle land conflicts by organizing a land dispute resolving team, while other regions start to acknowledge community rights on the land, and other methods in accordance with the issue characteristics in their respective region. All these efforts should are notable because in the present euphoria of political decentralization, although a main focus is to increase regional income, efforts are nonetheless emerging from the grassroots levels to settle land issues.

The long-held view regarding the in capability of the local regions to settle issues and to be self-sufficient seems not fully correct. What they usually implement is often more effective as compared to what the central government would do. Since the issuance of Presidential Decree 34/2003 on “National Policy on Land Affairs,” the local government has a clear designation in land affairs. In Article 2 of the Presidential Decree 34/2003 it is mentioned that the regencies/municipalities have the following authorities: 1) location permit issuance, 2) implementation of land provision for development interests, 3) cultivated land dispute resolution, 4) settlement of compensation and benefits for land allocated for development, 5) determination of subjects and objects of land redistribution and compensation for land excess and absentee land, 6) determination and resolution of ulayat (traditional and customary) land problems, 7) use and resolution of neglected land, 8) location permit for land opening, 9) land use planning in regencies/municipalities. The inter-regencies/municipalities authorities within a province are exercised by the respective province. With this newly clarified allocation of authority, there is a potential for the local regions to develop innovations in overcoming various land problems in the region.

Already in existence is the National Assembly’s Decree TAP MPR IX/2001 regarding “Agrarian Reform and Management of Natural Resources”. Although this Decree can not be directly implemented in the regions, awaiting its standard operating procedures to be enacted through laws and government regulations, the regions can start to consider what steps they would take in implementing agrarian reform in their respective regions. Again, initiatives and innovations are direly needed since agrarian reform should be implemented in accordance with the characteristics of the issue and in line with potentials existing in the local region. The opportunity new exists for local regions to settle their problems and to develop their own
region. In this case, the “regional development” principle that all these times have been advocated by the central government, should be changed into “developing your own region”. The question is now how can we develop our own region without innovation and initiatives of the actors involved?

This report is written to give additional information to the readers, stakeholders in the region in particular, about initiatives and innovations carried out by five regions in the efforts to overcome land matters problems:

1. Establishment of a land conflict settlement team in Lampung Province;
2. Forest management by village owned enterprises (BUMDes) in Sumedang District, West Java;
3. Preparation of regional regulation about community-based forest resources management in Wonosobo District.
4. Legalization of kesepakatan village land use system through Regent Decree in Sanggau District; and
5. Establishment of draft formulation team of community-based natural and environmental resources management in West Lampung District.

Each case explores: 1) What issues will trigger the growth of initiatives, innovations, and the need of fostering partnership in overcoming land issues in the local regions? 2) How should the partnership amongst the parties involved in resolving land disputes be formed? 3) How do the parties that form the partnership contribute? 4) To what extent is the agreed upon pattern useful for the community as the main stakeholder and to what extent can this pattern settle the encountered issue? 5) What lessons are learned from the case and what are the requirements to replicate this experience in other regions?

These cases of local experiences in resolving land disputes were compiled using various information sources, such as secondary data obtained from reports and official documents issued by Government institutions, articles from the mass media, studies that were performed, as well as primary data, obtained through interviews to parties involved, for instance, the local community, village and sub-district apparatus, district government apparatus, community leaders, NGO’s and other involved parties.

It is hoped that this portrayals of the various local initiatives in overcoming land problems will provide helpful examples for other local governments. Positive experiences can be useful for providing ideas and encouragement for other regions to pursue similar paths. ‘Failure’ should also be studied to understand the factors that cause less successful initiatives of a local region. The balancing of initiatives needs wisdom so objectives can be obtained without really dispensing other people’s interests or creating another problem. Therefore, in each case presented, lessons to be learned from the local initiative are also put forward. Likewise, the closing of this report summaries the main conclusions from the exploration of these five cases.
II. Establishment of Team 13: Efforts to Handle Land Conflicts at Lampung Province (Sumatra)

In the last decade, hundreds of land conflicts occurred in Lampung Province, either related to forestry, plantation, fish pond, transmigration etc. In the efforts to overcome the problems, by suggestions and recommendations from various sides, in September 1999 Lampung Provincial Government agreed to establish an independent team for solving land matters problems, which was later on called TEAM 13. Members of this Team consisted of various elements, i.e. 5 members from government elements and 8 members from non-government elements.

The existence of Team 13 is not as a deciding party in settling land cases. The Team is functioning more as a mediator between the two conflicting sides, to find settlement outside court (alternative dispute Resolution). If the proposal of Team 13 is approved by both sides, the dispute can be settled. But if both parties cannot come to an agreement, then mediation will be carried out by the governor through Assistance Team chaired by Assistant I (assistant of governor). If the proposal is agreed, the dispute is declared as solved. If agreement cannot be reached, the case will go through court.

The existence of Team 13 had a very big share in settling land disputes. In the period of 1999 – 2001 Team 13 succeeded in the settlement of 36 land dispute cases which represented priority cases which must be handled immediately. Meanwhile in 2002 Team 13 is now handling 8 cases. The initiative to establish this team is an experience that should be recorded, and represents a correct step carried out by Lampung Provincial Government, because with the existence of the team, the interests of the community, the interest of Regional Government, private sector, and Central Government could be bridged. Through its channeling function, the team had succeeded in settling various land dispute cases occurred in the last few years.

BACKGROUND OF THE ESTABLISHMENT OF TEAM 13

Lampung Province represents a province which is full of structural land matters conflicts. In 1997/1998 LBH (Legal Aid Institution) Lampung recorded 198 cases of land disputes, which involved the community on one side and investors and government programs on the other side. One of the reasons for the high number of land disputes is government policy in the past, which gave various facilities to investors to invest their capital in Lampung Province in various sectors, such as plantation, forestry, fishery, including transmigration policy, without considering rights on land of local community.

In the beginning most of land dispute cases in Lampung Province were latent in nature, meaning they could not be noticed on the surface. But in the reformation era, the cases came to the surface in various forms and dimensions. In 1998 big scale demonstrations occurred to request Provincial Government and DPRD (local parliament) of Lampung to immediately solve land disputes. In that condition, LBH Lampung, Ikadin (lawyer association) and Rector Forum (university president association) forwarded the request to local government and proposing to establish a settlement team for land disputes. The proposal received positive response from Governor of Lampung, who immediately asked responses from various parties, such as DPRD, LSM (NGO), university, students, farmer association, etc. Finally in September 1999 the independent team was established with 13
members (Team 13), which consisted of 5 members from local government elements and 8 members from non-government elements.

Members of Team 13 (2001-2002 Period)

<table>
<thead>
<tr>
<th>Name</th>
<th>Institution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sutomo (Chairman)</td>
<td>Head of the Kesbanglinmas</td>
</tr>
<tr>
<td>Edwin Hanibal (Vice Chairman)</td>
<td>LBH Lampung</td>
</tr>
<tr>
<td>Ade Sukandar (Secretary)</td>
<td>Head of the Bureau government</td>
</tr>
<tr>
<td>Watoni (Deputy Secretary)</td>
<td>LBH Lampung</td>
</tr>
<tr>
<td>Hotman Sahwini (Deputy I Secretary)</td>
<td>Head of Public Administration Section</td>
</tr>
<tr>
<td>Nanang Trenggono (member)</td>
<td>University of Lampung</td>
</tr>
<tr>
<td>Wahyu Sasongko (member)</td>
<td>University of Lampung</td>
</tr>
<tr>
<td>Armen Yasir (member)</td>
<td>University of Lampung</td>
</tr>
<tr>
<td>Sakurayati (member)</td>
<td>Ikadin</td>
</tr>
<tr>
<td>Budiman Santoso (member)</td>
<td>Press</td>
</tr>
<tr>
<td>Mingrun Gumay (member)</td>
<td>DPRD</td>
</tr>
<tr>
<td>Fauzun Nur (member)</td>
<td>Regional Office of BPN</td>
</tr>
<tr>
<td>Dedi Amrullah (member)</td>
<td>Provincial Government</td>
</tr>
</tbody>
</table>

The establishment of Team 13 was confirmed by the governor stipulation no. G/133/B.II/Hk/2003 regarding ‘the setting up of mediation team to resolve land conflicts in Lampung.’

WORKING MECHANISM OF TEAM 13

As mentioned above, Team 13 is an independent team. The Team was not responsible to the Governor, but coordinated with Governor related to the implementation of mediation, either the ones which succeeded in the settlement the disputes or those which did not succeed in reaching a solution. In the settlement of the disputes the Team has a function as mediator or facilitator which tried to get the two sides in disputes together through alternative dispute resolution approach. Therefore Team 13 does not issue administrative decision which binds the two parties, but tries to make proposal which mutually beneficial to both parties.

In the beginning Team 13 did not apply standard method in solving all dispute cases, but depending on the case faced. But after the legislation of Law No.30 Year 1999 about “Arbitration and Alternative Solution for Dispute Settlement”, efforts were made so that the whole dispute settlement processes refer to the law. Nevertheless, in general dispute settlement process is carried out as follows. The first stage is inviting both parties in dispute to discus and come to an agreement whether both parties agree to settle the dispute by way of mediation. After both parties agreed to settle the disputes outside the court, the team will invite each party separately, to go through the problems from each side, i.e. the community and the investor or the related government agency. The results of these meetings are discussed in Team 13 to get a conclusion. The result of the discussion is presented to both parties in one joint forum (confirmation). After the meeting again Team 13 makes analysis of various information received from both parties, and continued with site visit.
The result of this site visit will be confirmed by the two parties, followed by a meeting for deciding final decision which is carried out by Team 13. The result of this internal decision is then submitted to both parties. If both parties agreed with the decision of Team 13, the case is declared solved and followed up with the signing of protocol by both parties and confirmed by notary or court. But if both party cannot accept the decision of Team 13, Team 13 will submit recommendation to the Governor of Lampung for further mediation process. Governor then asks Asistance Team to follow up the recommendations of Team 13. If the result of Assistance Team can be accepted by both parties, the case is declared solved and followed up with the signing of protocol by both parties and confirmed by notary or court. But if both party cannot come to an agreement, Assistance Team will recommend both parties to settle their dispute in court.
Stages in Settling Disputes

1. Invite both parties in disputes
2. Digging the problems from community’s side
3. Digging problems from investor/government
4. Discussion of the result of digging the problems
5. Get the two parties together
6. Analyze the problem by Team 13
7. Site visit by Team 13
8. Invite both parties
9. Meeting for Final Conclusion
10. Presentation of the Decision of Team 13

Agreed
- Signing of Protocol of Agreement
- Finished

Not agreed
- Recommendation to Governor
- Settlement by Assistance Team

- Not Agreed
  - Court
Coordination among members of the team is carried out in weekly meeting, considering that team members have their own job outside their activities as member of Team 13. While the overall cost needed by Team 13 is acquired from aid of Governor of Lampung, given by the request of Team 13.

**WHAT HAS BEEN DONE BY TEAM 13?**

Considering the many land dispute cases occurred in Lampung Province, in the initial stage of its establishment, the team tried to determine priority of land dispute cases which must be immediately settled. Based on the criteria: 1) anarchical potential of the case is very high; 2) the community has reclaimed the land in dispute; 3) the community has constructed a commando post at the office of local government, then the Team agreed there were 36 land dispute cases which must be immediately solved. The 36 cases had been settled by way of mediation during the 1999 – 2001 period. Meanwhile, in 2002 (8 cases) and 2003 Team 13 are still handling 3 land dispute cases.

In overcoming land matters problems Team 13 was not free from obstacles, among others 1) most of agencies which have the authority in giving rights on land are central government agencies, so that it is difficult for the team to get information and coordination; 2) members of the team have other job, beside their function as member of the team for the settlement of land disputes. Therefore, at certain time there are problems in the coordination of members of the team.

**LESSONS LEARNED**

There are several lessons learned from the experience of Team 13 in handling land disputes in Lampung Province.

*First,* the efforts to attract investors in the past by giving rights on land which was not transparent and not involving local community, had proven to cause land disputes. In many cases, the community felt cheated by land acquisition process in the past, which was not transparent and then reclaimed their land. Therefore, providing land and giving rights for
various interests in the future must be carried out in a transparent way and involving local community.

Second, commitment of local Government to agree and to establish team to solve land matters problems, represents a correct decision in the efforts to bridge the interests of the community on one side and the interest of investor on the other side. This function is very important in the implementation of regional autonomy, where there are still confusion about distribution of authority between Central Government and regional government.

Third, the establishment of the team which involved many interested parties (partnership) gives new lesson to us, that various views from various parties will give a vast nuance and should be accommodated. As we all know, land dispute cases often have many dimensions, either social, economic, politics, legal, cultural, religious etc. Therefore, the team with varied members will help very much in understanding the problems and the efforts to overcome the problem.

Four, the success of Team 13 in solving land disputes is expected to be able to develop confidence of the community and investors in the region, so that the interests of the community can walk together with the interest of investment which is needed in developing regional potential.

Further information regarding the development of the Team 13 can be obtained by contacting:

**Kantor LBH (Legal Aid Foundation) BANDAR LAMPUNG**
(c.q. Watoni Noerdin)
Jl. Gajah Mada No. 107 BANDAR LAMPUNG 35126
Telp/Faks: (0721) 251932
Email: LBH-bl@indo.net.id

**Head of Kesbanglinmas Lampung Province**
Jl. Wolter Monginsidi
Bandar Lampung
III. Forest Management by BUMDes: Local Initiative in Settling Land Conflicts at Sumedang District (West Java)

Sumedang District has forest area of 47,408.06 ha or 31.34% of the total area of the region of 152,220 ha. Since 1960-s the problem faced was that not all forest area was properly managed. And some of the land which was not properly managed was used by the local community for planting food plants and hard plants, among others teakwood trees. This control of land by such community created disputes in land control status between the community and forestry managing agency.

In the efforts to settle the problems, Local Government of Sumedang District, after carrying out study on the status of the land control, issued 4 Decrees which gave authority to Village Owned Enterprises (BUMDes) in four villages, i.e. Gendereh, Karang Bungur, Cacaban and Babakan Asem to manage the forest land with production sharing pattern. Total area of land to be managed by BUMDes is 345.5 ha or 0.73% of total forest area in Sumedang, with the following breakdown:

1. Gendereh Village 114.5 ha which consists of (a) 113 ha teakwood trees and (b) 1.5 ha protected forest.
2. Karang Bungur Village 91 ha which consists of (a) 29.5 ha empty land, (b) 61 ha teakwood trees and mixed forest, (c) 0.5 ha protected area.
3. Cacaban Village, 15 ha which consists of (a) 1 ha empty land, (b) 7 ha teakwood trees, (c) 3 ha acacia trees, (d) 4 ha protected area
4. Babakan Asem Village, 125 ha which consists of (a) 5 ha empty land, (b) 2 ha fruit trees, (c) 111 ha teakwood trees, (d) 5 ha paddy field, (e) 2 ha protected area

With the handover forest area management to BUMDes, balanced distribution of benefits of forest management between community, BUMDes of Village, Sub-district and District Administration occurred.

THE APPEARANCE OF LOCAL INITIATIVE

Sumedang District has forest area of 47,408.06 ha or 31.34% of the total area of the region of 152,220 ha. With land condition from slightly sloping to steep and included in C climate with average rainfall of 2812 mm/year and total of rainy days of 141.1 days per year, as well as having gromosol, regosol and medateran type of land, Sumedang District is quite suitable for forestry plants. Nevertheless in mid 1960-s and 1970-s, all forest areas were not properly managed. In some area a small part of the land was used by local community (including in the four villages) for food plants and hard plants (teakwood).

Meanwhile, community in Gendereh, Karang Sempur, Cacaban, and Babakan Asem villages have been planting teakwood trees with huma system, carried out based on generations of tradition without any guidance from any sources whatsoever. Even financing was provided by the community itself. After the trees grew and the leaves covered the area of paddy field, the community left the trees and developed the same thing in a new location. But in 1976 the Governor of West Java encouraged replanting, land which up to that time was managed by the community was claimed as land of the State enterprise Perhutani.
Through Forest Police, Perhutani forbade the community to manage the area, whereas at that time the status of the land was not clear. It was only in 1998 that they found out that land at Cikawung Block, Gendereh Village was free state land in accordance with letter of BPN No.580-239 dated 20 May 1998.

The same with the land at Pasir Koneng Block, Karang Bungur Village with an area of 91 ha, it was found out that it was land of the former Gunung Menur Plantation, which in the early 1960s was already directed for re-distribution to tenant farmers as property right, in accordance with Government Regulation No.224 Year 1961 and Letter of Land Reform Committee of Sumedang District dated 2 September 1966 No. D-368/VIII/66. Tenant farmers had even received Property Right Recipient Candidate Registration then, based on PP No.224 year 1961. Every farmer had also fulfilled the requirements in form of payment in cash and rice as compensation of survey cost.

Since 1976 up to the end of the New Order Administration, community in the four villages did not clearly understand about the status of the area. The community had tried to fight to get the right for forest land management to local administration and local parliament (DPRD). After looking into various reliable documents, both in the form of maps and the list of the village wealth, as well as other documents, finally the Regent followed up the demands of the people by issuing Sumedang Regent’s Stipulation for the management of forest areas by the people whose implementation is carried out by BUMDes. As the requisite of the stipulation, the four villages have to formulate the board of BUMDes. The socialization was conducted in the four villages and it turned out to be a ‘party of democracy’ wherein the community can directly choose their representatives in the board of BUMDes. The result of the election was then formalized in the village regulation on the founding of BUMDes by the Head of the village. Only after that, the Regent’s Stipulation was issued.

Total area of land the management of which was handed over to BUMDes was 345.5 ha or 0.73% of total forest area in Sumedang District with the following breakdown:
- Gendereh Village 114.5 ha which consisted of (a) 113 ha teakwood trees and (b) 1.5 ha protected forest;
- Karang Bungur Village 91 ha which consisted of (a) 29.5 ha empty land, (b) 61 ha teakwood trees and mixed forest, (c) 0.5 ha protected area;
- Cacaban Village, 15 ha which consisted of (a) 1 ha empty land, (b) 7 ha teakwood trees, (c) 3 ha acacia trees, (d) 4 ha protected area;

1 The four Regent’s Stipulations are: 1) the Regent’s Stipulation No. 522.5/Kep.247-Dishutbun/2001 on “the appointment of Village-owned Enterprises as the implementors of the management of the forest areas in Block Cakawung, Gendereh Village”; 2) the Regent’s Stipulation No. 522.5/Kep.235-Dishutbun/2001 on the appointment of BUMDes Trisa Mandiri as the implementors of the management of land in Block Pasir Koneng Karangbungur Village, Buah Dua, Sumedang; 3) the Regent’s Stipulation No. 522.5/Kep.285-Dishutbun/2001 on “the appointment of Village-owned Enterprises as the implementors of the management of the forest areas in Block Rancaberen, Cacaban Village, Conggeang Sub-District and the Regent’s Stipulation’s on its changes”; and 4) the Regent’s Stipulation No. 522.5/Kep.340-Dishutbun/2001 on the “changes of the Regent’s Stipulation No. 522.5/Kep.266-Dishutbun/2001 which hands over the rights of the Perhutani of the 20% of the forest products in Babakan Asem Village to the Regency Government of Sumedang.
• Babakan Asem Village, 125 ha which consisted of: (a) 5 ha empty land; (b) 2 ha fruit trees; (c) 111 ha teakwood trees; (d) 5 ha paddy field; and (e) 2 ha protected area.

**AREA MANAGEMENT AT PRESENT**

There are two area management activities carried out at the present time, i.e. management or utilization of teakwood trees and replanting.

**Wood Utilization**

Teakwood utilization activities is carried out as follows: *First*, establishment of Working Team. Before wood cutting and auction activities are carried out, Joint Committee has been established which consists of: Village side and Local Administration of Sumedang District. This Joint Committee then assigns field working team which consists of land border fixing and tree inventory working team, cutting implementation working team, auction Working Team, and security Team. Every working team is led by a coordinator who is responsible to Joint Committee, with the tasks as follows:

Coordinator for Border Fixing and Tree Inventory with the tasks: (a) carry out survey of the area; (b) making and installation of stakes; (c) making map based on the result of the survey; (d) report data, the result of survey to Joint Committee; (e) report result of inventory of trees to Joint Committee.

Coordinator for Implementation of Cutting with the tasks: (a) apply for Cutting Permit (SIT); (b) apply for own log transportation permit (SAKM); (c) organize the implementation of cutting in the field; (d) determine place of log collection (TPK); (e) organize log transportation the result of cutting to TPK; (f) maintain security in the field during the implementation of cutting; (g) classify logs and select wood quality and log measuring at TPK; (h) report to Joint Committee.

Coordinator for Auction, with the tasks: (a) set log quality; (b) determine log basic prices; (c) prepare auction implementation system; (d) responsible for security of logs during auction implementation; (e) responsible for security of fund, result of the auction by depositing the fund into special account of Joint Committee until completion of auction.

Security coordinator with the tasks: to supervise security of logs in the area of each village, unsafe places as well as supervise security measures during the implementation of cutting and auction. In addition to Team coordinators, team members are also appointed which come from community elements, and Forestry Services. In general, community appointed comes from members of the community who are considered capable of doing the job properly.

*Second*, fixing land border and inventory of trees. Implementation of fixing land border is carried out by Survey Team, including also making, installing stakes, making maps as result of survey, and carry out checking on the existing inventory of trees. After fixing
land borders is carried out and number of trees has been recorded, Survey Team Coordinator reports to Joint Committee.

**Third,** implementation of cutting and classification. Before the implementation of cutting, cutting coordinator submits cutting administrative process, among others Cutting Permit and Own Log Transportation Permit as well as plans cutting implementation system. After tree cutting is finished, logs are transported to TPK which has been determined and continued with selecting logs according to quality as well as measuring of logs. After determining quality and measuring of logs are completed, Coordinator of Cutting Team reports the result to Joint Committee.

**Fourth,** implementation of auction. Auction Team in this case has the authority to determine log quality as well as basic price for each log’s quality and measurement. The proceeds of the auction is deposited into special account, which is signed by both parties (Village Side and Pemda Side).

**Fifth,** security system. Considering the number of the existing trees is quite high, security is carried out together with the whole levels of the community, coordinated by the appointed Security Coordinator. While with the police as well as other law enforcers, it is more coordination in nature. Guarding is carried out tighter at unsafe places where plundered logs are usually taken out, by way of placing commando posts at the unsafe places.

**Sixth,** distribution of proceeds. After the auction is completed, distribution of log net proceeds after deducted with operational costs such as measuring cost, inventory cost, cutting administrative cost, cutting cost, and log transportation cost to TPK is carried out. Percentage of distribution of proceeds is carried out according to the agreed rules.

Up to December 2001 volume of teakwood cutting harvest by BUMDes at the four villages had reached (a) Karang Bungur Village 321 m3, (b) Gendereh Village 707 m3, (c) Babakan Asem Village 96 m3, (d) Cacaban Village 120 m3. Part of the proceeds has been or will be used by the village administration to install electricity, improve roads as well as provide clean water supply.

**Replanting**

Replanting is carried out by choosing superior teakwood plant and second crop plant. Cutting management technique by applying yearly cutting area in ten year cycle. Thereby the tree villages can have different cutting area, i.e. Gendereh Village 11.45 ha, Karang Bungur Village 9.1 ha and Babakan Asem Village 12.5 ha. It is these cutting areas which are used as the area of working land given to farmer community group involved in reboititation program. The implementation of this reboititation program is given to forest farmer community working group which has different number of group members in every village. Karang Bungur Village has 9 working groups with number of members per group of 50 families and total working land of 10 ha per group or 2000 m2 per member. Gerendeh Village has 10 working groups with number of members per group of 40 families and total
working land of 11.45 ha per group or 2805 m² per member. Babakan Asem Village has work distribution system which is similar to Gendereh Village.

In the management of the forest area, the role of BUMDes covers the overall activities, i.e., **first**, preparation stage, covering: (a) forest structuring; (b) forest management planning; (c) farmer group institutional structuring. **Second**, implementation stage, covering: (a) planting; (b) maintenance; (c) harvesting, processing and marketing; (d) protection; **Third**, building, control as well as reporting.

**HOW IS PARTNERSHIP CARRIED OUT?**

The operation of common forest management mechanism cannot be separated from the existence of the important role of various related parties. The overall parties supports each other and depends on each other. Distribution of the role can be seen in the following table:

<table>
<thead>
<tr>
<th>Related Party</th>
<th>Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local government (Pemda)</td>
<td>Represents joint committee which supervises the works of coordinator and members of Working Team from fixing land borders and inventory of trees up to distribution of proceeds.</td>
</tr>
<tr>
<td>Community</td>
<td>Assist security system and transportation of cutting products to the edge of road.</td>
</tr>
</tbody>
</table>
| BUMDes                               | 1. Carry out all activities with technical guidance from Forestry and Plantation Local Office  
2. Prepare long term and short term forest management plan together with Head of Village, BPD (village council) and local Camat to be submitted to Head of Forestry and Plantation Services Office or Regent.  
3. In the case of farmer group institutional structuring, BUMDes carries out the function of forest management. While government has the role as regulator, facilitator, building, supervision and control.  
4. Carry out planting, maintenance of main and seasonal plants by empowerment of farmer group. The implementation receives technical guidance from Forestry and Plantation Services Office. |
| Farmer Group                         | 1. Carry out harvesting, processing and marketing of seasonal plants and fruit with coordination of BUMDes, while harvesting of wood forest products will be carried out by BUMDes by involving farmer group or in cooperation with a third party.  
2. Together with BUMDes has a role in safeguarding the forest and environment in order that economic, social functions and environment can be properly guarded. |
| Forest and Plantation Services Office| Give technical guidance on forest management as well as carrying out monitoring and evaluation together with other related institutions and the community.                                                                                      |
| Finance Section of Pemda             | Develop BUMDes financial verification capability.                                                                                                                                                                               |
| Village Governance Section           | Develop BUMDes empowerment capability.                                                                                                                                                                                        |
WHO ARE THE BENEFACTORS?

Common forest land management has caused balanced distribution of benefits among the related parties, as can be seen in the following table

<table>
<thead>
<tr>
<th>Related Party</th>
<th>Benefits acquired</th>
</tr>
</thead>
<tbody>
<tr>
<td>BUMDes</td>
<td>Get 50% of the proceeds of forest land management in each village area as reboitation cost, which is carried out by village community in coordination with Forestry and Plantation Services Office. This fund is used for (a) rehabilitation/planting of neglected land and or ex cutting area, (b) procurement of agricultural input (<em>saprodi</em>) for farmer group, (c) wage in the implementation of reboitation program, (d) purchasing of short lived plant seeds, fertilizer, cattle, fish seeds which are allocated for pre-prosperous village community members. The proceeds of this forest land management can be carried out after it is deducted with (a) operational cost of BUMDes, (b) Commission of Forest Resources, (c) Land and Building Tax, (d) Retribution of Cutting Permit, (e) Legalization Letter of Forest Products, as well as (f) land conservation design retribution.</td>
</tr>
<tr>
<td>Community</td>
<td>1. Enjoy the result of village development in form of (a) installation of new electrical networks, (b) installation of freshwater facilities, (c) Improvement of road etc.</td>
</tr>
<tr>
<td></td>
<td>2. Pre-prosperous families get (a) the right to work on the forest among the trees with short lived plants an area of 400 x 14 m² per family; (b) assistance in fish seeds, one sheep, seeds of medical herb plants. The crops are fully for the community. For the community and BUMDes of Cacaban Village in particular, they will develop corn with production sharing system.</td>
</tr>
<tr>
<td></td>
<td>3. The community is involved in reboitation activities and receives wage.</td>
</tr>
<tr>
<td>Village Administration</td>
<td>Get 30% which is allocated for (a) development of facilities, infrastructure or public/social facilities, according to needs and village level consensus and (b) village investment capital which can be utilized as rolling fund for community members/farmers who have not received benefits from BUMDes activities and represents pre-prosperous families.</td>
</tr>
<tr>
<td>Sumedang District</td>
<td>1. Get 20% of the proceeds of forest management which is used for reboitation fund of critical land/assistance for making seed beds for the community outside the area of BUMDes. This percentage was formerly the portion given to Perhutani.</td>
</tr>
<tr>
<td></td>
<td>2. Get input from contribution cost in form of PSDH, PBB, SIT Retribution and SKSHH as well as retribution of land conservation design.</td>
</tr>
</tbody>
</table>

LESSONS LEARNED

There are several things which can be learned from the cases of the settlement of forest land control conflicts through recognition in form of Decree of Sumedang Regent, among others:

*First,* the issuance of the regent’s stipulation which grants the authority to BUMDes to manage forest area management can be perceived positively from the side of the problem resolution which has been going on for years. With the existence of the stipulation, there is a certainty of the area management for the community. Likewise, the management of forest areas is a right decision especially compared to the individual management. Therefore, the
benefits will not be derived for certain individuals but they can be shared by all community of the village.

Second, from the side of participation, involvement of the community and various other actors in solving problems is quite high. The community has been given quite significant role in management mechanism, even though control mechanism is still fully held by local administration. From the role given to the community, they also get benefits in form of (a) improvement of the existing public facilities such as electricity, road and clean water resources; (b) land management right among main plants as well as provisions of agricultural production facilities; (c) wage for involvement in forest management. Even other villages can also get the benefits in form of environmental reboitlation activities, where some of the fund is produced by BUMDes of the four villages, and the implementation is managed by local administration. Thereby, transparency in management and distribution of proceeds can prevent any possibility of abuse of authority.

Third, from the side of sustainability, the existence of Decree of the Regent shows that there is guarantee of legal certainty on the land management. Decree of Regent about Assignment of BUMDes as Managing agency of forest land does not mention about time period of that management right. So the community can have an active role in forest management collectively as long as the management right is still held by the BUMDes. The same with teakwood planting in forest area, it can prevent environmental damages such as flood, land slide etc.

For further information on the forest management by BUMDres, please contact:
FORESTRY AND PLANTATION OFFICE
SUMEDANG REGENCY
c.q. HEAD OF FORESTRY OFFICE
Jl Parigi Lama No. 13
SUMEDANG
TELP, FAX : 0261-207053

Head of BUMDes Gendereh Village, Buah Dua Sub-District
Head of BUMDes Karang Bungur Village, Buah Dua Sub-District
Head of BUMDes Cacaban, Conggeang Sub-District
Head of BUMDes Babakan Village, Conggeang Sub-District
IV. Community-based Forest Resources Management:
Wonosobo District (Central Java)

Wonosobo represents one of the districts in Central Java which has forest area of around 18,896 ha or 20% of total area of its region. Problems faced in the past among others forest damages which is quite extensive. Even though administratively forest is located in Wonosobo District, local government has difficulties in getting opportunity to have dialogue with forest manager. Local government never received PAD (revenue) from forest products in its region. Forest manager is also considered to fail in stopping deforestation rate of upstream area of Serayu DAS (river watershed) and Opak Progo DAS, and did not succeed in preventing forest plundering which up to 1999 reached 11,249 ha.

With consideration: (1) development of community aspiration to get optimum benefits from forest and forest area, (2) experience of failure in forest management which is considered not beneficial to the community, (3) Law No. 22/1999 and Law No. 41/1999 which stipulate the obligations of Local Government to empower local community through community based forest management, (4) the need to increase empowerment and welfare of the community through PHBM (community based forest management), Local Government and LSM (NGO) consider it is necessary to initiate the implementation of community based forest management at Wonosobo forest area, the recognition of which has been given through Regional Regulation No.22/2001 about “Community Based Forest Resources Management” (PSDHBM). Process for the preparation of Regional Regulation is participatory way, i.e. involving various parties, among others local government through various regional apparatus, DPRD, Perhutani, Press, forest village community, LSM, State Court, Attorney Office, Police, Military Command, Farmer Group, and Universities.

Aside from judicial problems which are still faced, the existence of this Regional Regulation is expected to be able to give security in forest area management by the community and simultaneously benefits the region as well as sustainable forest area management. The Regional Regulation, however, is still a subject of debate particularly in terms of the prevailing regulations.

BACKGROUND OF THE APPEARANCE OF REGIONAL REGULATION

Wonosobo is a district in Central Java which possesses area of 986.68 km2 divided into 13 sub-districts and 264 villages, with a population of over 740,000 people. Out of the whole area of Wonosobo District, 19.2% or 18,896 ha represents state forest managed by a State enterprise (Perhutani). This forest is located in North Kedu area with an area of 8,934 ha and South Kedu with an area of 9,961 ha.
Even though 20% of the area is in form of forest, benefits of forest management still cannot be enjoyed by local population. Wonosobo is even facing forest damages which has exceeded the limit. For example, the case of forest damage in Gunung Tugel Village. In the beginning the condition of forest in this village was very good. This can be proven by the awards often received by this village in the field of people forest management. In this area, mahoni trees can survive up to quite big diameter. But in the last few years, the condition had really changed. For example, in 1998-1999, large-scale forest destruction occurred in the village.

The failure of the implementation of social forestry concept by Perhutani in solving social problems in Wonosobo was caused by: 1) teakwood management in Java still based on the old norms; 2) its planning was carried out using conventional procedures for timber management; and 3) organization structure and quality of personnel did not comply with the need to put the role of forestry in a more complex regional development system.

Other reasons which worsened this situation were the existence of unsatisfaction of the community in Perhutani and the community interaction pattern in the past. Several reasons for the unsatisfaction were: 1) the community in the past received only wage of planting and the result of intercrops at the beginning of planting of the existing forest land of Perhutani in its area; 2) during the cutting Perhutani did not involve the community at the surrounding forest and the contractor even used outside workers; 3) people experienced difficulties in getting tree twigs; 4) cutting wage was set by contractor was lower than cutting wage for public forest; 5) ignorance of Perhutani concerning road damages which occurred, Perhutani even gave the impression to stop the efforts to repair the road, whereas the road was necessary to support economic activities of the community; and 6) the community was not allowed to buy wood from perhutani as well as waste branches for fire wood. The whole products were sold to big contractors.

In the past even local government felt that even though forest area administration was in the area of Wonosobo District, Pemda had difficulties to have dialogue with Perhutani. Pemda also never received PAD from forest products in its area. Perhutani was also considered to fail in stopping deforestation rate of upstream area of Serayu River Watershed (DAS) and Opak Progo DAS, and did not succeed in preventing forest plundering which up to 1999 reached 11,249 ha.

Considering (1) development of aspiration of the community to get optimum benefits from forest and forest area; (2) experience of failure in forest management caused by perhutani management policy which did not side with the community; (3) Law No.22/1999 and Law No.41/1999 which made it an obligation for Local Government to empower local community through community based forest management; (4) the need to increase power and welfare of the community through community-based forest management (PHBM), Pemda and NGOs consider it is necessary to initiate the implementation of community based forest land management in forest are belonging to Perhutani at Wonosobo District, the recognition of which was given through the issuance of Regional Regulation (Perda).
This *Perda* is intended to give opportunity to local administration of Wonosobo District in managing forest resources in an autonomous way, and let the community do the management with provisions as mentioned in the *Perda*. *Perda* No.22 year 2001 about “Community Based Management of Forest Resources” has been signed by Regent and forwarded for legalization by central government.

**Process of Preparation of *Perda* No.22/2001**

Putting *Perda* No.22/2001 into realization was not an easy process, but a time consuming process of about two years to prepare it. The efforts were started with meetings including with the District Parliament (DPRD), facilitated by NGO, Arupa and Koling in early 2000 as efforts to get input about ways for solving forestry conflicts. The meetings produced an agenda on the importance of having multi stakeholder dialogue to discuss forestry management conflict in Wonosobo.

The next stakeholders meeting attended by various parties, among others Local Government, DPRD, forest farmer group, NGO, University and Perhutani. Some of the outcome of the meeting: 1) it is necessary to establish multi stakeholder forum to control forest management. The establishment of this forum was fully handed over to NGO; 2) promote forest management to facilitate aspirations of forest user groups; the activities will be initiated by DPRD of Wonosobo and NGO.

In the next forums, AruPa, FKKM (Community Forestry Communication Forum) and Faculty of Forestry of Gajahmada University succeeded in finalizing a draft of Perda which was then followed up by intensive discussion with DPRD and other NGO. The result was that Draft Raperda about Community Based Forest Management, was agreed. But, efforts to improve draft of Raperda was continued by inviting representatives of Universities, forest user groups, DPRD, Press and other NGOs. The meeting succeeded in establishing an ad hoc team, with members from various stakeholders for further improvement of the draft.

In a hearing meeting with DPRD, conducted in February 2001, it was agreed to establish a Coordination Forum for Handling Plundering and Organizing Forest (FKP3H), and elected Regent of Wonosobo as chairman of the forum, which later on was legalized with Regent Decree No.522/200/2001. Membership of the forum was quite varied, covering local administration (*Dishutbun* – Forestry and Plantation Services, Social Politics Office, Environmental Section, Legal Section, Economic Section and Public Relation Section); DPRD (Commission A and Commission B); Perhutani (KPH of North Kedu and KPH of South Kedu); Press (Jawa Pos, Wawasan, REPRESENTS, Poles and PWI Wonosobo); forest village community (community figures from Bogoran village, Jangkrikan village and Tlogo village); NGO (Arupa, Koling and Pelita Garuda); State Court; Attorney Office; Police; Military command; as well as farmer groups. Through this forum Pemda and DPRD carried out Community-Based forest Resources Management (PSDHBM) campaign to 30 villages, which was started in February 2001 up to completion. This campaign was also conducted in form of talk show and features about things which occurred in forestry area through cooperation with Regional Radio in Wonosobo.
FKP3H kept doing continuous socialization efforts particularly concerning the importance of “environmental rest period” i.e. period where all activities of cutting and handling of state forest must be stopped. The period was six months, i.e., from 15 March 2001 up to 15 September 2001. This campaign was applauded by the community. Support of the community was expressed also through their visit to DPRD, made by village community such as community from Gunung Tugel Village (Leksono Sub-district), Bogoran (Saspran Sub-district), Tlogojati (Wonosobo Sub-district), Jangkrikan (Kepil Sub-district), Kreo, Tlogo, Tieng, Tambi (Kejajar Sub-district), Ngadisono (Kaliwiro Sub-district), Ngaliyan (Wadaslintang Sub-district). Pressure also came from LSM: Jaringan Mitra Dieng (Jamidi), Serikat Petani Kedu and Banyumas (Sepkuba) and Jaringan Kerja Pendamping Masyarakat (JKPM) in PSDHBM process.

After passing through a long process, finally on 20 October 2001, DPRD and Wonosobo District Administration ratified the draft act into Regional Regulation No.22/2001 about “Management of Forest Resources with the Community”. And Regent is now preparing Decree about the implementation of the Perda. The community starts to prepare various needs for certification of PSDHBM on land under their control.

**PSDHBM ACCORDING TO PERDA 22/2001**

As mentioned in Perda 22/2001, activities of PSDHBM are carried out through the following stages:

**Fixing Location**

Fixing of location is carried out based on forest function adjusted to land physical condition and legalized by decree of Regent. State forest area decreed as location for conducting PSDHBM is the whole state forest area in the administrative region of Wonosobo District. Fixing the location is carried out by Pemda of Wonosobo District with inventory and identification activities in the whole state forest area by involving local village community and Wonosobo Forest Forum. Wonosobo Forest Forum represents Wonosobo forestry multi party communication and coordination facilities in its capacity to accommodate the function for creating a more transparent and democratic climate. Several forest inventory and identification activities cover data recording and collecting as well as mapping and data which are the object of inventory cover forest resources, region, fauna, conflict and the latest land utilization.

Furthermore, local village community has the right to give response to the result of participatory inventory and identification in form of suggestion, critics, and objection, which is made in writing by the party concerned and Village Administration and acknowledged by Village Representatives Board and directed to Local Administration (Regent). This response simultaneously contains request for facilities to Pemda, through Forestry and Plantation Services Office, to follow the stages in the application of certificate of PSDHBM.
Preparing the Community

These activities represent efforts of empowerment of community in PSDHBM which is started with facilitation of the establishment of community group which binding group internal rule mechanism in decision making, conflict settlement and other management rules in organizational life. Criteria and standard of local community capability is formulated and determined in an open and transparent way by Local Administration, taking into consideration input from the community in form of suggestions, critics as well as from other related parties. Input, critics and suggestions from the community and other related parties must be submitted through Wonosobo Forest Forum (FHW).

Criteria of PSDHBM group cover: 1) group of community living in or around the forest; 2) possesses written internal rules, commonly agreed by and binding to members; 3) members of group are farmer worker or farmer who possesses land about 0.3 ha and approved by the group. Standards of PSDHBM group are: 1) possesses organization; 2) possesses rules in decision making, membership, conflict settlement mechanism, legacy system etc; 3) group rules must guarantee justice, transparency, democracy and gender equality; 4) possesses at least 20 members; 5) are of forest are managed is between 10 ha and 15 ha; and 6) possesses consensus that for things outside points 1 to 4, it is up to group internal mechanism. Group rules must be made and decided by the group in accordance with the prevailing laws and regulations. The required capability of PSDHBM group covers: 1) knowledge in plant cultivation; 2) tradition in farming; and 3) understanding PSDHBM concept as well as capability in organization activities.

Establishment of FHW is carried out through Decree of Regent. Meanwhile, FHW working area is divided into District FHW, Regional FHW, and Village/Kelurahan FHW. District FHW has members from district administration element, educational institution, community and NGO. Tasks and functions of FHW are: a) give consideration to Regent in multi party communication and coordination with PSDHBM; b) as facilitator in the settlement of various problems which might arise in conducting PSDHBM; c) facility for the community in giving critics, suggestions and inputs to Pemda related to PSDHBM; d) facilitate the establishment of Regional Forest Forum and Village/Kelurahan Forest Forum.

Regional FHW has members from sub-district administration element, educational institution, community and NGO. Tasks and function of Regional FHW are: a) synchronization of inter village PSDHBM planning; b) coordinate villages in conducting and implementation of PSDHBM; d) facilitate efforts to solve inter village/kelurahan conflicts. Meanwhile Village/Kelurahan. FHW has members from village/kelurahan administration element, educational institution, and community, with tasks and function: a) inter hamlet and PSDHBM group coordination and synchronization in conducting and implementation of PSDHBM; b) facilitate efforts to solve inter hamlet and PSDHBM group conflicts; coordination of PSDHBM planning inter PSDHBM group and hamlet.

Preparing community is carried out by and or NGO through assistance, services and supports to community group, candidate of certificate holder. The assisting NGO must be in control of PSDHBM problems as well as understand about sustainable, fair, democratic
forest resources management, as well as having legal status. Participatory mapping activities are also carried out together with local community group, by considering group capability as well as land and forest potential.

**Certification**

Certification represents form of legalization of PSDHBM given by Regent through a Decree to community group managing PSDHBM as legal security for the PSDHBM right holder. Community group applies for PSDHBM certificate from Regent through Forestry and Plantation Services Office under the knowledge of Head of Village and Village Representatives Board. The application for certificate must contain location map, area of community based forest resources management applied, data of members of the related community group, internal rules of the group which has been approved by the whole members of he group, genal plan for PSDHBM management.

PSDHBM certificate is given by Regent based on technical consideration of Forestry and Plantation Services Office. One month at the latest Regent must give response, and if there is no response, the application is considered approved. Time period for issuing certificate is in January, April, June and October. Issuance of PSDHBM certificate is carried out if: 1) administration documents are complete; 2) location of PSDHBM is in conform with decision of Regent; and 3) there is written agreement about rights and responsibility between the community, candidate of PSDHBM manager with Forestry and Plantation Services Office.

To facilitate objections for the issuance of PSDHBM certificate from community groups, the issuance of the certificate will be announced through local mass media which contains location map, area of PSDHBM as well as data of members. The announcement of the issuance of the certificate in local mass media is intended to give opportunity to the community to submit their objections. If with three months after the date of the announcement of issuance of the certificate, there are no objections received, the PSDHBM certificate will have permanent legal power. Objection must be made in writing by mentioning the reasons for the objection and addressed to Regent through Forestry and Plantation Services Office. Submission of objection after three month from the date of issuance of the PSDHBM certificate will not be accepted, except if indications of collusion, corruption and nepotism are found, which will be proven through court. If the objection is accepted, certificate for management can be reviewed.

Certificate for PSDHBM management is given for a period of maximum 30 years, with probation period of six months. This certificate can be extended as well as reviewed at least once in three months. While cancellation of certificate can be carried out by Regent if there are violations found on site, which cover: 1) if there are incompliance between realization and management plan proposed; 2) the existence of administrative forgery; 3) the existence of indications of corruption, collusion and nepotism; and 4) the existence of things against the prevailing laws and regulations, after first going through a series of processes of warning in hierarchical order, i.e.: a) written warning; b) if within three months after the issuance of the warning, the holder of certificate does not give any attention, then Regent
through Forestry and Plantation Services Office will summon the holder of certificate to carry out dialogue in a transparent way, facilitated by FHW. Holder of certificate is given the opportunity to defend himself by asking facility from FHW. Decision to cancel the certificate of PSDHBM from Regent is binding all parties and the area of PSDHBM which has been cancelled can be applied by other local community group. PSDHBM certificate cannot be mortgaged or transferred and in case member of the community group of PSDHBM certificate holder passes away, his/her membership will automatically transferred to his/her heir of the member of the group until the certificate expires. This PSDHBM certificate does not represent ownership on land and forest area.

**Management**

In the implementation of the management, holder of certificate is allowed to ask facility from Local Administration or the assisting LSM in the framework of institutional development, capital, human resources, working partner, as well as business development and marketing. Facilities given in form of training, elucidation, assistance, technical assistance and information. Certificate holder is also allowed to get fund assistance which is not binding from other parties. The activities of this management cover working area arrangement, preparation of management plan, utilization, rehabilitation and protection.

*Working area arrangement*

In general arrangement of working area is carried out by dividing forest area into protection and utilization zones, and deciding as well as fixing of the zones are very much depending upon characteristics of the forest area, which cover protection zone and utilization zone. Protection zone is the part of working area which must be protected based on hydro-ecological conservation balance, among others areas located: 1) 500 meter from the edge of dam or lake; 2) 200 meter from spring and river banks in swamp area; 3) 100 meter from river banks; 4) 50 meter from banks of tributaries; 5) twice the depth of ravine from the edge of the ravine or slope area or more than 40°; and 6) bio-diversity conservation consideration. Utilization zone is working area outside protection zone.

For the activities of statistical recording, administration, community building and supervision, it is necessary to establish a Management Area Unit (SWP) which is equal to the understanding of part of forest or forest block. SWP represents the smallest forest management conservation unit in PSDHBM. Every SWP can be divided into units (SU-SWP) with an area of 10-15 ha, in accordance with the area of forest managed by the group, except forest area located separately, and has an area of not less than 10 ha. The implementation of fixing SHW and SU-SWP can follow the existing data or directly establish on site either area which has not been organized or having problems.

In the arranging working area, all related parties must be involved, and carried out in a participatory, open way, and observing togetherness and interests of the community. The implementation will be facilitated by Forestry and Plantation Services Office as well as NGO.
Preparation of Management Plan

Management plan is intended to be used as guidance in the implementation of PSDHBM. This management plan is prepared by certificate holder in participatory way by involving the whole members of the group and facilitated by Forestry and Plantation Services Office or Assisting NGO. Management plan consists of General Plan and General Operational Plan. (which consists of long term general plan and medium term general plan) represents guidelines in the implementation of PSDHBM, which must be prepared by certificate holder in a participatory way with facilitation of Forestry and Plantation Services Office or assisting NGO. General Plan is approved by Pemda through Head of Forestry and Plantation Services Office which is evaluated every 6 months. Holder of certificate can carry out activities of utilization, rehabilitation, and protection after general plan is approved.

Long term general plan contains objectives, strategy, policy, physical data, physical and non-physical program, outline of physical and non-physical operational activities, protection, rehabilitation, development of human resources. This long term general plan is used as control instrument for the implementation of PSDHBM with a period of 10 years.

Medium term general plan contains technical plan of the activities of inventory of area, harvesting, rehabilitation, maintenance, security, institutional building, human resources development, monitoring and evaluation. Medium general plan is used as reference of operational plan with time period of 5 years.

Operational plan represents plan which contains detail of physical and non physical activities of PSDHBM which are carried out in one year and prepared based on general plan. Operational plan is prepared by holder of own3 certificate and facilitated by NGO, acknowledged by head of village/kelurahan and Village Representatives Board and legalized by Forestry and Plantation Services Office.

Utilization

Utilization activities in protected forest area can be carried out in protected zone and utilization zone. In protected forest area it is not allowed to cut trees which exposes forest and land top cover. The allowed types of utilization in protected zone are: medicine plant, decorative and rare plants, food plants, mushrooms, beehive, natural silk, bird nest et cetera as well as cultivation of hard plants with types of plants which produce non wood forest products. The allowed type of utilization of utilization zone are the same as for protected zone, plus utilization activities for environmental services potential, such as natural tourism, water utilization etc.

Utilization activities in production forest area can be carried out in protected zone and utilization zone. The allowed types of utilization in protected zone and utilization zone are the same as for protected zone, plus limited wood plant exploitation activities, which cover planting, maintenance of plant, limited harvesting with selected cutting method.
In the implementation of forest management, certificate holder can cooperate with other parties without reducing the role of certificate holder as the main actor of management and must be in conform with management plan. The cooperation can be in form of providing seeds, farming facilities and production, and marketing of products. For the possibility of having foreign cooperation, certificate holder is allowed to ask facilities from local government.

**Forest rehabilitation and protection**

Forest rehabilitation is intended as efforts to recover, maintain, and increase forest and land function so that its bearing capacity, productivity and role in supporting life support system can be safeguarded. These forest rehabilitation activities cover planting, enrichment of types of plants, maintenance and application of nature’s conservation technique. Community group holder of PSDHBM certificate has the obligations to carry out forest rehabilitation in accordance with the prevailing laws and regulations.

Conducting forest protection is intended to safeguard and maintain forest, forest area and their environment, in order that they can function in an optimum way. Forest protection is carried out through efforts to prevent and overcome damages on forest, forest area and forest products caused by human acts, forest fire, pest and disease, as well as other natural disasters. Holder of certificate is obliged to safeguard forest and forest area in its working area, maintain and safeguard forest area outside its working area and coordinate with Forestry and Plantation Services Office in the implementation forest protection. Certificate holder is also responsible for damages and forest fire that occurred in its working area.

**Control**

Control of PSDHBM is intended to guarantee control of forest resources in order that the implementation can be in conform with the objectives. *Pemda* carries out control on the implementation of PSDHBM and holder of PSDHBM certificate has the tasks to prepare and submit PSDHBM report to Pemda through Forestry and Plantation Services Office every year. In addition, internal control is also carried out in a participatory way by involving all members of the community group, holder of the certificate, facilitated by Pemda and NGO. Internal control is carried out by every community group, holder of certificate, at least three times every year.

General public is also given the opportunity to carry out control through individuals, legal body group, BPD as well as Wonosobo Forest Forum. If it is found out that the implementation of PSDHBM causes disadvantages to public interests, the community can sue *Pemda.*
Research and Development

To increase the success of PSDHBM implementation, research and development activities can be carried out. Implementation of these activities can be carried out through cooperation with competent research and development institution.

ROLE OF RELATED PARTIES

Viewed from its process, the related parties in the process of the issuance of Perda No.22/2001 about “Community Based Forest Resources Management” among others are: Local Government (Forestry and Plantation Services Office, Social Politics Office, Environment Section, Legal Section, Economic Section and Public Relation Section); DPRD (Commission A and Commission B); Perhutani (KPH of North Kedu and KPH of South Kedu); Press (Jawa Pos, Wawasan, RPS, Poles and PWI Wonosobo); forest village community (community figures from Bogoran village, Jangkrikan village and Tlogo village); NGO (Arupa, Koling, JPKM, Sepkuba and Pelita Garuda); State Court; Attorney Office; Police; Military command; farmer groups; and University.

Some of the roles of the related parties among others are:

<table>
<thead>
<tr>
<th>Related Party</th>
<th>Role</th>
</tr>
</thead>
</table>
| Community Self-supporting Institution (AruPa, Koling and FKKM) | • Initiative of dialogue with DPRD activities to get steps which must be taken in handling forest resources conflicts problems in Wonosobo.  
• Prepare draft of Perda which is carried out through several processes, among others study about public forest management services and dream of the community over state forest at Gunung Tugel village. |
| University | Faculty of Forestry University of Gajahmada together with AruPa and FKKM, finalizing the contents of the Draft of Raperda. |
| DPRD of Wonosobo | Commission A and Commission B represent community representatives which struggles to get transfer of forest management from Perhutani to the community to local government through the issuance of Perda No.22/2001. |
| Community around the forest | Give input about plundering which represents one of the reason for conflicts to occur, where these inputs finally have caused Arupa to initiate state forest management by the people. |
| Local Government (Regent and Forestry and Plantation Services Office) | • Give approval to the issuance of Perda no.22/2001  
• Formulate guidelines for PSDHBM implementation.  
• Confirm criteria for deciding forest area location used for conducting PSDHBM  
• Give certificate and cancel PSDHBM area proposed by group with recommendation of Forest Services |

BENEFITS OF PSDHBM FOR LOCAL COMMUNITY

Several benefits of PSDHBM for local community among others are:
• The community, through its group will get certificate for management of PSDHBM area (not ownership) with validity period of 30 years, probation time of 6 years and the
certificate can be extended. This certificate is not transferable but can be bequeathed until the expiration of the certificate.

- The community or the land managing group has the right on the whole forest products, managed through PSDHBM program.
- Government (Pemda, Provincial and Central) has the right on provision of forest resources management (PSDH) with division based on Law No.25/1999 about financial balance between central and regional government. At this moment there are compromise efforts in form of Implementation Guidelines from Pemda for including “production sharing” for Pemda outside PSDH. Several formula proposals among others: first, Pemda 50% and the community 50%. Second, manager/farmer gets 50%, group 10%; village 10%; and Pemda 30%. Third, farmer gets 70%, group 5%, Pemda 20%. All are still being discussed. Further follow up steps, AruPa carried out study in the field to facilitate community planning, so as to be able to calculate input and output from the series of the forest management activities, as reasonable proposal and clear base and accountable.
- Local government gets input from imposing provision to forest products as the result of PSDHBM in accordance with the prevailing laws and regulations.

LESSONS LEARNED

Several lessons that can be learned from the case among others are:

First, as a local initiative in solving forestry problems, the Wonosobo experience shows that aspiration to settle the problems together was quite high. This can be seen from the process which received full supports from various stakeholders.

Second, regarding forest management sustainability, PSDHBM is quite convincing as a way to maintain sustainability of forest management in Wonosobo. Direct involvement of the community in forest management which is supported by other stakeholders will increase sense of belonging of the community on the forest in their area.

Third, even though the level of effort to settle problems in the region is quite high, the struggle must be continued, especially concerning the existence of Perda in relation to the prevailing laws and regulations. The result of dialogue carried out since the issuance of Perda is still not final yet: 1) Representatives of the Ministry of Home Affairs stated that in principle this institution does not revoke PERDA and pleased Wonosobo Pemda to continue with the management of forest area at Wonosobo District, but postpone temporarily the implementation of border area management; 2) Representatives of the Ministry of Forestry stated that in principle there is no problems with the contents of PERDA because it is similar to Decree of Ministry of Forestry No.31 year 2000 (which gives permit to the community to manage forest with legal body of cooperatives, and is valid for forest area in Java), but the problems is in the form of legal body and condition, where Java is exempted from Decree of Ministry of Forestry No.31 year 2000; and 3) National Assembly (DPR) Commission III stated that Wonosobo Pemda can keep supporting the community to continue with forest management activities and DPR will assist with the solution with the Ministry of Forestry and suggested that Wonosobo Pemda does not make dialogue with Perhutani, but preferably with Ministry of Forestry.
Further information regarding the development of “Community-based Forest Management” in Wonosobo Regency can be obtained by contacting:

**ARuPA (NGO)**  
c.q. Faisal H. Fuad  
Jl. Kaliurang Km 5 – Karang Wuni H 5 A  
Telp/faks: 0274 - 518589  
email: arupa@arupa.or.id

**Head of Forestry Office of Wonosobo Regency**  
Jl. Mayjen Bambang Sugeng 159 Wonosobo  
Telp: 0286 - 324056

**Komisi B – DPRD Kabupaten Wonosobo (Local Parliament)**  
c.q. M. Muqorrobin Thoha/C. Krustanto  
Telp/faks: 0286 – 321546

San Afri Awang (Mr)  
S_awang@indo.net.id
V. Agreed Village Land Usage System: Local Initiatives in Settling Forest Land Conflicts at Sanggau District (West Kalimantan)

Sanggau District represents a district with most of its area in form of forest. In the last two decades conflicts on forest utilization between traditional community and company, holder of forest management right came to the surface as the result of very exploitative forest management policy, without considering the interests of traditional community living around and in the forest.

Actually efforts to overcome the problems had been carried out since 1994 through Forest Usage System Agreement. Yet, because it was not carried out in a participatory way, the efforts were considered as not solving the problems. To overcome the problems participatory mapping was carried out through Participatory Forest Area Management program (PKHP) which produced agreement between 9 villages located in 4 sub-districts. This agreement was then confirmed through Decree of Regent No.200/2001 about “Legalization of Village Decree about TGHDK at Majel and Bantai Villages, Bonti Sub-district, Sejuah and Mobui Villages, Kembayan Sub-district, Semojang, Sungai Dingin and Idas Villages, Novan Sub-district, Pisang Village Jangkang Sub-District, Sanggau Regency”. With the recognition from the Regent, the community as the primary interest holder in the management of agrarian resources in their region have the rights to determine the allocation of the resources.

THE INITIATIVES APPEARED

In the last two decades, conflicts on forest utilization between traditional community and companies facilitated by government came to the surface. This phenomena cannot be separated from the policy of the New Order Government which was very exploitative in the utilization of forest resources, without the slightest concern to the interest of traditional community living around or in the forest. With no exception, the problems appeared at Sanggau District, with most of its area in form of forest. This condition is quite ironical, traditional community who has been living for hundreds of years in the area which is later claimed as state forest, must be removed from their area.

In the efforts to overcome the conflict that appeared, actually since 1994 there were efforts to solve the problems in the forest area through TGHK carried out by the Ministry of Forestry. But it turned out that the community had not understood the meaning of forest area as mentioned in the TGHK. The community even didn’t know if their land was in the area which had been decreed as forest area. This was because local community was never involved in the process. When they were aware about it, the community spontaneously rejected the TGHK map. The demand of the community to the Ministry of Forestry was to involve the community in determining land function, as well as to change the status of land according to the interest of local community by still respecting technical criteria and the prevailing laws and regulations.

By considering the needs for general as well as for particular forest development, local government tried to discuss the solution of the problems with the interested parties
Through a cooperation project between the Government of Indonesia through Ministry of Forestry and the Government of Germany, through the Department of Foreign Cooperation GTZ, called Social Forestry Development Project (SFDP), participatory mapping was started. The program then set Participatory Forest Area Management (PKHP) region as model area for Community Forest (HKm). This program emphasized on Forest Management by the Community (PhoM) system, which represents of alternative forms of involvement of the community in forest management. The area of this model was 102,250 ha, located in 9 villages in the region of 4 different sub-districts, with a population of about 12,000 people or 4000 families. A description of the area can be seen in the table below:

<table>
<thead>
<tr>
<th>Usage</th>
<th>Area (Ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Dipterocarpa</strong> hill forest</td>
<td>12,006</td>
</tr>
<tr>
<td>Low valley <em>dipterocarpa</em> forest</td>
<td>5,648</td>
</tr>
<tr>
<td>Keranggas Swamp/Forest</td>
<td>9,752</td>
</tr>
<tr>
<td>Peat soil swamp forest</td>
<td>2,764</td>
</tr>
<tr>
<td><em>Tembawang</em>, small forests</td>
<td>3,973</td>
</tr>
<tr>
<td>Degraded coarse grass plain</td>
<td>7,138</td>
</tr>
<tr>
<td>Secondary forest/rubber tree forest</td>
<td>49,396</td>
</tr>
<tr>
<td>Paddy field</td>
<td>1,023</td>
</tr>
<tr>
<td>Mobile farming land</td>
<td>5,081</td>
</tr>
<tr>
<td>Settlement/farm</td>
<td>354</td>
</tr>
<tr>
<td><em>Bera</em> land</td>
<td>5,115</td>
</tr>
<tr>
<td><strong>Total Area</strong></td>
<td>102,250</td>
</tr>
</tbody>
</table>


Implementation of TGLDK in PKHP area carried out by PKHP community with facilitation assistance from SFDP covers 5 (five) stages of activities, i.e.:

1. Making basic map
2. Socialization of Land Usage System, i.e. understanding land usage arrangement, assignment of land usage system official as well as training for personnel (technical/facilitator).
3. Making and socialization of draft map of village land usage system.
4. Revision of draft map and Preparation of *hamlet* and village land usage system model.
5. Arrangement of border on site (outer border, *hamlet/village*, and function of land)
Making basic map. Basic map was a map with a scale of 1:10,000 used as the base for the preparation of TGLDK map. This basic map was prepared by SFDP in cooperation with the related government agencies. The bases used were TGHK map and District map (RTRWK), both with a scale of 1:250,000. This basic map was then submitted to each official from the community chosen at hamlet and village level to be used as the base for the preparation of hamlet map. These activities were carried out in 1994.

Socialization of Land Usage System. These activities were carried out for introduction and understanding of Land Usage System, assignment of parties and personnel who will follow up the Land Usage System as well as training for parties/personnel assigned (technical and facilitator).

In PKHP area, the implementation of these socialization activities were coordinated by SFDP by involving government, traditional chief and figures, community figures. These socialization activities were carried out through elucidation, meeting, presentation, discussion, etc. These socialization activities were carried out continuously (again and again) and reached all levels of the community. These activities were carried out between 1994 and 1995. Development and implementation of TGLDK on site needed understanding and certain technical skill, especially in the preparation of map and using field measuring equipment (compass, inclinometer etc.). At least the community must understand and capable of reading map, so that later on the whole community can give input actively in the preparation of TGLDK maps.

Through training of trainers, SFDP carried out training on Forest Land Advisors (PLH) who represented every hamlet of all villages. Selection of PLH is carried out by all people of the hamlet in an open way through voting in a meeting. Training of the selected PLH in principle was technical in nature and was focused on subjects about terrestrial measurement on the field, collecting and processing of geographical, topographical and area data, as well as preparation of map and model. In addition to that, they were also trained in elucidation technique, and communication skill.

In this stage Heads of Villages and Heads of Hamlets also took part in the training conducted by SFDP. Because later on they should take part in leading and coordinating all things related to TGLDK in their area, starting from planning, implementation, up to monitoring and control. They also must have a role as facilitator and mediator in discussion and negotiation needed to achieve agreements between various involving parties, in synchronizing land natural resources utilization in and inter each region. After taking part in the training, PLH, heads of villages and heads hamlets discussed the result of the training as well as follow up action plan as the implementation of TGLDK with the community each in their villages.

Then PLH, heads of villages and heads hamlets trained their people, members of the village in technical skill that they acquired in training, such as making map and using field measuring equipment (compass, inclinometer etc.). Here they were also taught how to carry out field survey to collect data needed in making and improving map, as well as how to
make and use model (three dimensional model) of certain size, which shows topography of their area. Training carried out in these hamlet meetings will take quite a long time (one week per hamlet), because they are expected to at least understand capable of reading and interpreting map.

**Making And Socialization Of Draft Map Of Village Land Usage System.** After the community in the hamlet understands and approves the concept of TGLDK, activities are continued with making of draft map of land usage system, prepared under the coordination of hamlet PLH. The base used is basic map prepared by SFDP.

Based on the map, a new hamlet map is then developed, by making changes of form and locations of land usage which consider (1) community interest, (2) possibility of land usage (fertility, location and slope, as well as types of the existing vegetation), and (3) possibility of business, and functions of forest. In this case, in accordance with concept of TGLDK in PKHP area, in the new hamlet/Village land usage system there are only 3 types of land usages at the most (three types of zones), i.e. Protected Forest Area, Production Forest Area, and Settled Forest Farmer Business Area.

The map documents position/location of borders between different areas, using GPS equipment. Hamlet land usage arrangement takes about one or two weeks for every hamlet. Under the coordination of PKLH (PLH Coordinator), maps of hamlet are then compiled and synchronized into one village map. Time needed to make map of village land usage system is usually around one week.

Furthermore, since PKHP area consists of 9 Villages, it is necessary to compile and synchronize the 9 village maps. From that a PKHP area map is produced, which shows land management and utilization pattern in the whole PHKP area. The result of temporary agreement achieved at village level in form of hamlet and village land usage system maps will then be socialized to all members of the hamlet. This is the tasks and responsibility of PLHs and head of each hamlet.

Here, once again the community needs to discuss and come to an agreement about the above decisions. If there are things which are not to their liking, these might need negotiation among the hamlet community, head of the hamlet, head of the village, and other related PLHs. For the above socialization activities an average time of 23 days per hamlet is needed.

**Revision Of Draft Map And Preparation Of Model.** After hamlet community understands and approves the draft of map of hamlet and village land usage system, it is necessary to once more check in the field. Through this (final) check, it is expected that what have been agreed and described in the map must really in conform with facts in the field. In PKHP area, after field check has been carried out, TGLDK final revision will be made. Time needed for revision of map of village land usage system in general is an average 23 days per village. Final result in this stage is availability of map of land usage system of 59 hamlets, 9 villages, and PKHP area which really reflects situation in the field and represents the result of agreement among PKHP community (at least most of them).
After this revision is completed, then each hamlet makes TGLDK model. Model is a three dimensional model (length, width, height) of an area or certain hamlet, made in a wooden box, measuring 1.5 x 1.5 square meter. The material for a model is mix of clay and sandy soil. Model scale must be at least 1 : 5000 (1 cm in the model equal to 50 m in the field). SFDP experience in PKHP area shows that field check activities and preparation of model will take quite a long time, i.e. around 12 weeks per hamlet/village. These activities were carried out in 1995.

**Arrangement Of Border On Site (Outer Border, Village, And Function Of Land).**
Arrangement of border on site is carried out based on model and map of hamlet, village and PKHP area land usage system. These activities are carried out together with SFDP, PKHP community, and related government agencies. This border arrangement is carried out on site by making permanent stake and/or by planting trees of certain types. At the same time with these activities, borders are measured again using GPS equipment, documented, and used for improving the existing map. These activities are carried out by SFDP.

Arrangement of outer border of PKHP area is carried out in coordination with BPN (National Land Agency) and Bappeda (Regional Development Planning Board). Border arrangement in PKHP area (border between residential areas, and between the three types of areas) is carried out together with the Ministry of Forestry. City Planning Agency/BIPHUT, because this area is included in state forest area. These activities were carried out in 1996 up to 1997 and maintenance of model and improvement of model were carried out in 1997-1998.

**Legalization.** Result acquired through TGLDK in form of maps of hamlet, village and PKHP area land usage system are then legalized formally and traditionally. Draft of Decree of Village is prepared and discussed by involving all related parties, especially Village Administration, LMD, and LKMD. Decree of the Village is decreed, and signed by Head of Village, LKMD and acknowledged by Camat.

Decree of Head of Village is then proposed to get legalization from Sanggau Regent and Head of Provincial Forestry and Plantation Regional Office. At the hamlet/village itself, the Decree of the Village which has been signed, is announced and the contents explained (type and function of the area, TGLDK regulations etc.) to the community. Then traditional ceremony is carried out for confirmation. In 2001 this TGLDK was legalized through Decree of Sanggau Regent. While PERDA (Regional Regulation) about this TGLDK is still in the process for legislation.

**ROLE OF THE RELATED PARTIES**

The success of the traditional community in getting recognition through Decree of Regent represents the result of cooperation of various related parties. Some of them are: Village Administration assisted by Heads of Hamlets and Personnel (PLH and KPLH), Camat, BAPPEDA, Forestry Services, Village Community Development Section (PMD), YPBSK (Equatorial Earth Social Forest Foundation), Participatory Forest Area Management Institution (LPKHP)/SFDP (Social Forest Development Project), LKAD (Inter Village
Cooperation Institution). The followings are the role of each stakeholders successfully identified:

<table>
<thead>
<tr>
<th>Related Parties</th>
<th>Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forest Area Managing Institution LPKHP/LKAD</td>
<td>Facilitate the establishment of TGLDK technically and institutionally by encouraging the Government to strengthen the implementation of TGLDK through the issuance of Decree as well as assist in the preparation of Draft of Village Decree.</td>
</tr>
<tr>
<td>Village Governance and Personnel (PLH and KPLH)</td>
<td>Prepare and carry out the establishment of TGLDK, discuss draft of Decree and decrees Village Decrees, coordinate with Camat to conduct arrangement and Village Decree as well as propose legalization of Village Decree to Regent.</td>
</tr>
<tr>
<td>Regional Development Planning Board</td>
<td>Coordinate and evaluate TGLDK complies or influence the preparation of space arrangement of district area as well as give technical input about TGLDK.</td>
</tr>
<tr>
<td>District Forestry and Plantation Services</td>
<td>Technical supervision of land usage system activities in rural area which is part of forest area, giving technical consideration about deciding of land function, issuing technical guidelines and guidance for participatory land usage system in forest area, issue technical guidelines and guidance for participatory mapping, prepare forestry programs in participatory land usage system area, assist supervision of the community in making border system and mapping for participatory land usage system.</td>
</tr>
<tr>
<td>Camat and Village Community Development Section (PMD)</td>
<td>Assist in the administration of regional arrangement related to Village Decree and procedures (Draft of Village Decree) and assist Heads of Villages to discuss village decree with Sanggau Regent.</td>
</tr>
<tr>
<td>Community Self-supporting Institution (YPSBK)</td>
<td>Facilitate technical and institutional assistance for Village and Hamlet, give TGLDK training for village/hamlet apparatus and Village Officials, find financing to support the land arrangement and promote TGLDK to various Parties.</td>
</tr>
<tr>
<td>SFDP Project</td>
<td>Facilitate the Establishment of TGLDK, technically as well as assist the Community as well as the Government (experts) and give fund supports for the establishment of TGLDK (in the framework of model)</td>
</tr>
<tr>
<td>Community</td>
<td>Give information and involved in the overall mapping process.</td>
</tr>
</tbody>
</table>

With the issuance of Decree of Regent about legalization of community TGLDK, the community possesses the right and responsibility to manage land without time limit, and still maintaining the agreed land functions. With this right the community has acquired temporary permit for Natural Forest Exploitation Right for an area of 16,950 ha, as area managed sustainably and continuously. And it will be easy for Sanggau Administration to carry out development in the area, because land planning is clearly carried out by the community, and conflict of interest can be reduced, and local administration will get income from exploitation and utilization of the natural forest.

**BENEFITS OF TGLDK**

TGLDK represents agreement which is very much needed in the implementation of PHOM (Forest Management by the Community) system, as an integrated forestry
development system, to manage forest properly, with the objectives of welfare of the community sustainability of the forest. The concept of PHOM separates two activities, i.e. management of forest area, including residential area, and utilization of natural forest. Land planning which is carried out through participatory mapping activities, which will produce TGLDK, represents the base for getting:

- Forest management permit by the lowest administration, i.e. village, and there are more than one villages, village can decide to establish Inter Village Cooperation Institution (LKAD).
- Natural forest utilization permit by traditional community which gathers in cooperatives facility.

**Land Use Pattern According to TGLDK**

<table>
<thead>
<tr>
<th>Description</th>
<th>Land Utilization Pattern (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Protected Forest</td>
</tr>
<tr>
<td>1. Natural/primary forest</td>
<td>13,680</td>
</tr>
<tr>
<td>2. Tembawang, forest island</td>
<td>2,447</td>
</tr>
<tr>
<td>3. Agricultural land:</td>
<td></td>
</tr>
<tr>
<td>Farm, <em>bera</em> land, bush, rubber farm</td>
<td>16,127</td>
</tr>
<tr>
<td>Total</td>
<td>16,127</td>
</tr>
</tbody>
</table>

**LESSON LEARNED**

The experience of this traditional community, assisted by other stakeholders in settling the problems of forest management right, gives several lessons:

*First*, their success in mapping their region and acquiring local government support through Decree of Regent No.200/2001, cannot be separated from the involvement of various parties (participation). Basically every party involved each has their limitation. But, through cooperation, the existing weaknesses in one party can be overcome and can even develop strength which contribute to finding a solution.

Definition of rights and responsibility, which have been set in TGLDK, are a critical base for the community to be able to manage forest. Also, based on this TGLDK, local administration must prepare a Regional Regulation about Land Usage Management by the Community, and Regional Regulation about Forest Management System by the Community (PHOM). TGLDK represents important recognition from the government about the role of the community in land management so that TGLDK will function as controller of integrated Forest Development through PHOM system, either by the community or the Government. TGLDK will also explain better about development strategy by the government, avoiding conflict of interests and TGLDK as planning standard in the village, so that government through various sectors can fill development in the village.
Local traditional regulation develops and functions further after the existence of TGLDK. For example, in PKHP area, the traditional community develops traditional regulation about protection of re-greening plants, forest and community business in general, based on function of land and benefits of land each at their TGLDK.

Second, initiative in the beginning came from an outside party which had a concern on forest management problems. But, regardless of which party is the initial conceiver, as long as it can synchronize itself with local problems, this is not an impediment. Through the role of a third party, in this case an external development agency (GTZ), acceleration of the process of completion of GTLDK occurred through participatory mapping, and recognition is then confirmed by Regent Decree.

Third, the establishment of a Land Usage System which is carried out through mapping which involves the community and village administration in a total, overall and transparent way, turned out to be able to produce TGLDK which was beneficial to every party. In their involvement the community, heads of village and hamlet are not only convinced about the importance of participatory mapping in deciding TGLDK, but also learn how to carry out the activities using the equipment on site. They even, together with the community and SFDP, carried out measuring activities, mapping on site, until map preparation was completed. So that finally the result really facilitated the needs and aspirations of traditional community around the forest. This result had also convinced Pemda to immediately give their recognition through the issuance of Regent Decree. Sanggau Regent is also still busy processing Regional Regulation (Perda) about land usage system by the community, and Forest Management System by the Community (PHOM). Since Perda represents form of recognition which has higher power compared to Regent Decree.
VI. Formulation of Community-based Natural and Environmental Resources Management: Local Initiatives in Overcoming Land Problems in West Lampung Regency

Just like any other municipality in Lampung Province, in West Lampung there are various cases, which are mostly located in or regarding forest areas, both the preserved forest areas, production forest, as well as national park areas. The case of repong damar dispute in Krui coastline is one example of dispute case that remains unresolved for years up to the present time. Likewise, there are other land disputes, for example forest land disputes in Sumber Jaya, Bengkunat, Pengekhan, Bandar Dalam etcetera.

In the effort to overcome the various forms land disputes, the Government of Lampung Regency conducted various attempts both directly and indirectly, both in the field as well as in the attempt to build a base for policy and problem resolution through the formulation of regency regulation. The first effort was carried out by issuing the Regent’s stipulation, which grants a specific community the right to the management of a certain area to, as it happens in the District of Sumber Jaya. Meanwhile, the effort to build policy base is carried out through the formulation of the draft of regency regulations covering the management of natural and environmental resources. In the preparation of the draft, the Regent of Lampung Barat has issued Stipulation Number: B/51/KPTS/IV.05/2003 on the Formulating Team of the Draft of Regency Regulation on Community-Based Natural and Environmental Resources Management. At present, the process of the draft formulation is still going on through the involvement of the community both directly and indirectly. The team consists of various parties, namely the local government, the higher education institutions, NGOs, and other prominent community figures.

Considering the process, the awareness of the need to formulate the regency regulation is constructed through a long process. The effort to overcome the chronic land problems comprehensively has been started since 2001 when the government of West Lampung Regency formed a team for Space and Land Use Study in West Lampung Regency, through the regent’s Stipulation No. B/37/KPTS/02/2001. Then in 2002 the regent of West Lampung issued Stipulation No B/119/KPTS/06/2002 on Multi team for the Formulation of Regency Regulation Draft on Community-based Forest Resources Management Regency of West Lampung. The issuance of the two stipulations can be perceived as a process of looking for the building of collective form and agreement of various parties.

The initiatives of the Government of West Lampung in the effort to overcome land problems by involving a lot of parties of non-governmental parties is a positive step. By doing this, it can be build a more comprehensive understanding as a base for the formulation of regency regulation that regulates the management of natural resources. It is expected that the different perceptions towards forest which has been going on between the government and the indigenous people can be resolved.

PROBLEM DESCRIPTION

The Regency of West Lampung is located in the slope of the west mountain of Bukit Barisan covering the area of 85,742 hectare and is populated by 101,899 people. The topography of the area consists of the narrow long land, and at the east side, it is hilly and mountaineous with the rainfall reaching 2.786 mm. Part of the Regency of West Lampung
constitutes a forest area and is predicted that most part of forest areas in Lampung Province is situated in this regency. However, the growth of population which gives rise to the smaller average of land tenure per agricultural household which comes to 0.56 hectare (2001), has also caused the emergence of forest land opening phenomenon for various activities. This in turn has caused various land disputes.

Most land problems occurring in West Lampung Regency are caused by or related to border order. The uncertainty of this border order has caused the lack of tenure security for the people. At present there are twelve land disputes in the forest areas that have different functions. Regarding preservation forest, there are problems, among others, land status and function conversions, mostly to residential areas; the border order has not been recognized by the people due to the top down approach of the management without the participation of the people/community; the lack of inventory of preserved areas even though the data is necessary in the management planning; the lack of people’s access to the utilization of preserved forest which has caused deforestation due to the lack of the people’s sense of belonging to the said areas; the lack of land dispute resolution mechanism, etcetera.

Regarding the production forest, there are various problems encountered, among others; the authority over the management of the production forest is still held by the central government, while the production forest is needed for the economic development of West Lampung Regency; at present it is also felt there being uncertainty regarding the continuation of Areas for Specific Purposes, for its benefit is not yet felt by the people; the increasing tendency of illegal logging; as well the claims made by the local people over the areas of production forest.

Meanwhile, regarding national parks, problems encountered are among others: the increasing illegal logging in national parks, the people’s use of national park areas for various interests, and the uncertainty over zones due to the absence of the people’s participation in the determination of zoning. Likewise, the problems concerning marga (clan, community) forest are related to the lack of legal recognition over land tenure by marga.

The problems above have obviously to be handled immediately and by a comprehensive approach. However, the effort to overcome the problem takes a long time to integrate various ideas from various stakeholders in West Lampung Regency.

THE FORMULATION OF REGENCY REGULATION DRAFT AS AN EFFORT TO OVERCOME PROBLEMS

Even though land problems in West Lampung have started to emerge since the last decade, there has been no comprehensive step until 2000 to find resolution for the various land problems. Even in the case of land dispute that concerns repong damar at Krui that has been going on since the last decade, for example, there has not been any cooperation from the multiple parties involved to find resolution to the problems. The concrete effort to build commitment from the various parties only emerged after the implementation of regional autonomy in the early 2001 preceded by the establishment of the team for Space and Land
Use Policy (TRTGL), through the Regent’s Stipulation Number B/37/KPTS/02/2001. The issuance of the stipulation is a preliminary step in building the cooperation among the stakeholders in West Lampung Regency because the membership2 of the team consists not only the elements from the government, but also involving YASPAP (Saibatin Penyimbang Adat Pesisir Foundation), and NGO such as Watala, ICRAF, and WWF.

This team has attempted to guide the policy of Space and Land Use in West Lampung Regency so as to return the status of state forest to become marga forest and national park forests, within the policy there is a policy to release Limited Production Forest and Conversion Production Forest. In this way, there will be chances of status of the forest, but not the function. The team has conducted identification of the new status and the present function of the forest as well identified the problems encountered to see what opportunities that can become available, for example, identification of forest areas that are not sufficient to be forests, participatory rearrangement of borders, re-delineation of forest areas, and works concerning geographical information system. Another thing that needs to be identified is the forest areas that overlap the rights given to the people and have significant implication towards the land tenure in those areas.

Along with the working of the team for TRTGL study, in 2002 there came up a collective idea and the growing need for the formulation of the draft planning for regency regulation on “Community-Based Management of Forest Resources West Lampung Regency”. This was then realized by the issuance of the Regent’s Stipulation Number: B/119/KPTS/06/2002. The issuance of this stipulation is based on the immediate need to save the forest in West Lampung. This team’s designation is to formulate the draft regulation. The membership is wider than the team for TRTGL study as the team includes the regent, the spokesperson of DPRD, the head of State Judiciary, the District Military Authority and the District Police of West Lampung as the patronage of the team. Then there are other related institutions as the guiding team, and the working team consisting of various parties involving the elements of the regency government, community figures, higher education and NGOs.

In its later development, the regency regulation draft formulating team feels that the coverage of regency regulation draft formulated is limited to forestry problems. Eventually the regent issued a new stipulation Number: B/51/KPTS/IV.05/2003 on “Team for the Formulation of Draft of Regency Regulation of Community-based Natural and Environmental Resources”, which is the replacement of for the stipulation No. B/119/KPTS/06/2002. By the issuance of this stipulation it is expected that a more comprehensive regency regulation draft can be formulated to regulate all natural and environmental resources. In addition to that, the establishment of the team is expected to formulate a regency regulation draft that is participatory the way in which all stakeholders are involved both in the membership of the team as well as in the process of formulation. Similar

---

2 The membership of the team consists of the guiding and the technical teams. The technical team is divided into various other teams, Policy Study Technical Team, Geographical Information System Technical Team, and Field Facilitating Technical Team.
to the previous stipulation, in this stipulation the number of membership is greater, including the number of NGOs involved.

Although land problem resolution is an agenda whose importance is emphasized, in the period of 2001-2002 there were several attempts as follows. First, the formulation of regency regulation of RTRW which accommodates the demands of Krui community the way in which marga land classification is restored as agreed with the Dutch in the past, namely marga land and forest. Second, at the same time border re-management is carried out participatorily according to the Forestry Minister’s Stipulation No. 32/2001 the way in which the determination of borders is the full authority of the Regency/Municipal Government. The activity of setting the borders has started to be done through the cooperation of all elements involved to apply participatory border setting. One of the activities that has been done is by conducted meeting that involve the community. This activity has recently suffered from hindrances due to the limitation of funding availability to conduct such meetings.

Third, for the areas that are released from forest areas (in Bengkunat) as wide as 7000 hectare it is attempted to give formal recognition by the government by providing legal and formal proof ownership in the form of land certificate by National Land Body. Fourth, the regency government has also started to issue permit for social forest in the preserved forest, namely one of the areas that are free from land disputes. On 15 April 2002, the regent of West Lampung has issued temporary permit for the activity of Social Forest to the social forest groups by issuing several stipulations, among others Number 503.522.1638.HKm.Dishut-LB.2002 which grants permit for the farmers’ group in Desa Gunung Terang District Way Tenong to manage the area of forest of 205.92 hectare. Likewise, the stipulation No. 503.522.2116. Dishut-LB.2002 grants permit for forest management to farmers’ groups of Desa Simpang Sari District Sumber Jaya which is given the permit to manage 259.04 hectare of forest areas through the stipulation No. 503.522.215/HKm. Dishut-LB.2002.

The permit of social forest is the right given to implement the management of social forest and not the ownership right over the forest areas and this right cannot be handed over to another party. The permit itself is given for the period of five years. Even so, the permit can be extended to 25 years if within the third year the concerned farmer’s group can establish a cooperative. Although it can be given for a long period, in the stipulation it is mentioned that the permit can be revoked any time if the permit holder fails to obey the regulations set in the permit in the activity permit and the valid legislations.

The granting of the permit can provide benefits not only to the farmers which have the tenure to manage the land but it is also expected that they can preserve the environment sustainability. In the implementation of the management of the land, the farmers’ group get the facilitation from the NGOs, especially in term of business development.
THE PROCESS OF REGENCY REGULATION DRAFTING

It needs to be known that up to moment this report is being written (June 2003), the process of regency regulation draft is still going on, namely, academic script writing. As it has been previously mentioned, it is expected that the draft formulation of the regency regulation can be conducted participatorily in the effort to build regency regulation comprehensively. Therefore, in the process of the draft formulation, the team has conducted various ways, among others, first, by carrying out public consultation, namely the attempt to get input by conducting public meetings in a wider scope. Up to the present time, there have been conducted four public consultations. In those activities all elements consisting of head of village, community figures, religious figures, farmers, NGOs, and so on, were invited to come to the meetings. Second, provision of suggestion boxes in various public facilities in the purpose of opening the chance for the public to give written suggestion. Third, distribute announcement given by the regency government of West Lampung (see box). This media is similar to the formal announcement performed by the regency government conveyed to all people of West Lampung Regency to participate in the formulation of the regulation. Fourth, put up and disseminate banners and leaflets containing invitation to the people to participate in the formulation of the regulation. Fifth, performing talk show conducted by disseminating information of the development of the process of the formulation of the regulation and also providing information to the people through the resource person invited to the event. And sixth, making use of the village forums, such as village development meeting, Al Qur’an recital, and so on. Up to the time of the writing of this report, those medium are still being used. However, so far the media that is considered to be more effective is dialogical meetings where in local officials are present because in this way the people’s expectation can be communicated directly to the authoritative parties.

Although various ways having been taken are effective enough to develop people’s participation in the formulation of regency regulation formulation, however, the team still encounters various hindrances, among others:
- the geographical condition of West Lampung makes it difficult for the team to reach all parts of West Lampung Regency
- the process of people’s participation takes a long time. Therefore, the finance needed is also high.
- There are still images in a small number of people that the process of the regency regulation formulation is a project undertaken by a certain group of people.
THE REGENCY GOVERNMENT OF WEST LAMPUNG

ANNOUNCEMENT

The Regency Government of West Lampung along with the parties (indigenous people, organization/representation, farmers, women, private companies, university, research institutes and NGOs) at present is formulating the draft of Community-based Management of Natural and Environmental Resources (RAPERDA – PSDALBM) of West Lampung.

Background of the Formulation of Regency Regulation:

1. the need and desire of the people of West Lampung to gain a more secure legal certainty for the management of natural and environmental resources.

2. the different perceptions and interests in the management of natural and environmental management

3. conflict of the tenure of land and other natural resources caused by: a) the pressure of land demand, b) demand of land ownership, c) the disagreement and the incomplete resolution over the problems of forest borders, d) the increasing illegal logging and protected animal hunting

4. the overlapping and sectoral and not community-based policies and regulations on natural and environmental resources

The Purpose of Regency Regulation Formulation

1. providing a legal base for the implementation of natural and environmental resources in West Lampung.

2. realizing the vision and mission and the basic pattern of the development of the Regency of West Lampung

3. realizing the commitment of the Regency Government of West Lampung in the implementation of natural and environmental resources management according to the social characteristics of the people.

4. improving the participation of the people in the process of planning, formulation, establishment and monitoring of the policy on natural and environmental resources management in the Regency of West Lampung.
Target of the Regency Regulation

1) the executives of the government of the Regency of West Lampung; 2) the people managing the natural and environmental resources; 3) other parties involved with the benefit and result of the natural and environmental resources of West Lampung.

Coverage of the Regency Regulation

1) forest resources; 2) land resources; 3) water resources; 4) mining and energy resources; 5) coastline and maritime resources; 6) environmental resources

As a preliminary step of the formulation of the draft of community-based regency regulation of natural and environmental resources management, formulation of academic script will be formulated as well as the legal draft of Regency Regulation Draft of Community-based Natural and Environment Resources Management.

In this opportunity, we are inviting you, ladies and gentlemen: public figures, theologians, religious leaders, the government, and so on to put forward your suggestion and input for the interest of the formulation of the said regency regulation. Suggestion and advice of you will be invaluable for the development of West Lampung Regency SAIBETIK, “Beguai Jejama, Nganik Bebaghong”.

Suggestions are to be addressed:

The formulating team of the Regency Regulation Draft of community-based management of natural and environmental resource.

Secretariat:

- Forestry and Natural Resources Management Office, Regency of West Lampung (Office complex of the regency government of West Lampung. Telp. 0728-21144)
- Environment Management Body Office, Regency of West Lampung (Office complex of the regency government of West Lampung. Telp. 0728-21216)
- Offices of District Administrations and Pekon all West Lampung Regency and all available suggestion boxes.
LESSONS LEARNED

There are lessons to note from the long journey in building the commitment to find the resolution for land problems in West Lampung Regency. First, building partnership among various parties concerned takes time. Full support from the Government of West Lampung is formally manifested by the issuance of the Regent’s Stipulation of West Lampung No. B/37/KPTS/02/2001 on the establishment of “Space and Land Use Study Team”. The commitment to overcome land problems is also shown through the issuances of two Regent’s Stipulations regarding the establishment of teams designated to formulate the draft of regency regulation to overcome the various land problems in West Lampung Regency.

Second, the inclusion of various parties from the non-governmental elements have given rise to the sense of equality and togetherness among the various elements both the governmental and non-governmental in overcoming the various land problems in West Lampung Regency. This is a different phenomenon from the previous period wherein the decision-making process was dominated by the government. Likewise, the issuance of the announcement of the government of the Regency of West Lampung, which has given opportunities for all people of West Lampung is a really good idea in developing the people’s participation in the formulation of policies in the regions.

Third, the provision of opportunities and award for the people to convey their ideas have resulted in the courage of the people in conveying their expectations and wishes in relation to land problem resolution. This can be seen by the numerous parties present in the public consultation as the government official mixed with the common people.

Fourth, the clear authority held by the regency government has succeeded in boosting the local creativity. This can be seen for example through the issuance of the Stipulation of the Minister of Forestry No. 32/2001 which grants the authority to the local governments to determine the redefinition of borders, which have been effectively taken its benefit by the Government of the Regency of West Lampung. What has been done by the Government of the Regency of West Lampung by resolving problems case per case, for example in the issuance of temporary permit of forest area management for the farmers’ group, can be seen as a positive step.
Further information regarding the development of the formulation of “Draft of Regency Regulation of Community-based Management of Natural and Environmental Resources” can be obtained by contacting:

- Forestry and Natural Resources Management Office, Regency of West Lampung (Office complex of the regency government of West Lampung. Telp. 0728-21144)

- Environment Management Office (BPLH), regency of West Lampung (Office complex of the regency government of West Lampung. Telp. 0728-21216)

- WATALA
  Jl. Teuku Umar no. 58/64 Penengahan Bandar Lampung
  Telp. 0721 – 705068
  Faks. 0721 - 771358
  Email: watala@indo.net.id

- Secretariat Team of Formulation of Draft Regency Regulation PSDALBM c.q. Buyung/Alex
  Jl. Way Mengaku no. 40
  Across Office complex of the regency government of West Lampung
  Telp. 0728 – 21075
  Email: psdalbm_lambar@yahoo.com
VII. Conclusions

IMPORTANT LESSONS

The exposure of these five regional experiences in resolving land disputes, makes it clear that good governance of agrarian resources is something that should absolutely be achieved. Without taking care of this, Indonesia will again be trapped into land policies that only advantage a small group of people and this in the end again will cause land disputes. Some important lessons learned from these experiences are:

First, regional initiatives are important to efforts of resolving land issues in the respective region. This is due to the fact that it is the region itself which best understands its own problems and the potentials it possesses. Other parties may assist to enforce the region’s capabilities.

Aside from where such initiatives start, the five cases indicate that the local governments’ role is crucial to the success or failure of any efforts to resolve land disputes. Its role in taking a political decision will strengthen the achievement of those efforts. In the Wonosobo case the role of the local government and the Regional House of Representatives which determined to enact the Local Government Regulation regarding “Community Based Management of Forest Resources” was a step in the direction of rebuilding the community’s trust in the local government. Different to other regions where the local communities do not believe in the existence of the local government and the Regional House of Representatives, in Wonosobo the local government received the full support of the community.

Second, the role of the liaison institution is very important to developing a partnership, since the two parties involved tend to have a different culture. In the Wonosobo case, the presence of the NGO Arup a as well as other NGOs became the key to success for that particular case. Not only did they provide for channelling between the disputing parties, but they also fostered contacts between the various other stakeholders.

Third, management of agrarian resources performed in partnership with the local community proves to be very profitable to all many parties. This is due to the decision process being performed by involving the various parties linked to these agrarian resources. Such a method will also have an impact on the extent of the sustainability of the program.

Fourth, community participation will be triggered if their needs or if any advantage is experienced from their involvement in the resolving process of the dispute. It became clear from all the cases that the community was very participative since they were the party most affected directly through resolving the dispute. Their involvement will also affect the sustainability of agrarian resources management, as shown by the cases in Sumedang and West Lampung. Hence, any dispute resolving actions to be taken should be developed together with them. The wise approach would be to ask them and not to teach how to do something. Facilitation is important in the whole process.
The main differences among the five experiences, are: 1) In the Lampung Province case, the Provincial Government opted for establishing a combined committee or team expected to be capable of fusing the interests of both disputing parties. Should the team not be able to settle the dispute, then at least the local government would receive input from this team. As such the existence of such a team would be very beneficial to the local government in resolving land disputes; 2) In the Sumedang case, efforts to overcome the problem were performed through conferring the authority of forest management of the forest areas to the village community, utilizing a Village Owned Business Enterprise (BUMDes). This effort provided a learning process, through which the village community could learn how to organize in a proper and transparent manner and at the same time producing income for the local village government and the entire community. The process of learning how to organize was obvious for instance from the direct voting of the BUMDes management, and as such the community was able to determine which figure they could trust in managing their business. Besides, they also had the opportunity to learn about sustainable community-based forest management principles; 3) In the Wonosobo case, efforts to resolve the forest management dispute were performed through developing a combined commitment which was then emphasized through the enactment of the related local government’s regulation. This is a very significant effort that received strong support from other concerned parties in the region. Aside from the fact that a legal problem still clings to this local regulation, this effort should be regarded as a positive step towards resolving land disputes in the respective local region; 4) In the Sanggau case, efforts to overcome the problem aimed at acknowledgement of the traditional adat community by issuing the Sanggau District Head’s Decree. This effort reinforced the community’s control of the land status and this in turn could prevent the occurrence of conflicts whether horizontal between various adat communities as well as structural between the adat community and outside parties that have particular interests in their region; and 5) In the Krui case, efforts to settle land problems were performed by striving to obtain community rights on resin tree (damar) forest from the central government, in this case the Forestry Department. Success in obtaining legal assurance through the areas for specific purposes (KDTI) would provide assurance to the community to manage the resin tree forest.

Although different approaches were taken, the objective was the same, to resolve land disputes in each respective region. The difference more or less originated from differences in the characteristics of the problem encountered in each respective region.

One issue that needs to be stressed here is that the local regions resolve land disputes after these evolve into conflicts. As such a trend is obvious which shows that the local regions start to act when problems have surfaced and grown into conflicts. While other dormant problems, although having the potential to become conflicts in the future are not yet given any attention. This issue should be emphasized and put on the future agenda. Some of the efforts that need to be performed, amongst others are:

- Management of ownership, control, and utilization of land, as an effort of providing disadvantaged groups the access to land.
Transparency in the land administration system at the local level regarding information on permits applying in a certain region, revitalization of land-book in the village, information on taxes, etc.

In the case of a local government planning to resolve land disputes, and planning to implement land reform, the following prerequisites need to be taken into account. **First**, the presence of a strong political commitment particularly that of the local government regarding land reform is needed, and can find support as an effort to develop food sustainability and to resolve the acute poverty problem in the villages. Such a political will should be formulated into local regulation on the implementation of land reform binding all elements present in the administrative district / municipality environment. Such a local regulation (Perda) should become the umbrella for the implementation of land reform.

**Second**, a commission is needed at the district / municipality level, being assigned with the main task, function and authority to resolve land problems. This commission may be established through a decree of the district head / mayor, governor or regional regulation. This commission has the task to clarify land problems evolving in the region and to find an appropriate settlement alternative.

**Third**, a land registration data base regarding land ownership as well as control of land related to the village or sub-district (kecamatan). Such a data base does not have to be prepared in advance before land reform is initiated, but can be prepared as the activity proceeds. At its onset, the data utilized may originate from statements by the farmer’s family based on the questionnaires (forms) that were distributed to each family.

**Fourth**, the availability of local regulation that contains the technical management implementation procedures is important. The formulation of such local regulation may adhere to land reform implementation guidelines set by the central government. This local regulation on land reform should at least contain: the definition of land reform, the objects or targets of land reform, land reform implementation mechanisms; sanctions; supervision and handling of land disputes; incentives and dis-incentives; compensation; redistribution and its prerequisites; costing and relation between district and village government; development of farmers’ group; progressive tax system; and other needed items. **Fifth**, the existence of a legal system as well as law enforcement regarding the implementation of such land reform. However, basically all efforts and steps taken will be greatly dependent on the characteristics of the problem, the existing potentials and other conditions of the local region. The door to opportunities to find ways to resolve land disputes in each respective region is still open!

**FINAL NOTE**

What has been presented in this report is basically an invitation to various parties to participate in developing local innovations and initiatives to resolve land disputes. However, replication of such experiences in other places should be done with utmost care and caution. Replication can only be performed by taking significant lessons learned from these cases, and not just duplicating the steps or process applicable in a certain case. Each case possesses its
own uniqueness. Hence, to study a problem properly and appropriately is an important and strong supporting factor in designing a way to resolve that particular land dispute.