



**Collaborative Land Use Planning and Sustainable
Institutional Arrangements for strengthening land tenure,
forest and community rights in Indonesia
(CoLUPSIA)**

Inception Workshop and Steering Committee Meeting

April 2010, Bogor

**CIRAD
CIFOR
TELAPAK
HuMA
TOMA**

**University Pattimura, Ambon
University Gadjah Mada, Yogyakarta**

Supported by the European Commission

The workshop was held on 22-23 April 2010 at CIFOR headquarters. Partners and members of the steering committee attended the workshop. This project entitled “Collaborative land use planning and sustainable institutional arrangements for strengthening land tenure, forest and community rights in Indonesia” (CoLUPSIA) will be implemented by CIRAD in partnership with CIFOR, TELAPAK, HuMA, TOMA, Gadjah Mada University, and Pattimura University.

Overview the workshop and steering committee meeting

The first day of the workshop focused on technical issues. The Steering Committee (SC) meeting was held on the second day (see detail agenda on Annex 1). Members of the Steering Committee, including BAPPENAS, MoF FORDA, and Directorate General of Planology, made useful comments on the issues and proposed activities presented by the project staff and partners. List of participants are available on Table 1.

Table 1. List of Workshop Participants (Project Partners and Steering Committee)

No.	Name	Institution	Day - 1	Day - 2
1	Basah Hernowo (BH)	BAPPENAS		√
2	Nur Hygiawati Rahayu (NHR)	BAPPENAS		√
3	Anna Sinaga (AS)	CIFOR	√	√
4	Esther Mwangi (EM)	CIFOR	√	√
5	Imam Basuki (IB)	CIFOR	√	
6	Johanna Clerc (JC)	CIFOR	√	√
7	Linda Yuliani (LY)	CIFOR	√	√
8	Meilinda Wan (MW)	CIFOR	√	
9	Michael Padmanaba (MP)	CIFOR	√	√
10	Moira Moeliono (MM)	CIFOR	√	
11	Nining Liswanti (NL)	CIFOR	√	√
12	Patrice Levang (PL)	CIFOR	√	
13	Robert Nasi (RN)	CIFOR	√	√
14	Terry Sunderland (TS)	CIFOR		√
15	Wim Nursal Ikbal (WNI)	CIFOR	√	√
16	Jean Guy Bertault (JGB)	CIRAD		√
17	Ruandha A. Sugardiman (RS)	Dir. Gen. of Planology, MoF		√
18	Tigor Butar-butur (TB)	FORDA, MoF		√
19	Puthut Indroyono (PI)	Gadjah Mada University	√	√
20	Bernadinus Steni (BS)	HuMA	√	√
21	Marthina Tjoa (MT)	Pattimura University	√	√
22	Christian Purba (CP)	Telapak		√
23	Ridzki R. Sigit (RS)	Telapak	√	√
24	Yan Eliazer Persulesy (YEP)	TOMA	√	√

YL opened the workshop and explained the purpose of workshop and the project expectation from partners. In the morning sessions, participants have an opportunity to listen the following presentations:

- Reminder on project objectives, expected result and activities (YL);
- Land tenure and community right issues (EM);
- Project sites description in Moluccas (Y), Kapuas Hulu (LY) and Boyolali/Klaten (P).

In the afternoon session, two presentations were delivered concerning Media Development from TELAPAK (RS) and Legal aspect from HuMA (BS). The discussion (direct after presentations) was held in both sessions. In the afternoon, the participants were divided into several working groups (GOV, ENV, LIV, and Legal aspect).



Steering committee members and project's member



Listen to the presentation during the meeting

Day 1, 22 April 2010, 09.00 – 17.00

Presentation on project objectives, expected result (ER) and activities (ENV/YL):

YL explained briefly that the proposal has been developed in 2008 under the EC Programme for the environment and sustainable management of natural resources. The project aims to securing land tenure and forest rights of local communities, and to support the development and implementation of institutional arrangements and land use policies for forest conservation and sustainable management.

The overall objective of the project is to:

Avoid deforestation and environmental degradation by supporting the development of sustainable institutional arrangements promoting land policies and instruments including local community.

The specific objectives to be achieved at the end of Year Four is:

Collaborative and equitable LUP and NRM are established, leading to the design and testing of new institutional arrangements, environmental policies and pro-poor financing instruments based on more secure land tenure and community rights.

The project expected to produce four results and the completion of each expected result would be achieved by undertaking proposed activities. Detail of expected result and activities can be seen on Annex 2. The ER 1 is planned to achieve in the Year One (2010-2011).

Discussion

A question rose about the huge different or contradictions between the title and the objectives where all the following work are concern on how to strengthening the institutional. It was suggested that the project should involved the oil palms companies and other stakeholders on the ground. The project also needs to understand what the people wanted, what they see for the future, and how to promote this project for their future?. So the project should not only promoting what is the important of environment for local people but also to strengthening institutional (i.e. Pattimura University, etc). This question is very important, asking what the research question is and what are the solutions, even if testing about right based approached will not be easy to implement. Nevertheless, asking directly to local people on 'what they wanted' is dangerous, so the project should be carefully implemented and do not promise anything to the local people.

Related to the expected result (ER), the project clarifies that all activities was visible and can be fitted with the objectives of project, consultation to people for different methods that can be applied.

Regarding to the sites locations, the advantage for the project is to select several sites where the project has known the situations in the field (not start from zero).

Participatory approach somehow is weak a (lots of manipulations!!). So the right things to do is that the project should learn about the local people's cultures and histories and ask their perceptions about the past, present, and future expectations.

Regarding the traditional systems, if this system could provide better protection for local people, so the action is to give more info to everybody and facilitate discussions, scenarios on traditional law.

Presentation on land tenure and community right issues (GOV/EM)

The presentation is focus to give brief overview on understanding forest or Land Tenure in CoLUPSIA project. The challenges are included three components as follow:

- What property rights/tenure regimes can conserve forests and allow equitable access and sustainable management?
- What kinds of arrangements (i.e. tenure and governance processes) can be established in order to reduce uncertainty/insecurity for forest resource users?
- Provide insights into how different stakeholders can facilitate a transition towards greater security for resource users by identifying factors that cause tenure insecurity, and by jointly designing arrangements, processes and relationships to improve security and to build institutional capacity.

EM's presentation also included several crucial factors such as what the meaning of property rights or tenure is; what security is and why it is important; what indicators related to property rights or land tenure are; how we assess security; security in practices; and additional issues about the extent of dependence on forest resources and culture significant. EM explained that the methods, questions, and purpose were designed for different scale (e.g. household level, community/village level, level of organizations, legal and institutional review, and stakeholders mapping).

EM concluded her presentation with three main points related to property rights/land tenure issues as follow:

1. Different dimensions:

- On paper
- In practice: Substantive rights; existing threats: right enforcement and conflict and dispute resolution
- Internal management
- Perceptions

2. Multiple methods to get at differentiated experiences

3. Propose actions and remedies

Questions and Answers

PL: The activity will insist more on the right for what?

Answer: When come to management of resources, we can have secure right but limited or conditional on certain things!!

MM: How to compromise between the community's property right and government? and how do you balance this issue?

Answer: not available

Presentations on the site project in Moluccas (TOMA/YEP)

Yan's presentation is focus on the status and social settings of land use in Moluccas. He explained the site description of Seram Island, Central Moluccas District. Seram is the biggest Island in the province; Area 18.000 km², length: 340 km and width: 55-70 km. Central Moluccas has five districts (North Seram, West-North Seram, Amahai, Tehoru, and Wai Pia) and the project will operate in the whole districts, including Manusela National Park.

In this presentation Yan described about physiographic & hydrology of Manusela NP, and biodiversity. Threats on park were occurred in this area because of Land encroachment for cash crops (Tehoru village), Illegal wildlife hunting and trading, and rapid land-conversion near the park boundary (Transmigration area, agro-plantation, mining, etc.)

The local communities live inside and outside the park. The project will concentrate in the coastal areas, mostly in south-west coast (the capital city of Central Moluccas District, Masohi). Settlement is located in the buffer zone, comprising 50 villages in the

coastal area, three villages & three hamlets in the upland. Settlement in enclave included four villages and five hamlets. High mortality and migration rate (by young generation). The local people livelihood is dependent on shifting agriculture, hunting, and forest extraction (sago, resin, etc).

Yan also described the social organizations at village level and governance in Seram Island. Conflict on land tenure is also occurred in this area (e.g. local people have claimed almost all inland and coastal area, direct conflict between local people and investor/concession holder on state owned land; or between villagers). Source of conflict is because the status of State Owned Land versus Customary land. Regarding forest resources, the local people use the resources for foods, medicinal plants, firewood, wood for buildings (or for own consumption and marketable items), and for conservation traits.

Questions and Answers

NL: the status of conflict in the project site

PL: which area need to be protected. Objectives: stronger LT secure can help to protect the MNP. Local people are interested in conservation of MNP.

Answer: how strong this social organizations in Seram. In Moluccas, most all villages led by Raja. The local government has made local regulation (Peraturan Daerah – Perda) for this.

PL: if the objective is to try to involve local people in the conservation of MNP, what is real situation regarding land tenure? What will be the real LT there?

Answer: In management of MNP, enclave area is important to protect traditional livelihood and traditional system.

IB: formal or informal forum used by the project to deal with land tenure conflict on different stakeholder right now, so what scale and how the local government will manage the conflict.

Answer: Scale of conflict is not such a big issue, but many local people have been upset because some enterprises try to enter this are at present and the local people do not like it. Conflict is potential to disturb the management office of the project. Structure traditional is good for entry point. This project can improve the customary system.

Presentation on site project in West Kalimantan (LIV/LY)

The presentations briefly described about Kapuas Hulu but focus on Danau Sentarum with the examples of unclear land-use planning, causes and implications.

The total area of Kapuas Hulu is 29,842 km², human population around 208,915, and there are 23 sub-districts. Main district revenue is timber, agriculture, plantation, and fish (consumption and ornamental). This area is declared as a conservation district through the Bupati's decree 144/2003, situated 4 km from Malaysia: lawless land, gangster practices, cross border illegal trade (Wadley and Eilenberg 2006; Heri et al. forthcoming in 2010.). No grand design/ long-term land-use planning based on ecosystem functions.

LY explained some causes of unclear LUP in Kapuas Hulu such as:

- Overlapping authorities, ambiguous regulations/policies,
- Government (policies and land-use are driven by large scale business and political agenda),
- Communities (struggle between exploitation following economic opportunities versus sustainable management based on *adat* and small scale practices),
- Broker and gangster practices,
- Winners (those who give largest immediate benefits, or have strongest power),
- Mapping behind the table, and
- Ecosystem functions (never considered).

Danau Sentarum NP, as an example, is the largest wetlands in Asia, 132,000 ha. This place has important ecosystem functions (key hydrology regulator of Kapuas watershed; high biodiversity; largest supplier of West Kalimantan fish; largest deep peat deposit in the province).

Local people income is US\$11-18 million/yr (traditional fishery and *arwana* fish breeding farms and organic wild-bee honey). There are 43 villages including five Iban Dayak, 38 Malay (32 permanent, 6 seasonal). Each ethnic group has different traditional tenure and natural resources management

Examples of overlapping authority and ambiguous regulation:

Formally the park managed by DSNP authority through collaborative management scheme. The people living in the area (livelihoods, road/bridge, education, health facilities) were the responsibility of the district government. But in reality natural resources are managed by local people based on traditional land-use and tenure system; and/or market driven opportunities, political agenda (local election, effort for new district development or *pemekaran*), DSNP authority (lack of knowledge on how to build collaborative management, and lack of communication with district government).

Implications:

- Increasing rubber price and district government subsidy on intensive farming, approximately about 5,200 ha of lowland forests are cleared for planting rubber;
- indication of chemical pesticides pollution in wetlands;
- infrastructure and facilities development inside the park have increased population and permanent settlement
- competition over resources, overexploitation, conflict;
- efforts for new district (*pemekaran*)

Examples of unclear status on Buffer zone:

Regional spatial planning map (1999): forest (MoF), *Paduserasi* map (1999): dry land agriculture, District land-use map (2005): other land uses/ APL (district)

DSNP related to Collaborative land-use planning and tenure will have many challenges:

- What do we mean with 'collaborative' and how collaborative the land-use planning would be?
- How do we deal with conflicting boundaries of neighboring villages?

- How do we incorporate traditional land-use planning?
- From traditional land-use to formal land-use: do umbrella policies and regulations exist?
- How to win against large-scale business and political agenda?

Questions and Answers

JC: Why all communities in DSNP refused the oil palm plantation.

Answer: They prefer arwana fish that give high income for those people.

EM: How many villages in the park?

Answer: In total 43 villages, but we work with 10 villages (six is inside the park, two is in the border, and two is outside the park)

PL: income is per household or per capita?. People in DSNP protect this park. The park is special, different with other places.

Answer: Actually, the people are care with their livelihood not to the park.

RN: economic interest around the park is too strong. Suggest approach the company to support local people, this usually dine in other places.

Answer: It will be difficult, because of lack of law enforcement, very tricky, and many illegal activities etc.

UGM: what is the relationship between daily livelihoods with the economic process? Do they get benefit or little in the economic process? Does a common property help to secure economic from external influence?

Answer: not available

PL: Preserved local people from external influence will be Impossible!

Answer: not available

RS: The government in Putussibau has mentioned that this area is planned to be conservation district, so this is contradictive with the real problem that try to push away the local people from the DSNP.

Answer: the situation is not like that, the people inside the DSNP try to make new district ("pemekaran" program). Conservation district is an idea and is not coming from the government but from NGO (target out to make happy the donors?)

Presentation on propose project for CoLUPSIA (UGM/PI).

PI presented his work concerning the productions process. He presents an interesting topic but lack of explanation related to the site description in Boyolali/Klaten, village profile, livelihood, and land tenure system.

Presentation on Media development (Telapak/RS)

The topic is about 'Raising of public concern on the local issues'. RS explained about the hierarchy of media business unit of TELAPAK. Why media? because it will be easier to

share ideas with other stakeholders.

TELAPAK has GEKKO studio – film for change. The GEKKO was established in 2006, as an audio-visual film production and design with aims to deliver the information for public awareness. The issue is focus on education, environmental, social and cultural. The strategies are publishing and image building (branding). Film production will be +/- 20 films in four years. The aim is to promote local people's activities related to their natural resources; building the relation with National and International network, joining on the issue of forest, NTFP, indigenous people, oil-palm, wildlife (elephant's habitat), marine/coastal, and other environment issue. Information can be reached on the website (www.gekkovoices.com).

Some achievement from Telapak are included people awareness/public attention, against the forest destruction or oil-palm expansion (Sarawak); promoting forest-honey; anti-mining destruction in indigenous land (East Kalimantan); bring the voices of 'forest dwelling people' to international forum.

In 2008, Telapak was led the ASTEKI (Association of Indonesia's People Local Television) with aim is to give balance information from the 'voiceless' public, in particular outside of Jakarta, broadcasting our film production (produced by NGOs, indigenous people, minority, etc). ASTEKI was established in Kendari (South East Sulawesi) comprising six local television broadcasts in Indonesia.

ASTEKI has developed program which included training for journalists, IT persons, cameramen, joint program, sharing knowledge and exchange-study, creating ASTEKI's join Television Program. ASTEKI also provided consultancy on TV's Feasibility Study. In addition, ASTEKI has created an initiative on news center (news download, streaming in local television).

In June 2010, ASTEKI has developed a project related to REDD in West Kalimantan (June 2010). The activity in this place might be used as a good example how ASTEKI can be linked to the CoLUPSIA project. West Kalimantan is selected because this place is known as one of the hotspot of environmental problem. It's location of ASTEKI's member (Ruai TV). In this program, ASTEKI Member's have jointed a collaboration to produce feature/news/documentary/PSA on the issue which related to REDD/CC. The method was used by involving 20 peoples (five teams) where they were conducted film documentaries on five locations in West Kalimantan. In this project, ASTEKI was collaborated with partner such as media and local NGO in West Kalimantan (Riak Bumi, LPSAir, Institute Dayakologi, Asosiasi Jurnalis Independen).

The challenges are included some important of stage of strategies such as scope of work, media mapping (involvement media to the issue), and channeling. At the end of presentation, Telapak has showed some examples of website products in different island in Indonesia.

Questions

MP: What are the proposed activities by Telapak for this project?

NL: The information will only cover the local people perceptions? or included other stakeholders (companies, governments etc)

LY: if we work with Telapak, do we need to follow CIFOR rules on media coverage?

Challenge for CoLUPSIA? What do we meant with collaborative, how the CoLUPSIA can facilitate this project, start from village level, traditional LUP, etc

Answer: not available

Presentation on 'Law Act' in Indonesia (HuMA/BS)

In this presentation, the legal team presented some important point related to Law Act in Indonesia such as the structure of Law Act, building the Law Act, intervention and opportunities, the implementation of Law Act, and how to change the Law Act.

HuMA described that the structure of Law Act is to follow the top – down hierarchy, starting from UUD RI 1945, UU/PP, PP, *Peraturan Presiden*, and *Peraturan Daerah* (Province, District, and Village level).

HuMA explained that building the Law Act is started from planning, preparation, result, discussion, endorsement, and disseminations.

According to HuMA, the opportunity of PROLEGNAS from 2010 to 2014 was concentrated on two crucial issues about land and *adat* community and farmer issues.

Questions and Answers

Are legal processes can be implemented in three different project sites and how far these legal processes will involve in this project?

Answer: an umbrella of law for CoLUPSIA has been existed at national level. Politically, community participation will much depend on funding availability. As an alternative, instead of start from the very beginning, we can use existing umbrella of law to run the process more easily. Local community might disagree with community forest or "hutan desa" as it is situated inside the production forest. They will prefer to have "hutan adat" or customary forest.

AS explained the possibility to follow the existed umbrella of law i.e. Prolegnas (National Legislative Program).

During the 4 years implementation of this CoLUPSIA project, we should come up with some realistic recommendations. We can focus, for example, on how to improve the community right for customary forest in Seram Island.

Day 2, 23 April 2010, 09.00 – 12.00

Opening the SC meeting

Short welcome marked by Robert Nasi, Director of the Environmental Services and Sustainable Use of Forests Programme at CIFOR.

Introduction of the meeting has been explained by YL:

- Participants of the SC meeting
- CoLUPSIA project is challenging as it is addressing some important issues including deforestation and land degradation as well as community right and land tenure.
- Appreciation to the project's partners and associates
- Agenda of meeting
- Unfortunate for the absence of EC representatives
- Opportunity to involve local stakeholders (e.g. local government) in the SC

Presentation on the overview of the project (YL)

Project related to REDD, avoid deforestation and land degradation, promote pro-poor financing mechanism

Problems on policy and property right/tenure security need to be well understood. There are six steps to be prepared to achieve the objectives

The project identifies five components/expected result:

- Capacity building
- Data collection
- Data analysis/model/legal aspect
- Implement/advocacy/impact, and include
- Public awareness on CoLUPSIA

Timeline of the project is four years with three sites locations (Seram Island, Kapuas Hulu, and Boyolali – Klaten) which are presented by YEP, LY, and YL respectively.

Project activities

The CoLUPSIA project have four main activities included the capacity building for local stakeholders, data collection (biophysical and socio-economic aspects), data analysis, and test/implementation. Activities conducted at each sites will depend on existing data available. When data are limited, for example in the case of Seram Island, more and longer field activities are possibly to be carried out.

Discussion

Three participants including two SC members questioned the rationale of choosing three project sites. They raised some issues on comparable methods, different culture and local capacity, and the ecological aspects at those sites, and in which ways the CoLUPSIA project can address. To respond the question, YL explained that the three

sites of the project represented different problems and how the methods developed in the project can thus bring solutions.

TB asked if traditional rules and organization still exist and suggested the project to involve social scientist e.g. anthropologist. He shared an experience from another region (in eastern Indonesia) where sometimes the problem is not merely from technical but those related to social aspects. YL commented that study site in Moluccas offers an opportunity to show the existence of traditional rules and organization. In addition, LY explained that the project would involve a CIFOR researcher who had background on anthropology. Another idea is to involve a social scientist from LIPI, the Indonesian Institute of Sciences.

RS from MoF asked about capacity building for local stakeholders i.e. kinds of training will be carried out by the project. He also wondered how the project might build collaboration with other existing projects, for example the GTZ in West Kalimantan. YL briefly explained that there will be a series of training on social as well as biophysical survey to develop and improve base line data in each site. YL added that there were several ENGOs are working in West Kalimantan such as WWF and FFI. This project's activities will synergize and complement what they have been doing in the region. What we need is coordination among projects. JGB suggested that the project should think how we could organize collaboration and consolidation as all stakeholders played their own important roles. YL mentioned that the next workshop will be organized in each site and involve local stakeholders.

Legal Aspects (BS and AS)

They briefly presented some general issues on conflicting regulations, inadequate law and law enforcement, legal vacuum, long and complicated process of policy making, and lack of political will within government institutions. In addition, they showed some opportunities and what activities might be carried out during this 4 years project.

Discussion:

NHR (BAPPENAS) asked about the appropriate model which will be implemented to address problems related to legal aspects. According to BS, each area has its specific characters and so the model should be adjusted to local condition (including existing local rules).

BH (BAPPENAS) raised an issue of overlapping laws (forestry act, agrarian law, and decentralization law) and wondered which one we should refer. He found that overlapping laws led to impact to local community i.e. unsecure in utilizing community land (case study in West Nusa Tenggara). BS argued that exploring people perception could be done to address this issue. However, the project will not try to solve the whole problems but at least we could come up with a model as well as recommendations on land tenure.

RS (MoF) asked how the project can bridge both top down approach (MoF with its Forestry Land Use Planning) and bottom up approach which will be conducted during

the CoLUPSIA project. He emphasized that bottom up approach implemented in the CoLUPSIA project will be accompanied by series of investigation and workshop involving authorities both at local and national levels. Project team members will play role as facilitator to achieve collaboration among stakeholders.

JGB asked how experience in land tenure and LUP in Tanimbar can be adopted to benefit this CoLUPSIA project. YL agreed that there was a good experience in LUP, which was successfully developed through bottom up approach although it was stuck at national level. We should learn to consider national level issue seriously.

Discussion on Media Development (RS)

TB asked what kind of strategy to reach impact at low, moderate, and high level and what can be considered as the indicators of success. RS explained that the strategies implemented could vary at site level. However, he found that West Kalimantan would be the most difficult site in terms of public awareness program due to many conflicting interests in the region.

JGB and RN reminded to have consultation among project partners and associates before putting information in the web based media.

End.

**Annex 1. Agenda of Inception workshop and first Project Steering Committee Meeting
(22 - 23 April 2010)**

Day 1: Agenda of Inception Workshop	
08.45 – 09.00	Registration
09.00 – 10.30	Presentations <ul style="list-style-type: none"> ▪ Reminder on project objectives, ER and activities (Yves) ▪ Land tenure and community rights issues (Esther Mwangi) ▪ Short description of sites (Yan Seram, Linda Kapuas Hulu, UGM Boyolali/klaten)
10.30 – 10.45	Coffee break
10.45 – 12.15	Group discussion Based on ER and activities, discussion focuses on training needs and data collection, methodology etc... for four groups representing Gov – Liv – Env- Legal
12.15 – 13.30	LUNCH
13.30 – 15.15	PLENARY (Reporting on group discussion results) Presentation awareness program (Telapak and James Clark) General discussion
15.15 – 15.30	Coffee break
15.30 – 16.30	Review and planning for SC Meeting
16.30 – 17.00	Closing
Day 2: Agenda of SC Meeting	
09.00 – 09.15	Registration
09.15 – 10.30	YL BACKGROUND and objectives/ER/SITES Calendar of activities (Yves) Activities for each ER (following project original document but based also on first day discussion) <ul style="list-style-type: none"> ▪ Capacity building and stakeholders ER1: Linda Y ▪ Data collection ER2 and analysis ER3: Yves ▪ ER 4 Starting implementation phase UGM, Toma ▪ ER 5 Awareness: Telapak or James ▪ Legal: Ana Sinaga
10.30 – 10.45	Coffee break
10.45 – 12.00	General Discussion with and comments from Steering Committee members and Recommendations by PSC members
12.00	Closing (<i>Lunch is provided</i>)

Annex 2. The four years of the project and calendar of activities

