

Conflicts over community-based “Repong” resource management in Pesisir Krui Region, Lampung Province, Indonesia

by **Suporahardjo and Stefan Wodicka***

Indonesian Tropical Institute (LATIN) and World Neighbors

SUMMARY

Suporahardjo and Wodicka describe three land-use disputes involving government officials and other parties in southern Sumatra, Indonesia. The case study compares the effectiveness of various community strategies in addressing these conflicts in the face of top-down policies and official use of coercion. Communities lacking access to information and having weak organizational capacity were unable to negotiate with more powerful stakeholders, or to enforce the implementation of agreements. Other communities turned to coalition building to increase their organizational strength and access to information, thus improving their ability to deal with other stakeholders.

* The authors wish to thank colleagues from the Legal Aid Institute (LBH), Lampung, who have tirelessly assisted the Ngambur clan in their struggle and who kindly provided information for this case study. This paper is dedicated to the Repong farmers of Pesisir Krui, especially to Ngambur farmers, who have never given up their struggle for their rights to the land and for their survival.



GUIDING QUESTIONS

KEY ISSUES

- How and why did the use of coercion by the government prolong conflicts with local communities?
- What role does the collection and analysis of information play in conflict resolution?
- How can coalition building contribute to conflict resolution?

CONTEXT

- What are Damar gardens?
- Why are they so valued by rural people?

CONFLICT BACKGROUND OR HISTORY

- How was official coercion manifested?
- What was the cause of conflict – different values or different interests?

CONFLICT MANAGEMENT AND RESOLUTION PROCESSES

- How were conflict management options selected?
- Why was the task force ineffective?

CONFLICT MANAGEMENT AND RESOLUTION OUTCOMES

- How do you detect a mediator with a hidden agenda?
- Why has conflict management occurred so slowly?

LESSONS LEARNED

- Why are power relations important in conflict management?
- What role can social capital play in conflict management?

KEY ISSUES

Indonesia is the largest archipelago in the world, with more than 17 000 islands extending 5 000 km across the equator, and is situated between the Asian and Australian continents. Three-quarters of the country consists of ocean water, while its land surface covers 193 million ha. Of this land area, 74 percent is classified as state forest lands. Deforestation rates in Indonesia are among the highest in the region, and much of these lands have been converted to commercial plantations, such as oil-palm plantations. Forest conversion has often been carried out at the expense of existing traditional rights and land-use systems, thus sparking many conflicts.¹

Since Indonesia gained independence in 1945, it has had five different government administrations. Of these, that of Suharto and his New Order Government, which stayed in power from 1966 to 1998, lasted the longest. During Suharto's rule, land-use policies largely favoured private sector interests over those of local communities (Kasim and Suhendar, 1997). These land-use policies were often implemented to take control over strategic areas, and oriented towards industrial development. During this period, collusion between the military, the civil government and large corporations was pervasive. Together they formed large-scale coalitions or cartels aimed at reaping maximum economic rent. Brutal measures were often taken to deprive local communities of their rights to their land in the name of national economic development (Arief, 1997).

Conflicts over access to, and management of, natural resources became an inherent part of the implementation of development policies during Suharto's rule. National development has brought about inequitable distribution of wealth and resources, especially of land. Disparities in access to natural resources catalysed opposition in the form of demonstrations, resistance and sometimes outright conflicts between local communities, the state and private corporations (Suporahardjo, 2000). During Suharto's 32-year rule, the New Order Government of Indonesia made extensive use of physical coercion to eradicate open and latent conflicts, which emerged largely as a result of top-down natural resource management policies.

When Suharto stepped down in 1998, government legitimacy started to wane and, as freedom of speech gained pace, local communities throughout Indonesia began to challenge government use of coercive measures and openly to demand

1. From 1967 to 1997, oil-palm was one of the fastest-growing subsectors of the Indonesian economy, increasing twentyfold in planted area and showing 12 percent average annual increases in crude palm oil production. While the growth of the oil-palm subsector has conferred important economic benefits, it has posed an increasing threat to Indonesia's natural forest cover. Local communities have also been displaced by the large-scale oil-palm plantations, and social conflict has resulted (Casson, 2000).

government accountability over unresolved conflicts. While alternative approaches to the resolution of conflicts (which focus on convening stakeholders and consensus building processes) are gaining ground in more established democracies, in Indonesia – a developing nation where the military continues to wield substantial political power – the tendency to resort to coercive measures is still strong and widespread.

This case study analyses the effectiveness of various community-based strategies to address land-use conflicts in the face of top-down policies and the extensive use of force in the Pesisir Krui region of Lampung Province. The use of coercion in this case only served to alienate local communities and prolong the confrontation with government agencies and private investors. Local communities without access to information and with weak organizational capacity were unable to negotiate with more powerful stakeholders, and both formal and informal agreements between local communities, government agencies and the private sector were usually ignored. But the case study also demonstrates that when neighbouring communities gained access to information on policies and started to organize, they were better able to defend their interests and challenge government policies. The study, however, shows that coalition building was by far the most effective strategy for dealing with land-use policy conflicts in a context of pervasive coercion.

The case study describes three land-use disputes in the Pesisir Krui region of southern Sumatra, Indonesia. The first two disputes involve small farmers struggling to save their traditional agroforestry systems from becoming part of government-supported and privately managed oil-palm plantations. The third conflict is between farming communities and the Department of Forestry over the boundary of a limited production forest, which overlaps with agroforestry gardens. The case study attempts to address several important issues including: a) stakeholder strategies in promoting their interests over the common natural resource base; b) stakeholder strategies used in dealing with the conflicts; c) the effectiveness of strategies used in resolving these conflicts; and d) the role of outside players in influencing the conflict resolution process.



CONTEXT

Pesisir Krui lies along the west coast of southern Sumatra and is located in West Lampung District, Lampung Province (see Map).² It covers an area of 85 742 ha, which is divided into three subdistricts: Pesisir Selatan (South Pesisir), Pesisir Tengah (Central Pesisir) and Pesisir Utara (North Pesisir). This area is famous for its forest-based agroforestry systems, locally known as Reppong Damar (*Shorea javanica* garden). These agroforestry gardens cover an area of some 49 400 ha; part of this area (32 775 ha) is located within an alternative land-use zone, while the rest (16 625 ha) lies within a limited production forest zone.³

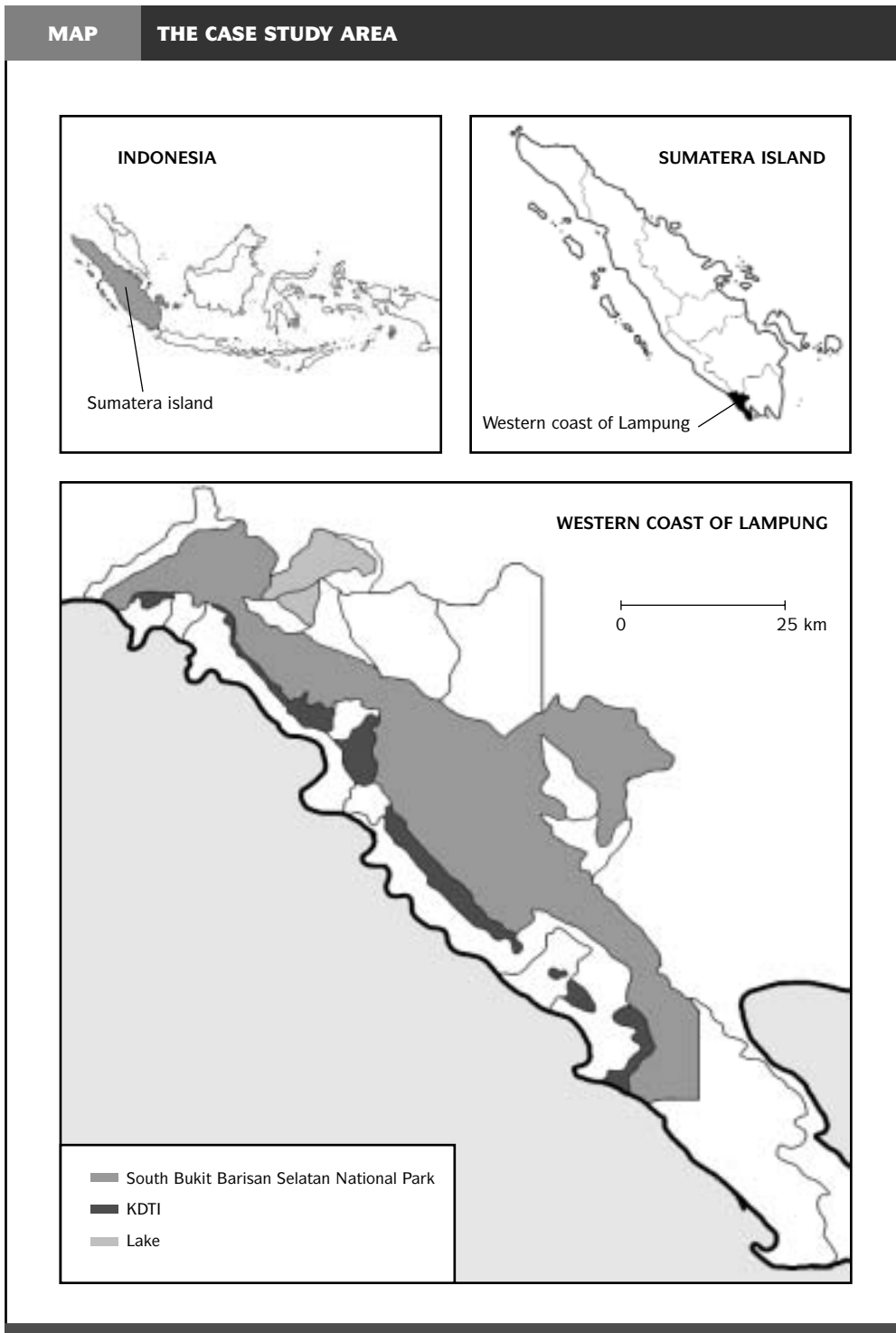
Ecologists who have spent much time researching these agroforestry gardens describe Pesisir farmers as having "succeeded in doing what most foresters dream of: establishing, maintaining and reproducing, at low cost and on huge areas, a healthy dipterocarp plantation. This is still a unique example in the whole forestry world. The best part of the story is that this success is inextricably linked to shifting cultivation, the agriculture system held in contempt by foresters" (Michon *et al.*, 2000).

Damar gardens represent the mature stage of these intensified swidden agricultural systems. Reppong farmers in Pesisir have sustainably managed the natural resource in a way that does not destroy biodiversity, but instead enhances the stratification structure, which is modelled on a virgin forest ecosystem. Damar trees are clearly dominant in mature gardens, representing about 65 percent of the tree community and constituting the major canopy ensemble. Plant inventories in mature Damar agroforests have recorded around 40 common tree species and several more associated species, including large trees, treelets and shrubs, liana, herbs and epiphytes. Important economic species commonly associated with Damar are mostly fruit-trees, which represent 20 to 25 percent of the tree community. Damar gardens represent the main source of income for the majority of the population in Pesisir Krui. Of the 70 villages along the coast of Pesisir Krui, only 13 do not possess Damar gardens (Michon *et al.*, 2000).

Reppong farmers are able to harvest resin from the Damar gardens on a regular basis throughout the year. Resin from one tree can be tapped at least once a month and sometimes every two weeks. On average, a family from Pesisir Tengah can harvest 70 to 100 kg of resin per month. Hence, with only five days' work per month a family can meet its subsistence needs from the Damar garden alone (Michon *et al.*, 2000).

2. Special thanks go to Nana, who has provided maps for this case study.

3. Data on the land area of Reppong Damar gardens are based on the analysis of Ahmaliadi and de Foresta (1997), which prompted the Minister of Forestry to issue a decree recognizing Reppong Damar gardens in Pesisir Krui.



Damar gardens in Pesisir Krui also represent the principal resin-producing area in Indonesia. In fact, more than 80 percent of national resin production originates from Pesisir Krui. This resin is used as raw material for the production of paints, ink and varnish in many industrial countries. The global demand for resins has remained high and Repong farmers have been able to market the product with relative ease. Even during the recent economic crisis affecting most Southeast Asian nations, the price of Damar resin stayed up. As long as Repong farmers continue to receive good economic returns from their Damar gardens, this agro-forestry system is likely to remain sustainable in the Pesisir Krui area.

There are three phases in the management of Damar gardens in Pesisir Krui: the first is swidden cultivation of food crops (known as *ladang* or *darak*), followed by the planting of estate crops (such as coffee and pepper) and finally the establishment of Damar trees. Through this strategy of crop succession and combination, Repong farmers are able to meet the majority of their daily needs. The *ladang* supplies staple and other food crops, the estate crops provide significant seasonal income and the Damar trees supplement the daily cash needs of families. A family typically possesses several pieces of land at a combination of two or three of these succession phases (Lubis, 2000).

The management of Repong Damar as practised by Pesisir Krui farmers represents an effective model of community-based natural resource management. However, the sustainability of this natural resource management system is being threatened by both internal and external factors. Internal threats include more intensive harvesting of Damar (a result of the growing economic needs of Repong farmers), a growing population (employment opportunities within the Damar production system are limited) and the gradual weakening of community cohesiveness.

External threats include the spread of diseases that attack Damar trees, unpredictable market fluctuations and changing government policies, which have gradually taken lands away from farmers for protection and commercial development purposes. In the early 1990s, the provincial government of Lampung began making plans for the conversion of Pesisir Krui into a commercially managed oil-palm plantation. In addition, the central government, through the Department of Forestry, established boundaries for a limited production forest that overlaps with much of the community-managed Damar gardens in Pesisir Tengah and Utara.⁴ These two policy changes have triggered a pervasive feeling of insecure land tenure among Repong farmers throughout Pesisir Krui. In Pesisir Selatan, the majority of Damar gardens have already been converted to oil-palm plantations through coercive measures. More than 100 households have lost access to their Damar gardens and this has led to a prolonged conflict between the local government, the palm oil company and local communities.

4. Over the past two decades the area of Pesisir Selatan has been transformed by logging concessions and transmigration programmes. Hence, the establishment of a limited production forest is less controversial in this particular area.

CONFLICT BACKGROUND OR HISTORY

Land-use dispute between Pesisir Selatan communities and PT KCMU

Beginning in the early 1980s, the central government launched Nucleus Estate and Smallholder Development Projects (NES)⁵ throughout Indonesia to increase the production of agricultural commodities such as palm oil. These projects have been primarily managed by either state-owned or privately owned corporations. By 1998, oil-palm plantations in Indonesia covered an area of some 2 779 882 ha (Casson, 2000).

In 1994, the Ministry of Agriculture issued a permit to Perseroan Terbatas (PT) Karya Canggih Mandiri Utama (KCMU) to develop an oil-palm plantation in Pesisir Selatan covering an area of 8 500 ha. However, the local government decided to expand this to 25 000 ha for the development of an NES project (10 000 ha for the plantation and 15 000 ha of oil-palm gardens to be managed by small farmers). The land set aside for the plantation overlapped with traditional land rights of Repong farmers in 15 villages within Pesisir Selatan.⁶

The process of converting farmers' lands to palm oil production was conducted through the use of coercion and intimidation. In the early phases of the project, KCMU did not try to identify consenting and non-consenting farmers; instead, traditional lands were taken by force with the help of the military and many Damar gardens were destroyed to scare away farmers. A total of 128 families were reported to have had their Damar gardens expropriated, amounting to an economic loss of approximately US\$250 000. Hundreds of other farmers lost access to their land. In revenge, farmers began to destroy hundreds of hectares of the oil-palm plantation. The conflict between KCMU and farmers in Pesisir Selatan continues to this day.



5. Conceptually, NES projects are large-scale estate crop plantations (mainly oil-palm), managed by state or private corporations, which are designed to provide guidance and support to smaller farmers with gardens surrounding the large-scale plantation. Cooperation between large-scale and small-scale cultivators in the areas of production, processing and marketing are supposedly mutually beneficial and sustainable (Sutrisno and Winahyu, 1991).

6. These include the villages of Way Jambu, Marang, Sumber Agung, Negeri Ratu Ngambur, Pekonmin, Gedong Cahya Kuningan, Mulang Maya, Rajanasa, Negeri Ratu Ngaras, Pardasuka, Pagar Bukit, Tanjung Kemala, Suka Marga and Kota Jawa.

Land-use dispute between Pesisir Tengah and Utara communities with PPL

In 1996, at the height of the conflict in Pesisir Selatan, the local government decided to invite another private corporation (PT Panji Padma Lestari or PPL) to develop plantations in Pesisir Tengah and Utara (central and north Pesisir). More than 12 000 ha were set aside in this area, including 5 040 ha in Pesisir Selatan (Kusworo, 1997). PPL attempted to employ similar tactics in taking over the land. However, learning from the experience of their neighbours in Pesisir Selatan, communities in Pesisir Tengah and Utara openly rejected the PPL project. When the district government tried to convince farmers to join the project, they turned it down unanimously. Farmers from the village of Pugung Malaya even sent a letter protesting about the project to the Governor of Lampung Province and to the then Minister of Forestry.

Coercion and intimidation were not employed in Pesisir Tengah and Utara, perhaps because the private company, the military and the local government recognized that these communities were ready to fight back. Instead, the government continues to try to push the project by seeking support from community leaders. To this day, the project has not taken off.

Farmers rejected the oil-palm plantation because, under the scheme, they have to relinquish their traditional land rights to the corporation in return for a 2-ha plot of oil-palm. Although farmers receive management rights, they are also obliged to pay back an investment loan of about US\$3 000 per hectare. In the long term, they become dependent on the plantation owners.

Boundary dispute between Pesisir Krui communities and the Department of Forestry

The third dispute involves communities of Pesisir Krui and the Department of Forestry over the boundary of a limited production forest, which overlaps with many Damar gardens. The forest was established without public input. In 1971 and 1981, the then Minister of Agriculture set aside an area of 52 000 ha at the base of the Bukit Barisan Selatan National Park along the coast of Pesisir Krui, for a logging concession. This concession first appeared in forestry maps in 1991 (Kusworo, 1997). Between 1992 and 1996, the Forest Service began to demarcate the limited production forest with boundary markers. During this period, Damar farmers began to suspect that their lands were also being claimed by the state (Michon *et al.*, 2000).

Local communities have long recognized older boundaries established during colonial times in 1937 (known as Bosch Weesen) separating traditional clan terri-

tories from the forest reserve now known as the Bukit Barisan Selatan National Park, established in 1991. Pesisir Krui communities continue to recognize and respect this boundary to this day.

From these descriptions of the three cases, it appears that conflicts in Pesisir Krui have emerged mainly as a result of top-down development policies that do not incorporate public participation or consider local natural resource management systems. Furthermore, the bias of the government and the military towards commercial development interests has only served to undermine further the interests of local communities.

CONFLICT MANAGEMENT AND RESOLUTION PROCESSES

In the first case, the private corporation KCMU attempted to ease the conflict by offering compensation to the 128 farmers whose land had been taken away and whose Damar gardens had been destroyed. However, only 52 families agreed to this offer while the rest refused to accept compensation. Farmers who accepted compensation received approximately US\$100 per hectare, and in some cases traded their land for a motorcycle. They argued that it was better than getting nothing, even though they felt the offer was unfair. Farmers who refused compensation did so because they felt the offer did not reflect the true value of their loss. Other tactics used by KCMU included hiring a few key individuals from protesting villages to appease their opposition to the company and paying local farmers to purchase disputed lands on behalf of the company.

In August 1995, the families refusing compensation approached the Governor of the Province to seek his support for their cause, and he promised to intervene. In February 1996, opposing families also sought assistance from a legal aid foundation (LBH Bandar Lampung) to resolve the conflict with KCMU. Subsequently, LBH sent a letter to all stakeholders supporting the plantation project (including the Governor, the development bank, the National Land Bureau of the province and the Minister of Agriculture) requesting that they make efforts to resolve the dispute.

LBH asked its head office in Jakarta to take the case to the National Commission on Human Rights, which it did in September 1996. (The National Commission on Human Rights is a government institution established by presidential decree to monitor and help resolve human rights' violations.) Two months later, in December 1996, the commission attempted to mediate in the dispute for the first time by convening all key stakeholders in a hotel in the capital city of Lampung

Province. The commission identified key stakeholders with input from LBH and from the local government. Stakeholders attending this meeting included the Governor's staff, the Head of Horticulture Extension Services, the vice District Head, KCMU representatives and community representatives. The mediation was considered a success because a special task force (called the team of 17) was formed to resolve the dispute between local communities and KCMU, and all stakeholders agreed to implement the task force recommendations.⁷

The task force was able to identify the two principal sources of the conflict between the local communities and KCMU: a) the oil-palm plantation had expropriated unregistered community lands; and b) farmers still opposed the District Head Decree to implement the 40:60 management scheme.⁸

Initially, it was reported that 128 families had been dispossessed of their lands. Following a field investigation, the task force determined that only 72 families had in fact been deprived of their lands. The task force also discovered that the private company had mistakenly taken over lands that were not registered to the oil-palm plantation. In an effort to resolve this issue, the task force recommended that an enclave be set aside for the 72 families whose land had been expropriated. However, the task force never ensured that its own recommendations were implemented.

The task force was ineffective for several reasons. First, the appointed chairperson of the task force did not take the task seriously since he only held the position of District Head on an interim basis and could not issue ordinances before the appointment of the new District Head. Second, a dispute erupted between the private company and the local government over the terms of compensation, which resulted in an impasse.

This inaction ignited people's anger, which led them to burn down buildings at a KCMU campsite. As a result, several farmers were held for questioning. This act of protest prompted the private corporation and local government to form a new task force (WASDAL) composed of the local government apparatus, the police and the military, to try to resolve the dispute gradually with the opposing families. The district government established WASDAL in an effort to mediate in land conflicts in the area. In practice, however, it also sided with the investors and failed to resolve the land dispute.

7. The task force consisted of 17 individuals (thus its name) representing the local government, the private company and the local communities. The interim District Head chaired the task force, which was mandated to analyse the dispute and make recommendations to help resolve it.

8. Under this scheme, 40 percent of the land was to be a nucleus estate controlled by KCMU and 60 percent would be under smallholder tenure.

By mid-1997, frustrated with this impasse, the Ngambur clan⁹ (representing the opposing families) decided to join a province-wide farmer forum known as the People's Council of Lampung (DRL)¹⁰ to stage a mass demonstration at the Governor's office. They decided to join forces with this forum because it possessed significant political influence and strong leadership. Farmers demanded the resolution of land disputes throughout the province. The government responded by forming a team of 13 representatives, five from the government and eight from DRL - the latter coming from the legal aid foundation, the Advocacy Association of Indonesia (IKADIN), political parties (PDIP/Pudi), farmers and students - to resolve pending land disputes.¹¹

The team of 13 agreed on the following mechanisms for handling cases:

- ◆ The team is an independent body and prioritizes land disputes brought before it by the DRL.
- ◆ The team has the authority to summon government officials and community members for questioning.
- ◆ The team meets once a week.
- ◆ Funding comes from the government.
- ◆ No other cases will be taken on before the case currently receiving attention is resolved.

The team of 13 is mandated to analyse cases, facilitate and monitor agreements on the ground and make recommendations to the Governor to help resolve priority land disputes. The team of 13 has a list of 158 land disputes, of which 42 have so far been resolved. These land disputes can be classified as follows:

- a) conflicts between local communities and private companies;
- b) conflicts between local communities and the military;
- c) conflicts between local communities and the Department of Forestry;
- d) conflicts between local communities and transmigrants;
- e) conflicts between local communities and local government.

The team of 13 has made considerable progress in resolving several cases and is in the process of handling the dispute between Ngambur farmers and KCMU.

9. Pesisir Krui consists of 16 clans, of which Ngambur is one. Farmers whose land became part of the oil-palm plantation all belong to this clan.

10. The Lampung Legal Aid Foundation observes that the government was never serious about resolving land disputes in the province. In 1997, people's organizations were established in each area with land disputes in the province. By 1998, there were 198 people's organizations and DRL was formed as an umbrella group. DRL also formed alliances with the Farmers' Council of Lampung, the Artimoro Labour Council, student councils and urban poor associations. DRL is composed of 26 fora, which are supported by academic institutions, political parties and professional associations.

11. The team of 13 was established on the basis of an agreement between the provincial government of Lampung and DRL, and was mandated to resolve pending land disputes in the province.

The preferred approach to conflict management has been through mediation or alternative dispute resolution processes. The team has avoided reverting to litigation because the legal system in Indonesia is considered to favour the interests of the private sector and of the government.

In October 1998, the team of 13 organized a meeting in Pesisir Selatan to convene the key stakeholders: the affected farmers, KCMU, the local government, key agencies and the local development council. This meeting resulted in several important agreements: first, that the land belonging to farmers be returned to them and that farmers agree to participate in the NES project, once given adequate training; second, that the team of 13 and the local government make a recommendation to the Governor of Lampung and the Minister of Forestry to the effect that land within the limited production forest be converted for the purpose of the plantation project; and third, that land belonging to the opposing families be surveyed and titled.

In the handling of the dispute between Pesisir Selatan communities and KCMU, the team of 13 implemented the recommendations of the initial task force (team of 17), and thus was able to help resolve two key problems. KCMU finally issued compensation to 72 families for the loss of their crops and land certificates for the return of their land. However, during the transaction, new conflicts emerged when the appointed mediator from the team of 13 misused his power for political ends.¹² As a result, the dispute remains unresolved.

Attempts to resolve the second problem, which involved 600 smallholder families, have resulted in the lifting of the 40:60 management scheme in practice, but not in legal terms. Farmers continue to disagree over several issues including:

- a) the redistribution of the 60 percent smallholder scheme through a lottery system;
- b) farmer membership in the smallholder scheme;
- c) the credit system;
- d) promised financial compensation, which has not yet been allocated;
- e) the amount of financial support to be given to each family annually.

12. The appointed coordinator from the team of 13 held on to the land certificates issued to the 72 families, and is asking each family to pay 500 000 rupiah for them. He is also forcing farmer leaders to change their legal defence from LBH to a lawyer from the Pudi political party. In addition, the appointed mediator offered 5 million rupiah to one of the farmer leaders and promised him the post of Secretary of the Pudi Party in Lampung in the hope of recruiting more party members. None of the 72 families has yet received compensation and only 15 of the families continue to demand their land rights. The other 57 families have already sold their land to the company. The appointed mediator has now been banned from the team of 13 and his own organization, and the bribed farmer leader is no longer trusted in his community.

At the time of writing, no significant progress has been made towards the resolution of the problem. The team of 13 has recommended that:

- a) the 40:60 management scheme be revoked;
- b) new agreements be formulated;
- c) membership be clarified;
- d) loans be allocated;
- e) financial support be provided;
- f) farmers be allowed to work their own land.

These recommendations were to be implemented by the end of August 2001, otherwise the team of 13 would recommend to the Governor of Lampung that KCMU's business permit be revoked.¹³

In the second dispute, the private corporation PPL tried to use tactics similar to those employed by KCMU in convincing farmers to surrender their Damar gardens to the oil-palm plantation project. However, farmers in Pesisir Tengah and Utara were more informed of development policies regarding the project and thus were able to resist these plans. Repeated efforts by the local government to promote the benefits of the project grew less and less effective as farmers realized what had happened to their neighbours.

In an effort to reject the proposed project, community leaders gathered hundreds of signatures from farmers in Pesisir Tengah and Utara in a petition that was sent to the Governor, the Minister of Forestry, related agencies, international research institutes including the Center for International Forestry Research (CIFOR), and several NGOs. As a result of the petition, the Governor ordered an indefinite injunction on the PPL plantation project. The pressure and opposition exercised by communities in Pesisir Tengah and Utara and the fact that the dispute in Pesisir Selatan remained unresolved probably persuaded the Governor not to push the PPL project any further.

In the dispute over the establishment of the limited production forest boundaries, several community actions have helped bring about significant policy changes. In 1996, communities from Pesisir Selatan, Tengah and Utara wrote a letter to the Department of Forestry requesting that the boundary markers be removed and that the original boundary set during colonial times be recognized as the official forest boundary. Repong farmers also voiced their disagreement over forest boundaries at a seminar on the future of Damar agroforestry systems in Pesisir Krui. The seminar, which was well attended by key government agencies, NGOs and universities, also took participants on a field visit to look at the Damar agroforestry systems and see the results of the conflict over the boundary, which cuts

13. The team of 13 received its mandate from the Governor of Lampung and thus has the power to make such recommendations to the Governor.

right across the Damar gardens area (Sirait *et al.*, 1999). In June 1997, the results of the seminar were presented to the then Minister of Forestry with a list of community demands, including:

- a) that the forest boundary be redrawn in accordance with the Bukit Barisan Selatan National Park;
- b) that resin harvests not be taxed as forestry products;
- c) that farmers be given the right to continue to manage Damar gardens;
- d) that farmers be given the right to cut timber from their gardens;
- e) that farmers be given the right to hand their gardens down to their children and grandchildren;
- f) that the government formally recognize Damar gardens as a legitimate agroforestry management system.

By the end of 1998, the Minister of Forestry finally issued a decree designating Pesisir Krui as a "Special Purpose Area" and recognizing the rights of farmers to manage Damar gardens within the limited production forest. The formulation of this decree received much input from several international and local organizations including the International Centre for Research in Agroforestry (ICRAF), the Indonesian Tropical Institute (LATIN) and the Family of Nature and Environmental Clubs (WATALA). However, farmers have formally rejected this new decree because they feel it does not provide a full guarantee of tenure rights over their gardens. These disagreements still remain unresolved.

CONFLICT MANAGEMENT AND RESOLUTION OUTCOMES

The conflict between KCMU and Pesisir Selatan farmers has been partly resolved with assistance from LBH and the team of 13. However, it has taken more than five years to achieve this. There are three main reasons for the slowness of progress towards resolving the conflict:

1. the top-down policy-making process;
2. the bias shown by the military and the government towards private investors;
3. the limited negotiating power of local communities.

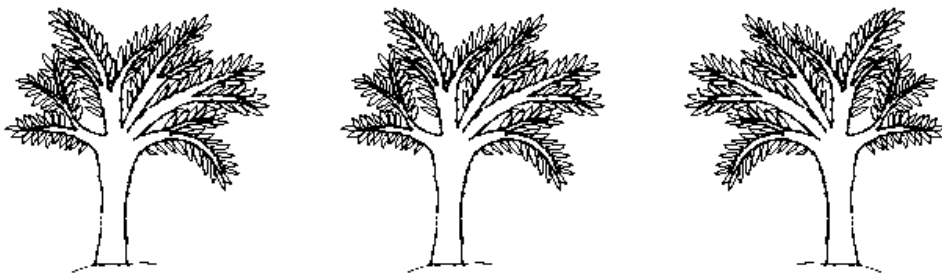
From the very beginning, the policy-making process concerning the development of oil-palm plantations was very top-down and excluded any consultation with local communities. The local government manipulated information concerning field conditions, claiming that Damar gardens were degraded secondary forest suitable for oil-palm plantations.

The strong bias of the local government and the military in favour of private investors led the former to ignore numerous complaints brought by local communities concerning the abuses committed by the company. The company enjoyed unlimited support from the government and often abused its authority. The injunctions issued by the Governor were often ignored, and without reprimand. Hence, local communities were often left powerless in the face of conflict, and agreements reached between the private company, the government and the communities were mostly ignored.

The lack of community power in the negotiation process also contributed to the slow resolution of the conflict. Communities were ill prepared to deal with external threats and were not able to anticipate the negative consequences of such a development project. When farmers realized that their lands were being taken away to be converted into oil-palm plantations, it was already too late to fight back. They could only resort to sabotage of the plantation.

In summary, the factors contributing to what is, for the most part, a failure to resolve the conflict in Pesisir Selatan include:

- a) the complete disregard for local farmers' rights to the land demonstrated by oil-palm plantation development policies;
- b) divided farming communities: some opposed the plantation while others supported it;
- c) the private company's use of unorthodox methods to achieve its aims: "buying" local leaders' support for the development of the plantation;
- d) the bias shown by the government bureaucracy (both civil and military) in favour of private investors;
- e) the rigid positions held by each side;
- f) the declining economic power of opposing farmers as a result of the loss of their income base;
- g) the prevailing attitude of government and parliamentary members that the current demands of opposing farmers represent only a minority view;
- h) the hidden agenda of the mediator concerning political interests.



The combination of these factors, more than any single factor, induced the power disparity among stakeholders that made it so difficult to resolve this prolonged conflict.

Farmers were only able to improve their negotiating power when they sought assistance from LBH, which appealed to the National Commission on Human Rights. However, the real turning point for the Pesisir Selatan communities came through coalition building efforts with other farmers at the provincial level, and the mediation efforts of a multistakeholder team (the team of 13). Because of this mediation process, farmers now feel more confident that the conflict will be resolved. They have witnessed efforts to distribute the oil-palm harvest among farmers, and the government has become more open about funds generated from the sale of the harvest.

In the second dispute, farmers were successful in stopping the establishment of the oil-palm plantation because they knew what their neighbours had experienced and were able to organize themselves to oppose the plans before they were implemented. Better access to information and greater community cohesion were important factors in limiting a potential conflict.

The third dispute remains unresolved to this day, even though the Department of Forestry attempted in good faith to establish a Special Purpose Area, which would have benefited local farmers. The policy advocacy approach used by various local and international agencies in support of local communities seems to have failed in the eyes of local communities who are seeking greater security over the land. The lack of community participation in the development of the Special Purpose Area policy instrument demonstrates the weakness of advocacy approaches, which do not always enable local communities to have a voice in defining policies.

LESSONS LEARNED

- ◆ The most effective strategies for resolving land-use conflicts in a context of top-down government policies and extensive coercive measures were coalition building efforts and the establishment of multistakeholder mediation teams.
- ◆ Mediators with hidden agendas tend to delay rather than assist the resolution process.
- ◆ Access to information and community cohesion are important factors in helping communities resist external threats, but may not be sufficient in resolving conflicts where coercive measures are used.
- ◆ The use of coercion usually results in prolonged conflicts with losers on every side.
- ◆ National-level mediators can be effective in convening stakeholders and helping them reach agreements; however, they are less effective in ensuring the implementation of these agreements at the local level.

- ◆ Policy advocacy without public participation is just another form of top-down policy-making that can lead to new conflicts.
- ◆ The most important elements for the successful resolution of land-use conflicts in a context of extensive coercive measures would include a combination of: access to information, community organizing, coalition building, the ability to put one's case to higher levels of bureaucracy, multistakeholder mediation teams, effective implementation and monitoring of agreements and public participation throughout the process.

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