Many people want to improve the governance of forest areas, yet what is considered good governance is not necessarily self-evident or agreed upon by everyone.

This study demonstrates the diversity of views held by communities and government officials in Malinau, Indonesian Borneo about what they consider to be good governance. Each group described how they thought decisions about forests should be made, including how to represent interests, allocate land rights, distribute cash benefits from forests, share information and manage forests. Striking differences of opinion among villagers and officials suggest the need for more dialog and discussion about how to coordinate decision-making in Malinau. The results suggest a more general conclusion that defining “good governance” requires an understanding of local contexts and the participation of different groups in determining jointly held principles.
OUR FOREST, OUR DECISION

A survey of principles for local decision-making in Malinau

Eva Wollenberg, Godwin Limberg, Ramses Iwan,
Rita Rahmawati and Moira Moeliono

Center for International Forestry Research
Bogor, Indonesia
Our forest, our decision: a survey of principles for local decision-making in Malinau

ISBN: 979-24-4639-7
76p.

## Contents

**Acknowledgements** vi

**Introduction**
- Who participated? 1
- What are the principles about? 3
- Local governance in Indonesia and Malinau 3
- Some questions 5

**What people said**
- Who represents communities? 9
- How should claims and rights to land be established? 15
- How should plans about land use be prepared (*tata ruang*)? 25
- How should forest use be regulated? 29
- How should agreements with companies be made? 37
- How should cash benefits from forests be shared? 43
- How should conflict be handled? 47
- How should information about government decisions be shared? (transparency) 53

**Conclusion**
- Trends 59
- Nature of responses 61
- What next? 63
- Developing local governance 63

**Appendices**
- Appendix 1. Questionnaires 67
- Appendix 2. Field methods 69
- Appendix 3. Glossary and Indonesian terms 71
- Appendix 4. Related publications 74
List of Figures & Boxes

Figures

1. Who usually represents communities? 11
2. In what situations should the whole community be involved? 11
3. Does the district assembly represent communities? 12
4. What kind of ladang rights do people need? 17
5. What kinds of rights should be recognised on village forest? 18
6. Who needs to acknowledge rights to village forest? 19
7. Who holds rights and makes decisions about forest use? 19
8. Is there enough information about boundary determination? 21
9. Who should attend meetings to determine village boundaries? 21
10. Who should be involved in mapping village boundaries? 22
11. How can a village boundary agreement be enforced? 22
12. Who holds the right and makes decisions about the village area? 22
13. Who should be involved in village land use designations? 26
14. Who should be involved in district land use designations? 26
15. Which aspects of forest use need to be regulated? 31
16. Who has been involved to date in the regulation of forest use? 31
17. How should communities confer with timber companies? 39
18. Who can represent communities in meetings between community representatives and companies? 39
19. Who needs to sign agreements with companies? 40
20. What form should agreements with companies take? 40
21. How can company agreements be enforced? 41
22. Who should receive part of the benefits from timber companies? 44
23. How should the division of profits from timber companies be determined? 44
24. Who should get a share of benefits from forest use? 45
25. How should the distribution of benefits from forest use be decided? 45
26. What is the proper way to express dissatisfaction over a settlement with a timber company? 48
27. What approaches are most effective in dealing with a timber company? 48
28. Who should be responsible for handling conflict with a timber company? 49
29. What is the proper way to express dissatisfaction with a boundary settlement? 50
30. Who should be responsible for handling conflict over village boundaries? 50
31. Who should be responsible for handling conflict about forest use? 51
32. Is there enough information circulated now about forest use or plans for oil palm? 54
33. Who should give information to communities? 55
34. Do you feel free to give your opinion? 56
35. Do you have the chance to give your opinion? 56

Summary of Principles Boxes

1. Representation 13
2. How to establish claims and rights to land 23
3. Land use planning 27
4. How forests should be regulated 35
5. How agreements with companies should be made 42
6. How cash benefits from forests should be shared 46
7. How conflict should be handled 52
8. Sharing information about government decisions and transparency 57
Acknowledgements

We wish to thank the District of Malinau, Indonesia and villages of the South Malinau Subdistrict for their participation in this survey and their generous and hospitable support of our activities. We also thank Charlotte Soeria, Dina Hubudin, Guy Manners, Carol Colfer and Doris Capistrano for their assistance and support.

The data for this study were collected by Godwin Limberg and Ramses Iwan. Rita Rahmawati, Eva Wollenberg and Godwin Limberg analysed the data. The study design was the collective effort of all of the authors.

The study was funded by CIFOR and the Multi-stakeholder Forestry Program, Department for International Development (DFID, UK). The survey and report were part of a larger action-research project on Making Decentralization Work for Communities.
How do the people of Malinau, Indonesia believe decisions should be made about their forests?

This small book is designed to show how local governance can be developed to better reflect local needs and interests. Local people in Malinau share their ideas about the principles by which forests should be governed. The principles reflect the views of local communities, government officials and non-governmental organisations (NGOs) living and working in Malinau.

The principles are not necessarily rules or laws. They are simply what people value. They show what people in Malinau think should be done.

Not everyone agrees though. That is what makes things interesting. The book shows that people have different concepts of how decisions should be made. Some principles are shared by a lot of people. Some are not.

No one principle is necessarily right, even if a lot of people support it.

We hope the book will inspire people in Malinau and elsewhere to further develop their own local principles about forest and land decisions together. Where people have different views, they can explain why a principle is important to them, exchange views with others, explore the implications of different principles and seek options that can accommodate their different values. Some people may change their minds after hearing what others have to say.

These efforts should help people to make decisions that make sense and are also widely supported. They should help people to know what to expect from their representatives, leaders and decision makers, and to what standards to hold them responsible.

The book was written for people in Malinau, but we hope that people from other places will also find the material useful as an example of methods that can be tried elsewhere to support the development of local governance.

We also hope that the book will show others that ‘good governance’ is not a single concept. As the reader will see, there are many ideas about what is ‘good’ presented here.

Who participated?

We interviewed 108 people for this survey. All were located in South Malinau subdistrict and Malinau town.

The survey concentrated on South Malinau because that is where the highest concentration of rural people lived in Malinau District. It is where the Center for International Forestry Research (CIFOR) has focused its activities since 1996, when it established a long-term research site.
The survey covered three groups of people:

- Community members from villages in Malinau Selatan (95 individuals)
- Government officials (10 individuals)
- Members of NGOs based in Malinau (3 individuals).

We interviewed more people from communities, because we expected more variation and because their voices are the ones usually least heard in these sorts of discussions.

To collect information from the communities, we visited 19 villages. In the villages, we interviewed people in groups and individually. The people who participated in the interviews were usually the village head, village secretary, customary leader or other village decision maker. In this way, we interviewed 68 people in group discussions and 29 people individually. If we could do this survey again we would have interviewed more women.

To collect information from the district government, we selected nine officials from the four district offices that have been most active in making decisions about forests and villages. These were the Village Empowerment Service (Dinas Pemerdayaan Masyarakat), Forestry and Plantation Service (Dinas Kehutanan), District Development Planning Agency (BAPPEDA) and the District Assembly (Dewan Perwakilan Rakyat Daerah). We also interviewed one individual from the District Secretariat’s Economy Section.

We interviewed individuals from the three NGOs active in Malinau for their role as advocates of local people’s rights or bridges between local people and government. These were Yayasan Adat Punan (YAP), the World Wide Fund for Nature, Kayan Mentarang (WWF-KM) and Phemdal.

We conducted the interviews between October 2004 and August 2005.

In the analysis that follows, we compare the responses of government officials and communities. The sources of the data are noted for each figure as either village focus groups, survey of individual villagers or survey of individual officials. To make responses comparable, we report on the percentage of responses from each group surveyed. In some instances, one or two people we interviewed did not answer a question, so the percentages in these cases reflect the total number of people who answered.

As the sample size is larger and information more extensive from villagers, we have provided more detail about these responses.

For some principles, data were not collected from all groups because it was not relevant or modifications were made to the questionnaire for different groups. In these cases, data are presented for one group only. The data from NGOs is not analysed statistically because of the small sample size, but we include quotes and important points in the summaries.

We include the original quotes in Indonesian and their translation into English, as we believe it important for the reader to hear these voices directly. A few translations

---

1 Group discussions were held with 2–10 people in 13 villages. Although some women participated in the focus-group discussions, none actively contributed to group responses. One or two people were interviewed in each village. The first seven interviews were later dropped from the study because we changed the survey and these early interviews turned out to be inconsistent with the analysis of the others.

2 We use the terms community and village interchangeably in this book.
have been edited slightly to improve their readability or reduce redundancy.

The questionnaires are shown in Appendix 1.

**What are the principles about?**

We asked people to share their views about:
- People’s participation and representation in decisions (*Partisipasi, keterwakilan*)
- How claims and rights should be recognised (*Pengakuan klaim dan hak*)
- How plans about land use should be developed (*Tata ruang*)
- How forest use should be regulated (*Pemanfaatan hutan*)
- How agreements with companies should be made (*Kesepakatan*)
- How forest benefits should be shared (*Pembagian keuntungan*)
- How conflict and negotiations should be handled (*Konflik dan perundingan, negosiasi*)
- How transparency should be achieved in sharing of information (*Keterbukaan informasi*).

We also asked people about what principles they thought should be used in three different situations where important decisions about forests occur:
1. Cooperation between villages and timber companies
2. Setting village boundaries
3. Regulating use of the forest.

---

**Local governance in Indonesia and Malinau**

For those unfamiliar with local government in Indonesia and Malinau, we provide some background here. In January 2001, all districts in Indonesia formally assumed new fiscal and decision-making responsibilities. Districts retained a higher proportion of the revenues generated in their areas and gained vastly more control over local matters, ranging from how villages were defined, to the structure and function of local government agencies, the issuance of licenses to timber companies and the demarcation of local boundaries.

Under the new arrangement, the *Bupati* or district leader is elected by the citizens of the district. The district leader holds executive powers and is supported by the district secretary (who is the next highest ranking official in the district) and three assistants, who hold considerable authority and influence.

Under the district government are agencies that handle sectoral and technical matters, as well as coordination of planning and projects. In Malinau, there are 27 district agencies, including the District Forestry and Plantations Service, Village Empowerment Service, Economy Section of the District Secretariat and the Development Planning Agency that were interviewed for this study.

The district assembly of representatives (*Dewan Perwakilan Rakyat Daerah*) holds legislative powers to make *peraturan daerah* (district regulations) and serves to balance the authority of the district executive. The assembly approves the district budget. Most people view the assembly as a separate power and institution from the district
government. With reforms, the district assemblies are now elected by citizens, rather than appointed.

Outside of the district capital, the district government is represented through subdistrict heads (camat) and their staff. In Malinau, there were 12 subdistricts as of January 2006. The subdistrict head is appointed by the district leader and coordinates information and budgets between the villages and district. They are also the government’s local representative for handling small-scale conflicts.

Communities are represented by a kepala desa or village head (some districts have organised settlements in alternative ways such as marga or kampung with leadership at corresponding levels). The village head is not a formal member of the district government, but receives a monthly stipend from the district and wears a government uniform at district events. They are elected locally, although most are hand-selected by the village elite and local votes only confirm the selection. The village head is assisted by a village secretary, and other staff.

Reforms also created new village assemblies (Badan Perwakilan Desa), which are to be elected as representatives of the community to provide a balance to the power of the village head. Village assemblies are supposed to make the peraturan desa (village regulations) and oversee the village budget. In Malinau, the assemblies were only officially appointed in 2005 and few villages had created a functioning assembly or village regulations.

At the village level, there can be also a customary leader (kepala adat), who usually also receives a (smaller) stipend from the district. Most villages have now appointed customary leaders, many of whom were members of families that had traditionally held the position prior to the initiation of the Indonesian government in the 1950s, and continued to exercise authority after that period. Customary heads usually handle domestic affairs, such as family conflicts or rites of passage. Some have staff.

In Malinau, some Dayak ethnic groups have formed alliances or share a paramount customary head (kepala adat besar) who may have authority over an entire watershed and its villages, or sections thereof. These have been mostly inherited positions.

In any village, the people who are respected, have positions of authority and are active in village matters are called the tokoh masyarakat, which can be roughly translated as village leaders or elders. This group may include the village head, customary leader and their staffs. Youth, women, church representatives or other social groups may also take on village responsibilities or exert influence on village decisions informally.

**Malinau District**

Located in Indonesian Borneo, Malinau District was established in 1999 from the much larger district of Bulungan, a previous sultanate. The district had a population of about 55,000 in 2005 (BPS 2006) and an area of about 42,000 km².

Malinau lies along the border with Sarawak and forms part of the heart of Borneo, one of the last remaining large forest areas in Borneo. Made up of three major watersheds, Malinau’s hilly topography and expansive forest in the middle and upper parts of these watersheds made access to many villages difficult. Travel in many areas is still
Introduction

primarily by river. Education and health facilities are poor or far from settlements.

Most people are subsistence farmers who practise shifting cultivation and some hunting and gathering. Where the forest is more intact, people rely more heavily on forest products.

The population is concentrated around Malinau town and along the lower Malinau River. Most residents are indigenous Dayak groups, which include about 18 different ethnic groups, including traditional Punan hunter–gatherer groups. Ethnic groups are usually organised across several villages. Most government administrators are of indigenous origins, which was not the case prior to the reforms in 1999. In Malinau town, and areas of commercial activity such as a local coal mine, there is a mix of migrants (especially Javanese and Bugis) and local people.

Forest-related activities have been the major source of income for Malinau. Between the late 1960s and 1999, these took the form of large timber concessions organised by the central government that gave little benefit to local people.

With decentralisation reforms in 2000 the local government started organising small-scale timber harvesting and negotiating with companies as far away as China to harvest timber or convert forest land to more economically lucrative uses such as oil palm. Villagers started negotiating with timber companies directly for the first time (legally) and enjoying new, significant incomes. In 2003, however, these forest-harvesting activities were proclaimed illegal by the central government and stopped.

Land-use or spatial plans have consequently become an important tool for local government to designate forest areas eligible for conversion to other uses. Communities have not always been well informed about these plans, and conflicts have emerged about the best use of the land and forests in many villages. Village boundaries have also remained unclear.

After five years of experience with decentralised governance, the district government and villagers are more settled into their new roles. Yet those roles and the norms of local governance are still evolving and there is not always clarity about what they should be.

As the following material vividly shows, the expectations among different groups are not always consistent. This study was undertaken in the hope of facilitating further development of local governance that is a relevant ‘social contract’ and not just an import of what others consider to be good.

Some questions

As you read through this book, you might ask:

- Where do I agree and disagree with the principles stated here?
- Are there other principles that I think are important?
- What can I do through my office or village to share with others ideas about these principles?
- How can the people in my area decide which principles are best for us?
- What does my village or government need to do next?
What people said
Who represents communities?

If the distance is far from our village, a delegation has to represent us, usually the village head, customary head and village elders. *Utusan kalau jarak jauh, biasanya kepala desa, kepala adat dan tokoh masyarakat.*

*Long Lake villagers*

If the village is big, the delegation should be big. If it is small, the delegation should also be small. *Kalau desa besar, utusan harus besar. Kalau kecil, jumlah sedikit.*

*Metut villagers*

If there is a meeting in the village, women can participate. If the meeting is in Malinau, they can’t. *Kalau pertemuan diadakan di desa, ibu bisa ikut. Kalau di Malinau, tidak bisa.*

*Long Jalan villagers*

People who have land in the area that is going to be cultivated with oil palm should be invited to meetings with companies [that will plant the oil palm]. *Masyarakat yang punya lahan di daerah yang akan digarap kelapa sawit seharusnya hadir dalam pertemuan desa dengan perusahaan.*

*Setulang villagers*

A timber company should consult with the whole community first to determine where the forest can be used, then 2–30 representatives of the community can participate in the field survey. *Sebaiknya ada perundingan perusahaan dengan masyarakat untuk menentukan di mana hutan bisa digarap. Lalu bisa 2–30 wakil masyarakat ikut survey langsung di lapangan.*

*Laban Nyarit villagers*

If someone meets with a company outside the village, who represents the community? The company has to come to the village. *Kalau bertemu dengan perusahaan di luar desa, siapa yang mewakili masyarakat? Perusahaan harus datang ke desa.*

*Long Lake villagers*

The delegation has to deliver what was already agreed on in the village. *Utusan harus manyampaikan apa yang sudah disepakati di desa.*

*Batu Kajang villagers*

Can’t do it with one person only. Need 10 people. *Tidak bisa hanya satu orang saja. Perlu 10 orang.*

*Villager Empowerment Service staff member*

Twenty people should represent communities in discussions with companies, including the village head and staff, the village assembly and staff, the customary head and staff, and the head of village subunits. This represents the components of the village community. *20 orang seharusnya mewakili masyarakat dalam perundingan dengan perusahaan, terdiri dari kepala desa dan staf, BPD dan staf, ketua adat dan staf dan ketua RT. Ini mewakili unsur masyarakat desa.*

*District Assembly member*

If there are too many people, there can be too many voices. *Kalau terlalu banyak orang, bisa terlalu banyak suara.*

*District Assembly member*
The total is not a problem, the important thing is the capacity of the person selected to deliver and negotiate the aspirations and priorities of the community. The exception would be where the community feels that with a certain number of people they would balance the strength of the company. Jumlah tidak menjadi masalah, yang penting adalah kemampuan orang yang ditunjuk untuk menyampaikan dan memperjuangkan aspirasi dan kepentingan masyarakat. Kecuali, masyarakat merasa dengan jumlah tertentu dapat menyimbangi kekuatan pihak perusahaan.

As the quotes above indicate, the remoteness and distance of many villages affects how well people from them are represented in meetings with other villages, companies or government. Villagers shared their frustration that often they could not participate in decisions or get as much information as they would like. Ideally they would like meetings to be held in their own village, where more people can participate, including women. Where this is not possible, a delegation (utusan) is assigned.

Villagers said that they generally wanted their village head or customary head to represent them, but that these leaders should first consult with the wider community (masyarakat luas). After such a consultation, the community trusted that the leader had weighed or integrated all the different views to represent the community satisfactorily.

When only one to two people represented them, some villagers worried that there was no way to make sure that their representatives were transparent or accountable to the community. Some people felt a minimum number of people (such as 10 to 20) was necessary to ensure transparency, represent different groups in the village, or give the group strength in negotiating with a stronger party.

Individuals noted that in practice the village head (kepala desa) almost always represented their village. But others often accompanied or substituted for the village head (Figure 1). Customary leaders (kepala adat) usually represented communities according to almost two-thirds of the people interviewed. A third of the people said that a village elder (tokoh masyarakat) also regularly represented the community, while about another third reported that the head of the village assembly (Ketua Badan Perwakilan Desa) or other person was their usual representative.
Leaders other than the village head therefore often represent their communities, yet few are formally accountable to the communities they represent.

When does the whole community need to be involved?

Some villagers felt that even if ten people participated in a meeting, they did not necessarily represent the views of the community. All members of the community should hear directly what was said in the meeting to get information and be able to make a decision.

People felt this way especially about decisions that involved money. When asked which decisions required the participation of the whole community (Figure 2), most people said:

- Negotiations with timber companies (55%)
- Village development project proposals (45%).

Some people also thought it important to involve the whole community in decisions about:

- Fees or compensation to be paid to the village
- The setting of village boundaries
- The location and management of protected forest
- Other activities such as government visits to the village, extension or awareness-building activities and discussions about general village matters.

Individuals felt that these kinds of decisions would be more transparent if everyone in the village had the opportunity to participate directly.
One person said that village organisations should meet first though (‘Tapi ada pertemuan lembaga dulu’). By meeting first, the village leaders would be able to sort out the choices available and use their experience and understanding to propose the direction of the decision.

On the other hand, sometimes valuable information only emerged in larger community meetings. Another person noted that ‘Sometimes in these [community-wide] meetings, there is an opinion that is not considered, even though the opinion is important or can be used’ (‘Kadang-kadang dalam rapat ini ada pendapat yang tidak ditanggapi, pada hal, pendapat itu penting atau bisa dipakai’).

No one mentioned that youth leaders or women’s leaders should be included in negotiations.

**Does the District Assembly (DPRD) represent the people?**

The District People’s Assembly (Dewan Perwakilan Rakyat Desa or DPRD) has the mandate to represent the citizens of Malinau in the district government. Yet 77% of the individuals interviewed felt that the assembly did not represent them (Figure 3).

More than half of the people said they felt the DPRD members could do a better job by:
- Meeting with the community directly
- Having more discussions with villagers
- Visiting the village and making observations themselves in the village.

Others suggested the DPRD could improve their role by:
- Facilitating communities’ proposals to government
- Inviting communities to deliver their requests to the DPRD in Malinau
- Sharing with communities the results of government discussions and regulations
- Being a channel of information to and from communities.

One villager said the ‘DPRD should visit the villages to know our situation, because until now, we can only send proposals via the subdistrict’ (‘Seharusnya DPRD datang ke desa untuk tahu keadaan, karena selama ini kami hanya bisa membuat usulan desa melalui kecamatan’).

![Figure 3. Does the district assembly represent communities?](Survey of individual villagers)
Box 1. Summary of representation principles

According to villagers:
• For sensitive decisions, especially where negotiations or decisions about money occur:
  - the whole village should have the option to provide input
  - a critical mass of people is needed (five or more people, depending on size of village) as representatives in other meetings, although there may be a trade-off in being able to make decisions together.
• Meetings in the village are more accessible, especially to certain segments of the population, like women.
• All opinions expressed in meetings should be considered, no matter who has expressed them.
• Village delegates need to be sure to have discussed issues with the community.
• To better represent people, DPRD should:
  - meet with the community directly
  - have more discussions with villagers
  - visit the village and make observations themselves in the village.

According to NGOs:
• The capacity of the representative to deliver people’s interests and negotiate effectively with other parties is more important than the number of representatives.
• Villagers will sometimes want to send a large delegation to feel stronger in facing powerful negotiators.
How should claims and rights to land be established?

Confer in the village, confer among villages, once there is an agreement, inform government. *Berunding di desa, berunding antar desa, kalau sudah sepakat, diketahui oleh pemerintah.*

Metut villagers

If there is already an agreement about boundaries among villages, those boundaries that are clear should be mapped immediately in the field. *Kalau antar desa sudah terjadi kesepakatan tentang batas, batas yang sudah jelas segera dilakukan pemetaan di lapangan.*

Forestry and Plantation Service staff member

The subdistrict official needs to come to the field. *Harus ada pendatangan di lapangan dari pihak kecamatan.*

Gong Solok villagers

It is enough if the village head and customary head of each village have agreed and report to the government. *Cukup kalau kepala desa dan kepala adat masing-masing desa sudah sepakat dan lapor kepada pemerintah. Idealnya [ada] SK Bupati. Kalau tidak mampu minta SK Bupati dari segi biaya, kesepakatan antar desa cukup.*

Long Jalan villagers

It begins with constructing an objective together in a meeting that is attended by neighbouring villages. Then it is continued by collecting information about the village boundaries (history, area, location, boundary markers, etc.). The process continues with a meeting about the boundary to get agreement from all the neighbouring villages and then to make it formal with a map and boundary markers. *Dimulai dengan perumusan tujuan bersama yang dilakukan dalam pertemuan yang dihadiri oleh desa yang berbatasan. Kemudian, dilanjutkan dengan pengumpulan informasi mengenai batas desa (sejarah, luas, lokasi, tanda batas dsb.). Proses selanjutnya adalah musyawarah mengenai batas tersebut untuk mendapatkan kesepakatan dengan desa yang bertetangga untuk kemudian ditetapkan dengan peta dan tanda batas.*

World Wide Fund for Nature – Kayan Mentarang staff member

The district government invites all parties or villages relevant to the area of interest. Everyone tells their version and can point to the map. Then, they confer until there is an agreement. The temporary agreement is shared as a public announcement and once the boundaries are set, the district leader makes a decree. The national land agency makes a temporary map based on the information from the communities, and the coordinates are measured again with GPS [global positioning system]. A boundary map is made based on the coordinates. A boundary committee formalises the final boundaries. *Permerintah daerah mengundang semua pihak atau desa terkait dengan areal tersebut. Masing-masing cerita versinya dan bisa menunjukan di peta. Kemudian, berunding sampai ada kesepakatan. Kemudian dibuat berita acara kesepakatan batas sementara*
How should claims and rights to land be established?

The subdistrict and technical agencies should have a definitive database about villages that includes definitive boundaries. Boundaries should not just be on maps, but also in the field marked with stakes. Seharusnya, dari kecamatan maupun instansi teknis mempunyai suatu database mengenai desa-desa definitif yang juga memiliki batas definitif. Batas tersebut tidak hanya di atas peta, tetapi juga batas di lapangan jelas berupa pemasangan patok.

Economy Section, District Secretariat staff member

Communities should know their village boundaries with certainty. Masyarakat seharusnya mengetahui secara pasti batas-batas desa mereka.

District Development Planning Agency (BAPPEDA) staff member

Forestry and Plantation Service staff member

The way to make a good boundary agreement is to have it written and have a map, both should be signed by the village head, affirmed by the subdistrict leader and then sent to the district level. Recognition of rights needs to be regulated in the district regulations first, because it is linked to the spatial plan or more or less district decrees. If it is there, district regulations can become a legal umbrella and the district leader makes the decree.

Economy Section, District Secretariat staff member

Communities should know their village boundaries with certainty. Masyarakat seharusnya mengetahui secara pasti batas-batas desa mereka.

District Development Planning Agency (BAPPEDA) staff member

Forestry and Plantation Service staff member

The way to make a good boundary agreement is to have it written and have a map, both should be signed by the village head, affirmed by the subdistrict leader and then sent to the district level. Recognition of rights needs to be regulated in the district regulations first, because it is linked to the spatial plan or more or less district decrees. If it is there, district regulations can become a legal umbrella and the district leader makes the decree.

Economy Section, District Secretariat staff member

Communities should know their village boundaries with certainty. Masyarakat seharusnya mengetahui secara pasti batas-batas desa mereka.

District Development Planning Agency (BAPPEDA) staff member
Villagers’ rights to land and natural resources are legally unclear in Malinau, as they are in most forest areas in Indonesia. Yet opportunities to receive significant income from natural resources have made it more important than ever before to have clear rights if conflict is to be avoided. Villagers in Malinau want to clarify and formalise their land and forest rights, especially those related to village boundaries. Since 1999, the need to demarcate village areas has increased as villagers started negotiating with companies for timber benefits and could receive compensation for mining or timber harvested on their land.

Boundary agreements have been especially labil (fluid, unstable) in many villages and conflict over boundaries has increased. The district initiated demarcation of the district and subdistrict boundaries, but village boundaries and rights have remained unclear. Villagers and officials suggested what they think should be the process for finalising these boundaries (see below).

Nearly all villagers and officials said recognition of rights to dry rice fields (ladang), village forest (hutan desa) and village area (wilayah desa) was necessary.

**Dry rice fields (ladang)**

For dry rice fields (ladang), most villagers (82%) thought there should be recognition of ownership rights (hak milik) (Figure 4). Others felt recognition of use rights (hak pakai) was also important.

Most villagers said that this recognition was needed from the:
- customary leader
- village leader.

About a third of villagers said that the subdistrict leader (camat) should acknowledge rights. Only a few people mentioned that recognition should be acquired from the community, the neighbouring field user, the village head from the neighbouring village, the paramount customary leader (kepala adat besar), the district leader, the owner of the field or the head of the neighbourhood association (ketua rukun tetangga (RT)).

Most officials (80%) also thought people should have ownership rights recognised for dry rice fields. Most officials also thought recognition was needed only from the village

![Figure 4. What kind of ladang rights do people need? Perlu pengakuan hak ladang apa? (Surveys of village individuals and officials)](image-url)
leader. Like villagers, a significant number of officials (40%) said the subdistrict leader should acknowledge rights.

Nearly half of the villagers said that *ladang* rights should be secured with documentation from the subdistrict leader or the village head. About a third said a land certificate (*sertifikat tanah*) was needed. Most officials (80%) also said that some form of local government document should be used, and a third thought a national land certificate would be appropriate.

All villagers and most government officials thought that the household or individuals should have the right to make decisions about how their *ladang* was used. A few villagers and officials wanted to also involve the extended family (*keluarga besar*), village or customary organisation (*lembaga adat*) or the person in charge of the village (*pengurus desa*).

**Village forest**

Nearly all villagers (91%) said that it was important to have communal rights (*hak bersama*) over village forests (Figure 5). Only a few people also wanted to have individual use rights or ownership rights. One villager said that the forest should be for everyone in the village (*seluruh masyarakat desa*). Another said that there needed to be rules so that people would pay into the village fund, which would be used for the village’s public projects.

The term ‘communal rights’ requires clarification as it does not refer to conventional Western-dominated concepts of ownership or use. Instead, *hak bersama* has its origins in more traditional local concepts of property where everyone in a village shared use rights to resources, and the village was the authority over the territory. If the village moved, as was common in previous times, another village could claim rights to the abandoned area.

Most villagers felt that this recognition was needed from several parties (Figure 6), including:
- village head
- customary leader
- subdistrict leader (*camat*)
- neighbouring village head.

Some felt that acknowledgement was also needed from the district leader, district forest service, all government elements, the paramount customary chief, village forest committee, village elders or the village residents themselves.

Compared to villagers, officials were more mixed in their responses about rights to forest. About half (60%) said...
How should claims and rights to land be established?

that only use rights to forest should be acknowledged and half (50%) said that that ownership rights should be acknowledged. A third wanted both use and ownership rights. One official who suggested both said that right depended on the forest area—small areas would be appropriate for ownership and larger areas for use. No official mentioned communal rights.

Government officials’ responses about who should acknowledge rights (Figure 6) were similar to those of villagers; however, they gave the district government more importance and only one person mentioned the need to get the approval of the neighbouring village head.

Villagers said rights over village forest needed to be officially recognised through documents signed by the district leader (SK Bupati), village head (Surat Kades), subdistrict leader (Surat Camat) or through a land ownership certificate (Sertifikat tanah). Some also wanted a map. One person suggested that a public announcement be signed by all villages concerned, with a copy to the district leader (Berita acara kedua desa dan camat, tembusan ke Bupati). Officials gave similar responses.

Most villagers (77%) said that rights and decision making rested with the community as a whole (Figure 7). Almost half also said the person in charge of the village or village head (pengurus desa) had decision-making rights, as long as they discussed the decision with the community first. Government officials generally agreed that responsibility was at the village level, although they gave more weight to the village head. No one from either group said that individuals or households made decisions.
How should claims and rights to land be established?

Village area

Individual villagers said that the residents in a village should share collective rights to the village area. Very few people thought there should be individual ownership or leasing of the village land area.

Villagers said there should be four main steps to get a good boundary agreement (focus-group data):
- Confer in the village first (42%)
- Have village representatives meet with the neighbouring village (83%)
- Create a letter of agreement between the villages (42%)
- Report the results of the process and letter of agreement to the district government (25%).

District officials (50–70%) concurred with these four steps and added:
- Survey boundaries in the field with representatives of neighbouring villages or staff members from the subdistrict.

One villager suggested that the village head should circulate an announcement in the community before holding meetings so that everyone would be informed (Untuk berunding di desa, seharusnya diedarkan surat dulu kepada warga). Another person said that everyone in the village should be aware of the agreement. There was a clear demand for more transparency of information within villages about boundary negotiations, let alone among villages and at the district level.

Officials (89%) and villagers (42%) both agreed that there was not enough information about how village boundaries should be determined (Figure 8). This has been a sensitive issue. In the villages, 42% of the focus groups declined to answer this question.

Villagers said they thought that meetings about boundaries should include not only the village head and customary leader, but also all villagers (Figure 9), reflecting the need for transparency and the importance of the issue to everyone in the community.

One person noted, however, that if there are too many people, there can be too many voices (Kalau terlalu banyak orang bisa terlalu banyak suara). Another villager said that if the whole community is involved, they tend to make demands that make the boundary issue become even more weighty for their side (Masyarakat luas suka menuntut agar batas berat ke pihak mereka).

Officials seemed to agree. Only one official thought the whole community should take part in these meetings. According to a third or more of officials, meetings should include representatives of different village elements (village head, customary leader, village leaders, the village assembly, youth leaders and women’s leaders) and the subdistrict leader.

In negotiations that take place in other villages, villagers said that the village head (73%), customary leader (55%) or village leaders (tokoh masyarakat) (45%) should represent the village in meetings with neighbours about boundaries. Only 18% of the villagers thought the whole village should attend. The majority of officials concurred with these opinions, with the exception that 70% of officials thought the head of the village assembly should also be present in negotiations.
Villagers in the focus groups (67%) and officials (90%) agreed that representatives should be selected via a community meeting. Both villagers in focus groups (44%) and officials (60%) also thought that a good representative was someone familiar with the physical area under negotiation. These were the two most important attributes of a representative in this context. A few people in both groups said that people with land in the border area should also take part in negotiations.

According to villagers (focus group and individuals) and officials, it was important to get agreements about village boundaries with formal acknowledgement and signatures from:

- village head
- neighbouring village leaders
- customary head
- subdistrict leader
- district leader.

More villagers in the focus groups thought that it was important to have the signature of the neighbouring village and customary leader, while more officials thought it important to have the district forestry and plantations service and national or district land agency sign an agreement.

Villagers in both surveys and officials thought the agreement should take the form of a contract among villages and include a public announcement of the village boundary (berita acara batas desa). Most officials thought there should also be a district decree.

The technical activities of surveying and mapping should include the village head, customary head and neighbouring village according to villagers and officials.
How should claims and rights to land be established? (Figure 10). Officials also thought the subdistrict leader should be involved (100%), as well as the National Land Agency (60%), village assembly (80%) and the forestry and plantation service (40%), which almost no villagers mentioned.

Customary sanctions and new deliberations between villages should be used to enforce agreements, according to villagers (Figure 11). Officials agreed with this, but also said that the subdistrict leader (100%) or district leader (50%) should facilitate these negotiations.

One official said that agreements should be enforced keeping in mind the principle that neighbours are like brothers and sisters, and there should be mutual respect (prinsip tetangga adalah saudara, [harus] saling hormat-menghormati).

Figure 10. Who should be involved in mapping village boundaries? Siapa seharusnya dilibatkan dalam pemetaan batas desa? (Village focus groups and survey of officials)

Note: Other (officials) – Government systems agency (Tapem). Other (villagers) – Relevant agencies; Youth leaders; National Land Agency; CIFOR.

Figure 11. How can a village boundary agreement be enforced? Bagaimana kesepakatan batas desa bisa ditegakkan? (Village focus groups and survey of officials)

Note: Other – Firm legal sanctions should be attached to the agreement; Neighbors are like brothers and sisters, and there should be mutual respect.

Figure 12. Who holds the right and makes decisions about the village area? Siapa memegang hak dan mengambil keputusan tentang pemanfaatan hak atas wilayah desa tersebut? (Surveys of village individuals and officials)

Note: Other – Youth; Village elders.
How should claims and rights to land be established?

In setting the village boundary, who has rights and responsibilities to make decisions about the land and forest on village lands? Consistent with the interest in collective rights, villagers said that the community as a whole had decision-making rights to the village area (Figure 12). Secondarily, the village head and customary organisation had this right.

Officials also thought the village head should have decision-making rights over the village area, but thought the role of the whole village was much less important. Only two officials thought the government should have a say in decisions.

Box 2. Summary of principles about how to establish claims and rights to land

Villagers and officials agreed:
- Clear rights are essential for:
  - farm land (ladang)
  - village forest (hutan desa)
  - village area (wilayah desa).
- Rights to ladangs should be at the individual or household level.
- Land rights and the corresponding documents to make them legal should be secured from several authorities, almost always including the village head and customary leader. The subdistrict leader and district leader should also provide official recognition and documentation (surat keputusan) for village area and forest area boundaries.
- Written agreements, maps and ground markers are necessary to document village boundaries.
- Not enough information is available about boundary demarcation in the district.
- Boundaries should be enforced through customary sanctions and deliberations between villages.

In addition, villagers noted more often the need for:
- Rights to village forest or village area to be assigned to the whole village (communal rights).

Officials noted more often the need for:
- Involving neighbouring villages in negotiating and acknowledging boundary agreements.
- Making decisions internally and then reporting to officials.
- Involvement of the whole village in decision making about forest and village areas.

Officials noted more often the need for:
- The district’s acknowledgement of forest or village area rights and role in decisions about these areas.
- Customary organisations’ involvement in the acknowledgement of rights and decision making, especially for village areas.
- The need for the subdistrict or district leader to facilitate boundary negotiations and help enforce agreements.

An NGO noted the need to:
- Begin by meeting with the other relevant parties to establish a shared objective.

Disagreement was common among all groups about the form in which agreements about boundaries and rights should be made, especially about what kind of documents and who should provide them.
How should plans about land use be prepared (tata ruang)?

Don’t know. I am confused about which agencies are responsible. I have not thought about it. Tidak tahu, bingung instansi mana, belum terpikir.

Setulang villager

Communities must be ready with information about land use in the village and spatial plans for the village or their customary territory, and be actively involved in the review of the (district) land use plan. Masyarakat harus sudah siap dengan informasi mengenai penggunaan lahan di desa dan rencana tata ruang wilayah desa atau adatnya, dan secara aktif, mengikuti proses pembahasan tata ruang.

World Wide Fund for Nature – Kayan Mentarang staff member

Village land use plans should be made under the coordination of the village people’s assembly with the principles of participatory mapping, and become material (input) for the district land use plan. The subdistrict leader coordinates among villages because villages cannot do it each by themselves. Seharusnya, tata ruang desa dibuat dibawah koordinasi badan perwakilan desa, dengan prinsip pemetaan partisipatif dan menjadi bahan untuk tata ruang kabupaten. Camat koordinasi antar desa karena desa tidak bisa masing-masing atau berdiri sendiri.

District Assembly member

If the (village) area has already been designated with village regulations, then the areas of gardens, area for timber extraction, roads, etc., should be designated. Kalau wilayah sudah ditetapkan dengan Perdes ditetapkan wilayah kebun, lahan usaha, jalan, dsb.

Forestry and Plantations Service staff member

Give up land if it is needed by the government. Merelakan lahannya apabila diperlukan pemerintah.

Village Empowerment Service staff member

We should be invited. Seharusnya kami diundang.

Punan Gong Solok villagers
Fifty-nine per cent of the villagers interviewed said that they had already designated, or were in the process of designating, areas to specific land uses in their village. These included areas for ladang, reserved forest (hutan simpanan or hutan cadangan to be used for swidden agriculture\(^3\) in the future), protected forest (hutan lindung), and perennial gardens or agroforestry plots (kebun). Some villages also designated production forest (hutan produksi) or conversion areas for plantation development.

The village head, customary leader and entire community should be involved in the designation of land areas in the village, according to more than half of the village respondents (Figure 13). As one villager commented, you ‘don’t need to involve the government, except if you want to get a certificate’ (‘tidak perlu melibatkan pemerintah, kecuali kalau mau buat sertifikat’). A number of people thought the subdistrict leader was also important.

District officials gave more weight to formal government bodies. Nearly all officials thought that the subdistrict leader and village head should be involved. Most also thought the district development planning agency (BAPPEDA) and village people’s assembly (BPD) should take part in village land use designations.

At the district level (Figure 14), most villagers still thought decisions about land use designations should be made by the:
• village head
• customary head.

\(^3\) Shifting or rotation agriculture, including burning fields

---

**Figure 13. Who should be involved in village land use designations?** Siapakah seharusnya terlibat dalam penataan wilayah desa? (Surveys of village individuals and officials)

*Note:* Other – Companies; NGOs.

---

**Figure 14. Who should be involved in district land use designations?** Siapakah seharusnya terlibat dalam penataan wilayah kabupaten? (Surveys of village individuals and officials)

*Notes:* Other (villagers) – Those who know the area (2); Don’t know (2); Government; District leader and village representative. Other (officials) – Relevant agencies.
Others whom they thought should be involved as well included (in order of frequency mentioned):

- Subdistrict leader
- Forestry service
- Village representative
- Village Assembly
- Planning and Development Agency
- Village Empowerment Service
- Whole community.

Two people noted that people should be involved who know the state of the land or area.

According to most officials, district planning should involve the district development planning agency (BAPPEDA), village heads, subdistrict leaders and the forestry service. A number of officials (44%) thought the village empowerment service should also be involved.

To better link community and district level planning, 73% of villagers interviewed said that communities should give input to the draft district land use plan. Some people also thought that the district should request information from communities about land use planning at the beginning of the activity (17%) or give communities a copy of the final document (10%). Others thought communities should help with field activities, approve final decisions, or send representatives to participate in district decisions.

One respondent said they expected that if they gave the village land use plan to the subdistrict leader then the subdistrict leader would give input to the district plan (Kalau tata ruang desa sudah disahkan oleh camat, diharapkan camat yang memberi masukan untuk kabupaten). Four people interviewed were unsure who in the government should be involved.

Most officials (80%) thought community members should provide input into the final plan, or provide information beforehand (60%) as input to the district land-use planning process. A third thought that villagers should receive a copy of the final plan.

---

**Box 3. Summary of principles about land use planning**

**Villagers and officials agreed:**
- The village head should be involved in both village and district land use planning.
- Communities should give input to district land use planning.

**Villagers noted more often that:**
- The whole village should be involved in village land use decisions.
- Customary authorities should be involved in both village and district land use decisions.

**Officials said more often that:**
- The subdistrict leader and district development planning agency should be involved in both village and district land use decisions.

**According to an NGO:**
- Communities should know their own priorities for how they want to use their area and participate actively in reviewing the district land use plan.
How should forest use be regulated?

The village head, customary head and community confer and make a forest use agreement. This process can repeat or occur in phases. *Kepala desa dan kepala adat dan masyarakat berunding dan membuat kesepakatan pemanfaatan hutan. Prosesnya bisa berulangulang atau bertahap.*

Laban Nyarit villagers

Conferring with many villagers. *Mengadakan perundingan dengan masyarakat banyak.*

Tanjung Nanga villagers

It must occur through conferring with a wide selection of the community. *Harus melalui perundingan masyarakat luas.*

Batu Kajang villagers

Conferring about forest use should be done with awareness-building programmes for the communities and should give attention to the resulting environment. *Perundingan tentang pemanfaatan hutan sebaiknya dibuat dengan mengadakan sosialisasi kepada masyarakat dan memperhatikan lingkungan yang timbulkan.*

District Development Planning Agency staff member

If a person does not request permission, we apply sanctions. If the person asks for permission, they pay the village treasury. If it is a member of the village and the forest product is to be sold, they should pay the village treasury.

*Kalau warga dan hasil hutan untuk dijual, bayar ke kas desa.*

Punan Rian villagers

Agreements can be enforced with customary sanctions set by social agreements. If the sanctions are not met, the offender should be sent to the authorities (police, court). *Kesepakatan bisa ditegakan dengan denda adat, kenakan sangsi sesuai dengan hasil kesepakatan yang dibuat. Apabila tidak dipenuhi, serahkan ke pihak yang berwajib (polisi, pengadilan).*

District Office Economics Section

Village forest is regulated by the village head with village regulations, and customary forest is regulated by the customary head with customary regulations, as long as they are not yet regulated by the district government. All are formalised by the district leader, so they can be related to rules that are at a higher level. The primary basis is the district regulations. In the village, actually, customary law is stronger, but there is hesitance from the customary institutions. District regulations need to weigh or assemble customary laws that are there, involving the customary head. *Hutan desa diatur oleh kepala desa dengan peraturan desa dan hutan adat diatur oleh kepala adat dengan peraturan adat, asal belum diatur oleh Pemda. Semua diresmikan oleh Bupati supaya mengacu pada aturan yang lebih tinggi. Landasan utama adalah peraturan daerah. Di desa sebenarnya*
There needs to be strict monitoring of the implementation of village regulations by the village staff to enforce agreements about forest use. Perlu ada pengawasan ketat terhadap pelaksanaan perdes oleh aparat desa untuk tegakkan kesepakatan pemanfaatan hutan.

Phemdal staff member

Review of forest use in a village ought to be done by the community themselves. District agencies and the subdistrict government can facilitate or act as a resource for the process, with the result that they can understand about forest use by communities. Pembahasan tentang pemanfaatan hutan di desa harus dilakukan oleh masyarakat sendiri. Dinas atau instansi dan pemerintah kecamatan dapat memfasilitasi dan menjadi nara sumber serta mengikuti prosesnya, sehingga bisa memahami bagaimana pemanfaatan hutan oleh masyarakat.

World Wide Fund for Nature – Kayan Mentarang staff member

Villagers and government officials were clear that forests need to be regulated.

Villagers said that they wanted to regulate 11 aspects of forests (Figure 15). Their answers showed a concern for the resources in forests that were most valuable to them (water, timber, gaharu, fruit, game, forest products, and agricultural fields), protecting them from threats like theft or fire, and managing them for the future (boundaries, timber harvesting, protected forest, forest).

The five aspects most frequently mentioned by villagers were:

- Forest boundaries
- Water
- Theft of timber or other forest products
- Timber harvesting
- Fire.

According to villagers, until now, the most common parties regulating these aspects of forest were the village head, customary leader and villagers themselves (Figure 16).

Only three people mentioned the head of the village assembly as an important regulatory authority. Although this body is supposed to be in charge of making village regulations, at the time of the interviews very few existed in Malinau.
How should forest use be regulated?

District bodies—like the forestry and plantation service, district head or people’s assembly—were mentioned only by a third or less of the people interviewed, probably because the districts only legally assumed authority for these areas in 2001 and their policies are still in transition.

Overall, most villagers said the village head had taken primary responsibility for regulating the different aspects of forests and used official village regulations (peraturan desa) to do so. The village customary leader had a role in regulating some aspects of forest with customary regulations (peraturan adat), especially boundaries, the forest as a whole, protected forest and theft.

Several people noted that their adat institutions had regulated these in the past, but that additional customary or adat rules were no longer strong enough to deal with current pressures for use, particularly from outsiders. Many adat rules were still oral rules only. Agreements and regulations needed to be written. Some people recommended that committees should oversee certain resources, like water or forest.

People’s reasons for wanting to regulate forest varied. The details below are summarised from the responses.

Villagers wanted to regulate **boundaries** to:
- Provide clarity, avoid confusion (supaya jelas, tidak ada keliruan) and avoid overlaps (tumpang tindih) or companies going into reserved forest (Supaya perusahaan tidak melanggar ke hutan simpanan. Supaya jelas di mana hutan simpanan)
- Avoid struggles, conflict, disturbances, legal cases, complaints, problems (berebutan, hindari konflik, keributan, sengketa, keluhan, masalah)
- Provide reserve forest (hutan cadangan atau simpanan)
- Demarcate different forest zones: area for company exploitation, area for ladang, saved forest (Supaya jelas pembagiannya, batas antar wilayah garapan oleh perusahaan kayu dan wilayah perladangan dan hutan simpanan).
How should forest use be regulated?

They wanted to regulate **water** to:
- Make village water supply and demand sustainable (Supaya ada persediaan air terus menerus. Supaya pemanfaatan tidak berlebihan)
- Provide clear, clean water (air jernih, bersih, terawat, karena sungai semakin keruh)
- Handle the effects of future mining around the village (Karena nanti ada pertambangan keliling desa).

Villagers wanted to regulate **timber** and **theft of timber or timber products** to:
- Provide cash benefits to the village treasury (e.g. Rp. 50,000 or US$ 5 per m$^3$), especially from people selling timber or from outsiders (Supaya ada pengisian kas desa, untuk menentukan pungutan per meter kubik, orang luar harus bayar iuran, supaya orang dari luar bayar ke desa, kalau jual keluar desa Rp. 50,000/m$^3$, supaya orang ambil sesuai aturan, termasuk pembayaran ke kas desa, khusus kayu yang dijual)
- Provide for village building or development needs (pembangunan desa)
- Stop others from freely taking it (Supaya tidak ada orang lain yang di luar desa bebas bekerja)
- Prevent conflict (Untuk mencegah terjadi konflik)
- Prevent repeat offenses (Supaya tidak terulang)
- To set and perform sanctions (Barang bukti diamankan dan yang bersangkutan disidang, ada denda, lebih besar dari pada kalau ijin).

They wanted to regulate **forest** to:
- Provide good management and sustainability, especially in zones along rivers and to avoid clearing of forest according to each individuals' wishes (Untuk mengatur pengelolaan dan kelestarian, tidak sembarang tebang kayu, supaya hutan tidak habis, karena belum ada hutan lindung, nanti hutan habis, Jangan sampai lahan yang dekat sungai digundul karena banyak keperluan masyarakat 1 km dari pinggir sungai, Supaya Masyarakat tidak membuka rimba semaunya sendiri)
- Divide forest for different uses, e.g. forest that is far away can be used for timber harvesting and that which is close by can be used for the community’s needs (Ada pembagian pemanfaatan hutan, hutan yang jauh bisa untuk produksi, hutan dekat untuk kepentingan masyarakat)
- Prevent other people from entering freely (supaya kita bisa larang orang lain masuk, mencegah orang lain bebas masuk)
- Provide guidelines for companies who want to use the forest (Supaya bisa tahu untuk perusahaan, Buat ketentuan untuk pihak luar yang pakai SDA di hutan desa)
- Determine payment for forest use (Ada ketentuan pembayaran)
- Avoid social disturbance and accusations (tidak menimbulkan keributan, gugatan)
- Meet communities’ needs equitably (memenuhi kebutuhan masyarakat, pemanfaatan merata bagi seluruh masyarakat).

Villagers wanted to regulate **protected forest** for all the same reasons as they wanted to regulate forest (except to determine guidelines for companies and fees). Additional reasons were:
- To provide for future needs (untuk masa depan)
- To protect the source of clean water (Melindungi sumber air bersih)
- Because there is no more good quality forest (Tidak ada hutan utuh lagi).
They wanted to regulate **agricultural fields (ladang)** to:

- Prevent struggles, conflicts, disturbances and overlaps in land rights (Supaya orang lain tidak rebut lahan, tidak ada sengketa, tidak menimbulkan keributan, mencegah terjadi tumpang tindih lahan ladang)
- Make sure people don’t make ladang in saved forest and give directions as to where people should make ladangs (Supaya tidak berladang di hutan simpanan, Untuk mengarahkan daerah yang akan dibuka ladang)
- Provide clear boundaries (Supaya batas ladang masing-masing jelas)
- Make sure there will be no problems for farm areas for the future generations (areas mencegah terjadi permasalahan lahan pada generasi mendatang).

Villagers wanted to regulate **gaharu** (aloeswood or eaglewood, *Aquilaria* spp.) to:

- Provide ongoing supplies for the community, including *Aquilaria* trees that can be inoculated with the fungus that creates the fragrant gaharu resin) (Supaya hasil tetap ada untuk masyarakat, kalau tidak diatur nanti tidak ada hasil/berebutan, supaya ada gaharu yang dapat dikembangkan (suntik))
- So outsiders don’t harvest freely (supaya tidak ada orang lain yang di luar desa bebas bekerja, orang dari luar desa tidak boleh ngusah di wilayah desa kita, untuk orang luar boleh asal mematuhi aturan)
- Because it is getting rarer (karena gaharu semakin habis)
- To determine payment by outsiders to the village treasury (untuk menentukan bayaran ke kas desa, orang luar yang ngusah harus bayar iuran).

Villagers wanted to regulate **fires** (kebakaran) to:

- Prevent fire and loss (Untuk mencegah terjadinya kebakaran. Karena menimbulkan kerugian, supaya lahan masyarakat tetap baik, Karena bisa memusnahkan kebun-kebun dan hasil lain)
- Prevent spreading of fire, including spread to forest (supaya tidak menyebar, menjaga api dari ladang menyebar ke hutan)
- Protect agricultural and agroforestry fields (supaya ladang dan kebun tidak terbakar)
- Have sanctions against offenders (supaya ada sangsi bagi yang melanggar).

Villagers wanted to regulate **fruit harvesting** (pengambilan buah) to:

- Prevent fruit trees from being cut (Supaya tidak ditebang)
- So fruits are not taken from other people’s old fruit gardens (Tidak boleh ambil buah di lepo ‘un).
Villagers wanted to regulate hunting (perburuan) to:
- Make it easier for people to find animals (supaya masyarakat tidak kesulitan mencari binatang)
- Prevent companies from damaging salt licks (karena sudah ada pengalaman perusahaan gusur air asin, sungan tidak boleh diganggu)
- To prevent use of electric shock fishing (tidak boleh nyetrum)
- Ensure that outsiders who hunt for valuable products like bezoar stones or fish have to pay a fee to village (orang luar yang berburu/cari batu guliga/ikan harus bayar iuran)
- Make sure people have permission from the village. Don’t have to pay as long as nothing is damaged (hanya ijin pada desa, tidak perlu bayar. Asal cara tidak merusak)
- Regulate hunting for commercial or business purposes (untuk konsumsi sendiri bisa kalau untuk bisnis perlu diatur)
- Make sure people hunt only in their own areas (hanya boleh berburu di masing-masing daerah)
- Regulate volume of hunting (supaya mengatur volume perburuan. Harus ada sangsi, tidak sembarang bunuh binatang)
- Provide meat supply (Supaya ada persediaan daging)
- Protect the rhinoceros hornbill (Perlindungan untuk temengang).

Our survey of officials was less complete, but almost all officials who answered this question agreed that these 11 aspects of forest should be regulated. Only one official thought ladangs should not be regulated, and one thought hunting and the harvesting of fruit should not be regulated.

Half of the officials thought that a combination of village, neighbouring village, subdistrict and district authorities should regulate these aspects of forests. Most of these thought that village customary authorities should also be involved. Most also thought ladang, hunting and fruit collection needed little regulation above the village level.

Three officials said they wanted regulation almost exclusively by district and subdistrict authorities.

Officials explained that they wanted regulation to provide clarity and a legal basis for making decisions, to avoid conflict and to restrict overuse of certain products. Officials’ responses were markedly less detailed than those of villagers.
| Box 4. Summary of principles about how forests should be regulated |

**Villagers and officials agreed:**
- Regulation is needed for forest boundaries, water, theft, timber harvesting, fire, forest management, protected forest, shifting cultivation, fruit harvesting and hunting.
- Regulation is needed to provide clearer rights and responsibilities, to help avoid conflict over and threats to the resource, and ensure wise use of forest resources.

**Villagers more often reported that:**
- Village authorities regulated most of these aspects of forests.
- Some aspects of management were more important than others. Villagers gave high priority to boundaries, water, theft, timber harvesting and fire, and low priority to ladang, gaharu collection, hunting and fruit collection.

**Officials said more often that:**
- They wanted all aspects of forests managed.
- They believed that a mix of authorities at different levels, including the district and subdistrict, should be involved (except for ladang, hunting and fruit collection).

**According to NGOs:**
- Strict monitoring of the implementation regulations should be done in villages by village staff.
- District and subdistrict government should facilitate regulation at the village level to learn more about local forest use issues.
How should agreements with companies be made?

Confer in the village first. *Berunding di desa dulu.*
*Paya Seturan villagers*

All interest groups have to be in the meeting. *Semua pihak harus ada di dalam pertemuan.*
*Batu Kajang villagers*

There is a meeting in the village first. If a decision is reached, it is delivered to the company. If the company does not agree, the process returns to the village. *Ada rapat di desa dulu. Kalau ada keputusan, disampaikan kepada perusahaan. Kalau perusahaan tidak menyetujui, kembali ke desa.*
*Punan Rian villagers*

Company officials have to meet directly with the community and explain the way they will work and the benefits for the community. The results of the meeting should be reported to the government. *Investor harus langsung bertemu dengan masyarakat dan menjelaskan cara kerja dan keuntungan bagi masyarakat. Hasil pertemuan dilapor ke pemerintah.*
*Long Jalan villagers*

Companies have to come and confer with the community and give information about the rules and prices. *Perusahaan harus datang untuk berunding dengan masyarakat dan berikan informasi bagaimana aturan dan harga.*
*Long Adiu villagers*

A Memorandum of Understanding is made between the two parties with details about the rights of each party. *MoU dibuat antar dua belah pihak dengan perincian hak masing-masing pihak.*
*Village Empowerment Service staff member*

The community has to be involved in the management of the company to see whether the community’s assumptions about the company’s intentions were correct and watch out for deception by the company (for example, the company says 1000 cubic metres of wood is produced, but the actual amount is far greater). *Masyarakat harus dilibatkan dalam kepengurusan perusahaan untuk menjaga prasangka buruk atau terjadi penipuan oleh perusahaan (misalnya disebut produksi 1000 meter kubik, padahal, jauh lebih banyak).*
*Yayasan Adat Punan staff member*

In every promise or agreement there should be sanctions, for example, suspension of the license. *Di setiap perjanjian atau kesepakatan harus ada sangsi, misalnya, pencabutan izin.*
*Tanjung Nanga villagers*

Make an agreement [contract] about what has already been agreed to and explain the details passage by passage, and have all relevant parties sign it. *Membuat kesepakatan yang telah disepakati dan menjelaskan rinci-rinci pasal demi pasal dan ditanda-tangani semua pihak yang terkait.*
*District Assembly member*

The agreement should follow principles about the rights and responsibilities of communities and rights and...
responsibilities of companies, in accordance with the law and customary law. Kesepakatan harus muat prinsip tentang hak dan kewajiban masyarakat dan hak dan kewajiban perusahaan, sesuai undang-undang dan hukum adat.

District Assembly member

Companies should pay attention to the needs of the communities, not just provide infrastructure. Perusahaan harus memperhatikan secara jelih, apa kebutuhan masyarakat, bukan hanya infrastruktur.

Forestry and Plantations Service

Since reforms beginning in 1999, villages in Malinau have had increasing opportunities to negotiate agreements directly with companies interested in harvesting their timber. These opportunities have sometimes included significant benefits for both villages and officials.

Yet the nature of the negotiations, agreements and their enforcement have varied tremendously among villages. Some villages earned thousands of dollars, while others sold rights to their forest for a pittance or watched companies flagrantly violate agreements about the area and location of harvesting.

More recently and controversially, oil palm companies have approached communities in Malinau with an interest in converting village forest into plantations.

These experiences helped to shape both villagers’ and officials’ views in 2005 about how negotiations between companies and villages should occur.

One issue was how communities and companies should confer with one another (Figure 17). Villagers emphasised the need to prepare at the village level. Villagers said that the members of the community should first set the terms of negotiation, for example, the size of area to be harvested, location and benefits for community (62%). Villagers (54%) also wanted community members to confer among themselves or to meet with the community members delegated to negotiate with the company, so that delegates would represent the views of the whole community.

Officials largely agreed that internal village meetings were important to prepare for negotiations. In addition, most officials said that villagers should meet with companies (70%), create contracts (50%) and report to the district
How should agreements with companies be made?

Only 8% of the village groups thought that the results of their negotiations should be reported to government. In meetings with companies, about two-thirds of villagers wanted to be represented (Figure 18) by the:

- village head
- customary leader.

Very few people thought that leaders of youth, women or religious organisations should represent them. Officials agreed uniformly that the village head should be present, but most felt that additional representatives should be present as well, including the:

- customary head
- village leaders (tokoh masyarakat)
- head of the village assembly.

Forty per cent of officials also mentioned that youth leaders should join meetings, perhaps because in the past these groups have been the ones that have most often organised protests.

Most communities wanted their representatives to be selected via village meetings. For communities, a good representative was an honest person who could talk forcefully. Their position or experience was less important. Officials agreed (80%) that the representative should be someone selected via a village meeting, but a third of officials said that the experience of the delegate was more important than other characteristics.

Both groups had firm ideas about who should sign and be accountable for agreements with companies (Figure 19). All village groups said that the village head and customary government (60%). Only 8% of the village groups thought that the results of their negotiations should be reported to government.

In meetings with companies, about two-thirds of villagers wanted to be represented (Figure 18) by the:

- village head
- customary leader.

Very few people thought that leaders of youth, women or religious organisations should represent them.

Officials agreed uniformly that the village head should be present, but most felt that additional representatives should be present as well, including the:

- customary head
- village leaders (tokoh masyarakat)
- head of the village assembly.

Forty per cent of officials also mentioned that youth leaders should join meetings, perhaps because in the past these groups have been the ones that have most often organised protests.

Most communities wanted their representatives to be selected via village meetings. For communities, a good representative was an honest person who could talk forcefully. Their position or experience was less important. Officials agreed (80%) that the representative should be someone selected via a village meeting, but a third of officials said that the experience of the delegate was more important than other characteristics.

Both groups had firm ideas about who should sign and be accountable for agreements with companies (Figure 19). All village groups said that the village head and customary government (60%). Only 8% of the village groups thought that the results of their negotiations should be reported to government.

In meetings with companies, about two-thirds of villagers wanted to be represented (Figure 18) by the:

- village head
- customary leader.

Very few people thought that leaders of youth, women or religious organisations should represent them.

Officials agreed uniformly that the village head should be present, but most felt that additional representatives should be present as well, including the:

- customary head
- village leaders (tokoh masyarakat)
- head of the village assembly.

Forty per cent of officials also mentioned that youth leaders should join meetings, perhaps because in the past these groups have been the ones that have most often organised protests.

Most communities wanted their representatives to be selected via village meetings. For communities, a good representative was an honest person who could talk forcefully. Their position or experience was less important. Officials agreed (80%) that the representative should be someone selected via a village meeting, but a third of officials said that the experience of the delegate was more important than other characteristics.

Both groups had firm ideas about who should sign and be accountable for agreements with companies (Figure 19). All village groups said that the village head and customary government (60%). Only 8% of the village groups thought that the results of their negotiations should be reported to government.

In meetings with companies, about two-thirds of villagers wanted to be represented (Figure 18) by the:

- village head
- customary leader.

Very few people thought that leaders of youth, women or religious organisations should represent them.

Officials agreed uniformly that the village head should be present, but most felt that additional representatives should be present as well, including the:

- customary head
- village leaders (tokoh masyarakat)
- head of the village assembly.

Forty per cent of officials also mentioned that youth leaders should join meetings, perhaps because in the past these groups have been the ones that have most often organised protests.

Most communities wanted their representatives to be selected via village meetings. For communities, a good representative was an honest person who could talk forcefully. Their position or experience was less important. Officials agreed (80%) that the representative should be someone selected via a village meeting, but a third of officials said that the experience of the delegate was more important than other characteristics.

Both groups had firm ideas about who should sign and be accountable for agreements with companies (Figure 19). All village groups said that the village head and customary government (60%). Only 8% of the village groups thought that the results of their negotiations should be reported to government.

In meetings with companies, about two-thirds of villagers wanted to be represented (Figure 18) by the:

- village head
- customary leader.

Very few people thought that leaders of youth, women or religious organisations should represent them.

Officials agreed uniformly that the village head should be present, but most felt that additional representatives should be present as well, including the:

- customary head
- village leaders (tokoh masyarakat)
- head of the village assembly.

Forty per cent of officials also mentioned that youth leaders should join meetings, perhaps because in the past these groups have been the ones that have most often organised protests.

Most communities wanted their representatives to be selected via village meetings. For communities, a good representative was an honest person who could talk forcefully. Their position or experience was less important. Officials agreed (80%) that the representative should be someone selected via a village meeting, but a third of officials said that the experience of the delegate was more important than other characteristics.

Both groups had firm ideas about who should sign and be accountable for agreements with companies (Figure 19). All village groups said that the village head and customary government (60%). Only 8% of the village groups thought that the results of their negotiations should be reported to government.

In meetings with companies, about two-thirds of villagers wanted to be represented (Figure 18) by the:

- village head
- customary leader.

Very few people thought that leaders of youth, women or religious organisations should represent them.

Officials agreed uniformly that the village head should be present, but most felt that additional representatives should be present as well, including the:

- customary head
- village leaders (tokoh masyarakat)
- head of the village assembly.

Forty per cent of officials also mentioned that youth leaders should join meetings, perhaps because in the past these groups have been the ones that have most often organised protests.

Most communities wanted their representatives to be selected via village meetings. For communities, a good representative was an honest person who could talk forcefully. Their position or experience was less important. Officials agreed (80%) that the representative should be someone selected via a village meeting, but a third of officials said that the experience of the delegate was more important than other characteristics.

Both groups had firm ideas about who should sign and be accountable for agreements with companies (Figure 19). All village groups said that the village head and customary government (60%). Only 8% of the village groups thought that the results of their negotiations should be reported to government.

In meetings with companies, about two-thirds of villagers wanted to be represented (Figure 18) by the:

- village head
- customary leader.

Very few people thought that leaders of youth, women or religious organisations should represent them.

Officials agreed uniformly that the village head should be present, but most felt that additional representatives should be present as well, including the:

- customary head
- village leaders (tokoh masyarakat)
- head of the village assembly.

Forty per cent of officials also mentioned that youth leaders should join meetings, perhaps because in the past these groups have been the ones that have most often organised protests.

Most communities wanted their representatives to be selected via village meetings. For communities, a good representative was an honest person who could talk forcefully. Their position or experience was less important. Officials agreed (80%) that the representative should be someone selected via a village meeting, but a third of officials said that the experience of the delegate was more important than other characteristics.

Both groups had firm ideas about who should sign and be accountable for agreements with companies (Figure 19). All village groups said that the village head and customary government (60%). Only 8% of the village groups thought that the results of their negotiations should be reported to government.

In meetings with companies, about two-thirds of villagers wanted to be represented (Figure 18) by the:

- village head
- customary leader.

Very few people thought that leaders of youth, women or religious organisations should represent them.

Officials agreed uniformly that the village head should be present, but most felt that additional representatives should be present as well, including the:

- customary head
- village leaders (tokoh masyarakat)
- head of the village assembly.

Forty per cent of officials also mentioned that youth leaders should join meetings, perhaps because in the past these groups have been the ones that have most often organised protests.

Most communities wanted their representatives to be selected via village meetings. For communities, a good representative was an honest person who could talk forcefully. Their position or experience was less important. Officials agreed (80%) that the representative should be someone selected via a village meeting, but a third of officials said that the experience of the delegate was more important than other characteristics.

Both groups had firm ideas about who should sign and be accountable for agreements with companies (Figure 19). All village groups said that the village head and customary government (60%). Only 8% of the village groups thought that the results of their negotiations should be reported to government.

In meetings with companies, about two-thirds of villagers wanted to be represented (Figure 18) by the:

- village head
- customary leader.

Very few people thought that leaders of youth, women or religious organisations should represent them.

Officials agreed uniformly that the village head should be present, but most felt that additional representatives should be present as well, including the:

- customary head
- village leaders (tokoh masyarakat)
- head of the village assembly.

Forty per cent of officials also mentioned that youth leaders should join meetings, perhaps because in the past these groups have been the ones that have most often organised protests.

Most communities wanted their representatives to be selected via village meetings. For communities, a good representative was an honest person who could talk forcefully. Their position or experience was less important. Officials agreed (80%) that the representative should be someone selected via a village meeting, but a third of officials said that the experience of the delegate was more important than other characteristics.

Both groups had firm ideas about who should sign and be accountable for agreements with companies (Figure 19). All village groups said that the village head and customary government (60%). Only 8% of the village groups thought that the results of their negotiations should be reported to government.

In meetings with companies, about two-thirds of villagers wanted to be represented (Figure 18) by the:

- village head
- customary leader.

Very few people thought that leaders of youth, women or religious organisations should represent them.

Officials agreed uniformly that the village head should be present, but most felt that additional representatives should be present as well, including the:

- customary head
- village leaders (tokoh masyarakat)
- head of the village assembly.

Forty per cent of officials also mentioned that youth leaders should join meetings, perhaps because in the past these groups have been the ones that have most often organised protests.

Most communities wanted their representatives to be selected via village meetings. For communities, a good representative was an honest person who could talk forcefully. Their position or experience was less important. Officials agreed (80%) that the representative should be someone selected via a village meeting, but a third of officials said that the experience of the delegate was more important than other characteristics.

Both groups had firm ideas about who should sign and be accountable for agreements with companies (Figure 19). All village groups said that the village head and customary government (60%). Only 8% of the village groups thought that the results of their negotiations should be reported to government.
leader should sign agreements. The majority also wanted the subdistrict leader and company head to sign. Less than half thought the district leader should sign and most did not see a role for other district officers, including the forestry service, in the agreements. Most villagers probably assumed the company would arrange the official paperwork, or were concerned about the officials requesting a cut of the benefits or creating additional delays and bureaucracy.

Nearly all officials (90%) thought the village head and company head should sign the agreement. Most also wanted the subdistrict leader and customary head to be part of an agreement. Only a third thought district officials should sign the agreement. One official thought the district’s role should be instead to review the agreements to acknowledge and make them legal (*disaksikan oleh pihak pemerintah*).

Few officials or villagers saw the need for a notary to formalise the agreement.

Villagers were less clear about the form they thought agreements should take (Figure 20). Only about a third said that there should be a district decree or contract. One villager said the agreement should be signed by the subdistrict leader. He said that if the contract is signed directly between the company and village, the district might admonish them (*Surat ditandatangani camat, kalau langsung masyarakat-perusahaan, mungkin masyarakat ditegur oleh pemerintah*).

Most officials (80%) favoured the making of a contract. A third also thought that a notary act should be created. Only 20% of officials thought that a district decree should be made. An official from the agency for village empowerment

---

**Figure 19. Who needs to sign agreements with companies?**

*Siapa harus menanda-tangani kesepakatan dengan perusahaan?*

(Village focus groups and survey of officials)

*Note:* Other – Community institutions formed by community; Village staff and company; The district should legitimise the agreement signed by the village and company.

**Figure 20. What form should agreements with companies take?**

*Bentuk apa yang baik untuk buat kesepakatan dengan perusahaan?*

(Village focus groups and survey of officials)

*Notes:* Other (officials) – MoU. Other (villagers) – Not sure, don’t know the difference among the three choices; A document signed by the subdistrict.
thought that a Memorandum of Understanding should be sufficient.

Malinau has seen many agreements with timber companies violated in the last 5 years and resulting in widespread conflict. Enforcement of agreements is one of the weakest areas of forest governance in Malinau, as it is in Indonesia generally, due to the lack of strong institutions. It is telling that both villagers and officials overwhelmingly mentioned only informal approaches to enforcing agreements (Figure 21).

Villagers’ priorities for enforcement were to renegotiate or confer with the company or to apply customary sanctions. Officials preferred that the village and company confer or have the subdistrict leader mediate. Only 15% of villagers and 20% of officials said that sanctions should be applied. A few village groups thought demonstrations would be appropriate, while no government officials mentioned this alternative.

Both villages and officials mentioned the need for different stages of enforcement, with sanctions and increasing government involvement in the later stages.

One villager noted the importance of including the sanctions to be applied in the original agreement (dalam kesepakatan harus dicantumkan sanksi).

Another villager said that where further meetings are necessary, companies should pay for the transportation of community members to meetings held outside the village (perusahaan tanggung biaya transport masyarakat ke berunding ke tempat lain). Such costs often prevent villagers from sending as many representatives as they would like to negotiate effectively (see discussion under ‘Who represents communities’ above).

Figure 21. How can company agreements be enforced? Bagaimana kesepakatan dengan perusahaan bisa ditegakan? (Village focus groups and survey of officials)
Box 5. Summary of principles about how agreements with companies should be made

**Villagers and officials agreed:**
- Village members should meet to prepare themselves (or their representatives) prior to negotiations with companies.
- The village should select members who will negotiate agreements on their behalf in a community meeting. The village head and customary leader should generally represent the community.
- Agreements should be signed by the village head, customary leader, subdistrict leader and company.
- Agreements should take the form of a contract.
- Enforcement of agreements should occur in stages, beginning with discussions between the village and company.

**Villagers more often said:**
- The most important characteristics of a representative were their honesty and ability to speak forcefully.
- Agreements should be enforced through customary sanctions.

**Officials more often said:**
- Villagers should report agreements to the district government.
- Representatives should also include village leaders, the head of the village assembly and youth leaders.
- The most important characteristic of a representative was their experience.
- Agreements should be enforced through the subdistrict leader.

An **NGO** said that communities should monitor company activities to watch for violations of agreements.
How should cash benefits from forests be shared?

If given to the village treasury, there needs to be a programme for it. The experience so far is that profits from a timber company are used for public funds. *Kalau diserahkan ke kas desa, harus ada programnya. Pengalaman selama ini, keuntungan dari perusahaan kayu untuk mengelola uang umum.*

*Mirau villagers*

Hold a village meeting for forest products that are not taxable and for forest products that are taxable for by district decree. *Musyawarah desa bagi hasil hutan yang tidak kena retribusi dan SK Bupati bagi hasil hutan yang kena retribusi.*

*Forestry and Plantations Service staff member*

A village meeting is excellent, but difficult because it needs time. It can also be managed with village regulations so that the profits don’t have to be divided every time. The villagers should get profits from forest use to pay for social development. *Musyawarah desa bagus, tapi sulit karena perlu waktu. Bisa juga diatur dalam peraturan desa supaya tidak setiap kali membagi [keuntungan dari perusahaan]. Masyarakat desa seharusnya mendapatkan keuntungan dari pemanfaatan hutan untuk membiayai pembangunan sosial.*

*District Assembly member*

Most people’s interest in agreements with companies has been in how the cash profits will be shared (Figure 22).

Most villagers thought that profits should go directly to themselves, or secondarily to the village treasury. There were mixed opinions about the village treasury, however. One villager said that the community did not want the funds to go to the village treasury, even though that was what their village leader proposed. He implied a concern that the funds would then disappear from there and never reach the general public (*Masyarakat tidak mau ada pembagian untuk kas desa. Pengurus desa usul ada penyisihan untuk kas desa*).

Another person commented that if funds were put aside in the village treasury and customary institution, there needed to be a programme for how the funds would be spent. He noted that so far it had been a heavy responsibility to manage public funds (*kalau disisihkan untuk kas desa dan adat harus ada programnya, pengalaman selama ini berat tanggungjawab untuk mengelola uang umum*).

In another village, one person was adamant that most of the funds should go directly to villagers, and only a little to the village treasury or customary institution (*masyarakat luas [harus dapat bagian besar], lembaga adat dan kas desa dapat sedikit*).

One villager thought that individual land owners should receive a share in accordance with the area of land or forest used. Only a few villagers mentioned the district (8%), probably because they assumed the district would receive taxes.
How should cash benefits from forests be shared?

Officials agreed uniformly that some profits should go to villagers. Most officials also thought, however, that a broader set of groups should benefit. Seventy per cent thought that the district should receive a share. More than half of the officials also thought benefits should also go to the village treasury and customary institution.

Most villagers (67%) thought that decisions about how benefits should be shared should be made through a village meeting (*musyawarah desa*) (Figure 23).

Officials (80%) said that benefit distribution should be determined in a contract between the community and the company that is copied to the subdistrict leader and district government. Most (60%) also thought that village regulations would be useful, and 40% said that a district decree should be made. Only about a third said that the decision should be determined in a village meeting.

People had very different views about how to share the cash benefits from other kinds of forest use, especially collection of high valued product such as gaharu (Figure 24). These products were usually collected by people in their own village or by groups organised by traders, and the profits were usually much lower than those acquired by timber companies.

Most villagers (58%) said a share of the profits should be allocated to the village treasury, and few (17%) thought that profits should go directly to community members. There appeared to be a general sentiment that these funds should be used for public village purposes. People may have been reluctant to frequently administer small amounts of funds or to take profits directly from fellow villagers’ proceeds.

---

**Figure 22. Who should receive part of the benefits from timber companies?** *Siapa harus mendapatkan bagian keuntungan dari perusahaan kayu?* (Village focus group and survey of officials)

**Figure 23. How should the division of profits from timber companies be determined?** *Bagaimana pembagian keuntungan ditetapkan?* (Village focus group and survey of officials)
All of the officials said that villagers should get a direct share of profits from forest use, and most thought that some of the funds should also go to the village treasury, the district or the village customary institution. Half of the officials interviewed thought proceeds should be shared with the church.

Villagers (50%) thought that decisions about how to distribute benefits from forest use should be made in a village meeting (Figure 25). Only 17% mentioned that village regulations should be used.

Most officials (60%) thought a community meeting and village regulations should be used. About 40% also thought a district decree would be appropriate.

Figure 24. Who should get a share of benefits from forest use? Siapa harus mendapatkan bagian keuntungan dari pemanfaatan hutan? (Village focus groups and survey of officials)

Note: Other – Should be used for public priorities first and then divided among the people; Public purposes.

Figure 25. How should the distribution of benefits from forest use be decided? Bagaimana pembagian keuntungan pemanfaatan hutan ditetapkan? (Village focus groups and survey of officials)
Box 6. Summary of principles about how cash benefits from forests should be shared

Villagers and officials agreed:
- Profits from company operations should be shared with villagers or used for public projects in the village.
- The decision about how profits from timber companies or other forest activities should be shared should be made in a village meeting (musyawarah).

Villagers more often noted that:
- Profits from other forest activities should go to the village treasury and not to villagers directly.
- There is a strong possibility that village treasury funds will be misused.

Officials more often noted:
- A share of the profits from any forest use should go to a range of groups, including village members, the village treasury, the district, churches and customary institutions.
- Decisions about how to allocate benefits should be based on village regulations, as well as contracts with timber companies or district decrees that regulate timber companies and general forest activities.
How should conflict be handled?

The community looks at the situation first and reports to the village head and customary head. After reporting, the violator is called. *Masyarakat melihat keadaan dulu dan lapor kepada kepala desa dan kepala adat. Setelah laporan, pelanggar dipanggil.*

*Punan villager*

If there is dissatisfaction with the resolution of a conflict, a person should send a letter to the [district] government and the government should mediate between the community and the company. *Kalau ada ketidakpuasan dengan penyelesaian kesepakatan, sebaiknya orang kirim surat kepada pemerintah dan pemerintah sebagai fasilitator antar masyarakat dengan perusahaan.*

*Forestry and Plantations Service staff member*

First step, send a letter to the company. Second step, go to the company’s office. Next step, send a letter to the government and demonstrate at the company office. *Langkah pertama, kirim surat ke perusahaan. Langkah kedua, datangi kantor perusahaan. Langkah ke berikut, surat ke pemerintah dan demo ke kantor perusahaan.*

*Yayasan Adat Punan member*

Letters are not effective to indicate dissatisfaction with an arrangement. *Surat tidak efektif untuk menunjukan ketidakpuasan dengan penyelesaian.*

*Phemdal staff member*

New types of income from forests and the resulting negotiations with companies and other villages have led to new types of conflict in Malinau. Most of these conflicts have been over:
- Violations by timber companies of their agreements with villages
- Location of village boundaries
- How forest should be used.

As a result, people in Malinau are interested in finding acceptable and effective ways of handling conflict among different groups. As different contexts of conflict require different approaches and the participation of different groups, we report separately on the three types of conflict described above.
Conflicts between villages and timber companies

Conflicts between villages and timber companies in Malinau have usually involved one village and one company. Village heads have usually negotiated the final agreements. In many villages, there was dissent or some grumbling about the agreements reached as not providing enough benefits, providing benefits to only a certain group of people or in giving access to areas of forest that should not be cut. These disagreements were handled internally in the village, and are similar to the conflicts described under ‘Conflicts over forest use’ (below).

Community members said that when they disagreed with a company’s activities or the company violated a village agreement, the most proper way to express dissatisfaction (Figure 26) was to:
- Write a letter to the company
- Write a letter to the district government
- Go to the company office.

Only a few people said that one should seize equipment (23%) or demonstrate at the company’s office (8%).

Most officials (70%) thought communities should express themselves through letters, and only secondarily take physical action such as going to the company office (20%).

These responses are interesting when compared with what villagers said was the most effective means for expressing disagreement (Figure 27). Only 9% thought a letter was effective. Instead, villagers preferred to seize equipment, go to the company’s office or to demonstrate. No one
thought that violence and the damage of goods should be used.

Regardless of the means of expression or protest, most villagers and officials agreed (Figure 28) that conflicts should be settled by the:
- Subdistrict leader
- Village head
- Customary head.

Some officials and villagers said that conflicts should also be handled by the:
- District leader
- District assembly
- Police or security.

Officials more often suggested that the head of the village assembly should help to settle conflicts.

One villager complained about the ineffectiveness of mediation by the subdistrict leader. He noted that in his village, the community seized the drilling equipment of the local mining company to protest violations of a previous agreement. The subdistrict leader was invited to mediate. He arranged for compensation of 30 million rupiah (about US$ 3000) to be paid to the village. The village had only received 5 million (about US$ 500) at the time of the interview.

Similarly, one village focus group noted that they would ideally expect the district government to be neutral in handling conflicts, but the villages’ experience was that the government took the side of the companies, making it difficult to settle conflicts fairly.

An official from the forestry service thought that all those who were responsible for the original agreement about the company’s activities should also be responsible for managing any resulting conflicts (Semua pihak yang telah menyetujui adanya kegiatan perusahaan tersebut). Two of the village focus groups also mentioned that it should be the responsibility of the people who signed the agreements to settle conflicts. One village group said that the district leader should handle conflicts, because he was the one who brought the companies to Malinau.

**Conflicts over boundaries**

Conflicts over boundaries usually occurred between or among villages. Although villages shared a common
understanding of their boundaries, there were frequently disputed areas or changes in what one village demanded.

Most villagers (64%) said that the proper way to express dissatisfaction about a boundary arrangement was to visit the offending village to discuss the matter directly with them (Figure 29). Most (63%) also thought this was the most effective way of expressing dissatisfaction in their experience. About a third thought a letter to the village was the proper approach and only 18% said that one should report the matter to the district government.

Most officials on the other hand thought that a letter to the other village was the proper means. About a third thought that conferring among villages was also useful (though not necessarily going to the other village).

People from both groups mentioned that conflicts should be settled in iterative stages, beginning with a meeting among the parties contesting the agreement, then bringing in the subdistrict leader as necessary, and finally, involving the district government.

Villagers and officials agreed that boundary conflicts should be handled (Figure 30) by the:

- Customary head
- Village head
- Subdistrict leader.

Although similar to the response for disagreements with timber companies, villagers thought that customary heads were more often appropriate for boundary conflicts, while officials thought the subdistrict leader was more appropriate. These preferences are the reverse of those for conflicts with companies.
Conflict over forest use

Conflicts over forest use occurred when people in a village disagreed about how forest should be used, especially whether or not to sell rights to a company to harvest timber or convert to other uses. Disagreements over gaharu collection (especially giving access to outsiders), rights to agricultural fields and their products, and inappropriate methods of fishing sometimes arose as well.

Village focus groups and officials both said that dissatisfaction should be expressed by going to the village head or customary head. Some villagers thought it would be appropriate to call a village meeting, and some officials thought a conflict should be reported to the village assembly.

Most village focus groups did not comment on the most effective means of expressing disagreement, indicating discomfort about discussing the question in front of village decision makers. Communities’ trust in their leaders varied among villages. In some villages, people trusted the village head, but not the customary leader. In other villages, the reverse was true. In yet other villages, people trusted a village secretary or other informal leader more. Villages also had factions that developed competing allegiances to different individuals.

Nevertheless, conflicts over forest use should be handled by the customary leader and village head, according to villagers (Figure 31). People said that the peraturan desa or village regulations should be used as a reference for making decisions. Officials agreed, but also thought that the village assembly, subdistrict leader, paramount customary leader and forestry service should be involved.

Officials tended to interpret forest use as issues related to large-scale land use by companies, while villagers tended to interpret it as issues related to products they collect and uses of the forest in daily life. This difference of interpretation may explain why more officials thought that conflicts needed to be settled at district levels of authority, and most villagers were content to settle things internally. Interestingly, forestry service officials were not among the 40% of respondents that suggested they take a role.

Figure 31. Who should be responsible for handling conflict about forest use? Siapa seharusnya bertanggungjawab untuk menangani konflik pemanfaatan hutan? (Village focus groups and survey of officials)
Box 7. Summary of principles about how conflict should be handled

**Villagers and officials agreed:**
- The village head and customary head in villages should play a role in handling most conflicts.
- For matters involving people or groups external to the village, the subdistrict leader should also be involved.
- The people responsible for signing an agreement should also generally be responsible for settling conflicts arising from it.
- Conflicts should be handled iteratively, progressing to higher levels of authority as necessary.
- Dissatisfaction with a timber company’s activities should be expressed through letters written to the company and, if necessary, government officials.

**Villagers noted more often the need for:**
- Visiting the village or company with whom the conflict occurred.
- Calling a village meeting as an appropriate means for expressing disagreement.

**Officials noted more often the need for:**
- Letters to be sent to the other party rather than visiting them.
- The village assembly and district offices to be involved in handling conflict.
How should information about government decisions be shared? (transparency)

The district secretary, assistants and relevant agencies should share information with communities about forest use and plans for oil palm. Sekretaris daerah, asisten-asisten dan instansi terkait seharusnya membagi informasi kepada masyarakat tentang pemanfaatan hutan atau rencana kelapa sawit.

Agency staff should explain the benefits and costs. They are like the communities’ parents and parents should not trick their children. Staf dinas seharusnya menjelaskan untung dan rugi, pemerintah daerah ibarat orang tua bagi masyarakat, seharusnya orang tua tidak menjebak anaknya.

Forestry and Plantations Service staff member

Information about forest use or oil palm plans is not enough yet. There should be awareness-building programmes about the feasibility and readiness of land for conversion to oil palm, explanations about the plans and the positive and negative impacts for communities. Informasi tentang pemanfaatan hutan atau rencana kelapa sawit belum cukup. Seharusnya ada sosialisasi kelayakan dan kesiapan lahan, penjelasan tentang rencana dan dampak positif dan negatifnya kepada masyarakat.

Yayasan Adat Punan member

Information is shared via extension agents or agency staff under the coordination of the subdistrict leader. The subdistrict leader is supposed to go to the village assembly, but there is a deficiency of staff and budget. Informasi dibagi lewat penyuluh atau staf dinas di bawah koordinasi camat. Sebaiknya, camat ke badan perwakilan desa, tapi ada kekurangan staf dan anggaran.

District Assembly member

The government should immediately have awareness-building programmes about plans for oil palm if the plans are already final. Pemerintah seharusnya segera mensosialisasikan rencana perkebunan kelapa sawit, kalau rencana sudah final.

District Development Planning Agency (BAPPEDA) staff member

There should be information about all mining in the village area. Seharusnya, ada informasi tentang semua penambangan di wilayah desa.

Paya Seturan villagers

Long distances, weak transportation and poor communication infrastructure make sharing information in Malinau costly and time consuming. More than one
village leader noted that he heard about an invitation to a meeting, but either had not received the invitation yet or could not afford to travel to the meeting.

There was also a perception that the government chose to share information about its programmes with only a few people, ‘Until now only certain people receive information’ *(Sampai sekarang, hanya orang tertentu [mendapat informasi]*) , according to a Phemdal staff member. As government forest programmes can generate income for some and impose costs on others, it can be important for everyone to know about the programme to help weigh its overall benefits.

Sharing information is important not only for its content, but also for the district to maintain its accountability to the general public.

Nearly all villagers from the focus groups (91%) said that they had not received sufficient information about district plans for forest use, such as small-scale logging (HPH mini) or oil palm *(kelapa sawit*)—two schemes promoted by the government with potentially the largest impact on the forest and surrounding villages (Figure 32). Village survey responses were similar. Most officials (70%) also agreed that there was not enough information.

The lack of information has made it difficult for people to know whether to support the district’s policies. One village head said that he received so little information about the rules for forest management that he was unsure of how to give his own opinion about matters *(masih ragu untuk menyampaikan pendapat karena kurang mengetahui informasi tentang peraturan pengelolaan hutan).*

Villagers made the following suggestions as to what should be done to get information to them and provide better transparency in decision making:
- District officials must explain their programmes directly in a general meeting with communities, especially when the policy changes.
- There should be information about forest uses that will profit communities.
- Companies and government officials must come to the village to openly explain their plans and responsibilities. This should be done directly in a general meeting with communities so that it is clear to everyone and the community cannot be deceived.
- The relevant person or company should come to the community to learn the opinions and priorities of the community.
• Companies should stay in open communication with communities.
• Former village heads should provide a smooth transition to the next village head by giving them information about district forestry or concession plans.

Villagers also described what information about forest management that they still needed (_Informasi apa yang berkaitan dengan pengelolaan hutan yang anda perlukan?_):
• National and district regulations, including their changes, so we can help manage the area according to the current law.
• District policies like Gerbang Dema (self-reliance movement) and HPH mini (small-scale concessions), and the role of the communities in these.
• Regulations that apply to companies and small concessions, and the sanctions that apply if they break them.
• Plans of the government and companies for forest and plantation (oil palm) management, including the purpose, location of work, and benefits for communities.
• The structure of small concessions (HPH mini) and their management system.
• Forest management practices of people elsewhere.
• Gaharu, particularly tools for detecting it and inoculating trees.
• Land tenure issues and boundaries. How many hectares one family can own.
• How to handle the problem of outsiders entering our land.
• Uses of forest in addition to timber.
• Mining.
• How to achieve economic development and self-reliance.

When asked who should provide information to communities, villagers and officials gave mostly similar responses (Figure 33):
• Subdistrict leader
• CIFOR
• District agency staff
• NGOs
• Village staff
• Customary institution
• Village People’s Assembly
• Government
• Other

Figure 33. Who should give information to communities? _Siapa seharusnya memberi informasi kepada masyarakat?_ (Village focus groups and survey of officials)

Note: Other – Who has a need should go to the village; The village development group (structure of pre-reform village government).

- How benefits are shared and how to make and manage agreements.
- Channels to use to inform government about our interests.

Both groups viewed the subdistrict leader as the major channel of information between the district and villages.
Only officials thought that extension agents should play a major role in providing information.

A number of villagers expressed the strong desire for communication to be two-way so that they could also give input and information about their forest situation and priorities to district officials. People did not elaborate, however, on how this might be done.

The majority of individual villagers (77%) felt free to give their opinion most of the time (Figure 34), particularly the village heads. Only one person (out of 22 respondents) said he did not feel free to express himself.

The remainder felt that they could give their opinion under some circumstances, but not others. For example, some people said they could not give their opinion during interactions with a timber company, in large meetings or in meetings outside their village. One person said that the companies knew the rules better (or at least claimed to), which made it difficult for villagers to challenge them. Another person said they only spoke if explicitly given the opportunity. Others felt shy and spoke more freely to individuals than they did in groups. It was noted that certain people always talked in meetings, and often did not give the chance for others to give their opinion.

Equally significant was the fact that most villagers (59%) felt they had the opportunity to give their opinion (Figure 35); village heads and members of the Kenyah and Merap ethnic groups were more likely to state this. Only 36% of all individual villagers felt they did not have such opportunity; Punan respondents and people from remote villagers were more common in this group.
Most of the villagers interviewed (70%), who were village leaders of one kind or another (see list of respondents in Appendix 2), said that when they gave their opinion, it usually had some influence. They were able to have their proposals adopted in village meetings (Usulan kadang-kadang dipakai dalam pertemuan desa), applied by fellow villagers (Ada penerapan di masyarakat, pola pertanian, the community applied the agricultural pattern) or fulfilled by government (Usulan air bersih akhirnya bisa diberikan, the clean water project we proposed was in the end given to us). This feeling of having influence occurred across all ethnic groups and regardless of village location.

Box 8. Summary of principles for sharing information about government decisions and transparency

**Villagers and officials agreed:**
- Villagers need to receive more information about district forest policies and decisions.
- Information should be shared via the subdistrict leader, CIFOR, district agencies, village staff and NGOs (in roughly that order of preference).

**Villagers said that:**
- District officials should explain regulations to villagers, preferably in community meetings that everyone can attend.
- District officials and companies should openly explain their proposed plans for forest use or conversion to villagers, preferably in community meetings that everyone can attend.
- District officials, companies and others with proposals for new forest uses should explain the benefits and costs of the proposed use to communities.

**Officials more often noted that:**
- The responsibilities of companies and government officials and the sanctions for disobeying them should be clear to villagers.
- Plantations of oil palm, small-scale concessions, land rights and new economic opportunities are subjects that villagers particularly want more information about, in addition to general information about district and national regulations.
- Communities should have the opportunity to speak freely with district officials or government, to explain their opinions and the priorities of the community.
- Most people have opportunities to express their opinions and feel free to do so in most contexts, especially within their own villages.
Conclusion

People in Malinau have many ideas about how decisions should be made about forests. The richness of ideas reported here provides a variety of options for further reflection. Many of the principles address areas of forest governance for which no clear regulations and precedents exist.

The summaries in each section highlight officials’ and villagers’ specific views for particular contexts. We have tried to show where these two groups agree and disagree to better understand the perspectives of each group.

Here we review the broader trends in the survey results. We examine where villagers and officials agreed and disagreed, where they suggested that improvements were needed and some patterns we observed in the responses.

Trends

Villagers and officials often agreed about principles in a consistent pattern. These areas of agreement suggest a set of core principles that the people of Malinau jointly support. These include:

- The village head and subdistrict leader should act to link decision making between village and district levels, e.g. decisions about village land use, spatial plans, boundaries, company negotiations, and conflict.
- The subdistrict leader should be the main channel for communication between villages and the district.

- Villages should receive income from forest use in their area, whether by companies or other parties. Some income should be used for public village purposes.
- Land rights, boundaries, regulations for forest management and government forestry programmes should be clear, and the information about them readily available to everyone in the communities.
- The village head, customary head and subdistrict leader should be the primary authorities at the village level. Each should play a lead role in decisions such as recognising rights and handling conflicts involving the village.

However, there was never full agreement about any principle, even within a group of villagers or officials. The agreements we report here only describe what more or most people believed should be done.

There were some clear patterns in the differences between villagers’ and officials’ opinions. For example, most villagers and officials disagreed in the following ways:

- Villagers wanted full community participation in more decisions or information exchange. Officials preferred representatives.
- Officials often gave more roles to the subdistrict leader and village assembly. Villagers gave more roles to the customary head.
- Officials generally wanted to involve people representing a range of positions in agreements or the acknowledgement of rights. Their responses were
almost mechanical in their repetition. They were more likely to name people from the district. Villagers named fewer people and more were at the village level.

• Villagers saw forest and village land management as primarily an internal village matter. Officials believed the district should have a strong role, especially in forest management.

• Officials wanted to allocate individual use or ownership right to village forests. Villagers thought rights to forest should be shared communally in the village.

• Villagers more often wanted to settle conflicts through informal actions, such as face-to-face discussions with their neighbours or fellow villagers, meetings or demonstrations. Officials more often said that letters should be sent and were inclined to recommend a formal set of procedures for appealing to district officials at higher and higher levels.

People’s hopes and expectations show where they would like to have improvements in local governance in Malinau. People from both government and communities made suggestions about how they thought governance approaches could be strengthened:

• The district people’s assembly could represent communities better if members met with communities more often in the villages.

• More people in communities would understand government regulations and programmes if district staff would explain them in village meetings.

• Regulation of forest management would help clarify rights and responsibilities, reduce conflict and enable wise use.

The inconsistent nature of some responses also suggests areas where further development of principles might be helpful:

• What are the legally required and appropriate documents for agreements about forestry activities (timber harvesting), boundary settlements and land use plans?

• What is the role of a private contract, berita acara (public announcement), district decree or district regulation in these agreements?

• How do the rights and authorities that apply to ladang (dry rice fields), forest, village lands and district land use relate to each other in a coordinated way?

• How should conflict be handled if informal mediation and negotiation fail? How could it be ensured that fair processes are available to all people, regardless of their status or economic capabilities?

• How many people are required to acknowledge rights or sign agreements to maintain a balance between cost effectiveness and efficiency on the one hand, and transparency and checks on power on the other?

• How can villagers’ detailed local knowledge of forests and practical understanding of their management needs, and officials’ detailed knowledge of regulations, government programmes and larger scale conditions be better linked to mutually inform each other?

• What kinds of checks and balances or other measures can be put in place to improve trust, transparency and accountability (to villagers) of the village head, the subdistrict leader and the district assembly members?
Nature of responses

People’s answers showed other patterns that may offer insights about how they think about local governance in Malinau.

Variation in answers

Officials tended to give the same answer more often compared to villagers. An average of 77% of officials gave the same answer to a single question, compared to 67% of villagers. On eight occasions, officials were unanimous in their answers, compared to only two occasions of unanimity among villagers.

Villagers’ highest levels of agreement (100%) for any one question were on responses that the village and customary head should sign agreements with companies. Their lowest levels of agreement (38% for the most popular response) were on matters related to timber company agreements—how to make the agreement, enforce it and who should handle conflicts about it.

Officials’ highest levels of agreement (100%) were on responses that the village head and subdistrict leader should be involved in mapping, the subdistrict leader should facilitate boundary enforcement, the village head should represent villages to companies and that communities should receive benefits from company activities or other forest use. The consistency of officials’ answers was therefore not just a repetition of existing regulations, since these are all newly developing issues for which there are no clear precedents.

Officials had the lowest level of agreement (40–50%) mostly about forest and land rights—about who should acknowledge rights to forest or have decision-making rights to forest or village areas, and the proper way to express dissatisfaction with a boundary agreement.

The difference in variation between officials and villagers may be partly explained by an underlying sameness in district officials’ view of governance. District officials shared work as members of a single, hierarchical government organisation where there was an official understanding of governance and legal definitions of the roles of different parties. For example, according Indonesian law, only the village head is authorised to represent the village in official matters such as a court of law or can appoint another legal representative. When officials said that ‘experience’ was the most important characteristic of a representative, it may have been an indirect way of saying that the representative should be the village head.

In contrast, villages in Malinau have diverse cultural histories, contexts, rules and systems for decision making. They can be more flexible in devising governance strategies that are adapted to the specific needs of a small group. Although they share many features, such as the musyawarah as a forum for collective decision making, villages’ customary institutions vary substantially in their details. This diversity contributes to Malinau’s cultural heritage and provides a healthy counterbalance to the homogeneity in government, but makes practical coordination difficult.

---

4 The average was calculated among the most popular responses, i.e. the highest percentage of officials’ (or villagers’) responses to a single answer in each table. For example, if 90% of officials answered ‘yes’, and 10% answered ‘no’ in a given table, the value of this case was 90%.
Some differences in responses may also reflect more about the scope of villagers’ or officials’ experience rather than differences in opinion. For example, officials were more likely to mention the need to involve extension agents in sharing information, while villagers did not mention extension agents at all. Villagers provided extensive detail about negotiations and conflicts with companies that might not have been evident to officials. Disagreements of this kind suggest the need for officials and villagers to better inform each other of their experiences with particular issues.

Other principles reflect clear differences in values, like some officials’ view that communities should receive individual use rights to forest, rather than communal rights.

**Gap between theory and practice**

Another pattern we observed was that officials more often said what should be the case according to the legal frameworks and theory. Villagers more often described the actual practice and difficulties of implementation.

Hence, district officials were consistent in their views about the roles of the village and customary heads as representatives and decision makers. Only a portion of villagers were consistently supportive of these roles, probably because the capabilities and performance of the village leaders varied in different locations.

Similarly, officials said that the village treasurer should handle public funds received from companies, while people in some villages noted that the funds would not be safely handled by such a person.

Officials more often mentioned the use of the village assembly or village regulations that did not yet exist (e.g. for handling conflicts with companies), while villagers described principles usually based on what was already functioning.

These differences may also reflect a cynicism that has developed in Malinau during the reform period. Villagers and officials often commented to us that the principles have become increasingly hollow in their meaning. Villagers especially wanted to move beyond slogans of ‘accountability and transparency’, ‘bottom-up’, ‘self-reliant villages’, ‘conservation district’ or ‘economic development and poverty reduction’, and see the district take more concrete actions that meet their needs.

**A need for more views**

We need to emphasise that the ideas reported here are not necessarily what ought to be done in Malinau. Our survey was a coarse instrument that captured only fragments of people’s ideas. Although most people made an effort to give thoughtful responses, they did have to speak spontaneously and for a limited time, owing to the nature of the survey. The statistics reported here should not be over-interpreted. Developing principles that different groups can agree on takes time and requires more in-depth examination of the principles and their coherence with each other.

We have also only shared the views of a limited number of villagers and district officials. Developing local governance in Malinau or elsewhere should—as time and funds allow—take advantage of the experience, technical expertise or different perspectives that a wider range of groups may have to offer.
Women, youth, the elderly and migrants, as well as subdistrict officials, officials from other agencies or levels of government and the private sector may offer important perspectives. Experience from other districts, NGOs or university specialists may also be enriching.

National or provincial legal frameworks and programmes need to be examined if legal consistency is desired.

What next?

We hope this book stimulates people in Malinau to further discuss and develop principles for how decisions about their forests should be made.

The district could arrange for committees to facilitate discussions about areas of governance that are still unclear. For example, a committee might focus on how rights to forest land should be acknowledged or on how agreements and negotiations with timber companies should be handled.

The committee could invite villagers from different parts of Malinau, officials from different offices and knowledgeable people from other places to give their views. Different points of view should be encouraged, acknowledged and debated. Supporting information should be available about precedents and existing regulations.

The committee could then make recommendations that are formalised in either a regulation or a decree. Some recommendations might require consultation with other districts or levels of government.

The hard part is putting the principles into action. Principles for governance are useless if they are not used by a critical mass of individuals on the ground.

Developing local governance

As local government gains more authority in Malinau and elsewhere, the opportunity for developing governance that is truly local and more relevant to local conditions is increasing.

People in Malinau and other forest areas have often been excluded from national governance frameworks. There should be better prospects under decentralised government for people in Malinau to influence policies and better meet their needs.

Local governance, however, is not a technical solution that can be dictated by central laws or transferred from one place to another. People need time, exchange of information and repeated opportunities to explore options and develop reasoned judgments that are meaningful to their own setting.

People also need time to develop governance that is a shared practice, where people and decision makers can test, modify, agree on and practise the principles that guide each other. This is especially true in Malinau, where diverse institutions for customary governance are still common. Agreements are bound to be modified further as people’s opinions develop further, inconsistencies become apparent, new information becomes available or contexts shift. Some disagreement and compromise is inevitable.
Developing local governance that is meaningful is therefore a challenge. We hope this book will help to make the challenge more manageable for decision makers, by showing where change may be needed and where the points of disagreement, variation or lack of clarity are greatest. We hope that by exploring the views of people in Malinau about forest governance, we have shown that there is also an abundance of ideas that provide options for what could be done. The decision about which principles are adopted is an exciting one, one ultimately to be made by the people of Malinau.
Appendices
Below is a consolidated questionnaire based on the questions used in this survey.

**Introduction**
The purpose of this survey is to better describe the views of different groups in Malinau about decision-making principles relevant to forest management. Some of these principles are expected to be the same and some different.

We hope this information will become input for discussions among communities, local government and the private sector to determine patterns of forest management that are useful for all parties and promote wise use of the forest in Malinau.

The results will be published in small book and distributed to people in Malinau. In addition, we hope that people in other places will be interested to learn from experiences in Malinau. All findings will be anonymous.

**A. General Representation**
1. Who usually represents communities?
2. Under what conditions should the whole community be involved?
3. Does the local assembly have a role in representing communities?
4. How should the local assembly represent communities?

**Acknowledgement of claims and rights**
5. Are rights to shifting cultivation fields (ladang) needed?
6. From whom?
7. In what form?
8. What kinds of rights need to be recognized?
9. Who should hold rights now and takes decisions about rights to ladang?
10. Are rights to village forest needed?
11. From whom?
12. In what form?
13. What kinds of rights need to be recognized?
14. Who should hold rights and takes decisions about rights to village forest?
15. Are rights to village territories (wilayah desa) needed?
16. From whom?
17. In what form?
18. What kinds of rights need to be recognized?
19. Who should hold rights and takes decisions about rights to village territories (wilayah desa)?

**Information**
20. Until now have you felt free to deliver your opinion?
21. Do you have opportunities to deliver your opinion?
22. Does your opinion have influence?
23. What kind of influence?

**B. For Contexts Involving Cooperation With Timber Companies**
1. How should communities negotiate with timber companies?
2. Who should represent communities in meetings between community representatives and companies?
3. How many people should represent the community?
4. Does this represent all groups/factions/sides?
5. Why?
6. What should be the requirements to represent the community?
7. How should a good agreement be done?
8. Who should sign agreements?
9. What form (of document) is best for an agreement?
10. How can the agreement be enforced?
11. What is the most effective way to indicate dissatisfaction?
12. Who should be responsible for handling conflict?
13. Who should get a share of the profits from a timber company's operations?
14. How should the distribution of benefits be determined?
15. Is there enough information available now about timber concession programs? If yes, give an example. If not, how should information be made available.
16. Who should provide information to communities?

C. For Contexts Involving Village Boundaries
Same as B1-16, but applied to village boundaries and other villages involved in negotiating with them. For example, how should villagers confer with each other to determine forest use?

In addition:
17. What approach to mapping village boundaries should be taken
18. Who should be involved in mapping village boundaries?

D. For Contexts Involving Regulation of Forest Management
Same as B1-16, but applied to regulation of forest management and the villagers involved in negotiating with them. For example, how should villagers confer with each other to determine forest use?

In addition:
17. What aspects need to be managed? For example, village or forest boundaries, shifting cultivation fields, forest (general), protected forest, water, fire, nontimber forest products, timber harvesting, timber theft, harvesting of fruits and hunting.
18. By whom? Why?
19. How should they be managed?

E. Recognition of Claims and Rights

Shifting cultivation fields
1. Are rights to shifting cultivation fields needed?
2. What kinds of rights?
3. From whom?
4. In what form?
5. Who needs to agree?
6. Do they need to be formalized?
7. Who currently holds decision-making rights?

Village forests
Same as E1-7

Village territories
Same as E1-7

F. For Contexts Involving Land Use Planning

1. Who should be involved in village land use planning?
2. Who should be involved in district land use planning?
3. How should communities be involved in land use planning (e.g. provide input to planning process, comment on draft land use plans, receive copy of land use plan)
Appendix 2. Field methods

Number of people interviewed:

27 people in 19 villages for individual villager survey (1–2 people in each village)

68 people in focus group discussions in 13 villages (2–10 people in each village)

10 people in 5 government offices (about 2 from each office)

3 people from non-governmental organisations based in Malinau (WWF, Phemdal, Yayasan Adat Punan).

Villages where people were interviewed for the individual villager survey

Batu Kajang
Bila Bekayak
Gong Solok
Halanga
Laban Nyarit
Long Adiu
Long Jalan
Long Lake
Long Loreh
Long Metut
Long Mirau
Paya Seturan
Pelancau
Punan Adiu
Punan Gong Solok
Punan Rian
Setulang
Tanjung Nanga

Position and ethnic affiliation of individual villagers interviewed

<table>
<thead>
<tr>
<th>Position</th>
<th>Indonesian equivalent</th>
<th>Ethnic group</th>
</tr>
</thead>
<tbody>
<tr>
<td>Customary head</td>
<td>Kepala Adat</td>
<td>Punan</td>
</tr>
<tr>
<td>Village elder</td>
<td>Tokoh Masyarakat</td>
<td>Merap</td>
</tr>
<tr>
<td>Village head</td>
<td>Kepala Desa</td>
<td>Merap</td>
</tr>
<tr>
<td>Village staff</td>
<td>Staff Desa</td>
<td>Merap</td>
</tr>
<tr>
<td>Village head</td>
<td>Kepala Desa</td>
<td>Merap</td>
</tr>
<tr>
<td>Villager</td>
<td>Masyarakat</td>
<td>Kenyah</td>
</tr>
<tr>
<td>Customary secretary</td>
<td>Sekretaris Adat</td>
<td>Kenyah</td>
</tr>
<tr>
<td>Village elder</td>
<td>Tokoh Masyarakat</td>
<td>Kenyah</td>
</tr>
<tr>
<td>Village head</td>
<td>Kepala Desa</td>
<td>Kenyah</td>
</tr>
<tr>
<td>Villager</td>
<td>Masyarakat</td>
<td>Punan</td>
</tr>
<tr>
<td>Village head</td>
<td>Kepala Desa</td>
<td>Punan</td>
</tr>
<tr>
<td>Village head</td>
<td>Kepala Desa</td>
<td>Merap</td>
</tr>
<tr>
<td>Village head</td>
<td>Kepala Desa</td>
<td>Punan</td>
</tr>
<tr>
<td>Village head</td>
<td>Kepala Desa</td>
<td>Punan</td>
</tr>
<tr>
<td>Village head</td>
<td>Kepala Desa</td>
<td>Pua/Kenyah</td>
</tr>
<tr>
<td>Village head</td>
<td>Kepala Desa</td>
<td>Pua/Kenyah</td>
</tr>
<tr>
<td>Village secretary</td>
<td>Sekretaris Desa</td>
<td>Kenyah</td>
</tr>
<tr>
<td>Head of forest mgt committee</td>
<td>Ketua Badan Pengelola</td>
<td>Kenyah</td>
</tr>
<tr>
<td>Village elder</td>
<td>Tokoh Masyarakat</td>
<td>Punan</td>
</tr>
<tr>
<td>Youth leader</td>
<td>Tokoh Pemuda</td>
<td>Punan</td>
</tr>
</tbody>
</table>
### Summary

#### Number of individuals interviewed by position

<table>
<thead>
<tr>
<th>Position</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Village heads</td>
<td>9</td>
</tr>
<tr>
<td>Village secretaries</td>
<td>2</td>
</tr>
<tr>
<td>Customary leader or secretary</td>
<td>2</td>
</tr>
<tr>
<td>Other</td>
<td>9</td>
</tr>
</tbody>
</table>

#### Number of individuals interviewed by ethnic group

<table>
<thead>
<tr>
<th>Ethnic Group</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Punan</td>
<td>7</td>
</tr>
<tr>
<td>Merap</td>
<td>5</td>
</tr>
<tr>
<td>Kenyah</td>
<td>10</td>
</tr>
</tbody>
</table>

### District government offices visited

- District Development Planning Agency  
  *(Badan Perencanaan Pengembangan Daerah, BAPPEDA)*
- Village Empowerment Service  
  *(Dinas Pemerdayaan Masyarakat Desa, PMD)*
- District Assembly  
  *(Dewan Perwakilan Rakyat Daerah, DPRD)*
- Forestry and Plantations Service  
  *(Dinas Kehutanan dan Perkebunan, Dishutbun)*
- Economy Section, District Secretariat  
  *(Bagian Perekonomian Setkab)*

### Villages where focus group discussions were held

- Batu Kajang
- Gong Solok
- Laban Nyarit
- Long Adiu
- Long Jalan
- Long Lake
- Long Metut
- Long Mirau
- Paya Seturan
- Punan Gong Solok
- Punan Rian
- Setulang
- Tanjung Nanga
Appendix 3. Glossary and Indonesian terms

**CIFOR**
Center for International Forestry Research

**Contract**
Surat perjanjian

**Customary head, leader**
Kepala adat, ketua adat, traditional position of authority and leadership of an ethnic and kinship group at the village level that was an inherited position, now selected by villagers and acknowledged with a district decree and paid a government stipend. Does not carry the same authority that it did before the integration with the Government of Indonesia when the customary head was the sole authority.

**Customary institution**
Lembaga adat, traditional norms, rules and leadership. Officials and some customary heads tend to see the institution as the customary head only, while villagers view it more often as the entire suite of traditional ways that define their ethnic culture.

**Customary sanctions**
Denda adat, usually verbal, but sometimes written, rules about fines and other punishments applied to infringements of village customary rules.

**Decree, executive decision**
SK, Surat keputusan, decision made unilaterally by the district leader, although in theory could be made by the village head or other executive officers as well.

**District Assembly**
DPRD, Dewan Perwakilan Rakyat Daerah, legislative body of 20 elected people that represent citizens. Citizens vote in two electoral districts that proportionally represent different subdistrict populations. The head is the ketua DPRD.

**District Development Planning Agency**
BAPPEDA, Badan Perencanaan Pengembangan Daerah

**District leader**
Bupati, the elected administrative head of a district

**District regulations**
Perda, Peraturan Daerah
<table>
<thead>
<tr>
<th>District secretary</th>
<th>Sekda, <em>Sekretaris daerah</em>, the second highest ranking executive official in the district</th>
</tr>
</thead>
<tbody>
<tr>
<td>Document</td>
<td><em>Surat</em></td>
</tr>
<tr>
<td>Dry rice field</td>
<td><em>Ladang</em>, a plot cleared from forest and cultivated initially for rice. Distinguished from <em>sawah</em>, which is an irrigated rice field. <em>Ladang</em> are planted to vegetables and eventually perennial crops such as fruit trees. They thereby maintain their value long after the initial 1–2 years of rice cultivation. According to customary practices in Malinau, people maintain rights to <em>ladang</em>, even after forest trees have re-established themselves</td>
</tr>
<tr>
<td>Economy Section, District Secretariat</td>
<td><em>Bagian Ekonomi, Setkab (Sekretariat Kabupaten)</em>, a subunit in the district leaders’ office</td>
</tr>
<tr>
<td>Forestry and Plantations Service</td>
<td><em>Dishutbun, Dinas Kehutanan dan Perkebunan</em></td>
</tr>
<tr>
<td>Government Systems Service</td>
<td><em>Tapem, Bagian Tata Pemerintahan</em></td>
</tr>
<tr>
<td>Meeting</td>
<td><em>Musyawarah</em>, formal meeting presided over by village head or customary head to seek a shared decision at the village or other level. Other meetings are <em>pertemuan</em></td>
</tr>
<tr>
<td>National Land Agency</td>
<td><em>BPN, Badan Pertanahan Nasional</em>, agency that registers land and provides land ownership certificates</td>
</tr>
<tr>
<td>NGO</td>
<td>Non-governmental organisation</td>
</tr>
<tr>
<td>Paramount customary leader, chief</td>
<td><em>Kepala adat besar</em>, traditional position of authority and leadership across a set of villages that share ethnic alliances</td>
</tr>
<tr>
<td>Public announcement</td>
<td><em>Berita acara</em>, document used to announce an interim or final decision that affects several parties, like a boundary or land use agreement. The <em>berita acara</em> is usually distributed to representatives such as village heads. It is sometimes, but not routinely, posted for public viewing</td>
</tr>
<tr>
<td>Subdistrict leader, head</td>
<td><em>Camat</em>, district-appointed administrator of villages, located in subdistricts or <em>kecamatan</em>. Malinau had nine <em>kecamatan</em> at the time of the survey, which it increased to 12 in January 2006</td>
</tr>
<tr>
<td>Village area</td>
<td><em>Wilayah desa</em>, an area claimed by a village</td>
</tr>
</tbody>
</table>
Village assembly  
BPD, Badan Perwakilan Desa, legislative body at village level of elected representatives. This new institution is not yet widely implemented in Malinau, as village units were being reformed. The first district decree establishing a BPD was issued in 2005. Also referred to as the DPR desa.

Village Empowerment Service (district)  
PMD, Dinas Pemberdayaan Masyarakat desa

Village forest  
Hutan desa, could refer to a protected forest, a forest allocated to a specific use or the entire forest in a village

Village head  
Kades, Kepala desa, elected administrator and authority at the village level. Although the position was created by the government and the government provides a stipend, in practice, many customary heads became village heads, thereby maintaining legitimacy internally within the village and ethnic group, as well as externally with the government.

Village leaders, elders  
Tokoh masyarakat, difficult to translate, this refers to the people in the village who are respected elders or decision makers. In practice, they are a small number of people who work closely with the village heads, an inner circle

Village regulations  
Perdes, peraturan desa

Village secretary  
Sekdes, Sekretaris desa, second-in-command in village administration and the person who stands in for the village head when he is not available. The secretary is appointed by the village head.

WWF-KM  
World Wide Fund for Nature – Kayan Mentarang (NGO)

YAP  
Yayasan Adat Punan (NGO)

Youth, women’s leaders  
Tokoh pemuda, wanita, these individuals may preside over a youth or women’s group at the village level and are accepted in the village as representatives or spokespeople for their group. They often have kinship or other close relations with the village head or tokoh masyarakat.
Appendix 4. Related publications


Limberg, G., Iwan, R., Moeliono, M., Sudana, M. and Wollenberg, E. 2004 It’s not fair, where is our share? The implications of small-scale logging on communities’ access to forests in Indonesia. Paper to Xth Meeting of the International Association for
the Study of Common Property, Oaxaca, Mexico, 9–13 August 2004.


Samsu, Komarudin, H., McGrath, S., Ngau, Y. and Suramenggala, I. 2005 Small scale 100 ha logging concessions’ contribution to regional finance: case study in Bulungan district. Decentralization Brief No. 2. CIFOR, Bogor.


Tokede, M.J., William, D., McGrath, S. and Gandhi, Y. 2005 Local people’s access to forest-based development opportunities in Manokwari district. Decentralization Brief No. 4. CIFOR, Bogor.


Many people want to improve the governance of forest areas, yet what is considered good governance is not necessarily self-evident or agreed upon by everyone.

This study demonstrates the diversity of views held by communities and government officials in Malinau, Indonesian Borneo about what they consider to be good governance. Each group described how they thought decisions about forests should be made, including how to represent interests, allocate land rights, distribute cash benefits from forests, share information and manage forests. Striking differences of opinion among villagers and officials suggest the need for more dialog and discussion about how to coordinate decision-making in Malinau. The results suggest a more general conclusion that defining “good governance” requires an understanding of local contexts and the participation of different groups in determining jointly held principles.