

## Establishing special use zones in national parks Can it break the conservation deadlock in Indonesia?

Agus Mulyana<sup>1</sup>, Moira Moeliono<sup>1</sup>, Pam Minnigh<sup>2</sup>, Yayan Indriatmoko<sup>1</sup>, Godwin Limberg<sup>1</sup>, Nugroho Adi Utomo<sup>1</sup>, Ramses Iwan<sup>1</sup>, Saparuddin<sup>3</sup> and Hamzah<sup>3</sup>

The 2006 regulation on national park zoning allows for 7 zones along the spectrum of conservation and use. This system will be difficult to manage and must be simplified. Two zones are recommended, for use and conservation. This will make the initial zoning definition and later management easier. Special use zones are to be established through formal agreement and managed collaboratively with the aim of integrating development for local people and conservation for the public interest.

### Introduction

Conservation in Indonesia has reached a deadlock. Protected areas—public assets that should be managed by government for the public good—are invaded, encroached upon and destroyed. Disputes arise regularly over who has usage rights in protected areas and for what purposes.

At the root of the problem is the fact that most protected areas are parks only on paper, created by a national government far removed from local communities inhabiting these areas. These protected areas are established by decree, often without official gazetting or operational management, without consultation or knowledge of local people, or without recognizing other sectors, such as mining, plantations or logging that may have previous rights in these areas. Conservation policy in Indonesia has been largely about excluding people and human activity from the 534 protected areas, including 50 national parks, covering a total of 28.2 million hectares.<sup>4</sup>



Settlement located within a special use zone in Gunung Halimun Salak National Park, West Java (photo by Yayan Indriatmoko)

Despite regulations and official designations as national parks, local people and local governments are asserting rights to use, control or even own land within the park areas. In many cases, claims are based on evidence of use before the park was designated. As part of the central government's effort to recognise such claims, the Ministry of Forestry is considering designating 'special use' zones. These zones would accommodate people who live within park boundaries or use the land, and would establish collaborative management. Two recent regulations support this. Ministerial Decree 'P.19/Menhut-II/2004 on collaborative management of nature reserves and protected areas' allows other parties to



Forest in Kutai National Park, East Kalimantan (photo by Yayan Indriatmoko)

be included in managing protected areas. Ministerial Decree 'P.56/Menhut-II/2006 on guidelines for zoning of national parks' provides a legal basis for the allocation of special use zones within national parks. As of 2010, few national parks are managed collaboratively and even fewer have a designated special use zone. Although codified in law, special use zones remain ill defined.

This policy brief presents a concept of special use zoning to address the conservation deadlock in Indonesian national parks and a critique of the regulation on national park zoning. The first section describes zoning as defined in government regulations. In later sections we describe a concept which was developed from three data sources: fieldwork in Kutai National Park; observations in Gunung Halimun-Salak National Park in West Java and Tesso Nillo National Park in Riau; and discussions with local people and organizations. We do not intend to provide a standard generic model, but rather an approach to developing specific models within the context of a particular national park.

In discussions with park staff, local people and members of the Karib Kutai<sup>5</sup> coalition we developed a vision of special use zone. It is an area within a national park where the presence of people and their activities is officially recognised and managed, which can enable simultaneous conservation of

the park's resources and development for local people. A special use zone can help overcome conflicts between local people and the national park, since it is an area where the needs of people and of the park can be reconciled. However, development of a special use zone cannot be achieved by decree alone, especially when the decree does not recognise different types of communities and their needs. A special use zone depends on the involvement and commitment of all stakeholders and must be based on a concrete agreement.

There is no simple solution to overcome the present conservation deadlock. Comprehensive, integrated and coordinated actions are required, to establish a special use zone. Each national park would ideally have its own model of special use zone, rather than a generic model for all parks.

## Zoning in national parks

Law no. 5/1990 defines a national park as an area designated to protect natural ecosystems and managed by the National Park Agency (Balai Taman Nasional or BTN) using a system of spatial zoning. A national park is to be used for research, education, cultural needs, tourism or recreation. This definition complies with the IUCN classification for national parks as Category II protected areas, established to:

- protect the ecological integrity of one or more ecosystems for present and future generations;
- exclude exploitation or occupation inimical to the purposes of designation of the area;
- provide a foundation for spiritual, scientific, educational, recreational and visitor opportunities, all of which must be environmentally and culturally compatible.

In Indonesia, different uses of a park are often given a designated zone. The zoning of national parks is regulated through Ministerial Decree P.56, which defines zoning as the spatial arrangement of the park in different zones. Zones are differentiated according to function and existing ecological, socio-economic and cultural conditions. Zoning is to be implemented in 7 stages: 1) preparation, 2) data collection and analysis, 3) compiling a zoning draft, 4) public consultation, 5) dissemination of zoning documents, 6) boundary demarcation and 7) official designation.

Decree P.56 also states that the designation and management of zones is to be based on:

- potential of natural resources and the ecosystem;
- level of interaction with local people;
- importance of the area.

The designation of zones also needs to consider: a) what kind of zones are needed; b) the area of each zone; and c) location.

The decree further states that a national park can have several types of zones: core or sanctuary, wilderness, marine protection in marine parks, use and other. The other types of zones include traditional use, rehabilitation, religious use, protection of culture and history, and special use. With so many types and types of use the degree still specifies three major types of zones: core, wilderness and use. Although the regulation prescribes specific and exclusive use zones, in practice many of these uses overlap.

Once a zone is designated, it can be revised in accordance with the development and needs of park management, changes in the ecosystem and changes in interactions with local people. The designation can be reviewed every 3 years.

The review process is not required, but it provides an opportunity to designate zones adaptively. Conversely, required review every 3 years might create or increase uncertainty, especially in the case of rights for local people

in special use zones. A review once every 25 years would make more sense, as this is also the time frame for park management plans (Rencana Pengelolaan Taman Nasional, or RPTN), made in agreement with all stakeholders.

The 7 steps for designating zones and the criteria for zoning as outlined in Decree P.56, mentioned earlier, are the standard reference for park managers. However, implementation has been difficult, zoning has not been set, conditions have worsened and new conflicts have arisen. In short, a deadlock has been reached. The policy has not been effective in responding to the many complicated, dynamic and ever-changing conflicts and challenges faced by a national park.

Based on our observations and discussion with park managers, we suggest the following reasons for this deadlock:

- the process of zoning has been implemented rigidly, not adaptively;
- there are too many different zones based on unclear criteria, open to wide interpretation;
- the decree only accommodates one type of community (that present before the park was designated), while in reality there are many communities with different relationships and rights to the park area.

## Special use zones

### Concept

According to Decree P.56, a special use zone is 'a zone to accommodate local communities that have been residing in the area since before it was designated a national park, or to accommodate public facilities and infrastructure such as telecommunication towers, roads and electricity installations'. Field experience shows that potential areas for special use zones differ from park to park. Thus, the definition and criteria for designating a special use zone should be adjusted to local needs and conditions. An example of specific conditions is given in Box 1.

We recommend a different definition for special use zones: a zone within a national park that accommodates the interests of local people. As part of the national park, a special use zone is managed under the rules that govern park

management. This zone can have additional rules developed and agreed upon by all stakeholders. Zone management is provided by a multi stakeholder organization specifically created for that purpose. This organization would receive its authority from the park agency and will be responsible for adhering to the park's conservation goals while providing opportunities for local development.

We also recommend that national park management should designate only 2 zone types: core zones, reserved strictly for biodiversity conservation, and special use zones. In some circumstances, 3 zones may be required, if core and wilderness zones must be differentiated. The special use zone is intended to accommodate all types of use mentioned in the degree, and to include those that contribute to local people's livelihoods.

## Box 1. Considerations for designing a special use zone in Kutai National Park

1. The government designated the national park in an area already settled by immigrants from Sulawesi who had arrived in several migration waves since the 1920s.
2. People continued to move into the area after the national park was created and the government ignored this large-scale encroachment by local people.
3. Local government has recognized, legalized and strengthened the presence of villages and communities.
4. National and local government authorities, private companies operating in the area and community members are pursuing development goals through building roads, markets, schools and office complexes; providing electricity and telecommunications, mining and converting forests to gardens and rice fields.
5. The national park agency lacks the capacity and enforcement authority to implement its mandate and lacks support from local government.
6. The Ministry of Forestry has an interest in maintaining sufficient area for conservation.

## Purpose

Designating an area within a national park as a special use zone should not be considered whitewashing illegal encroachment into state forest areas. Instead it is an attempt to overcome the deadlock in managing national parks. Special use zones allow for environmentally friendly and sustainable economic development within the pre-set limits of a national park's conservation goals.

The primary purpose of a special use area remains biodiversity conservation, but its secondary purpose is sustainable use to enable local users, stakeholders, to maintain or achieve a desirable level of wellbeing. Having only 2 zones, core and use, rather than the 7 currently designated is likely to make park management easier and provide a buffer zone for the core zone.

## General principles

Some principles apply to all national parks in Indonesia (for example, land remains state land), but others are to be developed in accordance with the specific needs and conditions of each park. We recommend these additional principles to determine the relationship between the special use zone and the whole park, and between the users, both individuals and communities, and the park agency.

1. The special use zone is an integral part of the national park, with clear boundaries agreed by all stakeholders and with direct geographical, social, economic or cultural links to the area outside the park.
2. Land and resources within the special use zone remain state land with a conservation function.
3. People may receive rights of use, management or access, but no rights of ownership.
4. Specific rules on who has rights, what rights are given and the responsibilities linked to those rights need to be developed and agreed on by the stakeholders.
5. All use must be environmentally friendly, based on principles of conservation and sustainability.
6. Local rules developed for the special use zones are binding on all people receiving rights to the special use zone.
7. The park agency should exercise its authority in a responsible and accountable manner, collaborating with and respecting other parties.

## Establishment of special use zones

For the establishment of special use zones within a national park, the first 6 general principles apply. To determine if a special use zone can be established, and if so where, requires that all stakeholders agree to a set of criteria, including those for conservation and sustainable development. Criteria may be environmental (health of the ecosystem), economic (acceptable level of wellbeing for the local people), social (equity among groups), cultural (cultural integrity and identity) and political (fair and equitable decision making).

Delineation and establishment of a special use zone must be implemented collaboratively and adaptively.<sup>6</sup> Criteria also need to be developed in line with the specific situation of each national park.

## Management of special use zones

In most cases, special use zones come under the general management criteria for the national park in question, as they are an integral part of the park. However, these zones also have their own rules. The general principles apply as much to managing special use zones as to setting them up. These special rules should be developed in collaboration and agreement among all stakeholders and brought together in a detailed spatial plan for special use zone management. These rules are binding on all parties, meaning all stakeholders.

The criteria for the establishment of these special rules are much the same as those for the establishment of special use zones, so the rules cover conservation, environmental, economic, cultural and political dimensions. Consequently, there will be far more criteria and rules than there are for the core zone.

Management of special use zones is the responsibility of a specific multi stakeholder organization, established for this sole purpose, and with a dual mandate to ensure biodiversity conservation and sustainable development. The organization will have authority granted to it from the National Park Agency (BTN) and will be accountable to all stakeholders.

## Assumptions

The idea that special use zones will help overcome the conservation deadlock is based on the following assumptions:

- The Directorate General of Forest Protection and Nature Conservation is committed to strengthening law

enforcement after the special use zone is established to create order and clarity on what is allowed and what is not. This is to be supported by regular monitoring.

- All stakeholders are willing and able to cooperate and collaborate, regulated through a Memorandum of Understanding clearly stating respective rights, duties and responsibilities.
- Law enforcement by the Ministry of Forestry is supported by other government agencies.
- Local governments and local people are willing to adopt the concept and take on management of special use zones.
- The government does not over regulate the process for establishing special use zones but allow opportunities to develop a special use zone in accordance with local needs and conditions.

## Conclusion

A special use zone can help solve conflicts between people and parks. The recommended concept elaborated above, offers space for (limited) negotiation, leading to the establishment of a special use zone and agreement on its management. Thus, a special use zone is not to be perceived as merely the designation of an area for special use, but rather as an agreement on location, area, rights, duties and responsibilities of all stakeholders and a clear division of roles and working agreements among all stakeholders. The special use zone remains an integral part of the park and therefore its main function is conservation of biodiversity. Economic development is possible when this does not conflict with conservation principles. On the other hand, the special use zone is also an integral part of the area beyond the park and its management must therefore be linked to regional development.

In responding to requests for the establishment of a special use zone, careful consideration must be paid to the regional context and the aspirations of local people and local government. Like all policies, the policy on special use zone needs to consider many aspects, especially since a special use zone is not one model to be applied in all national parks in the same way. The special use zone is an adaptive process that accommodates learning and change. The key is agreements reached through a clearly defined, fair and transparent process of negotiation.

This requires a paradigm shift from management by the Ministry of Forestry or park agency alone to collaborative and adaptive management by stakeholder groups, from managing a national park as an isolated unit to managing it as part of the overall region, including geographical, political, economic and social integration.

A second requirement is to revise the ministerial decree P.56 to allow the simplification of park zoning into 2 or at most 3 zones, and define a special use zone in a wider sense. Revision is also needed to allow a more adaptive application according to the specific conditions of any given park, specifically not defining the special use zone as one standard model.

However, the special use zone concept is not easy and is not a standard model. For each park, a different model needs to be designed. As often said by Wiratno, 'no single step can overcome the deadlock<sup>7</sup>. What is needed is a series of integrated, coordinated and complementary actions'. And this is what is offered by the special use zone concept.

## Endnotes

- 1 CIFOR team
- 2 Director of Pusat Informasi Lingkungan Indonesia
- 3 Yayasan Bina Kelola Lingkungan
- 4 Protected areas include 249 nature reserves, 76 wildlife refuges, 50 national parks (16.4 million ha, including 4 million ha of marine parks), 123 nature recreation parks, 21 forest parks and 15 hunting parks (Government of Indonesia 2008 Eksekutif Data Strategis Kehutanan 2007. Ministry of Forestry, Jakarta, Indonesia).
- 5 The Karib Kutai is a coalition with representatives from CIFOR, the NGOs PILI, Kawal Borneo Community Foundation, Yayasan Bina Kelola Lingkungan and Institut Hukum Sumberdaya Alam-Kaltim (IHSA), with OCSP-TNC, EsaCom and the Kutai National Park agency.
- 6 For details of the process, see Moeliono M., Limberg G., Minnigh, P., Mulyana, A., Indriatmoko, Y., Utomo, N.A., Saparuddin, Hamzah, Iwan, R. and Purwanto, E. 2010 Meretas kebuntuan: konsep dan panduan pengembangan zona khusus bagi taman nasional di Indonesia. CIFOR, Bogor, Indonesia.
- 7 Wiratno 2010 Conservation deadlock. <http://konservasiwiratno.wordpress.com/conservation-deadlock/> [17 April 2010].

[www.cifor.cgiar.org](http://www.cifor.cgiar.org)



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