

Resolving land conflicts in conservation areas

About 2.7 million hectares out of the 22.8 million hectares of terrestrial conservation areas (national parks and reserves) have been seriously encroached, highly degraded or converted and are hard to restore and even reclaim. Recently there have been discussions between the Ministry of Environment and Forestry and NGOs to include highly encroached conservation areas in the community-based forest management (CBFM) scheme, in the same way as the state forest areas under production and protection functions have been included.

Encroachment has become a recurrent problem for the management of conservation areas; unfortunately it is often detected and recognized after it has become severe and difficult to control. Encroachment can be blamed as the main cause of forest fires, conflicts between different land users, illegal logging, conflicts between humans and wildlife (i.e. elephants destroying agricultural plots; attacks by tigers), invasive species and ecosystem fragmentation. Even more important is the loss of control / management over the encroached areas.

Shifting encroachment into CBFM schemes seems to be the only workable option to reach a win-win solution. Through this solution indigenous people and local communities would gain legal access to the areas and in this way restore the control by the conservation areas. Ultimately it would allow to create buffer zones in critical boundaries.

Squatters in conservation areas involve different actors, operating at different scales and with differentiated access to resources and political power. They can be differentiated in four categories: (a) landless indigenous people, that have inhabited the area before the creation of the areas; (b) local migrants, who are indigenous communities living within the same district or province as the conservation areas and have moved into them after their creation; (c) Javanese immigrants, people from the island of Java who have migrated to Sumatra since the Dutch Colonial period and continued up to nowadays; (d) Sly opportunists, who are businessmen, land speculators, well-connected politicians or influential politicians who attract and back up squatters to secure their own business or interests. The latter actors range from small independent local or migrant farmers to oil palm and mining companies, and also small businesses and laborers 'mobilized' by external investors.

To date, actions to mitigate encroachment have not been based on the local economic, social and political realities of each area but established/proposed as general one size fits all solutions.

Given the different types of squatters and its associated political power, resources, social capital, motives, access and control of the land within and outside the conservation areas, a thorough mapping of the encroached areas is needed as a basis to develop conflict resolution approaches and to select the people that have the right to benefit of the CBFM scheme, and for those who have no right but are eager to a fair process should be given through a judge. With as ultimately goal has approaches and actions that will give a definitive solution to the problem and not only to temporary situations.

The mapping would involve: identify the people (squatters) that may obtain legal access to their encroached areas under the CBFM scheme; establish the size of the agriculture plot of each squatter within and outside the conservation area; classify encroached areas based on the squatter socio-economic condition, e.g.



encroached areas farmed by landless indigenous farmers or farmed by landless migrants or farmed by large land holders outside the conservation area.

One single approach cannot be applied for all the actors involved. Instead the individual needs and realities at local level should be taken into account when developing approaches.

Does the actual management of conservation areas have the capacity to map the squatters and resolve individual land conflicts?

In order to give an answer to the above question, first the following questions should be made: is the organizational structure of the conservation areas (number of divisions, sections, resorts) well designed, trained and adjusted to cope with local challenges?; are the number and quality of conservation area managers and technical staff sufficient to deal with those challenges? Is the conservation area administration, including its regulatory instruments, planning, financial, resource allocations and related systems, functional? And most important, is the staff well equipped, motivated, and protected from harassment? Does managers of conservation areas have the capacity and authorization to take decisions locally (be their own) to deal with such challenges?

So far, the above fundamental management issues have not been defined based on the specific challenges and needs of the conservation areas, but defined at national level based on general assumptions, blanket treatments and equalization of budget distribution. It is understandable if managers of conservation areas are powerless since the resources they receive from the Central Government and for which they are accountable don't match the real challenges they are confronted with.

The needs and challenges conservation area managers are confronted with should be the basis for any strategic action and the allocation of resources. In addition, given that most problems lie beyond their management authority, a strong political support from the central government, including the Ministry of Home Affairs and the Ministry of Agrarian and Spatial Planning, is needed for governance, law enforcement and management of the conservation area.

The central government ideally should help in resolving the encroachments sponsored by sly opportunist squatters through an integrated law enforcement and judiciary process involving the Commission for Corruption Eradication (KPK) and the Financial Transaction Reports and Analysis Centre (PPATK).

Conservation areas with an enhanced human capacity, better financing and support from the central government along with improving enforcement are key to resolve encroachment and subsequently CBFM establishment.

In short, governmental presence is required at local level to provide solutions to the problem. The "blusukan" of President Jokowi has to be implemented at local level.

Without the above mentioned solutions, land conflicts in conservation areas will be impossible to solve, and establishing CBFM in conflicting lands will only whitewash encroachments and worsen the conservation deadlock!



This infosheet is part of communication tools for the project of Tropenbos International Indonesia Programme in fostering dialogue, improvement for better capacity of communities, alternative resolution for long and severe conflict of land tenure, sustainable livelihood for forest community and the enhancement of better forest governance for sustainable forest and environment.

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Author: Dr. Edi Purwanto, Program Director of Tropenbos International Indonesia
Photos: TBI Indonesia



More Information:

Tropenbos International Indonesia Programme
Jl. Jend. A. Yani No. 68J
Bogor – West Java
Telp. 62-251-8316156
Fax. 62-251-8316257

www.tropenbos.org