

# Acknowledgement of the Customary Land Right for Indigenous People Surrounding the Lore Lindu National Park Central Sulawesi, Indonesia

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**Abstract** – The acknowledgement of customary land of the indigenous people is important since they become the first affected by the Park management in Lore Lindu National Park (LLNP)-Indonesia. Based on this statement, the objective of this research is to *provide an acknowledgement of the customary land right of the indigenous people at the Park area*. In order to achieve the aims of the research, mostly qualitative analytical techniques were applied. A qualitative approach with descriptive was used to analyze the park history, values and problems, acknowledge customary land right of local communities, and interests of the local communities. The result show that the indigenous people in general have a more complete knowledge of land use within their areas than any government officials, because their livelihoods depend on their understanding and their traditional system in managing forest for their lives. Other strains on indigenous people systems of land use have been government-approved forest concessions, transmigration schemes, and mines, these have reduced the land accessible to indigenous people and increased pressure on their remaining customary land right and denying their adequate rights of access and management of forest areas.

**Keywords** – Acknowledge, Customary Land Right, Indigenous People, Lore Lindu National Park.

## I. INTRODUCTION

Ever since human beings have inhabited closed to the protected areas, they have been facing two major challenges, first, to survive and improve their quality of life without destroying the supporting capacity of the ecosystems they are a part of, and second, to utilize the services these systems provide without entering into conflict. Various efforts that have been made to conserve the protected areas include the park at Lore Lindu in Central Sulawesi, such as the establishment of community agreements which aims to reach a balance between the goals of conservation and the welfare of local communities (Birner, 1999). This balance is often difficult to achieve, because there are trade-offs between these objectives and because the views, perceptions and priorities often differ considerably among the government, local people and other stakeholders. While local people particularly indigenous people according to their socio-cultural background, feel that resources within the park are accessible to them and that they have a **customary land right**, the regulations of the National Park imply that the National Park area is

managed according to a zonation system consisting of a core zone, forest zone, utilization zone and other zones (Act No. 5/1990).

At the present, the responsibility of managing the Lore Lindu National Park (LLNP) is fully assigned to management authority of the Park on behalf of the central government; the Park affects various groups (stakeholders) in the society. These groups include, first, the communities who live within or close to the park and, in particular, the people who use or derive an income from the natural resources, the people who possess knowledge, capacities and aspirations that are relevant for resource management, and the people who recognize a unique cultural, religious or recreational value (Borrini-Feyerabend, 1996). A second major group stakeholders are the government agencies, most notably the agency in charge of managing the LLNP such as: the local administrations, NGOs, and others.

The area of the LLNP is characterized by a high ecological and socio-cultural diversity. The Park is, for example, home to more than 80% of the endemic birds of Sulawesi and provides habitat to most of its endangered mammal's species (TNC, 2016). Due to its rich biodiversity and its high endemism, the Park was declared as one of the seventh important national park in Indonesia (CSIAD-CP, 2002.). The Park is managed by the Balai Taman Nasional Lore Lindu (BTNLL), an administrative office in Palu that is directly reporting to the Ministry of Forestry at the national level. There are approximately 145 villages in the vicinity of the Park (BPS, 2016). Half of these villages are located close to the Park, some are enclaves inside the Park, which known well as the traditional settlement of indigenous people (Mappatoba, 2016).

Against this background, the acknowledge of the customary land of the indigenous people that aims at resolving conflicting interests, thus reducing the major threats to the Park especially the park encroachment become an interesting concept. Therefore, the focus of this research is placed on the process of building a good understanding to take and give right and responsibility concerning forest land inside the park. In the other word, it's important to place emphasis on the role of indigenous people, since they become the first affected by the Park management in LLNP-Indonesia. Based on this above description, the objective of this research is to *provide an interesting overview concerning the process of*

*acknowledgement the customary right of indigenous people inside the Park.*

## **II. RESEARCH METHODS**

### *A. Selection of Research Villages*

Efforts to establish community agreements on nature conservation in the areas of LLNP had been done with five NGOs, one of them concern on the advocacy, it was NGOs YTM (Yayasan Tanah Merdeka), literally translated Free Land Foundation. The study aimed at concentrates on case of Toro Village, which categories as indigenous village. The selection of research village used purposive sampling method. Since this study has an explorative character, the village selection did not attempt to reach at a representative sample, but rather to identify interesting cases, from which important lessons can be drawn.

### *B. Collection of Primary Data*

Two types of collections primary data were developed, survey with using guide line questionnaire and direct observation. The guide line questionnaire was pre-tested in village near from Palu City. Meetings were held with members of the administrative organizations and sub-district leaders to familiarize them with the research project. Meetings were also held in the village in preparation of the research. The interviews were conducted together with two enumerators, and however, the main author directly conducted most of interviews. Editing was completed in the field location, therefore if any of the answers were incomplete; it was easy to collect additional information. Data collection was done in two phases; the first phase covered three months, then second phase for completing the data which finished by March 2017.

### *C. Interviews Stakeholders in Provincial Level*

Interviews with stakeholders at the provincial level were conducted using an interview guideline. These stakeholders include state agencies such as: the Regional Planning Agency (Bappeda), the National Agrarian Land (Department Badan Pertanahan Nasional-BPN), the Forestry Department, BRLKT (Soil Conservation and Land Rehabilitation Board (Balai Rehabilitasi Lahan dan Konservasi Tanah), and Natural Resource Conservation Board (Balai Konservasi Sumber Daya Alam-BKSDA), and the most important was BTNLL. Interviews were also held with several NGOs, which are organized in FKTNLL (Forum Komunikasi Taman Nasional Lore Lindu - Lore Lindu National Park Communication Forum). Information collected at this level focus on their perception and opinion related to the customary land right of the local people concerning the sustainable management of the Park.

### *D. Stakeholder Interviews in Village Level*

As indicated above, stakeholder interviews were also conducted to gather information from key informant in the village selected. Ten stakeholders were interviewed in this village, starting with the village headman. Other interview partners were identified using *the snowball system method*, e.g., by following the recommendations of former interview partners (Bryman, 2001:98-99). The guideline questionnaire was used in this interview. At this stage, interviews were held to get impression concerning

customary land right of the local people and the major conservation problems. In order to characterize specific issues, in-depth interview with the leader of women organization was also conducted.

### *E. Collection of Secondary Data*

Secondary data was collected to reveal the relationship between the conservation issues and the customary of indigenous right. The main data sources were the government policies related to National Park Management, Biodiversity Conservation, and Regional/Local Development (such as: laws and regulative instruments). This data was collected from relevant agencies at regional and local level. Important secondary data was also obtained from the YTM-NGOs. Statistical data on population, agricultural activities and the background of village development were collected from the sub-district and Regency offices.

### *F. Data Analysis*

Related to achieve the aims of the research, mostly qualitative analytical techniques were applied. A qualitative approach with descriptive was used to analyze the park history, values of LLNP, local community stakeholder analysis, resources and interests of the local communities, and acknowledge of the important resource problems in order to acknowledge customary land right of local communities. It was also important to analyze the driving factors behind the indigenous people to recognize their customary land inside the Park. This analysis can be classified as a situational analysis focusing on a particular event as well as an observational case study focusing on conservation issues. The aim of the qualitative analysis was to get an inside view of the perspective of the local indigenous people on the process of acknowledge their customary land right with regards to certain regulation.

## **III. RESULTS AND DISCUSSION**

In order to acknowledge the customary land right of the local/indigenous people relate to conservation problems in the Park areas, it is useful to consider the history, status and dynamics previous to the designation of this area as a National Park. Furthermore, the following description covers the important values of the park from the perspective of local people/indigenous people. The problem of deforestation is caused by many reasons, including economic pressure, cultural practices of the indigenous people, as well as the inappropriate government policy. All have a connection with the history of establishing the National Park in Central Sulawesi Province.

### *A. Overview of the Park Establishment*

The Government of Indonesia, represented by the Ministry of Agriculture, declared five protected areas as the first national parks in 1980, and then establish 10 additional parks, among of them the of LLNP by the Decree No. 736/Mentan/X/1982. Ten years later, in 1993, Lore Lindu was finally declared a national park, but the Park Authority itself was only established four years later in 1997 (Helmi, 2001).

The establishment of the National Park involved a lengthy consultation process, but with very limited

participation of local communities. The creation of a national park in these forest areas was first proposed in a FAO document. Shortly after this report was published in 1977, the forests around Lindu Lake were attributed “Protection and Tourism Forest” status by the Indonesian Government. In a follow-up report written in 1981, the

WWF made initial recommendations in keeping with those of the FAO, outlining ways in which the park could be set up. It was conceived as a composite of the two existing reserves onto which a large northern extension would be added, which excluded two enclaves, as Table 1.

Table 1. Stages in the Establishment of Lore Lindu National Park

No.	Description	Ministerial documents	Year	Area (ha)
1.	Proposed		1976	250,000
2.	Declaration of Intended National Park (Calon)	No. 736/Mentan/X/1982	Oct 14, 1982	231,000
3.	Approval (Penunjukan)	No. 593/Kpts-II/1993	Oct 5, 1993	229,000
4.	Inaugural/consolidation (Penetapan)	Decree No. 464/Kpts-II/1999	June 22, 1999	217,991.18

Source: Balai of Lore Lindu National Park (2016).

At current situation, this area of the park already become part of Lore Lindu Biosphere Reserve, the nomination as a UNESCO World Heritage Site, the designation as an Endemic Bird Area (EBA), the recognition as a Centre for Plant Diversity (CPD), and Global 200 Ecoregions (G200 Es), which categorized the most valuable protected area in Eastern Part of Indonesia (TNC, 2016).

#### *B. Values of Lore Lindu National Park*

The LLNP is considered small national parks in Indonesia, however, there is an important values of the LLNP which can be divided based on two types of interests: the conservation interests and the interests of the local people living in the surrounding of the Park (Faust, 2003). First, from the conservation point of view, the important values of the LLNP are the following: water catchment, Biodiversity Reserve which have species endemic to the Wallacea Region, tourism and recreation, intrinsic values and cultural significance of historic sites which already become World Heritage Site. Second, from the perspective of the local communities, the process of establishing the LLNP largely neglected local interests. Therefore, conflicts concerning land tenure and nature conservation over forest resources between local people and the Park authority have occurred frequently, because traditionally, the livelihoods of the local people had a close relation to their natural environment and the forests were a source of livelihood and contributed to the household income.

#### *C. Local Community Stakeholder*

There are various ethnic groups living in the vicinity of the LLNP, such as Kaili, Lindu, Kulawi, Gimpu, Behoa, Pekurehua and Bada. In certain parts of the Park, migrants have settled at least since 65 years from Toraja and Bugis, initiated by the influx of refugees from the Kahar Muzakkar regional rebellion in South Sulawesi (Accioli, 2011). Other migrants came from Jawa through a transmigration project, and the most important resettlement project is the resettlement project of remote indigenous people of Da'a and Kulawi ethnic groups by the Social and Forestry Departments in the middle of the 1970s. This indigenous people came from isolated mountains where their original area was declared as a protected forest. By the 1990s, with the improvement of the Trans-Sulawesi road in Sulawesi Island, the flows of spontaneous migrants increased

dramatically. Therefore, the heterogeneity among population is various, not only according to culture, religion, language, educational level, but also economic motives. Based on the different backgrounds of those ethnic groups, conflicts over natural resources easily emerged (Zerner, 1992).

Conservation programs have often treated local communities or indigenous people as opponents rather than partners. The complexity of the local communities in the vicinity of the Park is reflected in their efforts to get involved in park management based on their property rights, capacities and interests. They are either indigenous, or, due to migration, have a mixed population (Anzdec, 1997). The migrants often have an important economic position, but, according to the interviews with stakeholders, they do not a strong relation or interest in Park management. In contrast, the local communities, whose lives are closely link to the local resource base, often claim customary property rights to ancestral lands and rights to retain their own customary laws and traditions. With regard to the theoretical concept of property rights consider an enforceable authorities to undertake particular action in specific domain (Agrawal, 1999:82).

#### *D. Interests of the Local Communities*

Not every stakeholder among the local communities has equal capacities and interests in conserving a resource, nor are they equally entitled to have a role in resource management. Their role is necessary influenced by many factors, such as economic, human, social and political capital owned, and by conflicts or coalitions they have with regard to the Park values. In spite of indigenous people's concerns, population growth is a matter of fact in the research region, which has implications for conservation. This trend affects the need for food and shelter, and hence causes pressure to the National Park.

In general, the local people had a high interest in the Park based on their customary rights, obtained from their ancestors had in the past. The level of interests of indigenous people concerning the Park's resources depend on how close them to the forest resources. Mappatoba (2004) several indications of interests concerning the Park can be identified: (1) forest as source of income, and for collecting additional food material and, herbal medicine;

(2) forest as a symbol of belief and inspiration; (3) forest as a source of sustainable water, preventing flood, and storage of timber; (4) forest as a production factor for developing the village economy, and (5) forest as a land reserve for the next generation.

#### *E. Acknowledge of Conflict Resources*

Conflicts concerning the National park are rooted in the different perceptions and interests of the various stakeholders (Stevens, 1977). First, from an economic development perspective, forest products are economic resources, which can be exploited for accumulating capital to contribute to community development. Replanting or reforestation is seen as a solution for sustainability. Second, the conservation perspective emphasizes the importance of conserving natural resources for future generations. The third, a social ecology perspective looks at the role of social groups or communities to protect natural resources, emphasizing the ability of customary communities to manage resources in a sustainable way. Not surprisingly, conflicts and misunderstandings between agencies and local people cause of some of the most serious failures in the management of protected areas (Lewis, 1996). The source of conflicts can be identified: the demarcation of the Park boundary, park encroachment by indigenous people, and lack of coordination in the Buffer Zone Development. These major resource problems tend to contravention of laws and regulations, where it were designed to prevent the overexploitation of forest resources and to promote sustainable forest management Callister (2012). In accordance with the definition, illegal may include logging activities in protected areas, the logging of protected species, logging outside concession boundaries, extraction of more than the allowable harvest, removal of oversized or undersized trees, and harvesting in areas where extraction is prohibited.

Considering the historical background of Park promotion mentioned above, particularly in the “demarcation of the park boundary phase”, local people were left behind. As elsewhere, indigenous people were mainly seen as an enemy of sustainability of biodiversity within the protected area (Ghimire and Pimbert, 1997). However, traditionally, they have utilized resources from the park for their subsistence, as their ancestors did before the LLNP was established. The disappointment of local communities with regard to the park regulation was stated by a village leader as follows:

*“If I knew what was behind the establishment of the park border by the Forestry staff in 1982/1983, as a village headman, I would not have let the stakes to be put in customary forest lands. No more land available for extending our agriculture; surrounding us is forest, which is called LLNP”*

Without any compensation, the local people had to obey the national regulation to leave their customary land, which was converted to the national Park. At the same time, a number of senior government officials occupied considerable areas of land in the surroundings of the Park (Sangadji, 2001). The process of these land occupations

occurred in line with the implementation of several government development projects such as transmigration and reforestation. At the same time several businessmen also started to control lands, which strongly supported by the Government of Central Sulawesi, and the other hand, the existence of traditional customary rights was officially denied, in spite of the legal appreciation of customary law in Indonesia. In 1993, the then Governor of Central Sulawesi issued the Decree No. 592/1993, which states that in the region of Central Sulawesi Province, there is no customary land right (*tanah adat*).

#### *F. Acknowledge Customary Land Right*

In general, the local communities in the vicinity of the Park have long been practicing traditional cultivation systems in interaction with the forest, which indicates their ability in managing nature forest resources. It is a custom for them, particularly the indigenous people, to open forest in certain sites, which are controlled by the customary leaders according to their recognition of ethnic land rights. For example, the Lindu customary community, who lives in the enclave area inside LLNP, has applied a traditional zoning, which is similar to what the LLNP wanted to reach in the scope of a zoning plan based on the National Park Regulations (Mappatoba at al., 1999). This traditional zoning covers several criteria such as catchments area, altitude, slope, function of cover crops, and beliefs in supra-natural forces. According to these criteria, the customary land right was categorized into two types, *wana* and *suaka* (Silas, 2000). *Wana* is defined as an absolute protection area, which is characterized as a natural forest located in the steep slopes of the mountains and on the top or slopes of high-mountains and in catchments areas or near the lake. *Suaka* was the area in which the use were arranged by the community in a participatory process, which includes *suaka-suaka* with specific uses and represents communal and individual rights. The local knowledge on the *suaka* land system could strengthen the principle of conservation in line with function of LLNP. However, the implementation of the uniform forest policy in determining enclave borders has forbidden the customary community of the Lindu people to touch the forest product outside their borderline. This uniform border establishment around the enclave actually has weakened the principle of local conservation.

An interesting example of local community rights in the vicinity of the Park are the customary property rights of the Toro indigenous village, which was documented by a participatory land use mapping exercise facilitated by the NGO YTM. The customary community in this village was identified as a strong keeper of traditional customs. The local people have claimed their customary land rights inside the LLNP for them to manage according to their customary regulation, as described in Table 2.

Table 2. Types of Customary Community Land Rights in Toro Village

No.	Traditional terms	Zone types	Size (ha)
1.	Wanangkiki	Nuclear zone	2,300
2.	W a n a	Primary forest	11,300
3.	Pangale	Secondary forest	3,950
4.	O m a	Forest Area	5,400
	T o t a l		22,950

Source: Participatory Mapping of Toro Customary Community.

The area of 22,950 ha has been acknowledged according to their customary land status as follows: (1) a nuclear zone, which they call *wanangkiki*, (2) a primary forest area, called *wana*, where agriculture activities are forbidden but wood and non-wood products may selectively be harvested for daily use and consumption upon permission of the customary institution, (3) secondary forest, which once has been used for shifting cultivation and now is reserved for various kinds of non-agricultural activities according to traditional customary regulations – this area is called *pangale*, and (4) a forest area, which was divided into three different types based on the age of the forest, which is allocated for dry land farming (seasonal and perennial crops) and subject to certain protective conditions.

#### IV. CONCLUSION

Indigenous people in surrounding the LLNP generally have a more complete knowledge of land use within their areas than any government officials, because their livelihoods depend on their understanding and their traditional system in managing forest for their lives. Long established traditional agricultural systems of natural resource management are common, although over the years, they have been eroded by top-down interventions when demarcation of the park boundary. Other strains on indigenous people systems of land use have been government-approved forest concessions, timber plantations, estate crop schemes, transmigration schemes, and mines. These have reduced the land accessible to indigenous people and increased pressure on their remaining customary land right; denying their adequate rights of access forest areas. Nonetheless, traditional village communities forest management, often acknowledged by the government such as; traditional fire management system, sustainable resource harvesting system, recognize reducing illegal logging, conserving natural forests management, acknowledge land-use categories system.

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