

5. Wider Implications: National Forestry Law and Tenure Reforms

Background:

The Lampung experiences taught the ICRAF Land and Tree Tenure Programme a number of important lessons. First, that the needs and demands of communities are very diverse and require a varied set of tenurial options to suit their different circumstances. Secondly, that community forestry leases (HKm), while the best tenure option available at least for migrant farmers who do not claim prior rights to forest lands, is hard to apply and offers relatively little long term security. Thirdly, that the legal provisions in the forestry laws for protecting customary rights are extremely weak and underlie many of the tensions between the Ministry of Forestry and customary communities.^{liii} Fourthly, that the procedures set out in the forestry law by which the Ministry asserts its jurisdiction, have been very sloppily applied. Fifthly, that the way the agrarian law and forestry law relate is not well understood by the administration. *Reformasi* appeared to offer an opportunity for ICRAF to take all these issues up, through national level legal research and policy advocacy.

Indonesian forestry law draws on western systems of forest management, originally introduced by the Dutch, by which: forests are set aside as reserves for strategic purposes; are regulated by a dedicated forest service; local community rights are limited or denied; forests are conceived essentially as suppliers of timber and environmental services and; concessions in forests are allocated to the private sector. The system was long contested by the rural poor in Europe^{liv} and remains contested in Indonesia, where rural communities continue to depend on access to natural resources in areas claimed as ‘forests’.

There are no sound statistics about the overall numbers of Indonesians whose livelihoods depend on access to forest lands and resources. Estimates published by ICRAF suggest that some 26 million people live in or depend on resources in areas classified as State Forest Areas in Java alone.^{lv} Nationally, estimates suggest that somewhere between 30-95 million people depend on ‘forests’, though the figures are known to be unreliable.^{lvi}

Based on the Forest Act of 1967, the Ministry of Forests asserted jurisdiction over 122 million hectares, over 70%, of the national territory. By administrative agreement, the National Agrarian Office (BPN) did not seek to regularise tenures in this area. The Ministry of Forests treated almost all forest areas as forest lands ‘owned’ by the State. At least up until *reformasi*, it did not recognise communities within these ‘forests’ as having strong rights, and even the weak usufruct rights of customary communities that it did acknowledge were subordinated to State interests, including logging and plantations.^{lvii} Companies were however expected to carry out community development schemes in concessions, but studies have repeatedly shown these to provide few long term benefits.^{lviii}

^{liii} ‘Customary communities’ is the most succinct translation of the term *masyarakat adat* but ‘communities governed by custom’ is a better, if more cumbersome, gloss.

^{liv} Westoby 1987.

^{lv} Bratamihardja, Sunito and Kartasubtrata 2005.

^{lvi} See Colchester, Sirait and Wijardjo 2003:104-105 for a discussion.

^{lvii} Barber and Churchill 1987.

^{lviii} For much more detailed treatments see Fay and Sirait 1999; Fay, Sirait and Kusworo 2000; Colchester, Sirait and Wijardjo 2003; Fay and Michon 2004; Contreras-Hermosilla and Fay 2005.

ICRAF's response:

Since 1998, when ICRAF first engaged intensively in discussions about tenure with the Ministry of Forestry, the Land and Tree Tenure Programme has pursued a number of leads to push for more secure rights for communities in areas classified as forests. These initiatives, while in fact diverse and overlapping, can be grouped into four, being to:

- introduce lessons learned into the process of redrafting the Forestry Law
- secure greater recognition of customary (*adat*) rights in forests
- improve community forestry laws and regulations
- rethink the process by which lands are classified and gazetted as forests

Reform of the Forestry Law:

International development agencies began pushing for reform of the 1967 Forestry Act in 1989 but were unable to make headway against the strong vested interests in government and industry which controlled and benefited from the current order. The economic crisis which preceded *reformasi* however gave the development agencies greater leverage to insist on a participatory reform process as a condition of financial support. A coalition of NGOs, informed in part by ICRAF research and advice, pushed for the inclusion of stronger measures to recognise customary rights and provide greater security for community forestry. These efforts were only partially successful, for while the NGOs were in dialogue with the Ministry over one draft of the new Act, a shadow drafting team within the Ministry of Forests pushed ahead with their own version in a much less transparent way.^{lix} The law, that was then hastily adopted by the DPR, was thus much weaker than either ICRAF or civil society groups had hoped. Much to the disappointment of the national network promoting community forestry (FKKM), in which ICRAF participated, the new law did not include provisions to advance community forestry.^{lx}

Notwithstanding, two elements in the law can be seen to have been influenced by ICRAF's field efforts. The most obvious is that the law formally incorporates the category of 'Special Purpose Areas', as established by Decree in Krui, as a management area within State Forest Areas, which may be allocated to local communities. ICRAF is now working with communities in the Halimun watershed south of Bogor in Java to put this legal provision into effect and secure community rights within a protected area. The second achievement is that the law establishes 'customary forest' (*hutan adat*) as a recognised forest category. The gain came however with a serious qualification. The law defines *hutan adat* as falling within State Forest Areas, which are defined as forest areas where there are 'no rights attached'. Consistent with Article 18 of the revised constitution, *hutan adat* is conceived as areas of customary jurisdiction.^{lxi} In effect, both 'Special Purpose Areas' and 'customary forests' are considered to be special management units, not areas where communities' proprietary interests in land are admitted.

Adat rights:

Following the adoption of the law, ICRAF worked closely with the ex-Minister of Forests, Djammaluddin, to develop an advanced draft of a regulation, which would set out the procedure for the designation of forest areas as *hutan adat*. The national indigenous peoples' organisation, AMAN, and NGOs specializing in indigenous rights were sceptical of this approach, however, mainly because application of the decree implied acceptance of the Forestry Law and appeared to imply a

^{lix} See Silva et al. 2003 for a discussion.

^{lx} Colchester 2002.

^{lxi} UU 41/1999: Articles 8 and 34, and 5.3(2).

relinquishment of communities' claims to have stronger rights in forest lands. ICRAF thus let the initiative drop, given the lack of a mandate to pursue the idea from community organisations. Only very recently, following disputes about community logging operations in West Papua, has the Ministry revived its proposal to adopt regulations for the recognition of *hutan adat*.

During this period, ICRAF also carried out a participatory survey in Sulawesi and Kalimantan with the national indigenous peoples' organisation, AMAN, and the Forest Peoples Programme, to help communities think through just what kinds of rights recognition they were actually seeking from government.^{lxii} Parallel to this scoping exercise, ICRAF set up KEDAI (Discussion Group on Indonesian Custom) to include *adat* leaders and supportive NGOs and researchers to review changes in *adat* and explore ways of securing *adat* rights. A series of publications were issued by the group to stimulate reflection. ICRAF has also carried out a detailed participatory survey of land issues and boundary definition with SHK-Kaltim and the communities of Kutai Barat, with the aim of developing an acceptable process for the identification of *adat* communities, a necessary step in government recognition of rights. A method for identification of *adat* communities has been developed with local government support and is now being discussed with indigenous peoples organisations more widely.

National Assembly:

Civil society organisations became bitterly disappointed by the way, despite the rhetoric of *reformasi*, successive administrations did not act to restore rights in land to rural communities both inside and outside forests. During 2000-1, assisted by ICRAF advisers, they successfully asserted strong pressure on the National Assembly to pass a Legislative Act calling for overarching reforms in the management of the country's natural resources. Legislative Act No. 9 Concerning Agrarian Reform and Natural Resource Management passed by the National Assembly (MPR) in 2001 (TAP MPR IX/2001), instructs parliament (DPR) to completely overhaul the natural resource laws in order to strengthen the rights of communities and resolve conflicts over resources. The Act, which carries near Constitutional authority, was widely heralded as a major advance but its implementation has since been resisted by the Ministry of Forestry. However, in 2003, the MPR reiterated its insistence that the Forestry Law be revised (TAP MPR VI/2003) and reform of the law is slated during the DPR's legal reform programme (PROLEGNAS 2005-2009).

Community Forestry:

Efforts to provide benefits to forest communities in Java began under the Dutch in the 1930s. After independence these programmes continued and experiments were made, encouraged by the Ford Foundation, to promote greater consideration of community views and needs.^{lxiii} A critical review of these programmes carried out by ICRAF found that they were applied in a restricted number of areas, did not change the prevailing paternalistic style of management and brought only limited benefits to the few communities involved.^{lxiv} It was only in 1995, that the Ministry of Forestry was persuaded to issue a Ministerial Decree (SK 622/1995) which offered farmers the possibility of securing permits to harvest non-timber forest products from State Forest Areas. The decree was mainly applied in the drier eastern parts of the archipelago.

In 1998, ICRAF joined with many others in founding the informal national community forestry forum (FKKM) to push the Ministry of Forestry, still under Minister Djammaluddin, to give greater scope for community forest management. The result was a significant advance. SK 677/1998 allowed the

^{lxii} ICRAF, AMAN, FPP 2001.

^{lxiii} Colchester 2001.

^{lxiv} Bratamihardja, Sunito and Kartasubtrata 2005

Ministry to grant local cooperatives a **35-year** utilization ‘**right**’ (*hak*) in production, protection and conservation areas. It was hoped that this provision would be incorporated and expanded on in the revised Forestry Law the following year, with appointment of the first *reformasi* Minister of Forests.

This was not to be. The omission of measures on community forestry in the 1999 Forestry Law (UU 41/1999), obliged the Ministry to issue a further Decree, SK 865/1999, later that year, whose main purpose was to bring HKm into line with the new law. However, although ICRAF officially became a member of the formal National HKm Working Group in 1998, the new Decree did not increase community control as had been hoped. Even the word ‘right’ in the previous decree was dropped in favour of ‘**permit**’ (*ijin*). Despite successes on the ground, as in Sumberjaya, ICRAF had not been able to persuade the Ministry to offer farmers better community forestry options. Disappointed, ICRAF decided to focus its efforts on local implementation and it dropped out of the National HKm Working Group. In 2001, the Ministry issued a further Decree, SK 31/2001, which reduced community forestry permits to **25** years and excluded the option of issuing HKm permits in nature reserves. The decree did however, for the first time, allow communities to harvest timber. Today, the actual area under HKm permits nationally comprises only 210,000 hectares, less than 0.2% of the forest estate.

Gazettement:

The work of *Tim Krui* led ICRAF researchers to appreciate more fully the complex procedures that the Ministry of Forestry is meant to run through in asserting its jurisdiction over forests. Based on biophysical data the Ministry first of all ascertains the vegetation cover of areas and designates selected areas as ‘Forest Areas’, subsequently assigning them to categories as protection, production or conversion forests. In theory, the Ministry is then meant to demarcate forest boundaries with the principal aim of deciding which areas should be excluded from ‘Forest Areas’ because they are used for agriculture. The ground surveys should also ascertain which forests are encumbered with rights and so should be classified as ‘Rights Forests’ (*Hutan Hak*) and which are not encumbered with rights and so can be considered ‘State Forests Areas’ (*Kawasan Hutan Negara*). The boundary surveys are meant to include officials of National Agrarian Office (BPN), local government and communities. Only after they all sign off on the documents defining agreed boundaries, can the forests then be gazetted and marked as such on official maps. As ‘State Forest Areas’, the Ministry is then able to allocate these notionally unencumbered forests to concessionaires.

Detailed documentary research by *Tim Krui* revealed that, in fact, forests which are gazetted have often not been through the full process. Forms have been signed off by village heads on blank pages. In other cases community signatures have not been forthcoming. Forestry officials have overlooked these omissions and gazetted the forests anyway.^{lxv} The implication of this research is that areas that are in fact encumbered with rights are being wrongly classified as State Forest Areas, thus obscuring or denying the rights of local communities. In 1999, ICRAF’s expertise in this area was recognised by the Ministry of Forestry and the team was invited to assist the Ministry to advise on gazettement issues and develop procedures to deal with ‘enclave’ communities, which found themselves inappropriately subsumed into State Forest Areas. ICRAF’s publication of its findings raised eyebrows and not only in the Ministry of Forestry. As Fay, Sirait and Kusworo noted in an oft-cited article:

In the early 1980s, in what could be considered one of the largest land grabs in history, the government implemented a forest zonation system that classified most of the Outer Islands as forestlands. Seventy-eight percent of Indonesia, or more than 140 million hectares were placed under the responsibility of the Department of

^{lxv} De Foresta 1998.

Forestry and Estate Crops. This included over 90% of the outer islands. Estimates place as many as 65 million people living within these areas. According to the Department of Forestry, the creation of the State forest zone nullified local Adat rights, making thousands of communities invisible to the forest management planning process and squatters on their ancestral lands. As a result, logging concessions, timber plantations, protected areas, and government-sponsored migration schemes have been directly overlaid on millions of hectares of community lands, causing widespread conflict. Yet, in fact for many local people, traditional law, or hukum Adat, still governs natural resource management practices.^{lxvi}

One agency that was listening was the World Bank which, influenced by ICRAF's data, in 2002 initiated a project 'Towards a Rationalization of State Forest Areas in Indonesia' which recommended the excision of millions of hectares of the most heavily degraded and deforested areas from the forest estate and reassigning them to agriculture. The project was resisted by the Ministry, but the cumulative evidence, to which ICRAF made a significant contribution, that forest tenures urgently needed sorting out led the main donor organisations (CGI) to insist that tenure be one of the key issues dealt with in future forestry reforms. The Ministry responded by setting up the Ministerial 'Working Group on Tenure', to which ICRAF staffer, Martua Sirait, was appointed as Secretary. The multi-stakeholder Working Group, which involves the private sector, a number of Ministries, researchers and NGOs, receives a budget from the Ministry and convenes workshops to explore and explain tenure issues. It is in the process of developing links with the National Commission on Resolving Agrarian Conflicts (KNUPKA).

Influenced by ICRAF research,^{lxvii} in January 2005 the World Bank recommended that the government:

Create a single national land administration system: It would be highly desirable to have only one agency responsible for the public administration of all land in the country, including government, forest, mining, and non-forest land. This could help reduce duplication and introduce economies of scale by merging administration of land registration and tax administration. It could also eliminate the rivalry between BPN and Ministry of forestry and make it easier to monitor and enforce compliance. This does not imply that the single national agency would manage land. The responsibility for management would remain with Forestry, Mines etc but it would be important to clearly separate land administration from land management.^{lxviii}

ICRAF argues that redrawing the boundaries of 'forests' should be done not just to facilitate tenure recognition and improved livelihoods but also to ensure that landscapes are regulated to protect and secure 'public environmental services', thus ensuring that more lands are available to farmers while government agencies focus their capacity on regulating land use of those eco-systems where this is most needed.^{lxix}

ICRAF has also begun field research, in Bengkuntat in West Lampung, to find out what happens to farmers' lands and agroforests when they are excised from State Forest Areas. Preliminary results suggest that because the local administration does not recognise communal tenures, the agrarian reform office is parcelled up customary lands for titling as 5 hectare plots. While indigenous farmers are reluctant to get their holdings titled this way, partly because they don't want to start paying tax,

^{lxvi} Fay, Sirait and Kusworo 2000.

^{lxvii} Fay and Sirait 2004.

^{lxviii} World Bank Statement to Consultative Group on Indonesia, January 2005

^{lxix} Fay and Michon 2005.

absentee landholders and migrants are taking advantage of the opportunity to secure their rights in land.^{lxx}

ICRAF's findings have also contributed to, and been amplified by, a number of market-driven reform processes aimed at regularising forest management and improving the livelihoods of forest communities. A study of the challenges facing the application of the key social protections in the Forest Stewardship Council's certification standards, to which ICRAF contributed, revealed that only 12% of areas claimed as State Forest Areas have in fact yet been gazetted.^{lxxi} Moreover, subsequent ICRAF research shows that only some 8% of forest concessions within State Forests have been properly delineated. Most forest concessions, it transpires are technically illegal and, more serious, have been allocated without due consideration of community rights. ICRAF's legal insights into the social protections in forestry and other Indonesian laws were important in the development of a draft 'Legality Standard' elaborated by The Nature Conservancy and UK Department for International Development, designed to identify which timber exports from Indonesia are legal. The same findings have also been important in the new check lists of legality now being used by the WWF and in the elaboration of the draft standard of the Roundtable on Sustainable Palm Oil. These various standards are already beginning to be applied in concession areas, providing new opportunities for communities to negotiate with private sector operators and gain recognition of their rights.

Stakeholder perceptions:

Interviews with stakeholders carried out as part of this assessment showed a widespread appreciation of ICRAF's roles in these various processes. ICRAF is acknowledged as a centre of expertise, with practical on-the-ground experience, whose insights and advice have been channelled through government, legislatures and NGOs to promote reforms. Its inclusive and participatory approach is praised.

The obstacles which the reform process faces were also emphasised by a number of respondents. By and large, it was noted, the Government continues to treat forests mainly as a source of revenue and foreign exchange, favours large scale logging and assumes that all forests are owned by the State. Interviewees repeatedly emphasised the lack of will to reform, the Ministry's reluctance to delegate forest management to local communities and the limited dialogue that takes place with civil society. This explains the lack of progress in forestry law reform, despite the concerted efforts.

^{lxx} ICRAF 2003; Fathullah et al. 2004.

^{lxxi} Colchester, Sirait and Wijardjo 2003



Ex-Minister Djammaluddin, who recognised the *repong damar* of Krui as a Special Purpose Area, explains his vision for Indonesia's forests to Marcus Colchester.

Ex-Minister Djammaluddin revealed that the progressive decrees which he passed allocating management rights to communities in Krui and Sanggau were perceived by him to be exceptional cases where international scientific bodies (ICRAF and GTZ) could guarantee sustainable forest management, secure financing, guide local people and build up their management capacity and respect for Ministerial regulations. In future, he suggests, this role needs to be taken on by the private sector, as Perum Perhutani is doing in Java. While the Forestry Act does need revision, after careful assessment of strengths and weaknesses, it should be to encourage the private sector, which has enough financial security and capacity, to carry out extension to promote social forestry plantations. The Ex-Minister noted that, of course, land cannot be released to communities, though local people's needs must be accommodated.

Other interviewees, such as DPD representative, Ibu Komariah Kuncoro, and the Commissioner for Human Rights (KOMNASHAM), Abdul Hakim Garuda Nusantara, stress the need for reforms of the agrarian and forestry laws, to give stronger rights to communities. Chiding the Ministry for its lack of confidence in the legislature (DPD), Ibu Komariah notes: 'The Government needs to include the DPR, because actually the government doesn't have any natural resources, we do!' The Human Rights Commissioner predicts that unless reforms to give communities greater security in their forests are carried through, first at national and then at provincial and district levels, 'horizontal conflicts' will proliferate.

Conclusions:

The Land and Tree Tenure Programme has made ICRAF a nationally, even internationally, recognised centre of expertise on Indonesian forestry laws and land tenure issues. It works directly with communities to apply new tenure options and refine its research findings. It brings the lessons learned to bear on national policy. It is consulted by communities, NGOs, Government officials and development agencies alike.

It has deployed these skills and knowledge to effect reforms in Indonesia's national forest policy and related laws. Progress has been slow. The Ministry of Forestry has resisted fundamental reforms. Even apparent concessions to insistence on the need for change, like the KDTI and Sanggau decrees, turn out to have been due to recognition of the expertise of foreign agencies not of the rights of Indonesian citizens.

Box 9. International public goods derived from the Indonesia level work

ASB ('Alternatives to Slash and Burn') policy briefs and lecture notes have contributed to the international public goods (IPG) that derived from the land and tree tenure policy reform discussed here. A pre-condition for IPG status is international scale sharing of results and signs of 'uptake'. Google and Scholar.Google analysis shows that the Krui work is represented on a wide variety of websites and that it has become a 'living legend' in the more popular discourse on forest policy. The number of research publications and their citations in the research literature, however, is low. The ongoing Sumber Jaya work tends to have the opposite profile: good representation in Scholar.Google (esp. for the ecological work), but not yet as much in the popular website discourse.

Box 10. BASIS-CRSP: the next step in impact analysis of HKm

At the time of writing this report, further analysis of the impacts of the HKm application in Sumberjaya is ongoing. Researchers from the BASIS-CRSP project (including University of Michigan, IFPRI, Lampung University and ICRAF) and the RUPES ('Rewarding Upland Poor for the Environmental Services they provide') program focus on three aspects in the Sumberjaya subdistrict:

what factors contribute to the more rapid initiation of these forms of conflict resolution and 'rewards for environmental services' (RES) in parts of the landscape compared to other locations, the within-village distribution of costs and benefits of RES mechanisms, particularly those related to enhanced property rights, and the most appropriate institutional arrangements to enhance the benefits of RES for the poor.

The central hypothesis of this research is that environmental service reward mechanisms may provide marginalized social groups with new opportunities for generating income, obtaining more secure rights to land and water, and inclusion in environmental governance processes.

The questions to be addressed in this study require a combination of qualitative and quantitative research methods, which will be integrated with ICRAF's biophysical modeling work and the action research under RUPES. In Sumberjaya, community- and household-level interviews are being undertaken to generate data for analysis. At the community level, investigations focus on the processes that determine how communities learn about the program, form into the groups that are required to apply for the program, go through the application process, obtain the license, and carry out their responsibilities. The emphasis in this portion of the research is on questions related to bridging and bonding social capital. Bridging social capital is the network of social relationships that brings access to economic opportunities and special programs. Household level econometric analysis will focus on HKm's effects on people's land use and wellbeing. Utilizing a random sample of people using different types of land, such as privately owned land and forest land with and without HKm agreements, the investigation will focus on differences in the extent to which they adopt environmentally beneficial agroforestry systems, and differences in benefits they obtain as indicated by crop income and land values.

Source: Kerr et al. 2005. Property Rights, Environmental Services and Poverty in Indonesia. Basis Brief no 29.



The KDTI and HKM experiences are a light to the communities [in Halimun], showing that there can be negotiation, opportunity and recognition. They give the community a better bargaining position. This has encouraged communities to negotiate with the Ministry of Forests, knowing that there are precedents. Still, we have not yet agreed with what has been offered so far – PHBM – a form of join forest management. We are seeking a better deal

The slow progress should come as no surprise however. Indeed, as early as 1998, following its difficult experience in pushing through the KDTI, ICRAF had already concluded:

Any kind of progressive policy decision that entails a reduction of the current authority of the Department of Forestry would be strongly and deliberately resisted by most officers in a corporatist attempt to keep their privileges, even though the decision comes from the highest level.^{lxxii}

Reporting on its work during the past year (2003-2004), ICRAF again noted: ‘The policy environment at the national level over the period was not conducive to systematic discussions on land tenure as it relates to the Forest Area.’^{lxxiii} The conclusion seems to be that forestry law reform is going to be a long, perhaps incremental, process.

^{lxxii} De Foresta 1998:19.

^{lxxiii} ICRAF 2004:50. More candidly, the same report also noted that ‘the Department of Forestry at the national level recoiled and reacted like a cornered animal, stuck with nowhere to but forward but fearful to do so, seeing nothing but threats ahead...’ (Ibid:1).

6. Conclusions:

Based on all the above, it is possible to give substantiated if not definitive answers to the questions posed at the outset. Farmers are now better off in areas where ICRAF has applied its research findings and where new tenures have been secured. Although, since *reformasi*, many farmers now feel more secure in their lands without their, usually ill-defined, tenures having changed significantly, the legal processes where ICRAF has intervened have served to give farmers significantly greater security or fended off unwelcome intrusions. Farmers themselves are explicit that these are successes, albeit qualified ones, as the tenures so far conceded by the Ministry of Forests do not provide farmers and indigenous peoples the secure rights that they seek.

There have also been significant gains in terms of environmental services and protection of biodiversity. The *repong damar* system has, so far, cushioned protected areas against encroachment, while the shade and multi-strata coffee systems that are being established in HKm seem to reduce run-off and erosion compared to simple shade coffee and provide better wildlife habitat. The HKm approach has not yet been widely enough applied to make it clear whether it can stabilise the coffee frontier on the borders of protected areas. Opinions on this remain divided and the available evidence is inconclusive. Different views about the desirability of the various trade-offs between biodiversity and livelihood gains colour this discussion.

At the national level, the gains are less obvious. ICRAF has emerged as a centre of considerable expertise on forest law, which could prove significant in the current climate of concern about 'Forest Law Enforcement and Trade'. Insights from ICRAF's research have been critical in ensuring that community interests are accommodated in emerging standards of certification, legal verification and plantation development.

Although national legal reforms have not advanced as hoped, ICRAF has nevertheless contributed to some significant legal advances – Special Purpose Areas, Customary Forests, Community Forestry tenures – and helped open up a diversity of national fora where tenure issues are being examined. However, overall, the Ministry of Forestry has resisted reforms and, given this lack of receptivity, ICRAF has hesitated to push for further legal changes fearing that laws could be made worse not better.

ICRAF's role in securing all these advances is widely recognised but ICRAF does not claim to have achieved these gains on its own. On the contrary, ICRAF's approach has been to work collaboratively with community organisations, NGOs, other researchers and government. Indeed its role of convening different parties and providing technical assistance is one of the traits of ICRAF's Land and Tree Tenure Programme that is so appreciated. Building up the intellectual and negotiating capacity of partner organisations has been a significant outcome of the programme.

How many people have so far benefited from these activities and what are the prospects for scaling up? Giving answers to these questions is problematic. So far only a few tens of thousands of people have directly benefited from tenures that ICRAF has helped introduce – itself a significant achievement. Potentially, if current guesstimates of numbers of forest-dependent people are used, as many as 95 million Indonesians could benefit if advocated reforms were accepted in law and applied. One of the most welcome benefits to farmers, in

'forests', would be to relieve them from having to pay bribes to Ministry of Forestry officials, which, case studies show, can deprive them of around one third of their incomes.

However, the revised forest tenures that have so far been adopted by the Ministry are not easily 'scaled up', certainly not without a change of heart in the Ministry itself about the desirability of devolving forest management and stronger rights to communities. In the medium term, further gains are likely to be incremental, at best. Given the extent of international donor investment to promote social benefits in forestry since the 1980s, the gains may seem paltry.

Interviewees, and ICRAF's own internal workshop which pooled all these findings, identify a number of remaining knowledge gaps and policy dilemmas. The main one relates to the relationship between the agrarian and forestry sectors, an area of work that has become a particular focus of ICRAF work in the past months. Many, perhaps most, communities currently in State Forest Areas, would like their lands to be excised to avoid the conflictual relationship they experience with the Ministry of Forests. But would livelihoods and environments really benefit? Are secure and appropriate tenures achievable in agricultural land? Would indigenous communities be made more vulnerable in land markets outside 'forests'? What would be the incentives for farmers to maintain agroforestry systems so that they provide environmental services from their lands?^{lxxiv}

Successive administrations have shown little more interest in reforming land tenures than they have in reforming forest tenures. As one University lecturer interviewed for this study observed:

There is no genuine political will in the Government of Indonesia to solve land tenure problems in Indonesia.

There is still a long way to go before rural Indonesians regain their rights in lands and forests. ICRAF's Land and Tree Tenure programme has helped build up a formidable body of knowledge about the tenurial situation of agroforestry farmers in Indonesia. It has explored legal possibilities and procedural realities, revealing the practical implications of different tenures for improving livelihoods and securing environmental services. It has shared this information widely with government agencies, other researchers, development agencies, NGOs and, not least, with local farmers.

As a result, Indonesia is now much better positioned to apply new tenures and carry out further legal reforms, in informed ways. Official forums have been established to further explore these options, with the active involvement of academia and civil society groups, and piecemeal legal changes are happening. However, the political moment for wider tenure reforms has yet to come about. Indeed national reform processes in general, have been much slower than many citizens and policy makers had hoped at the beginning of the *reformasi* era.^{lxxv} Organisations like ICRAF, through research and local efforts, can help point the way forward, but only wider social forces can achieve the political breakthroughs necessary to secure long-lasting change.

^{lxxiv} ICRAF research into these important questions is underway and should begin showing results in the coming year.

^{lxxv} 'The legacy of the Soeharto regime was a dysfunctional, self-serving bureaucracy that resisted reform not because of ideological conviction but because of self-interest. Under Soeharto official wages were low, but so were workloads, and the opportunities for rent-seeking and profiteering were great. The result was a public sector in which efficiency and proficiency were at a very low level.' (Barton 2002:382)