

**Community Conservation Agreements as Institutions for
the Common Pool Resource Forest Margin: Genesis,
Performance and Contexts in the Napu Valley**

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“People know what they do; they frequently know why they do what they do; but what they don’t know is what what they do does” (Michel Foucault, quoted in Dreyfus & Rabinow 1982: 187).

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Abstract

This paper documents the processes of organizational change in the village of Watumaeta, located in the Napu valley, 103 km to the South of Central Sulawesi's provincial capital, Palu. Having a long established image of being a "worst case" in regard to leadership practices, social disintegration and deforestation in the area, within the last years Watumaeta has made substantial improvements in regard to community organization and the management of natural resources. The Watumaeta case shows that - far from being constant facilitating factors - one and the same "design principles" may have contradictory effects under different circumstances. The changes observed cannot be explained by conservationist motivations or equity concerns, but by the threat posed by socio-economic insecurity and mutual vulnerability. In contrast to Neo-institutionalist approaches based on "methodological individualism", this case study focuses on the cultural, socio-economic and institutional "embeddedness" of the common pool resource forest margin.

Keywords: socio-economic security, self-organization, local resource management

The question of the commons: state of the art and major challenges¹

At the root of all reasoning on the commons lies a somehow curious contradiction: are resource users primarily motivated by self-interest or are they motivated by a concern for co-operation, resource sustenance and the community as a whole? The so-called "rational actor model" which assumes strict self-interest as the primary motivator of action, has been the dominant conception among the early resource economists and informs much of Garret Hardin's thesis of the "tragedy of the commons" (Hardin 1968). In short, Hardin's viewpoint is that the individual actor is forced to make his decisions within the framework of a system that "compels him to increase his herd without limit – in a world that is limited" (ibid: 1244). Inherent in Hardin's conception is the belief that those who restrict themselves in the use of a commons resource will inevitably lose out in comparison to those who are not willing to do so. Because (according to Hardin) free use of the commons "brings ruin to all", problems related to the commons can only be solved by "mutually agreed upon" coercion (ibid). Social regulatory mechanisms such as reciprocity, communication and social cohesion are perceived as insufficient. There are two far-reaching implications in Hardin's analysis: the first is that only *coercive means* of control may be able to sustain common resources. The second implication is linked to the importance of *unitary ownership*, suggesting that only the state is capable of designing effective rules to prevent the impending "tragedy" (Dietz et al 2003, Gibson 2001).

However, an increasing number of field studies challenged Hardin's assumptions in showing that users in different parts of the world have developed a long-term interest in their resources. Confronted with often complex institutions and rules of access in the field, several authors emphasised that Hardin had obviously confused *common property regimes* with *open access* situations (e.g. Gibson 2000). Further, the effects of unitary ownership in form of government property were often disastrous. Due to a lack of enforcement and monitoring, former common property resources degraded often to open access resources.

¹ There exists some confusion in the literature in regard to the term "commons". The term "common property" relates to a resource characterized by joint ownership. A "common pool resource" on the other hand is a resource from which it is difficult to exclude potential users. Thus, "common property" relates to a certain management arrangement, whereas the term "common pool resource" is linked to the characteristics of a resource. Further confusion is added by the fact that both conceptions are usually abbreviated as "CPR". In this article, the term "commons" and CPR are used in the sense of "common pool resource". The term "common property" is only used, when its joint ownership is addressed.

Meaningful inputs were also contributed by “game theory”. Whereas early approaches formalised commons situations in terms of a prisoners’ dilemma, later attempts showed that Hardin’s conclusions hold true only under conditions when there is no communication, but are inadequate in real life situations. In its simplest form, the PD-dilemma poses a situation where two conspirators A and B are captured. If neither informs the police on the other, both face only light sentences. In case both inform on each other, both face heavy sentences. If A informs on B, A is set free and B receives a heavy sentence. The assumption underlying the “prisoners’ dilemma” is that given these payoffs, both will inform and produce negative results for both of them. As Kopelman et al. (2002) have documented, this so-called “one-shot” situation does not hold true if the game is played repeatedly and where conspirators are able to communicate with each other. A more realistic viewpoint was formulated by Olson (1965) in showing that collective action is hampered by a certain paradox he called the “free-rider-problem”. The free-rider paradox arises from the difficulty to exclude potential beneficiaries who do not contribute to the maintenance of the resource. Until the present, the most influential theoretical orientation in the investigation of the commons is the Neo-institutionalist school of economics. Highly devoted to the assumptions of the rational action model, the prisoners’ dilemma mechanics and the free-rider paradox, Neo-institutionalist scientists are primarily concerned with “incentive structures” in order to change individual costs and benefits in the direction of more co-operative action (Bromley 1992, North 1990).

In contrast to these broader theoretical approaches, case studies of sustainable CPR-management focused primarily on the “design principles” of commons institutions. Albeit these studies were very useful in identifying facilitating conditions in regard to resource system characteristics, user group aspects and institutional arrangements, they tended to ignore the contextual factors which facilitate a sustainable performance of commons institutions over time (Agrawal 2002: 45). Case studies often put more attention to the characteristics of functioning institutions than to the wider contextual situations within which they function (laws, market incentives, state policies and other “context variables” can only be ignored when they remain constant). Whereas the internal validity of these case studies is usually very high, their external validity was often limited. As Strathern (87: 5) points out, our concepts must be “dually constructed” which means that they must advance our comparative insight at the same time they should help to enhance our sensitivity to local realities. In his analysis of three prominent case studies, Agrawal (2002: 64) lists at least 36 conditions that “count” in successful CPR-management. There are several shortcomings of the design-principle approach. First, there is no agreed upon method of analysis and categorization of design principles. Second, several variables which are presented as facilitating group characteristics in different case studies such as “social capital”, “group identity”, “itinerancy” and “reciprocity” represent often not only “indicators” of a single underlying construct (e.g. “social cohesion”), but may also produce similar outcomes along the same causal chains. Therefore, some researchers have argued that analysis of CPR-management must shift from “correlation” to “causation” (e.g. Stern et al. 2003: 449). This is important because the effects of a certain variable may well depend on the condition of another variable or even on interactions between variables (see Agrawal 2002: 65).

Third, facilitating factors are often portrayed as if they would be relevant for *all* commons and institutions. Thus, despite the large number of case studies in the field, CPR-research has in most cases remained ahistorical. Fourth, in establishing facilitating principles and conditions, authors sometimes tend to adopt a simplistic view of reality. For example, Olson (1965) and Baland & Plateau (1999) believe that successful collective performance is better achieved if groups are small. Such a view however is of little value in a situation where the preservation of a large forest reserve needs an adequate group size in order to raise the necessary funds for monitoring and enforcement (Agrawal 2000). The same holds true for the “simple rules”-design principle adopted by Ostrom (1986: 611). Whereas simple rules may

work out better than complex rules under conditions of large and heterogenous communities, they may not do so in case of small forest using groups who are familiar with their environment and who are in possession of the relevant knowledge to understand complex rules of use and access (see Stern et al. 2003: 458). Fifth, the value of positive or negative correlations of sustainable resource management with several “key variables” (e.g. poverty, demography, commercialisation, heterogeneity) remains limited if such correlations do not consider the wider social, economic and cultural environment. Thus, does “poverty” lead to a higher dependence on CPR’s and resource degradation (Jodha 1986, cited in Agrawal 2002) or does increasing wealth foster higher investments and uncontrolled use of the commons (see Burkard, this volume). Whereas some authors stress that commercialisation destroys the social fabric of local communities, others point out that only commercialisation can generate the necessary surplus for investment in resource regeneration (Dolšak & Ostrom 2003: 19).

However, the insight is gaining ground that such conceptions tend to link environmental degradation in a rather simplistic manner with mono-causal variables. This finding is supported by an increasing number of macro- as well as micro-level studies. Thus, in their overall discussion of the main causes of deforestation in developing countries, Allen and Barnes (1985) could find no linear relationship between resource degradation and population pressure. Similarly, Varughese (2000) sees no clear connection between demographic changes and deforestation in his comparison of 18 hill communities in Nepal. Contradicting examples where “heterogeneity” induces or impedes co-operation are also to be found in the literature (Olson 1965, Dietz et al. 2002). In regard to the complexities of heterogeneity, Baland & Plateau (1999) suggested a threefold distinction between heterogeneity of *endowments*, heterogeneity of *identity* and heterogeneity of *interests*. However, as Agrawal (2002: 60) reminds us, in real life situations these categories are not at all mutually exclusive. More often than not, natural resources are managed by communities which are divided along multiple lines of difference (ethnicity, class, gender, descent) which may have quite contradictory effects. Further, there is the problem of intra-group heterogeneity in resource distribution when better positioned group members may obtain significantly more benefits from a common resource than others.

Whereas design principle studies tend to analyse static institutions on a single layer, recent approaches have stressed the need to look into nested sets of institutions in an attempt to find out how institutions are vertically and horizontally inter-linked (e.g. Berkes 2002). As Ostrom (1990) points out, it is very important that local communities obtain a right to devise their own rules and sanctions. Of the same importance however is the formal recognition of locally developed rules by government institutions because it puts local leaders into a better position to enforce them. Horizontal integration between local communities is crucial as well in order to avoid that rule breakers shift their activities to neighbouring settlements. Berkes (ibid: 316) has emphasized that if natural resource management becomes too decentralized, the necessary feedback between user groups of adjacent areas may be lost. Similarly, McCarthy (1999, cited in Agrawal 2002: 64) suggests that in the case of larger resources, authority relations are better organized in a nested fashion. Just as analysis of context variables must shift from correlation to causation, analysis of institutions must shift from static institutional features to institutional change.

In contrast to the “methodological individualism” of the Neo-institutionalist paradigm, McCay (2002) has argued for the adoption of a “situated choice”-view which sees preferences as being framed by larger commitments and socio-cultural phenomena. In her view, choices are always embedded into situations and contexts which structure the preferences of actors. The Neo-institutionalist tendency to reduce specific local situations to “free-floating” individuals fits well with another trend in social and economic science: the use of experimental methods in CPR-research. Experiments however cannot simulate an important design principle: the relation between the actors involved! A social network with its

overlapping and multiplex relations (including aspects of “social capital”) cannot be simulated in experimental situations. However, if we assume different “situated rational choices” (McCay 2002: 363) under different circumstances, it follows that decisions cannot be understood as a part of predictable processes. This makes it difficult to define cause and effect in local CPR-management. In general, research on CPR-management assumes implicitly that people believe that their actions have real effects on common resources. This however is far from being granted. Smith (1990, cited in McCay 2002) has emphasized that New England fishermen do not believe that their actions have direct effects on resources. Neither can they function as *causes of*, nor as *solutions to* problems of the commons. In their world view, the *natural processes* will always produce cycles of abundance and decrease of fish. Thus, there was little interest in the development of institutional devices and design principles in order to change the condition of the commons. Similarly, the genesis of institutions for the commons is often less informed by an awareness of resource degradation but by conflicting claims among resource users or by an attempt to reassume control over natural resources. There is no doubt that group characteristics such as “reciprocity”, “trust” and “shared identity” all work in the direction of co-operative solutions. As pointed out by McCay (ibid: 384) however, there is a fatal lack of knowledge about what creates, sustains and reproduces these conditions. Further, a one-sided concern with “reciprocity” or related social constructs obscures the fact that it is often less a lack of community cohesion, but a struggle over the legitimate rights and claims which defines local situations.

Despite the meaningful progresses that have been made in our understanding of CPR-management within the last two decades, there remain major challenges for research of the commons. (1) There is a serious lack of information about the question how organizations and institutions for the commons learn and adapt (see Fremerey, this volume). McCay (2002: 375) has argued for a “muddling-through”-approach, characterized by small steps with low initial costs in order to give communities the necessary room for manoeuvre and experiment. According to her, such steps should not be guided by larger values and goals in the first place. (2) Among other important questions, Dietz et al (2002: 14) point out to the need to look into initial situations and how they affect the emergence, performance and sustainability of institutions. Further they highlight the need “to understand how spatial and temporal heterogeneity in resource endowment creates opportunities for some to benefit at the expense of others”. (3) Stern et al (2003: 457) point out that “success” of the commons may be judged differently by researchers and resource users. Whereas the former may judge success primarily in terms of sustainability of resources, the latter may judge commons institutions by e.g. their capacity to provide income, to maintain community relations or to elevate poverty. (4) As will be pointed out below, a major challenge is not only to reconcile different interests related to the use of natural resources, but how to deal with heterogeneity in terms of different priorities and conditions of security. (5) An important question is how an increasing integration into markets may affect the management of CPR-resources. This is of special relevance in situations where new market actors (e.g. migrants) obtain access to a common pool resource and create a situation of “access pluralism”. (6) Last but not least, there is the concern of many researchers in regard to the establishment of sustainable linkages among institutions (Berkes 2002, Dietz et al 2002, McCay 2002, Stern et al 2003). Of course, the following case study cannot give answers to all the questions raised and it may suffer from the same shortcomings in regard to external validity as any other case study. However, it is hoped that the “Watumaeta Case” may shed some light on the importance of the social, cultural and legal-political embeddedness of commons institutions in showing how certain design principles may have contradictory effects over time, depending on the wider social and institutional environment in which they operate.

Watumaeta: A forest margin community in transition

The village of Watumaeta (ca. 400 households) is located in the Napu valley, about 100 km south of the provincial capital of Palu. After the island of Sulawesi experienced an unprecedented “cacao boom” in the late 90ies, the fertile forest border zones of the Napu valley became one of the major “cacao frontiers” in the region. Since then, competition for agricultural land among local and migrant small holders has resulted in a large scale conversion of secondary forests, often involving encroachment into the protected zones of the National Park (Burkard 2006). In regard to our understanding of the inter-relationship between issues of social organization on the one hand, and processes of ecological stabilization and destabilization on the other, Watumaeta is of primary concern. Not only are displacement, competition over resources and forest encroachment most pronounced in this village; the availability of more “in-depth” information allows us also to look in more detail into the micro-processes, relations, power constellations and social practices through which the observed differentiation has been created. While it is by no means suggested that Watumaeta is representative of all communities in Central Sulawesi, the problems of this village reflect to some extent those that may beset other communities in the future. Reflecting more or less the situation of the “tragedy of the commons” described by Hardin (1968) when our research started in March 2001, the development Watumaeta has undergone within the last six years shows that resource degradation is not inevitable, but depends on the responsiveness of the population to outer incentives of institution building and rule creation. Whereas this is linked to the overall “design principles” prevailing within the community, such as legitimacy of leadership, ethnic heterogeneity and the willingness of the actors to recognize the coexistence of different security interests in the community, the Watumaeta case highlights that the emergence of such “design principles” in turn depend on the wider socio-cultural environment in which regional socio-political events play a decisive role.

The foundation of Watumaeta dates back to 1930 when several families from the Napu communities of Wuasa and Sedoa as well as from the Kulawi valley on the western side of the National Park moved to the Watumaeta plain after the establishment of two large scale coffee plantations (*onderneming*) by the Dutch. The inhabitants of Wuasa, Sedoa and Kulawi speak three different languages and are regionally perceived as different ethnic groups or categories (*suku*). There are no data about the number of spontaneous settlers and migrants resettled by the Dutch, but there is no doubt that Watumaeta was an ethnically mixed and spatially dispersed community from the beginning. Thus, farmers asserted private rights of the first clearer to the new land they opened, but did not claim a collective right to ancestral territories (*hak ulayat*) as it is often the case in other parts of outer Indonesia (Evers 1995, Murray Li 2001). Consequently, traditional rules on forest conversion were almost absent and no well defined mechanisms to regulate resource use among community members could be found. Within the cyclical agricultural system (*shifting cultivation*) forested areas were embedded in the local tenure system and did not form a separate legal category. Preferential rights of a first clearer lapsed in case a plot/secondary forest was left idle for a certain time which was defined by the emergence of certain indicator trees (*mayopo*).

From the perspective of the settlement, the surrounding lands were cross-cut by spheres of control of different “swidden groups” (*robo*). The economic core unit however was not the “swidden group”, but the individual household. Families worked their plots on their own responsibility and transferred ownership and use rights to their offspring. The high degree of independence individual families enjoyed is also reflected in the fact that they could join and leave the *robo* freely. Families lived from and consumed the products of their own fields, but they lived not from the products of a common resource regulated by deliberate rules of access to products. In spite of the fact that ownership rights were not very elaborate under the given circumstances, the dominant property type was one of “individual ownership” rather than

“common ownership”. These individual ownership rights emerged from an “open access-system” rather than a “common property regime”. Individual plots were managed by strict reciprocal co-operation between households, but not by some sort of communal labour. Given the prevalence of a principle of free access to the forest, no institutional demand for the creation of “grass-roots organisations” in resource management existed. Thus, the role of the “customary community council” (*Lembaga Adat*) in resource management was not a paramount one under traditional conditions. In difference to secondary forests, primary forests were usually opened by the spiritually and physically robust community members (*tadulako*) who granted their plots to others on a long-term borrowing basis, the arrangement often encompassing several generations. Thus, the distinction between *borrowing* and *owning* a plot was as blurred as was the notion of *inheritance*. In an open access regime, inheritance is not crucial. Thus, it was handled in different ways by different families and most families did not regulate it in a formal oral or written manner. Rather than fixed plots were transferred from one generation to the next, the “family pool” was seasonally re-distributed according to the needs of the individual households.

The first outside intervention in local land tenure was the land registration in the seventies which was conducted within the scope of the implementation of the Basic Agrarian Law (BAL). Whereas according to the BAL (UU 5/1960, Art. 67) only land under cultivation can be registered, it was common practice to register forest patches marked by coffee trees and fallow plots of different ages as “reserve land”. With the establishment of the *Lore Kalamanta Wildlife Reserve* in 1981, Watumaeta villagers were *de jure* excluded from parts of the surrounding forests. Secondary forests located within the village territory however were still sufficient so that neither the land registration nor the establishment of the wildlife reserve involved significant disputes over land. The same holds true for in-migration and market penetration which did not seriously affect the social fabric of the community for several decades. Thus, coffee (and probably pepper), rattan and resin have been traded to the coast of Poso since the thirties. Whereas the first Toraja migrants settled in Watumaeta in 1945, the first Buginese from South Sulawesi entered Watumaeta in 1961. Since then, the number of both ethnic groups has risen steadily, but it was not before the mid-nineties that a combination of large scale in-migration, erratic land transactions and the closing of the forest margin as a major land provider caused an enduring reconfiguration of the agrarian structure. In difference to their predecessors, most of the Sudanese and Buginese migrants that entered Watumaeta since 1995 have already been successful export crop farmers before their arrival. It should be noted that most of them migrated not from their homelands, but from the village of *Kebun Kopi* some 150 km to the North of the Napu valley. As the major “push factor” migrants identified increasing tensions between migrants and locals as well as the frequent landslides in their former place of residence. Their choice for Watumaeta was determined by various “pull factors”, such as good transportation links, the availability of extensive, flat forested areas which seemed well suited for cacao cultivation and last but not least a responsive village administration that was eager to equip newcomers with agricultural land immediately after their arrival. Ironically, the immigration stream coincided more or less with the integration of the *Lore Kalamanta Wildlife Reserve* (and thus a significant part of Watumaeta’s forest margin) into the newly established *Lore Lindu National Park* (Taman Nasional Lore Lindu) in 1995. In contrast to the popular view, this administrative change did not imply a change for the worse in regard to the use rights granted to local people by the law. What was more important instead was an increase in public attention as well as a tighter supervision of activities in the forest through the establishment of the local National Park branch office in nearby Wuasa.

Lured by low land prices, a second wave of (predominantly Buginese) in-migrants came during the economic crisis (*krismon*) in 1997/98, when the US dollar tied returns to cacao increased seven fold (Ruf & Yoddang 1999: 248). As can be observed all over Central

Sulawesi, there is a tendency of the Buginese in Watumaeta to establish themselves as a large and economically powerful group in the Diaspora. Our village census conducted in July 2001 showed that at this point of time the Buginese made up already 47,8% of all Watumaeta villagers. In contrast to the various “mixed cropping strategies” and the delicate “subsistence-cash crop balance” adopted by the local population, the Buginese economy is dominated by the export sector with a preference for cacao production. The most seriously felt impacts of in-migration in Watumaeta were thus of demographic, not socio-economic nature. Supported by the high cacao prices during the economic crisis and the availability of cheap land, Buginese and Sundanese migrants became not only the most wealthy peasants in Watumaeta, but also the biggest landowners. Local farmers, on the other hand, found themselves increasingly displaced from their resources and livelihoods, often forced to make a living from a combination of rattan collection and wage labour.

There are four major peculiarities linked to the process of displacement in Watumaeta. First, as pointed out by Li (2001: 90), displacement from resources occurs not via the appropriation of forest by commercial concessionaires. Instead it occurs piecemeal, as a result of individual negotiations and transactions. The second feature of the processes observed is the small portion of permanently cultivated plots in these transactions. Thus, more than 90% of all plots transferred to migrants by locals (households and village head) have been secondary forests and fallow land of different ages. In only one case a wet rice plot (sawah) was alienated. In contrast to the Palolo valley, there has not occurred a significant conversion of wet rice fields into perennial estates. Third, the lion’s share of the plots transferred concerned not land inside the prohibited forest area, but consisted of forest and grass land located within the village boundaries. Watumaeta migrants do not fit the image of the land hungry, spontaneous settler who encroaches randomly into the forest. Being newcomers with only a limited bargaining power at hand, migrants are taking pains in obeying the law and are reluctant to open a plot without consent of the village administration. As Potter (1996, cited in Murray Li 1999) observed in Kalimantan, rather than spreading into the forest interior, Watumaeta migrants “tend to stay close to the road itself as their point of access to markets” (ibid: 29). The most striking fact however is the small amount of plots sold to outsiders by individual local households in comparison to those which shifted hands via the village head. Our survey on the acquisition of 75 plots operated by migrants (see table 1.) support rumors in the village which accused the village head of transferring large tracts of fallow land claimed by local families to outsiders.

Thus, only 13,3% (n =10) of the sample plots transferred to migrants have been sold by individual households with seven out of 10 transactions taking place from 1997 to 1999. These permanent land sales were conducted first of all to pay medical treatment, to cover school fees, to repair houses and to fulfil ritual obligations. In none case have plots been sold to cover agricultural investments or to acquire luxury goods. The concentration of private land sales within this time span is indicative of the overall situation non-tree crop farmers faced during the economic crisis (see Sunderlin 2000). In contrast to the price increase of cacao, returns to the locally dominant non-rice annuals (*palawija*) diminished significantly at the same time input prices for fertilizer rose steadily since the end of 1998 due to the exhaustion of imported stocks (Ruf & Yoddang 1999: 250). Thus, the increase of private land sales during the crisis cannot be understood in isolation from the wider economic circumstances.

In our data base, 37,3% (n = 28) of all plots owned by migrants have been obtained from the village head. This is 43,8% of the whole land area transferred. In terms of share of plots this figure is almost identical with the portion of plots provided by fellow migrants (n = 29). In regard to the total land area involved however plots provided by fellow migrants amount to only 36 ha in comparison to 55 ha which were obtained from the head. Further, 9 out of 36 ha were not transferred on a permanent basis, but on the basis of borrowing (*pinjam garap*). In addition, one must keep in mind that much of the land obtained from other migrants shifted

hands via the village head before. For example, the first Buginese migrant obtained almost 10 ha from the head, which he sold afterwards to his companions. Table 1. shows from which providers and in which manners migrants acquired their land *prior to* the economic crisis (phase 1), *during* the economic crisis 1997 – 1999 (phase 2) and *after* the crisis (phase 3).

Table 1. Land access and land providers

time plot obtained	access type	land provider				total
		migrant household	local household	village head	absentee landlord	
PHASE I (before 1997)	purchase	1	2	4	0	7
	inheritance	1	0	0	0	1
	grant	0	0	5	0	5
<i>total</i>		2	2	9	0	13
PHASE II (1997-1999)	purchase	6	7	4	0	17
	inheritance	7	0	0	0	7
	bagi tanah	0	0	2	0	2
	pinj.garap	0	0	0	3	3
	grant	1	0	0	1	2
<i>total</i>		14	7	6	4	31
PHASE III (since 2000)	purchase	5	1	6	0	12
	inheritance	1	0	0	0	1
	bagi tanah	0	0	7	0	7
	pinj. garap	7	0	0	4	11
<i>total</i>		13	1	13	4	31
		29	10	28	8	75

Before the crisis, the common form of land access for migrants was either purchase or a “grant” from the village head which usually included an administration fee. Whereas the head’s practice of selling land against cash continued, no grants of plots occurred during the crisis and afterwards. Instead the opening of a new frontier area in 1998 was accompanied by a new agreement, called *bagi tanah*, literally “land division”. Within this arrangement, a migrant obtains a tract of secondary forest without immediate compensation against the obligation to convert it into a cacao plantation which will later be divided between land provider and receiver on an agreed division scheme. Such exclusive land-sharing arrangements exist only with newcomers; locals are definitively excluded from this kind of access. Thus, the way migrants obtained land changed, but it is obvious that the village head exerted a strong continuity in his role as major land broker. Whereas land acquisition from other migrants (either by purchase or inheritance) is rising between 1997-99 and then diminishing again, since 2000 migrants borrowed their land more and more from other migrants. In the same time, the role of absentee landlords living in the provincial capital of Palu increased considerably, who rented out 20% of all plots worked by migrants. Absentee landlords own relatively large tracts of land between 4 and 10 ha each, which they cultivate with long term tree crops such as candlenut, teak and agathis. New migrants – often coming from Palu – plant vegetables between these trees and, at the same time, they fulfil the task as stewards or guards of the absentee landowners plots (in general absentee residents purchased the land from the head). There is a clear differentiation process within the migrants community: whereas first generation migrants are powerful landowners, second generation migrants have to start as borrowers of the longer established migrants or the absentee landlords.

Of course, the fact that migrants have increasingly to rely on land borrowed from their fellows has something to do with the fact that forest reserves outside the National Park are meanwhile exhausted. A supporting factor for the leaders' position in the delineation of land is his knowledge about non-registered land. Because the population data record is kept under lock by the village head, other village officials have no reliable information on the actual number of plots transferred and the number of migrants living in their community. During our field work in 2002, neither the village officials, nor the local population seemed to realize in how far the Bugis and Sundanese migrants had already established themselves as a large and economically powerful group in Watumaeta. Li's conclusion (Murray Li 2002: 426) that village officials are unable to monitor the influx of migrants is simplifying the situation, because it alleges implicitly that the conflicts are almost exclusively caused by the migrants themselves. Instead, migrants tend to keep a low profile and do not settle without reporting to the village administration. Thus, the problem is rather linked to a lack of transparency than to the influx of migrants as such. Watumaeta villagers are not only ignorant about the actual number of migrants living in their village, they are also ignorant about the real extent and the location of secondary forests which were delivered to migrants by the head. Given the lack of institutions that could generate the relevant knowledge about the ongoing processes of displacement and that could serve as a forum to discuss issues of internal resource distribution (see Murray Li 2001: 90), young people who have been deprived of their reserve lands or family pools are forced to collect rattan or to encroach further into the forest. Because the flat and fertile plains of the village land are already completely transferred to outsiders, the "grab for land" focuses increasingly on the surrounding slopes and the prohibited area of the National Park.

In defending his practices, the head emphasised the disappearance of *shistosomiasis* after the concerned areas have been planted with cacao by migrants. As Berry (1988: 66, cited in Murray Li 1996: 501) points out, people invest in meanings in the same way they invest in the means of production. Accordingly, "struggles over meaning" are an integral part of the process of resource allocation. Deriving his legitimation from a specific blend of traditional features such as descend from the settlement founders on the one hand and bureaucratic power on the other, the customary and official bases of the leader's power are highly intertwined. Thus he could easily tell the migrants that he represents the community and tell his fellow villagers that he represents the state. Being perceived as the legal authority by the newcomers, migrants have been told that the land they are offered is unused land, without an owner and therefore under the jurisdiction of the village leadership. In this regard, he is even supported by state law. Art. 27 of the Agrarian Law (UU 5/1960) states clearly that land must be cultivated actively and can revert to the state if left idle. In some cases migrants have been informed that local people have delegated the dispose of their land to the head because they cannot read and write and are not used to deal with outsiders! Backed by the "national law" in his dealings with migrants, the reference to "customary law" served as a legitimating force in dealing with critics from within the community. According to customary law, a heir cannot sell inherited land without the consent of his co-heirs. In case of divergent opinions, it is the youngest daughter who has the final say in this matter. Given the fact that the wife of the head is the daughter of a famous *robo*-leader and land clearer, he could argue that his wife has already given her consent and that the transaction is thus in line with customary law (*adat*).

What does this mean in terms of security? It is not only that the head was not fulfilling his task in protecting his fellow villagers from outside threats, but it was he himself who endangered the security feeling of the villagers by erratic land transactions. Despite the fact that on average migrants own significantly larger holdings than locals (3,2 ha against 1,7 ha per household), the major threat is less the difference in individual land holdings, but the closing down of the access to locally defined reserve land which has been converted to cacao plantations by migrants. This process in turn is not an outcome of land transactions between

individual households, but the outcome of the relationship between migrants and powerful people inside (village head) and outside (town based landlords) the community. The villagers of Watumaeta have not been able to organize and channel in-migration and market incentives within the village in a constructive manner. It can be argued that such erratic land transfers by individual leaders are only possible where both, collective land rights as well as village cohesion, are only weakly developed. Being confronted with this kind of situations, it has become popular to blame the Indonesian government under the New Order Regime (1965-1998), which deprived forest dependent communities of their self-governing capability and sanctioning patterns by imposing a uniform, bureaucratic structure in the countryside and by concentrating the full management authority over forest resources in the hands of the state. This is certainly true, but as far as the Napu valley is concerned, a great deal of disintegration existed already before Indonesian independence. According to local history, the first serious village friction happened already in 1945 (Togea 2004: 16). Originally composed of dispersed groups which have either been re-settled by the Dutch or which migrated spontaneously from the highland interior to the valleys, the inhabitants of the Napu valley lacked a meaningful identification with their villages from the beginning. Thus, “village guardian spirits” which usually function as a community integrating cohesive in rural areas of Eastern Indonesian (Scholz 1962, Mischung 1984) are totally absent. As pointed out above, in the customary understanding, forest is no independent legal category, but is embedded in the land tenure system. Whether the utilization of a tract of forest was restricted was exclusively based on the fact whether it belonged to someone. There were no further restrictions imposed on the individual by the community, nor did outsiders need the community’s consent to make use of virgin land within its territory. The “customary council” (*lembaga adat*) did not play an important role in land use and resource allocation in the past. Until the present, the central conflict resolving institution remains the village administration represented by the village head (*kepala desa*). Under the given circumstances, there have been neither clearly defined community rights, nor local institutions which could exclude in-migrants and counterbalance the leader’s erratic land transactions and interpretations of “law”.²

Within the last decade, the main point of controversy was less the establishment of the National Park as such, but the fixing of its borders. Boundary placing was a unilateral action taken without participation of the local communities on the premise that the border is a temporary demarcation and that its concrete course will be negotiated afterwards. Thus, from the beginning, the establishment of the park led to a high unpredictability of the forest resource. It is an established fact that as long as access to a common pool resource is not effectively restricted and, at the same time, the future legal situation is not predictable, people will not only try to extract as much as possible from it, but they will also try to obtain benefits within a short time period. This is especially to be expected in the Watumaeta situation where land claims are to a high degree linked to processes of displacement and issues of “intergenerational access” (see Burkard, this volume). This trend has further been intensified by the vague promise of the Park management that lands can still be returned to the villages. With no clearly defined rights to the forest resource, “legal unpredictability” preceded “ecological unpredictability”. In our interviews Watumaeta villagers were rather doubtful whether their fellows will comply with any rules restricting resource use in the future. However, if a high number of “free riders” is perceived as being given, the predictability of a “healthy forest” must be judged as rather low and people will not feel much incentive to support its preservation (see Gibson et al. 2000: 213). In contrast to the rather limited role in

² There is a provincial regulation from 1993 (SK 529.2/8158) which denies explicitly the existence of community controlled land in Central Sulawesi. Though heavily opposed by local NGO’s and part of the scientific community in Palu, at least as far as the Napu valley is concerned we see no reason to question the premise of the regulation, albeit we know that our standpoint is not very popular.

resource management provided by local custom, the “customary council” (*Lembaga Adat*) emerged to become a sort of “voice of the people” and involved itself actively in the struggle over resources in claiming so-called “ancestral lands” (*tanah adat*) called *powanuanga* located inside the National Park. The council legitimates its claims with various proofs of former settlements (planted bamboo and coffee stands, stone mortars, graves, relicts of housings etc.) that have been “found” inside the protected area. In line with local practice, the kind of resource management envisioned by the council was not one of a village controlled common property regime of the *powanuanga*, but a division of the *powanuanga* plain among landless local households with each household receiving a fixed share of 2 ha. Under these circumstances it is not astonishing that a significant part of the local population encroached into the Park area planting markers (*gliricida sepium*) in order to secure their share in advance. In regard to the lands to be divided however, it was common sense that the beneficiaries should not be allowed to alienate their plots in perpetuity. It was further agreed that infractions of this rule must be punished severely and that the sanctioning capacity should be vested in the customary council. It was not before the transfer of locally defined reserve land and the closing of the forest margin resulted in severe land shortages, that the local population started to engage itself in a discourse about how to legitimise claims and which kinds of land can be sold.³

The “local approach” to the problem was thus quite different from the one adopted by the migrants. In contrast to locals, migrants try to obtain certificates immediately after ownership rights have been established. Once a plot becomes recognised as a migrant’s private property (*hak milik*) by certification, the plot is irreversibly removed from the local family pools. Security of tenure is especially important in the case of cacao because of the long-term character of the investments for perennial cultivation. If a migrant cannot be sure whether his newly acquired plot will be reclaimed afterwards, certification becomes crucial. The fact that it is the migrants who suffered most from unsolved land conflicts may partly explain their preferential change to buy land from other migrants rather than from locals. Watumaeta is a vivid example of how “different subgroups within a group using a common-pool resource gain different types of access and manoeuvre to ensure their gains” (Agrawal 2002: 58). Transferring a plant like cacao from one location to another (i.e. from South to Central Sulawesi) however is more than a matter of locality, but involves the transfer of a certain security conception which surrounds this specific plant. In the research region, security is obtained by a strategy of mixed cropping which is aimed at providing a high variety of cultivated plants in order to secure at least one or two crops in case of harvest failures. The predominant characteristic of this strategy is “diversification”. Among the Buginese on the other hand, security is derived from “intensification” of one product of high economic value planted in mono-culture: cacao (see Burkard, this volume). Whereas the local system aims at *survival in bad years*, the perennial system aims at *maximum production in average years* (Eijkmans 1995). One cannot expect that local communities adapt to such a fundamental change within a short period of time. Some (local) informants conceded that after cacao trees in mixed stands reached the point where their increasing shade did not anymore allow for annual cover crops, they encroached into the National Park in order to plant diverse annual food crops (*palawija*). As one of our respondents put it, “a farmer must always plant *palawija* if he wants to survive”.

Migrants do not only enjoy a higher degree of socio-economic security due to their better access to markets and safety of tenure by certification; living predominantly in nuclear households characterized by small household sizes makes them also less vulnerable against

³ The viewpoint of Li (2001: 90) is that local communities in Central Sulawesi have not “crystallised to defend their borders, distribute resources internally or engage in collective rethinking about property”. The Watumaeta case shows that this is not an unchangeable condition but that under certain circumstances local communities are quite able to crystallise in this direction.

ecological and market adversities than the relatively large extended households of the local groups. On average, migrant households in Watumaeta consist of 4,3 persons in comparison to 7,2 persons among the local households.⁴ Given the higher productivity of their perennial plots and the smaller number of mouths to be fed, migrants operating 1 – 2 ha of cacao groves are still well endowed if only a part of the product can be harvested or sold (see Burkard, this volume). Given these imbalances, economic conflicts within the village, centred around the strive for security, are unavoidable. Thus, since the late nineties, relationships between locals and migrants became increasingly strained. Migrants often claimed that locals are lazy and incapable to till the land in a productive manner whereas local people accused the immigrants of seizing (*rampas*) their lands and forests by making collusive arrangements (*kolusi*) with the village elite. In contrast to the Protestant Napu people, Buginese and Sundanese migrants are Muslims, so that competition for resources tended to mix up with religious resentments and the wider reification of ethno-religious identity in Post-Suharto Indonesia. The ensuing tensions were thus less about religious doctrines, but first of all about the “political economy” of being a Protestant/local or a Muslim/migrant (see Aragon 2001: 47). Besides, locals became more and more aware of the demographic changes affecting their village. One sign of increasing tension was that in some cases conflicts over land have been fought out by the use of fire (“burning plots”) ending up in the destruction of several perennial groves operated by migrants. The most serious issue however was a significant increase of steeling of cacao plants and fruits after local people realised the economic value of the crop. When I revisited Watumaeta in September 2003 after I left the village one year before, one of the first changes one realised was the large number of cacao trees planted in the formerly agriculturally neglected home lots. The farmers had transplanted parts of their cacao seedlings from the fields to their home gardens in order to safeguard a better supervision against theft. Such “shifts of infractions” are not uncommon in situations where the imposition of sanctions and the monitoring of encroachment are disapproved or perceived as unfair by the related population (see Kopelmann 2002). Developments within the last years however indicate that neither resource degradation, nor a continuous deterioration of social relationships is inevitable. The emergence of a co-evolutionary equilibrium between developments in the sphere of social organisation on the one hand and natural resource use on the other will depend to a large extent on the willingness of the related population to respond to outer incentives of institution building and rule creation and to recognize the coexistence of different interests within the community. This, in turn, is intrinsically linked to the ability of the institutional environment to safeguard security.

Mutual vulnerability: Changing relationships between locals and migrants

Administratively, Watumaeta is located within Poso regency (*Kabupaten Poso*). The regency’s capital Poso was shattered by communal violence since December 1998.⁵ The conflict started with youth quarrels between a Christian and Muslim neighbourhood in Poso town. However, the conflict escalated rapidly as it mixed up with regional political events as well as religious and socio-economic structures.⁶ It was not before May 2000 however, that the conflict seized the rural areas of the regency, after Christian henchmen attacked a Javanese transmigration site south of Poso. Later followed by further attacks on Muslim settlements and houses, this event marked the beginning of a new phase in the crisis which – in contradiction to former peaks of violence – hit more seriously the Muslim than the Christian community. It is estimated that up to 800 people - mostly Muslim - have been killed between

⁴ Refugees from the regency’s capital Poso not included (see next chapter).

⁵ The Poso crisis attracted relative little international attention as it was thrust into the background by more drastic violent events in other parts of Indonesia, especially the Moluccas.

⁶ For more detailed information on the chronology of the crisis and its backgrounds see Aragon (2001).

May and August 2000 (see Aragon 2001: 66ff). In the aftermath of the attacks, Christian and Muslim refugee streams from Poso town and the rural areas around Lake Poso dispersed in all directions. Whereas Christians tended to hide themselves in the Protestant villages in the highlands (or went to the Christian Minahasa region in North Sulawesi), the majority of Muslim refugees fled to the provincial capital of Palu. As Aragon (ibid: 59) reminds us, establishing a local chronology of events entails always problems of accurate sequencing. What is said here in regard to the Poso crisis in general, holds also true for the micro-processes which shaped the course of events in the indirectly affected areas. Several stationary field-stays over the period of almost six years and the establishment of an excellent rapport with the villagers and the community representatives however should allow a reliable reconstruction of the incidents and processes which reshaped the social fabric of Watumaeta.

During and after the peak of the crisis, an estimated 2000 refugees had to be sheltered in the Napu valley, the main burden of which had to be carried by Watumaeta and the neighbouring village of Wuasa. Whereas only a relative small number of Muslim refugees had to be provided for by the migrant community, the lion's share of Christian refugees had to be managed by the local population. Given the rather limited support from the provincial government, most refugees had to live with (*numpang*) Christian and Muslim households. Besides transforming many local extended households and several migrant nuclear households into "multiple family" households, the refugees often tended to overstrain the economic capacity of the host families. The more skirmishes that were reported from home and the more it became obvious that their sojourn in Watumaeta may probably last for years, the more the refugees felt themselves forced to resume farming activities in Watumaeta. Thus, albeit in indirect manners, the Poso crisis once again reinforced the pressure on the forest margin. It is not clear in how far the village head was involved in the allocation of forest areas inside and outside the National Park that were cleared by refugee families. The legitimacy of the leader and his relations with the local population however eroded further, after he allowed the refugees to use the Protestant "church land" (*lahan jemaat*) for the cultivation of seasonal crops (*palawija*) and temporary housing without permission from the Protestant church leaders. In mid-2003, parts of the church land had already been certified as private property (*hak milik*) by some refugees, some returning refugees even sold their plots to their fellows.

Neither on the community level when faced with Muslim immigrants, nor on the level of religious congregation when faced with Christian refugees, had Watumaeta villagers been able to organise collective resistance against the appropriation of their lands by outsiders. After the process of land alienation through immigration had produced several *categories* of people negatively affected by displacement, such as the younger generation which became more or less disinherited, the local population which became alienated from its ancestral territories (Murray Li 2001: 90) or the poorer stratum of village society which remained landless because of the closing down of the forested reserve lands, a new category of identified "losers" were the members of the Central Sulawesi Protestant Church (GKST = *Gereja Kristen Sulawesi Tengah*) who saw their church lands increasingly privatised and reduced by regional members of their own confession. Their anger however was less directed against the refugees, but against the leader who was perceived as the real "provocateur" (*provokator*) behind the events. The fact that the refugees were members of the same church as most local Watumaeta families (and were thus perceived as potential allies in case of conflicts with the Muslim community) may have helped to prevent an open outbreak of hostilities. Within the existing socio-cultural framework of relations, in contrast to the Muslim immigrants, Poso people are rather perceived in terms of people who are *less local* than in terms of *outsiders*. In general, ethnic boundaries between the people from Poso and Napu are not much emphasized; both view each other rather in terms of different sub-forms of the Central Sulawesi "highland people" than in terms of distinct ethnic groups. Like their Watumaeta fellows, the Poso refugees did not take up mono-crop cacao cultivation in a systematic, intensive manner.

Muslim and Christian residents did not unite as the ones who are *longer in place* against a new common competitor for resources. Given the ethnic-religious tensions that dominated Christian-Muslim relationships in the regency, both, migrants and locals became increasingly aware of their *mutual vulnerability*.⁷ This vulnerability however did not primarily originate from the “accumulated resentments” between locals and migrants within the community itself. The major fear was instead that “religious provocateurs” (*provokator agama*) from both sides may hide among the refugees in order to export the Poso conflict to Napu. Keeping in mind that a major facilitating factor for the outbreak of communal violence in Poso town was the “ghettoisation” of ethnic-religious alignments (Aragon 2001: 74), the more thoughtful community representatives began to realize that the religious territorialisation of Watumaeta’s neighbourhoods, once intentionally created by the leader in order to avoid clashes between customary and religious practices (e.g. the joint drinking of the local sago palm liquid *saguer* versus the migrants disgust for alcohol), could now become a facilitating factor for the genesis and spread of communal violence. For instance, the renaming of the Bugis dominated “Hamlet Three” (*dusun tiga*) into “Bugis Quarter” (*Kampung Bugis*) had to be annulled and the sign post to be removed after harsh protests from the local population. Migrants were well aware that it was not their religious adherence *per se* which endangered their security in the Diaspora, but the potential of religion (*agama*) to interact with socio-economic structures and social envy (*kecemburuan sosial*). At the beginning of our field research in March 2001, about seven months after outbreak of the most violent bloodshed in Poso, the migrant community - headed by a far-sighted leader - had already made substantial offers to the local population in order to reduce its security fears and to adjust its own security interests to those of the locals.

Those contents of the offers which serve the interests of the migrants are primarily linked to issues of *tenure security*, whereas those which serve the interests of the locals are broader in scope and relate to issues of *displacement* in general. As pointed out above, the agrarian system of the migrants, especially the Bugis, is dominated by the export sector and the cultivation of cacao. Given their preference for cacao mono-cultures, the migrants want neighbouring plot owners to use their land compatible to their own in order to minimize crop failures and to optimise productivity. One important issue of the “deal” crucial for the migrants was that the cultivation of unused land should be preliminary aimed at fallow plots surrounded by cultivated land. Further, fallow plots within a cultivated area must be cultivated in a manner compatible to the established plots in a given cultivation area (*hamparan*). These parts of the agreement aim primarily at the maintenance of *security of production* which must be distinguished from *security of land tenure*. Because it was in most cases the village leader himself who sold “conflict land” of unclear status, migrants are not only more frequently involved in land conflicts than locals, but it is also them who suffer most from the fact that their problems have not been brought to an end. In general, there are four major types of conflicts: (1) conflicts about the exact borders and actual size of the acquired plots, (2) the plot or a part of it is claimed by third parties, (3) problems related to location and legal status, e.g. a plot is located within the prohibited area of the National Park and (4) plots have been sold several times. Migrants suggested clear *formal procedures* for land transactions to be included in the village rules. First, every private land transaction must be approved by the village authorities. Second, the agreement on borders and ownership rights of all farmers owning adjacent plots is to be prescribed. Third, land transactions have to be witnessed by several community leaders (e.g. hamlet heads, neighbourhood heads), with the number and formal position of witnesses being fixed.

⁷ Following Singleton and Taylor (1992; cited in McCay 2002), in this paper *mutual vulnerability* is understood in terms of a “context variable” of the social and political environment, not as “the extend to which people are subject to peer pressure because they rely on good opinion and friendship as well as co-operation of others” (McCay 2002: 385).

These rules of land transfer, in the drafting of which the head of the migrants' hamlet (*kepala dusun*) played a crucial role, are similar to the rules for land share arrangements (*bagi tanah*). The prescribed frame for the conditions of share-arrangements has been constructed under his advice with a "model contract" being kept in his house. The various types of conflict which occurred in the past have been collected, scanned and worked into the final formula in order to anticipate possible eventualities in the future. Whereas these rules of contract serve primarily the security concerns of the migrants, their concerns are by no means exhausted with migrants interests. It was pointed out that the migrants' concerns are intrinsically linked to the compatible use of land. Therefore, they suggested that the active cultivation of plots is to be prescribed in the village rules. This suggestion is in line with the still-valid 1960 Basic Agrarian Law (UU5/1960). Under article 10 (1), a person who owns agricultural land is "in principle obliged to cultivate or exploit it actively by himself", though other legislation has left room for sharecropping arrangements (UU2/1960). The notion that land must be utilized rather than neglected is emphasized in article 27, which states that a plot can revert to the state if left idle, in which case the rights of ownership are annulled (Harjono 1993: 67). It was the suggestion of the migrants themselves that punishments should not be draconian and that a graduated procedure should be envisaged. An owner not cultivating his plot should be convinced to cultivate it at least two times before withdrawal is at stake. Withdrawal should be done temporarily, with lending out the plot to others, but the plot should be returned if the owner is willing to cultivate it (interestingly, migrants and the *Lembaga Adat* agreed in this question that land should not be "confiscated" in a draconian manner). Because most people who own fallow land (*lahan bero*) and secondary forests (*belukar*) are locals, migrants made the offer that any migrant purchasing land and not cultivating it within a period of three months after acquisition, will lose his residence rights and is liable to be expelled from the village. One of the major rationales behind this rule is to safeguard the priority of *cultivation* over *accumulation*.

A further suggestion was that migrant newcomers should not obtain full residence rights within the first three years and that only a semi-permanent residence card (*KTP sementara*) should be granted. This residence right can be withdrawn at any time in case of rule infraction or in case a newcomer disturbs public peace. Trouble makers and "free riders" are thus liable to be expelled from the village in case they transgress any rules during that time. The second part of this rule is of the same relevance for both, Muslim residents *and* Poso refugees and serves the security needs of all Watumaeta residents. If land sales that do not fulfil the conditions stated above lead to conflict, both parties involved - local seller and migrant purchaser - will be punished in the same manner. The solemn sanctioning right is vested in the *Lembaga Adat* that consists exclusively of local people. Besides, the migrant community declared its willingness to restrict the number of newcomers.

The rationale behind all these suggestions is a threefold one: (1) security is not possible on a one-sided basis, (2) therefore local security interests should be considered in the rules as long as they do not impair the security of migrants, (3) security is best achieved when people are willing to share risks, consequences and sanctions not only for others, but as well for members of their own group and when (4) enforcement of rules is vested in a local institution (in this case the *Lembaga Adat*). Thus, in 2001 the Watumaeta situation was a rather grotesque one: In the indigenous perception the village head did not fulfil his task to protect the local population from outside threats, whereas the outsiders themselves made substantial offers to reduce the security fears of local people.

Realizing that long-term security cannot be upheld under the existing ethno-religious and socio-economic conditions and that in order to close the "economic gap" one had to close the "knowledge gap" first, Buginese migrants started to share their experience and assisted local farmers in the establishment of cacao plantations. The migrants were well aware that their efforts may be hampered by the life-cycle of perennial crops. This problem is especially

pronounced in the case of cacao, because during the first 3-4 years trees do not bear fruits and investment costs often exceed the benefits of the first harvests. Thus, in order to bridge the unproductive years, the inter-planting of fast yielding cover crops became vital. Here, the compatibility of the expertise between Buginese and Sundanese migrants was crucial. Whereas the Bugis are specialized in perennial crops, several Sundanese families practice a seasonal crop rotation of carrots (*wortel*) and leek (*daun bawang*) on mounded vegetable beds (*bedengan*).⁸ The vegetables are sold to a company in East Kalimantan via a well established market network. Thus, the *bedengan*-vegetables offered an ideal cover crop for local families. Given the risks related to perennial cultivation and the need for fast cash among many local families, it is not surprising that it was first of all the *bedengan*-system which attracted the interest of local families.

Inevitably, the Watumaeta case raises questions about the role of socio-cultural heterogeneity and leadership in self-organization. It is often assumed that in regard to collective action homogenous communities are more effective than heterogeneous ones. If we compare Watumaeta with the resettlement community of Sintuwu in Palolo valley which accommodates also a significant portion of migrants (Burkard 2006: 218), it becomes obvious that the crucial “design principle” is not the existence of an ethnically accentuated socio-economic heterogeneity as such, but how this heterogeneity is structured. From a cognitive point of view, Sintuwu is characterized by a “blurred heterogeneity”. Since most of the “local” Kaili residents are Muslims, there is no interaction of socio-economic structures with religion. Albeit leadership practices, processes of displacement and the degree of land alienation are comparable to Watumaeta (Sitorus 2002), there is no clear demarcation between “us” and “them”, about who is perceived as a migrant and who is a non-migrant. Migrants and locals live in the same neighbourhoods and have often intermarried. There is no clear established leadership which could represent different interest groups or certain categories of villagers so that people do not know whom to address in case of conflict. This situation differs with Watumaeta, where socially positioned groups are characterised by clear boundaries. Bugis and Sundanese are perceived as migrants (*pendatang*) by the locals and define themselves as such in relation to the Napu people and other regional groups, and migrants and locals live in clearly demarcated compounds or hamlets and no intermarriage happens. The point is that clearly identifiable groups can formulate and defend their interests more easily in regard to others because they do not have to consider multi-layered relations. Further, leadership in Watumaeta is well established. Due to careful politics and clever strategies the migrants` head is meanwhile accepted by the local population. This is reflected in the fact that regular village meetings are also held in his house. Migrants clearly formulated their points for the crafting of village rules and, at the same time, they combined their concerns with meaningful offers to the local population. What was first perceived as a major threat to security, i.e. the ethno-religious compartmentalisation of neighbourhoods, had suddenly positive effects on people`s capacity for self-organisation. The lesson to be learned from the Watumaeta case is that the organisational capacity of heterogeneous groups can be quite high when the group boundaries are clearly defined and when the groups are represented by legitimate leadership. Further, competing groups must be willing to share risks and consequences for rule breakers among their own group. If these preconditions are given, marked boundaries between groups can be helpful in the rule making process. If, on the other hand, social cohesion is too strong, the process may well be impaired by long-lasting commitments between the actors involved. A great deal of the intra-local conflicts prevailing in Watumaeta could not be solved because people did not want to risk troubles with their relatives, especially in cases where members of the family of the village head were involved.

⁸ The *bedengan*-system was first practised by a Sundanese migrant who learned the cultivation technique in a horticultural enterprise in Kalimantan. The role of the migrants as agricultural innovators is comparable to the role of individual return migrants who introduce their acquired skills in their home villages (Burkard 1999).

Bennett's conclusion that the proximity of village heads "to the members of their constituency and its natural resources made it difficult for them to be as detached and autocratic as the heads of higher levels of government" (Bennett 2002: 60f) does not hold true in the case of Watumaeta where tight familial relations often hampered actions against power abuse.

A second innovation to redirect local-migrant and inter-religious relationships was the foundation of the so-called "religious forum" (*forum agama*). Indicative of the situation, the impulse to action came from the migrant community after the violent incidents in mid-2000. The major function of the forum is to maintain regular contacts between the religious leaders (priests, imams etc.) and to act as an arbiter in case of conflicts between Christians and Muslims. The forum is also involved in the investigation of suspected provocateurs. The forum does not manage conflicts over land in order to avoid interventions into the state's domain. Involvement in land issues is confined to situations in which the help of the forum is explicitly requested by the county administration (*kecamatan*). The forum's major objective however remains to establish regular inter-religious connections through the collective performance of collaborative work assignments (*kerja bakti*). As can be observed all over Central Sulawesi, there was a visible competition among Christians and Muslims concerning the construction of prayer houses. In late 2000, a new mosque in the Buginese hamlet and a new Protestant church were under construction. What started as a form of zealot competition one year before was now turned into a medium for co-operation by the religious forum. As a forum member once explained to me:

"If you come into a village and want to know if it is good organised, look at its mosque or church. If the prayer house is in decay, the village is not well ordered. How can we order the community, if we are not able to maintain our prayer houses".

Thus, Watumaeta was the first village in the Lore Lindu region where Christians participated in the collective construction of a mosque and where Muslims were actively involved in the erection of a church. And - almost unbelievable for most Indonesian citizens- probably the first village in Indonesia where an imam preached in a church and where a Protestant priest preached in a mosque. Whereas these meetings were held only twice with a rather limited number of participants belonging to the other religion (only three Christians participated in the mosque meeting), they had an inestimable value for the building of trust and reciprocity among the religious leaders. The leader of the religious forum, a former Catholic who converted to Islam after his marriage, addressed the participants with the words:⁹

We are all creations of God in the same way and our life in this world is only temporarily. We should not look at each others religious background, tribal background... this life is only temporary.... so let us colour this life with respect to each other.... let us enjoy the richness of nature (*kekayaan alam*) together....we have only a limited time to make a living (*cari nafkah*)..... I need rice to eat, You need rice to eat, You drink sugar as I drink sugar, so let us enjoy this life....

It is out of question that the *forum agama* has gained important merits in regard to religious tolerance and in strengthening leadership ties within the village. From an organisational point of view however, its merits exceed by far the scope of religion and social relations. As pointed out in section 2, the formation of village institutions for the management of common pool resources cannot build up on existing "grass-roots"-organizations. In a certain sense the *forum agama* became the model for organisation building as well as vertical and horizontal integration. After neighbouring villages followed the Watumaeta example, the *forum agama* was first established on the county level (*kecamatan*), later the regency level (*kabupaten*) and within a time span of two years on the provincial level. Until the foundation of the *forum agama*, village institutions in Watumaeta have been "top-down" organisations created on behalf of the state within the framework of the governments discourse on "development", such as the farmer contact groups (*kelompok tani*), the neighbourhood groups (*rukun*

⁹ The quotation is the recapitulation of his words given during an interview on February 3rd, 2005.

tetangga), the village credit co-operative (*koperasi unit desa*) or the family welfare organisation (*pembinaan kesejahteraan keluarga*). As a member of the village administration put it: “the forum agama is the first organisation in Central Sulawesi which goes bottom-up”. We can neither falsify nor verify the truth of this statement. Historical accuracy however is not the criterion to judge it anyway. Through recognition by higher administrative units and by becoming an institution for conflict resolution above the village level, the *forum agama* presented a first “win-win” experience for Christians and Muslims in Watumaeta. Further, in integrating several villages horizontally before higher levels of administration have been addressed, it provided the core structures of horizontal linkages that should become essential for the successful management of the common pool resource “forest margin”. As pointed out by McCay (2002: 370), the “existence of institutions that can be adapted for new purposes” involves lower transaction costs because people can build up on existing decision-making structures and because the social and cultural expectations are already known to the actors involved. In Napu the process of institutional change did not necessarily involve a redirecting of existing institutions created for other purposes as described by McCay (*ibid*: 370), but - as will be shown in the next section - the forum’s success facilitated the process towards mutual regulation of land use.

It is indicative of the situation that both attempts to self-organisation, the negotiated deals related to land conflicts, and the foundation of the *forum agama* have been initiated by the Muslim/migrant community. The overall defining context within which this self-organisation happened has been the Poso crisis, especially the violent events in mid-2000 which resulted in an estimated number of 300-800 victims, mostly Muslim. Knowing that a conflict between migrants and locals over resources could easily turn into a religious conflict, these institutions have their roots in the political economy of Central Sulawesi as well as in conflicting claims, but are by no means motivated by concerns for forest preservation or sustainability. These organisational innovations started under the leadership of the long established village head who was to a great extent responsible for the transfer of local reserve lands and the ensuing tensions in the village. The most significant event within the last years was the election of a new village head in late 2002. After the winner of the election, who happened to be the son of his predecessor, was announced, Watumaeta was shattered by turmoil when the house of the newly elected head was attacked several times by local residents. Due to an courageous engagement of the *forum agama* however the situation calmed down and the culprits were handed over to the local police station. Because the new head was actively involved in several *bagi tanah* land transfers in the past, locals feared that neither in terms of personal loyalty, nor in terms of his policies, the head will substantially differ from his father. This fear seemed understandable and was to a certain degree shared by the researcher. To my own surprise however, the institutional environment, socio-economic configurations as well as the wider circumstances under which the election took place, forestalled such a development. The new head owes his straight win over the other two candidates (all of them of prominent Napu descent) first of all to the demographic constellation. In contrast to his opponents, he was not chosen by his local fellows, but almost exclusively by the immigrant community which meanwhile outnumbered the locals. Thus, while the (numerically less) local votes were divided among his opponents, he could easily unite the (numerically dominant) migrant votes. Given the fact that the lion’s share of the land operated by migrants was obtained from his father and that one could not know which kind of policies other candidates would apply in dealing with migrants, migrants felt their security most guaranteed if the administrative power remains in the hands of the ruling family.

At the beginning of his tenure, the leaders’ legitimacy among his Napu fellows was extremely low. Against common assumptions however, in this case a serious lack of legitimacy was not to the community’s disadvantage. Instead, in order to achieve (or “create”) legitimacy, the newly elected head took pains to involve the villagers in the decision making

process. One of the first achievements was the re-erection of a traditional meeting hall (*banua*) just at the cross-road which connects the local hamlets with the Buginese settlement.¹⁰ Whereas the migrants had “their” representation in the village head, the locals on the other hand were represented by the newly created BPD (*Badan Perwakilan Desa* = village representative body) which was installed shortly before the head was elected. The BPD forms the basic rural institution within the new area of regional autonomy (*otonomi daerah*) and was established as a substitute for the former village council called LKMD (*Lembaga Ketahanan Masyarakat Desa* = body of the village society). In contrast to the LKMD however, which mainly served as a forum to promote government programs, the functions of the BPD as elucidated in the *Law on Regional Autonomy* of 1999 (UU 22/1999, Art. 104) are as follows: (1) to collect, organize and give voice to the aspirations of the common people, (2) to maintain and foster local custom (*adat*), (3) to explain regional regulations to the people and (4) to plan and install village regulations, which means that the BPD is actively involved in legislation (*legislasi*).¹¹ According to the law, the village head must be appointed by the BPD.¹²

Fortunately for Watumaeta, the BPD was installed *before* the appointment of the head, so that the head depended to a great extent on the good will of the (locally dominated) village council which could exert a considerable degree of control in counterbalancing the leaders’ power. It is important to note that this institutional configuration was neither the outcome of a deliberate decision, nor the outcome of a conscious construction of “design principles”, but the synergetic effect of an accidental inter-play of several decisions motivated by security concerns. As Sherry Ortner points out, “social change does not for the most part come about as an *intended* consequence of action. Change is largely a by-product, an *unintended* consequence of action, however rational action may have been” (Ortner 1989: 258).¹³ During

¹⁰ The erection of the *banua* was actually part of the „Central Sulawesi Integrated Area Development & Conservation Project” (CSIADCP) funded by the Asia Development Bank (ADP). Thus, it was not his initiative, but his fast realisation of the project which earned him public appreciation.

¹¹ Whereas it is true that UU 22/1999 tries to safeguard the election of village councils from undue interference from above and outside, one must keep in mind that powerful people *inside* the village can still determine who participates in the vote and who not: By organizing the vote of the BPD via the church meetings, the (Christian) opinion leaders of Watumaeta were quite successful in securing as little participation of Muslim migrants in the vote of the BPD as possible. Thus, four out of five members of the BPD are locals whereas only one member is a Buginese migrant.

¹² In theory all relevant groups in the village should be represented in the BPD according to sex, religion, age group and profession. Of course, this can seldom be achieved in reality. But what is to be stressed is that the BPD works close together with the village head, whereas on the other hand it has a relatively high degree of autonomy compared with the LKMD. In case of misbehavior of village officials the BPD is obliged to send a report to the regency head (*bupati*) with a copy sent to the head of the county (*camat*). The broad parameters that define the crafting of rules and the management practices of this institution are based on the rules of the Minister of Internal Affairs No. 3 from 1981 about village decisions and the National Law No. 22 on regional autonomy which are laid down in the district rules from 2001. Since October 2004, the Law on Regional Autonomy UU 22/1999 has been substituted by Decentralization Law UU 32/2004. However, much of the paragraphs in UU 22/1999 which foster decentralisation are still existent in the new law. On the other hand, important functions of the BPD (e.g. legislative functions) have been dropped totally or been limited in scope. Whereas co-operation between the village administration and the BPD is enhanced; control of the administration by the BPD is almost absent in the new version of the law (see UU 32/2004, Art. 202-215, especially Art. 209). On the one hand, the state seems to maintain its “participatory approach” in allowing local variations in village organization and local regulations (UU 32/2004, Art. 211). On the other hand, the BPD (now called *Badan Permusyawaratan Desa* = village *consensual* body) is formed by the traditional principles of “discussion and consent” (*musyawarah dan mufakat*) which do not necessarily match the democratic principles of a common vote. Unfortunately, issues of natural resource management are not explicitly addressed neither in UU 22/1999, nor in UU 32/2004. Because most villages in the region claim now “ancestral land” inside the National Park and the protection forest, this paragraph is of special relevance for the villages concerned.

¹³ Ortner’s point of view concurs with Sahlin’s argument that more often than not, what we call “change” is actually “failed reproduction” (Sahlins 1981).

several short-term field stays in Watumaeta from April until October 2003 the atmosphere in the village had definitively improved. Almost all interviewed community members attested the leader good will and an honest commitment to the community as a whole. This does not mean that conflicts have been eliminated from community life, but in difference to the past they were actively handled by the village administration. As pointed out above, in Watumaeta conflicts have often either been fought out by the incendiary use of fire (“burning plots”), or they emerged as a consequence of unintended fires caused by carelessness land clearings. A draft for the new village rules from 2003 entailed clear rules related to the use of fire, prescribing the presence of all owners of adjacent plots during the land clearing. From July until September 2003 at least three locals and two migrants have been successfully legally processed and sanctioned by the *Lembaga Adat* for fire spread. In neither favouring one or the other side, the head and his co-leaders showed a high degree of ethno-religious impartiality.

As pointed out by Stern et al. (2003: 474), in their focus on “design principles”, researchers of the commons paid more attention to the characteristics of institutions than to the contexts within which they function. We may add: and to the situations and events within which they are created! As this section illustrates, in dependence of contextual factors, the impact of one and the same “design principle” on the organisational capacity of local communities can be positive, negative or curvilinear even within one and the same community. In the autocratic system of village administration of the Orde Baru government (1965-1998), the village head was the solemn source of power in natural resource distribution. Under these circumstances, ethno-religious and socio-economic heterogeneity had for sure negative effects on local self-organisation and the management of natural resources. Under the more decentralised system of the present however, this heterogeneity leads to a better community management in case the related sub-groups are sufficiently represented and willing to share equal risks and consequences for their own group. Our own basic assumption that “legitimacy of leadership” is crucial for the organisational capacity of local communities was proofed to be mistaken. Rather than being a fix “design principle” valid under all circumstances, it turned out that under certain constellations of the institutional environment, even a massive lack of legitimacy (or the need to *create* and *maintain* legitimacy) may improve organisational performance. The Watumaeta case emphasizes also the limited value of theoretical approaches which base their deductions on individual motives for co-operation. Thus, the motivation of the Buginese migrants to co-operate was not individualism, competition, co-operation, altruism or any other “individual trait”. Their co-operation was exclusively based on subjectively felt security concerns. Within the last years, the capacity to self-organisation, which has its roots in the anticipation of communal violence, became itself a major “design principle” in the creation of institutions for conflict resolution and natural resource management. Whereas there was a strong source of motivation for common pool institutions from within, external agency was involved as well as will be documented in the following section.

What has been learned? Negotiating the “Community Conservation Agreement”

Since the declaration of the Lore Lindu National Park (*Taman Nasional Lore Lindu*) in 1993, *The Nature Conservancy* (TNC) was actively involved in the management of the park. In principle, the management plan is based on the notion of zonation with different zones subject to certain restrictions, ranging from enclaves, limited use rights of old coffee stands, harvesting rights of non-timber forest products and zones for eco-tourism and research to totally prohibited areas. The adopted zonation mirrors more or less the zoning scheme prescribed in the *Law on Conservation of Natural Resources and the Ecosystem* (UU 5/1990

§32).¹⁴ Though TNC rejects the idea of the sustainability of indigenous land use systems which are perceived as insufficient for bio-diversity preservation, it has revised its earlier top-down resource policies in favour of more collaborative management schemes. The core institutional devices of the adopted strategy of *on-site protection* are the “Community Conservation Agreements / CCA” (*kesepakatan konservasi masyarakat*), in which local communities enter into a negotiated arrangement with the Park Authority. In the 2nd half of 2001 TNC implemented the first CCA’s in five pilot villages in Napu.¹⁵ After the CCA’s were socialized in the villages in July 2001, steering committees (*panitia*) had been established in all villages in September 2001.¹⁶ The local masses however were still excluded from participation in the meetings in order “to avoid the misperception that decentralization is already achieved” (TNC 2002: 16). An “open-for all” public meeting however was held in December 2001, shortly before the agreements were signed in January 2002. Watumaeta was not part of the 1st five pilot villages, but received a CCA in August 2004. It was one of the first villages covered by a large facilitating effort to establish CCA’s in all 60 villages bordering the park.

Starting in 2000, the customary council (*Lembaga Adat*) tried to regain control over so-called “ancestral lands” (*tanah adat*) in the forest with the promise that the area will be divided among landless local families with each household receiving 2 ha for cacao cultivation. This led to a race of encroachment with individual households marking their plots by clearing in order to secure their share in advance.¹⁷ In line with TNC’s conservationist orientation, the general content of the CCA is to avoid further encroachments and to reforest open gaps inside the park which have already been opened by individual farmers. Plots already opened within the National Park must be replanted according to a fixed reforestation plan, whereas all types of secondary forests will be preserved and all opened plots close to rivers and slopes have to be abandoned. These regulations are relatively easy to monitor and practicable in every village where the forest is already disturbed. From the beginning it was doubtful, however, whether individuals will participate willingly unless they are certain that benefits will accrue to their families. Meanwhile – after cacao prices fell to become 1/3 of the price in 1998, a shift from cacao to timber, candle nut and other trees could be observed in all villages, so that the agreement followed in fact the existing economic trend which helped to support its implementation. The CCA’s are granted for three years, after which they are either prolonged, revised or rejected. The reforestation species (teak, resin, candle nut, agathis, eucalyptus etc.) are defined by the natural surrounding, which is divided into 11 reforestation sites of different extend, topography and vegetation. The area comprises 213 ha, the lion’s share of which is covered by the *powanuanga*-plain. Besides reforestation regulations, the agreement entails clear rules and sanctions in regard to the collection of forest products and timber for private use, the clearing of agricultural land, watershed management and the tapping of resin (*damar*). Whereas the sanctioning capacity is vested within the *adat* council,

¹ TNC’s involvement in the Park management precedes the establishment of the National Park Authority (*Balai Taman Nasional Lore Lindu*) in 1997. Besides operating more than 1300 nature sanctuaries in the USA, TNC made agreements for the co-management of nature reserves with several governments in the Southern hemisphere.

¹⁵ This was not the first agreement between a village and the Park Authority, but the first which was facilitated by TNC. Before TNC’s new approach, at least three agreements had been successfully facilitated by an Indonesian NGO called the “Free Land Foundation” (*Yayasan Tanah Merdeka = YTM*). In contrast to the conservationist orientation of TNC, YTM focuses on the empowerment of local communities and supports customary land use patterns which are believed to be intrinsically sustainable (see Burkard this volume).

¹⁶ One notes the discrepancy in the official document (TNC 2002) between the legitimisation that CCA is a demand from the villages and the “need” that the necessity of CCA must be explained to the villages in a “socialisation effort!

¹⁷ It is important to note that the division of the land into equal, individually hold parcels as envisaged by the council is quite ad odds with the notion of *tanah adat* and the collective right to ancestral territories (*hak ulayat*).

sanctions can only be enacted in the presence of the village administration and the BPD. The border of the Park is demarcated with the economically valuable candle nut trees (*kemiri*).

In order to guarantee a better supervision and co-ordination of the CCA, TNC established a separate “Village Conservation Council” (*Lembaga Konservasi Desa = LKD*) at the village level. Since the declaration of regional and local autonomy in Indonesia, the villages in the research area often suffered from the situation that the responsibilities of village organizations are not conclusively regulated in the state regulations. The authority of local institutions was often contested with the effect that leaders could exercise undue power by making their decisions outside of formal organizations (Burkard 2006). Guided by the principle of co-management, the LKD is constituted by one member of all major village institutions (village administration, BPD, *Lembaga Adat*), one official park ranger as well as facultative “other” personalities whose opinion is perceived as relevant (§ 23, CCA Watumaeta 2004). Paragraph 21 of the agreement summarizes the functions of the LKD as follows:

- to socialize (*mensosialisasikan*) the conservation agreement to the related society,
- to carry out participatory planning (*perencanaan partisipatif*) with the Park-Authority,
- to supervise the implementation (*mengawasi pelaksanaan*) of the agreement,
- to evaluate (*menevaluasi pelaksanaan*) the conservation agreement,
- to report the evaluation results (*melaporkan hasil evaluasi*) to the village head,
- to provide an umbrella for communication (*mewadahi komunikasi*) between (local) society and the Park Authority.

In regard to the practical realization of the agreement, the last point is probably the most important one. As McCay points out: “the existence of a political, social, and physical space for learning from and arguing with one another is one important design principle that should not be taken for granted. In many nations and at many times, political repression makes it nearly impossible to find and use places for talking and arguing about the commons” (McCay 2002: 383). Whereas the LKD is concerned with the implementation of the CCA on the village level, TNC envisaged that conflicts between villages (several sites in the forest are simultaneously claimed by different communities) or problems which cannot be solved by the LKD alone are to be handled by a corresponding “County Conservation Council” (*Lembaga Konservasi Kecamatan = LKK*). However, the LKK did never materialize and was substituted by the so-called “Buffer Zone Forum” (*Forum Wilayah Penyangga = FWP*), the establishment of which was facilitated by the ADB-sponsored “Central Sulawesi Integrated Area Development and Conservation Project” (*CSIADCP*).¹⁸ In contrast to other facilitating NGOs and institutions in the research region which tend to treat villages as islands unto themselves, TNC does not assume that the local (village) level is most important. Instead, the crucial role of vertical and horizontal “cross-scale inter-linkages” (Berkes 2002), “intermediate” levels of organization such as the *kecamatan*-counties and the “nesting” of organizations located at various levels has been taken into account from the beginning of the facilitating process. Unfortunately, TNC’s far-sightedness to transcend institutional boundaries in establishing the LKD was not reflected in the perception of the forest resource as an integrated ecosystem. Given its strong concern with the National Park as a legal entity

¹⁸ Here, the implementation of the CCA reveals something of the “conservation business” in Central Sulawesi. Despite the fact that watershed management is included in the CCA, the CSIADCP project facilitated the villages to sign a separate watershed management agreement called *Kesepakatan Konservasi Masyarakat Adat*. Despite its reference to *adat*, the agreement means in fact the realisation of government regulation PP 31 / 2001, § 27 and fulfils major obligations of the conservation law UU 5/1990. After TNC established a co-ordinating organisation at the county level (LKK), CSIADCP established a similar organisation in form of the FWP at the same level. In order to avoid competition between the two organisations, TNC was forced to abandon the LKK as a supervising institution with the FWP being the exclusive organisation at the county level. CSIADCP in turn abandoned its plans to install a watershed management organisation on the village level.

and the integrity of its borders, the CCA is only valid for the forested landscape encapsulated by the park.¹⁹

It is important to note that the CCA is neither “devolution”, nor “community based resource management” in the real sense. The points listed in § 21 of the agreement are concerned with implementation, not decision making and represent a transfer in the locus of action, but they do not entail a transfer of power and authority. Whereas a certain degree of freedom is granted to the villages to develop their own sanctioning systems, the overall objective of the CCA remains strictly defined by the state: rules must aim at the conservation of the forest cover of the Park and sanctions must be enforced for those who transgress the rules.

The most important aspect of the CCA however is neither the agreement as an institutional entity, nor its suitability as an organizational device to safeguard the stability of the forest margin, but the processes of self-organization and community discourses it set in motion. In April 2004 a three-day workshop was held in the village of Wuasa, Napu’s administrative and economic centre. The workshop was organized and prepared in a common effort by TNC, Care International and the Park Authority. Besides Watumaeta, the CCA’s of four other villages were on the agenda. Fortunately, three of the four villages were actively involved in the *forum agama* and faced similar - though less intense - problems in regard to deforestation and socio-economic imbalances. This factor, combined with a shared cultural background, enabled their leaders to engage in meaningful communication in advance. Already before the facilitation meeting took place, the five villages made an account of the existing rules and sanctions. During the meetings they found that certain sanctions in cash for the one and same infraction in the forest differed 1:10 between the villages. The need to harmonize sanctions between villages was given highest priority. Every village made a draft to be continuously discussed and adapted. As Lynch (1997: 314) points out: “Working together can help foster solidarity among the various communities and enhance their bargaining leverage with external actors”. Fortunately, the alliance-making process was facilitated by the local NGO *Yayasan Pekurehua*.²⁰ Founded in the late nineties, the major goal of the NGO is to maintain and sustain the *adat* and identity of the Napu people. According to the NGO, the prohibition to sell family land (*budel*) was one of the major customary principles in the past which tied the Napu people to their surrounding resources. The active members of the NGO are exclusively young people (below 35), so that their concern with the customary ban on land sales clearly reflects the interests of the young and disinherited members of Napu society.

One of the most facilitating factors however, was the fact that the Buginese and Sundanese migrants of Watumaeta declared that they will neither operate nor monitor any land covered by the CCA-agreement. Instead, the area should be under total control of the local population. The offer included even the willingness of the migrants to abandon plots they have bought within the related area in the past. Leaders of the local community have been engaged in a debate about the migrant’s rights to settle since quite a while. Whereas some members of the customary council asserted the right of local people to exclude outsiders from settling within their territory, the village head and some other opinion leaders pointed out that migrants are Indonesian citizens and as such are free to settle everywhere in the archipelago. However, they should respect local custom. The question in how far Buginese and Sundanese migrants can also participate in the agreement was solved with the migrants self-determined abstinence

¹⁹ TNC conceded to the researcher that in several villages an intensified shift of activity could be found in adjacent protection forests (*hutan lindung*) and limited production forests (*hutan produksi terbatas*) after the agreements had been signed. There is no overall resource management plan for the whole forest resource as an ecosystem. Whereas the management of the National Park remains largely under control of the central government, protection- and production forests are under control of the provincial authorities.

²⁰ *Pekurehua* denotes the ethnic group which is believed to be indigenous to the Napu valley.

from the area which provided the village leaders some room for manoeuvre.²¹ More important, this one-sided concessions opened the way for the *Lembaga Adat* to withdraw its plans to divide the *powanuanga*-plain among poor local families. This was so far one of the most serious obstacles in the negotiation process. A well known feature of Indonesia's decentralization efforts is the existence of two competing discourses which are generally referred to as the *indigenous rights* and the *people's economy* discourses (Campbell 2002). These discourses are usually perceived to be located on the upper stratum, urbanized section of Indonesian society. The focus on *indigenous rights* is heavily advocated by conservationist NGOs, regional *adat*-leaders and social scientists, whereas the discourse on *people's economy* is rather supported by the bureaucratic elite and social movements. However, the issues which were raised during the facilitating process showed that both discourses are more "grass-roots-discourses" as it is generally believed and are heavily struggled over within local communities themselves. In contrast to the competing, major CCA-facilitating NGO in Central Sulawesi, the "Free Land Foundation" (*Yayasan Tanah Merdeka*, abbr. *YTM*), TNC did not make use of indigenous terms for forest zoning in the agreement. In Indonesia, the representation and mapping of traditional zones of land use has become a well-honed tool to proof the inherent sustainability of customary land use practices in order to regain control over natural resources (see Zerner 1994). There are important reasons for TNC to refrain from indigenous zoning schemes:

- Indigenous zoning schemes are usually associated with claims to common "ancestral" or "customary" lands (*tanah adat*), the existence of which is officially denied by a provincial decree from 1993 (SK 529.2/8158/1993). The governor recognizes only so-called *swapraja*-lands. The term *swapraja* however, denotes the former domains of the Napu (and Kulawi) kings, not common property regimes of individual communities. As an official partner of the government, TNC can hardly conduct its facilitating efforts in opposition to the government's discourse of development and conservation.
- TNC does not recognize the sustainability of indigenous resource management practices which are believed to be insufficient to sustain ecological bio-diversity.
- The various (indigenous) categories of forest (in Napu language: *holua*, *lopo*, *pandulu*) are meanwhile mixed up due to a shortening of the cultivation cycle and the fact that people have cut vast tracts of primary forest as well. The common pattern of distribution is often for patches of secondary forest to be scattered throughout areas of primary forest or cultivated area. It is almost impossible to develop resource use rights in regard to a given type of forest. With no physical correlation between larger areas and vegetation type existing, deliberate rules of resource use which have proofed as successful means in resource preservation in other settings (temporal restrictions of harvest, multiple species management, resource succession and rotation) are difficult to establish. In short: there is no evidence to establish an overlap between **legal boundary** and **resource boundary**.

Indeed, the conception of customary lands (*tanah adat*) does not match the requirements of the CCA. The agreement aims first of all at bio-diversity conservation and the reforestation of opened plots. The acknowledgment of this erratically created sphere as "customary area" would indirectly invite others to make use of their common customary territory. Claims based on community membership would be unavoidable, thus fuelling the deforestation process the CCA is designed to redirect. Further, within the traditional tenure system of the Napu people, "forest" is no independent legal category, but is perceived as being embedded in the local tenure system. Regulations do not apply in terms of vegetation (forest cover which can be converted against forest cover that needs to be preserved), but in terms of ownership.

²¹ As Aragon (2001: 78) points out: "The 1999 Regional Autonomy Laws asserted that the rights, origins, and customary traditions of villages and regions are to be respected, without saying exactly how that is to be done in multi-ethnic areas experiencing just the opposite lessons during the Suharto period".

Restrictions in the utilization of forest are first of all based on the fact whether a forest patch belongs to someone. It cannot be taken for granted that all community members would understand their rights and obligations in regard to a (newly created) common resource.

During the last facilitating efforts in April 2004, there was a significant difference in opinion between TNC and the Park Authority in regard to the layout of the CCA. TNC tried to avoid claims to customary territories for the reasons cited above. On the other hand the National Park official, in pointing out to the successful empowerment of the community of Toro which had based its claims to ancestral lands inside the Park with a vigor revitalization of customary law, encouraged the villagers (1) to put local terms for man-man and man-environment relationships into the draft, (2) to use local zoning terms (albeit they do not fit the situation there) and (3) to point out more clearly that it is community lands which are debated in order to raise the possibility that Watumaeta can be officially recognized as customary law community (*masyarakat hukum adat*). This however was not really understood by the participants.²² The village leaders stopped his speech and pointed out that it is sanctions and regulations (*sanksi dan aturan*) which they want to be discussed and urged the Park Management to provide for an information and extension meeting on the new Forestry Law and its implementing regulations in the villages.

Given the high number of immigrants in his village and a serious lack of relevant knowledge among the present population, the head of Watumaeta made clear that the use of indigenous zoning schemes is not favourable in his village. Other leaders pointed out that they have enough problems with the socialization of the existing drafts and do not want to confuse the people further with additional concepts and constructs. Here, the policies of the village leaders is in line with the scientific finding that in heterogeneous communities with weak community ties, simple rules often work out better than complex rules (see Stern et al. 2003). The reliability and clearness of the agreements are important, and how they can be covered by a single monitoring scheme in the five villages, not the number of local terms and constructs they entail. In the draft for the Watumaeta agreement, the head wanted to avoid the term *tanah adat* in order to obtain the Governors recognition of the agreement. In this regard, the head's reasoning makes a lot of sense. Given a high number of free riders and the enduring land conflicts in the village, the head needs the backing of higher authorities in the implementation of the agreement. Despite the common trend of "community empowerment" in Central Sulawesi, it remains a fact that locally developed rules are easier to be enforced internally if they are also recognized by the government. Understandably, the head does not want to take the full responsibility for what happens inside his village boundaries alone. The large size of the forest resource and the resulting negative externalities involved require that institutions and responsibilities are devised at multiple levels, including the provincial government. As pointed out by Berry (1988, cited in Murray Li 1995: 501), struggles over resource control entail always struggles over meanings. Whereas the *Lembaga Adat* legitimized its claims to the so-called *powanuanga*-plain as an old settlement of the ancestors with the existence of stone mortars, bamboo stands, remnants of houses and stone tombs in the forest, the village head (and some village elders) pointed out that *powanuanga* was not an old settlement, but a place of retreat for criminals. Interestingly, they used the same "proofs" to underpin their thesis, *i.e.* the spatial distance between the two tombs and housings which indicates a dispersion of a limited number of people, symptomatic for criminals who hide themselves in the forest.²³ In respect of the *Lembaga Adat* however, the part of the agreement which is devoted to sanctions is called "sanctions for the transgression of management rules

²² There was already a consensus established that opened plots will be reforested and that secondary forests will not be touched in the future (irrespective of their age) which is reasonable because of the scattering of opened plots and secondary forests of different ages and which is important in terms of conservation. One wonders why the Park official came up with the issue of zonation at this point of time.

²³ This point of view is also adopted by the head of the local branch office of the Park Management.

related to the *customary territory* of Watumaeta”.²⁴ Thus, some aspects of common lands, such as the prohibitions to sell, rent out or mortgage land have been integrated into the sanctioning paragraphs. The necessity to forestall further land transactions is shared by the *Lembaga Adat* and the village head.

Influenced by the Toro success story, the Park official did not realize that in Napu it is *community security*, not the recognition as *customary community* which is at stake. The village of Toro has successfully reclaimed ancestral lands inside the Park. Constituting an enclave inside the Park and less affected by market penetration (cacao) and immigration streams, the stability of the forest margin in Toro is relatively easy to maintain in comparison to Watumaeta. Copying the Toro agreement and transferring it to Napu however would not only be a deviation from the necessary site-specific adaptation, it would also lead to higher conflict potentials with the state and undermine the legitimacy of the agreement in the eyes of the Napu people who are not interested in connecting their claims with customary re-vitalization. The Napu-discourse on customary land use is more than a dilemma between “legalists” and “empowermentalist”, but reveals something of the representations of “self” and “other” in natural resource management. Informed by the national discourse on indigenous rights and customary communities as well as by his own experiences in Toro, the Park official overestimated the locals’ concern with customary re-vitalization and indigenous land use schemes. On the other hand, he underestimated the leaders’ concern with law, legal predictability and governmental support. Ingrained with the stereotype of the *local community*, he did not realize in how far the local leaders had already built their regional network and learned about the need to make horizontal alliances between villages and to safeguard vertical administrative integration. He further overlooked the fact that the orientations of local communities towards institutions for local resource management are anything but homogenous. Whereas the customary councils of Watumaeta and some other villages wanted to claim “customary lands” in the forest (though without the use of forest zonation), village heads were rather reluctant to do so. Overshadowed by the Poso crisis, village heads feared that a re-vitalization/formulation of customary law which is not in line with the governor’s policies, may lead to a withdrawal of the provincials police and military support in case of conflict. Village leaders thus found themselves in the paradoxical situation that if the villages would be more empowered in managing their surrounding resources autonomously, at the same time their leaders would be less empowered to safeguard overall security.

So far, however, a major problem remains unresolved. This is the issue of internal resource distribution which is not addressed in the agreement. Who should be responsible to guarantee a minimum of socio-economic security for all community members? Though the *Lembaga Adat* had become a sort of voice for local interests in reclaiming ancestral lands, it must be stressed that equity *per se* is not a goal of *adat*. If plots already cleared will be planted with valuable trees, the question arises as to who has the right to plant and use these trees. What categories of persons should be given priority to use these plots: the poor, the young, the disinherited? Confronted with this question, almost all Watumaeta leaders answered that the one who cleared the plot must be given the preferential right to use it. The leaders’ viewpoint is in line with the *de facto* customary law which is based on the rights of the first clearer. This, however, would mean that in the end illegal encroachment would be legalized by the agreement and that others who did not invade had no benefits over those who entered the forest. TNC is not involving itself in this issue which should be solved by the village autonomously.²⁵ It is too early to make a conclusion in this regard and to predict in whose

²⁴ Sanksi terhadap pelanggaran ketentuan pengelolaan wilayah adat desa Watumaeta (CCA Watumaeta 2004: 29).

²⁵ This is in line with the Forestry Law, according to which NGO’s are allowed to support reforestation, albeit the management right remains exclusively with local communities (Wollenberg and Kartodihardjo 2002: 88).

interests the process will work. However, the way the process went so far and how it was managed by Watumaeta leaders deserves full respect if one remembers the organizational situation some years ago. Based on several field stays in 2000/2001, we described Watumaeta as one of the “worst cases” in the Lore Lindu area in regard to leadership practices, social disintegration and resource degradation (see Burkard, this volume). Though in another paper we made the point that resource degradation in Watumaeta is not inevitable (Burkard 2006: 212), we could not imagine a development like the one documented in this paper. Stern et al. (2003) have raised the important question of what “success” means to different people. So far, research on common pool resources focused almost exclusively on questions of sustainability. For social and natural scientists “success” was more or less identical with the “sustainability” of the investigated resource. This however is not the only, and often not the most important question for the populations who use these resources. As Stern et al. (ibid : 457) point out, institutions may be judged by how well they provide jobs, how they contribute to maintain good relations within the community, in how far they provide access to resources from outside etc. In regard to the Watumaeta agreement, it is too early to judge its effects on the stability of the forest margin. If, however, we broaden our attention beyond the scope of “forest sustainability”, the major positive effects of the CCA are for sure that it provided a forum for discussion, village-internal negotiation, self-organization and - last but not least – the formulation of the necessary community discourses which are needed to develop into a genuine “learning organization”. These capacities themselves are indispensable “design principles” for the development of sustainable resource use patterns in the future.

Conclusion

Being linked to the Central Sulawesi “cacao boom”, it is tempting to explain forest conversion in the Lore Lindu area primarily in terms of a “capital-driven encroachment”. Similarly, the fact that vast areas of land formerly used by local families for a mix of food and cash crop cultivation are now operated by migrants for cacao production, suggests a displacement scenario where local people have become marginalized by economically powerful in-migrants. The preceding pages however revealed that encroachment and displacement are linked to a complex set of factors and cannot be related to a single phenomenon. Keeping in mind that in-migration, market penetration, and the technological change they imply do not affect individuals and communities directly, but are “mediated” by local institutions (Agrawal and Yamada 1997), it was shown that the responsiveness of local communities towards outer incentives is highly shaped by the socio-cultural, organizational and legal environment, in which local leadership plays a crucial role.

The “Watumaeta case” reveals the limitations of the “methodological individualism” (McCay 2002) adopted by researchers of various scientific background. The postulation of individual motives for co-operation is misleading in explaining the behaviour of the actors involved. The migrants’ interest in co-operation is not informed by variables such as individualism, profit-maximization, competition, co-operation and altruism, but is first of all motivated by a common strive for security. It is not some “individual traits”, but the incapability of the institutional environment to safeguard security and the ensuing situation of “mutual vulnerability” which changed their behaviour in the direction of more co-operative action. As pointed out by McCay & Acheson, “common dilemmas must be explained in terms of the dynamics of conflict and competition between different social groups located in history and social systems rather than between the rational economising individual unspecified and the group also unspecified” (McCay & Acheson 1987: 22). Our case study showed further that one and the same “design principle” may have contradictory effects under different circumstances. Under an autocratic and centralised government, where the village head represents the solemn de facto source of power in resource distribution, immigration and the

concomitant socio-economic and cultural *heterogeneity* had definitively negative effects on the social cohesion in the village and the management of CPR-resources. Under the situation of political decentralization, where the power of the head is controlled by the BPD, socio-cultural and economic *heterogeneity* was of advantage for the community. Of course, the question of how this heterogeneity is structured is crucial. In Watumaeta, the existence of clearly defined groups with clear boundaries enabled locals and migrants to formulate their aspirations more precisely vis-à-vis each other and to engage in meaningful deals and negotiations. Accordingly, studies on the management of common pool resources must shift from the analysis of “design principles” to the analysis of the contexts within which these design principles function in one or the other direction. Similarly, analysis must shift from the investigation of “indigenous” or “local” institutions to the contexts within which self-organization can happen (see McCay 2002).

The case of the “forum agama” shed some light on the importance of “win-win experiences” in the process of community building in formerly socially fragmented communities. It further opened the way towards the building of horizontal alliances between individual villages which could organize important steps (e.g. the harmonization of rules and sanctions) before higher authorities were addressed. Such alliances are not only important for future common monitoring, but they first of all enhance the bargaining power of the communities involved. The circumstance of a shared cultural background, a shared fear of communal violence and a situation of being faced with similar problems with regard to resource management and immigration, enabled the Napu communities to engage in meaningful communication. The negotiation process revealed also that local communities and their leaders may be reluctant to formulate their resource policies in opposition to state directives, instead of “empowerment for its own sake” they may rather seek for recognition and support from higher government institutions because rules recognized by the government may be more easy to enforce internally. Of course, the factors which were important for the emergence of self-organization are not necessarily the same which are important for the sustainability of the institutions created (e.g. the LKD) and the sustainable management of the forest margin. However, much has been achieved on the way from “wild west” to “learning organization”.

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