



Deadlock opportunism in contesting conservation areas in Indonesia

Muhammad Alif K. Sahide^a, Micah R. Fisher^{b,c}, Ahmad Maryudi^{d,i,*}, Ahmad Dhiaulhaq^e,
Christine Wulandari^f, Yeon-Su Kim^g, Lukas Giessen^{h,j}

^a Forestry Faculty, Universitas Hasanuddin, Makassar, Indonesia

^b University of Hawaii, Manoa, United States

^c Associate Editor in Chief for Forest and Society, published by Universitas Hasanuddin, Indonesia

^d Forestry Faculty, University of Gadjah Mada, Yogyakarta, Indonesia

^e Australian National University, Australia

^f Forestry Faculty, University of Lampung, Lampung, Indonesia

^g Northern Arizona University, USA

^h Goettingen University, Goettingen, Germany

ⁱ Research Center for Forest Policy and History, Yogyakarta, Indonesia

^j European Forest Institute (EFI)

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ABSTRACT

Conservation areas are designated to protect biodiversity and resources by limiting anthropogenic stressors. In Indonesia, conservation areas account for almost 23 percent of the state forest with extremely limited allowable uses. Previous policy interventions to support community and traditional uses have never been very successful due to the deep roots of bureaucratic politics originally defined to safeguard biodiversity. This deadlock created by the two major laws governing forestry and conservation areas has been broken with recent permits for geothermal projects in conservation areas. The rationale is to provide an environmental service (renewable energy) and to address global concerns for climate mitigation. This paper examines how the deadlock is broken at least temporarily for geothermal development and maintained for social forestry. Arguments and findings presented in this paper are drawn from content analysis, interviews, and long-term engagement among the authors observing operationalization of conservation policies in Indonesia, both in Java and outer islands. We propose the operational framework of *deadlock opportunism* as a way to highlight the processes of breaking a deadlock by legitimizing particular interests (geothermal development) through green and populist narratives, while hollowing out claims of other interests (social forestry). Although anticipation of breaking the deadlock through geothermal development has encouraged numerous policies and programs developed for social forestry, we argue these developments actually camouflage the underlying legitimacy of communities and keep them from accessing lands within conservation areas. We believe the concept of deadlock opportunism and the operational framework can provide new insights for understanding progress (or lack thereof) of certain policies in their lifecycles in other parts of the world.

1. Introduction

Conservation areas around the world have been politically contested due to overlapping and often competing management objectives. One of the most frequent conflicts is between conservation and development objectives, especially those framed around meeting the needs of local communities (Yusran et al., 2017; Ma et al., 2009; Setiawan et al., 2016; Fisher et al., 2017; Kane et al., 2018; Dhiaulhaq et al., 2017; Fisher and Sablan, 2018) While these policies are typically to maintain nature protection and preservation of ecosystem functions, they also

minimize access or even completely prohibit human activities. Many countries applied zoning as a strategy to manage multiple interests within contested conservation areas, designating parts of the protected areas to accommodate both conservation and local utilization (Fearnside, 2003). Zoning activities do not take place in a vacuum (Maryudi et al., 2015). The creation and decisions over access and control of conservation areas are not always based on biophysical or scientific considerations. They are often results of political processes involving various actors, interests and power (Peluso, 1993; Adams and Hutton, 2017; Anderson and Jongruck, 2017; Myers et al., 2017; Susanti and

* Corresponding author.

E-mail addresses: muhammad.alif@unhas.ac.id (M.A.K. Sahide), michahrf@hawaii.edu (M.R. Fisher), ahmad_maryudi@ugm.ac.id (A. Maryudi), ahmad.dhiaulhaq@anu.edu.au (A. Dhiaulhaq), christine.wulandari@fp.unila.ac.id (C. Wulandari), Yeon-Su.Kim@nau.edu (Y.-S. Kim), lgiesse@gwdg.de (L. Giessen).

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Maryudi, 2016)

In Indonesia, about 22.7% of all forest areas (about 27.4 million hectares) has been designated as conservation areas (MOEF, 2014). Rules for managing these conservation areas evolved from strict preservation to conservation that allows some degree of utilization to serve human needs. In the Indonesian context, Wiratno et al. (2001) argue that the terms ‘preservation’ and ‘conservation’ should be differentiated.¹ While preservation implies static maintenance of natural ecological structure (i.e. protection from use), conservation for safeguarding ecological functions (i.e. “proper” use) opens up the possibility for utilizing natural resources.

In the last few decades, the vast areas of Indonesia’s forest were designated for conservation and became a battlefield of competing interests (Nurrohmat et al., 2017). There is no clear definition for what constitutes utilization while maintaining ecological functions. Evaluating proposals and defining allowable uses often involve policy negotiations where political actors can inject their own interests. Thus, conservation is continuously being redefined and interpreted differently by the political actors involved. In this study, we examine this conservation-utilization nexus and the politics driven by various actors and interests across several levels of government.

Conservation zoning for multiple uses has been implemented in Indonesia since the 1990s for managing multiple stakeholder interests. Law 5 of 1990, Government Regulation (PP) 68 of 1998, and a Ministerial Decree (P.56/2006) on guidelines for zoning conservation areas provided the early legal foundation for allocating utilization zones within national parks. More recently, community forestry advocates and private mining companies have emerged as the two main actors promoting forest utilization in conservation areas. As public interests for geothermal energy grow, the Indonesian government began allowing geothermal developments in conservation areas under Law 21 (2014) and Ministry of Environment and Forestry (MOEF) regulation 46 (2016) (Bos and Brown, 2012). Although legally possible, utilizing natural resources in conservation areas has rarely been allowed because of the strict interpretations on conservation in Law 5/1990. The proposals for geothermal projects however, have gained a political momentum by justifying the development in conservation areas with an environmental service (e.g. renewable energy) that they provide.

Opening access for geothermal projects in conservation areas would allow what we call “liberal zoning”, which may expand other development possibilities. Liberal zoning may also open up opportunities for local communities to negotiate more liberal uses, such as community timber management. Once the government allows geothermal projects in conservation areas, demands for community forestry also likely intensify for more access and utilization.

Although there is a wide array of political tools being used to serve various interests, this paper focuses on two: when and why a certain policy does not progress to the next step in the policy cycles (deadlock) and ‘non-decisions’ as a tool of power politics. We also further the concept of ‘hollow (insubstantial or tokenistic) policy’ by developing its typology. Historically, creating a deadlock has been an important tool in Indonesian politics. For example, new regulations can be formulated to allow some types of utilization in conservation areas, while being consequently hollowed out meaning that they become symbiotic with little or no implementation. Theorizing the mechanisms of non-decisions can help us understand why some breakthroughs happen despite of historical deadlocks. Closely examining what discursive elements in the policy discourses camouflage particular interests can highlight how deadlocks can be broken and re-applied to meet those interests, while excluding others (Sammon, 2008; Bachrach and Baratz, 1962). We

¹ In the US, these concepts go back to Aldo Leopold (Land Ethics, 1949) and Gifford Pinchot (The Fight for Conservation, 1910). Pinchot was the founder of USDA Forest Service. “National Forests” allow multiple (sustainable) uses of forests vs. national parks are for preservation. This is almost the same ‘concept’ with conservation areas in Indonesia (e.g. differences between *Hutan Lindung* and *Hutan Konservasi*).

propose the concept of ‘deadlock opportunism’ to understand the process of opening and closing policy windows allowing geothermal development in conservation areas in Indonesia. Our research questions are:

- 1) What are the factors that have maintained deadlock politics in conservation areas in Indonesia?
- 2) How did geothermal development proposals break through the deadlock and become allowable uses of conservation areas?
- 3) To what extent has social forestry been able to succeed in making similar claims and take an advantage of this opening of the deadlock?
- 4) Who benefits and who loses from the deadlock opportunism?

Deadlock opportunism highlights the potential openings that allow the re-interpretation of some policies only to serve certain interests. In the next section, we further define different concepts to theorize the process of deadlock opportunism. Then we use the geothermal development in conservation areas in Indonesia as a case example to examine the process with the historical contexts of Indonesian politics and answer the three questions above. We conclude with the implications of deadlock opportunism and future research areas.

2. Theoretical positioning: bureaucratic politics, deadlocks, non-decision, and hollow policy

2.1. Bureaucratic politics

The relationship between people and nature, in a conservation context, is highly political. It encompasses issues of rights and access to land and resources, the role of the state (and increasingly non-state actors in NGOs and the private sector), and the power of scientific and other understandings of nature (Adams and Hutton, 2017). The theory of bureaucratic politics acknowledges that policy decisions are not always made unitarily by rational decision makers. For example, those representing “the state” have little room for autonomous actions as individuals. Public policy outcomes often result from a process of bargaining among high-level decision makers (e.g. governmental actors) and those in different level of governments and other sectors with varying interests, preferences, abilities and power (Sahide and Giessen, 2015; Krott, 2005; Maryudi and Sahide, 2017; Prabowo et al., 2016). Conservation area policies viewed through the lense of bureaucratic politics have formal and informal mandates and objectives.² Agencies are formally mandated to serve the public and the existence of a particular agency itself can signify particular prioritization of an issue. However, bureaucracies informally have their own interests of enlarging staff and budgets, and strengthening their political influence (Krott, 2005; see also Wibowo and Giessen, 2015, 2018; Negi and Giessen, 2018).

Ideologies related to utilization in conservation in turn determine the actions that actors undertake within the realm of administrative functions and mandates. Viewpoints about conservation area management are multiple and continue to evolve. For example, while conservationists may define conservation areas as those without human interventions (Morelli et al., 2016), politics may allow new mechanisms for utilizing the areas for other purposes (Stutzin, 1975). As Sahide and Giessen (2015) have described, land use bureaucracies in Indonesia can be divided into two groups by their orientations- production and conservation (also see Hirsch and Warren, 1998; Giessen et al., 2014; Sahide and Giessen, 2015). Bureaucratic politics theory has expanded the recognition of eclecticism for studying public policy decision-making processes (Krott, 2005; Krott et al., 2014) and examining interests, orientations (for conservation or production), and behaviors of

² See formal and informal interest bureaucracy in Krott (2005).

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