

**Two types of “desa”: Community Representation,  
Communal Identity and Property Relations in the Kulawi  
Valley, Central Sulawesi, Indonesia**

**Günter Burkard**

**STORMA Discussion Paper Series  
Sub-program A on  
Social and Economic Dynamics in Rain Forest Margins**

**No. 19 (June 2007)**

**Research Project on Stability of Rain Forest Margins (STORMA)**



**Funded by the Deutsche Forschungsgemeinschaft through the SFB 552  
„STORMA“**

**[www.storma.de](http://www.storma.de)**

**ISSN 1864-8843**

**SFB 552, Georg-August-Universität Göttingen,  
Büsgenweg 1, 37077 Göttingen**

# **Two Types of “desa”: Community Representation, Communal Identity and Property Relations in the Kulawi Valley, Central Sulawesi**

**Günter Burkard**

University of Kassel, Institute for Socio-cultural Studies

*“It is not enough to live in the forest. One must have a stable village that can be identified and funded. One must have a distinctive culture worth studying and saving. And one must have a strong, visible leadership to articulate community concerns in ways that these agencies can understand.” (Tsing 1999: 185).*

## **Table of Contents**

<b>Abstract</b>	<b>2</b>
<b>Introduction</b>	<b>2</b>
<b>Indigenous Societies &amp; Natural Resource Management in Indonesia’s Forest Frontier</b>	<b>6</b>
<b>The Construction of a Customary Law Community: Why is Toro different?</b>	<b>9</b>
<b>Customary Community, Socio-economic Security and the Stability of the Forest Margin</b>	<b>17</b>
<b>Toro, its Neighbours and the State – The Regional Discourse on “Kulawi Identity”</b>	<b>20</b>
<b>Conclusions</b>	<b>23</b>
<b>References</b>	<b>24</b>

## Abstract

This paper analyses some structural problems related to the construction of a “customary law community” inside the Lore Lindu National Park in Central Sulawesi, Indonesia. The resource management institutions of the village of Toro are generally perceived as being inherently sustainable, sufficiently fulfilling the Park Authority’s demand for forest conservation. However, rather than being indigenous creations of the ancestors, Toro’s institutions and principles are based on the state-defined notion of “community controlled land”, the existence of which is denied by the regional government and by neighbouring villages. Controlled by those who have access to certain bodies of relevant knowledge, the process of adequate “community representation” is characterised by a high degree of participatory exclusion. Whereas village leaders justify their claims to a “right of avail” (*hak ulayat*) in terms of local wisdom, common people perceive their claims to private property (*hak milik*) as crucial to socio-economic security. Different notions of “community” and different representations of property relations, which are embedded in different politico-legal discourses and regional histories, hamper the formation of “village alliances” in law enforcement and monitoring. These, in turn, constitute a necessary precondition for the sustainable protection of the forest resource.

*Keywords: local knowledge, customary law community, legal pluralism, property relations*

## Introduction

This article analyses the problems related to the construction of a “customary law community” in the Lore Lindu National Park (LLNP), Central Sulawesi, Indonesia. In the broadest sense, this paper is meant to be a contribution to a “micro political economy of natural resource management”, that is, a theory about the practices, through which local communities (or their leaders) seek to enhance their influence within a regional politico-legal discourse on communal identity, property relations and forest conservation. In July 2000, the community of Toro, located in the Kulawi valley, 86 km from the provincial capital of Palu, was granted a high degree of autonomy in the protection and utilization of its surrounding forest resources by the regional Park Authority (*Balai Taman Nasional*). The area to be managed independently by the community comprises no less than 22.950 ha of secondary and primary forest, successfully re-claimed by the community leaders as “customary village land” (*tanah adat*). 18.000 ha of the area affected are located within the National Park. After successful nomination by *Care International*, Toro gained even international acclaim in winning the UNDP-based “Equator Award” in April 2004. The official nomination form distinguishes three periods of Toro’s initiatives for acknowledgment and self-determination: (1) The *Foundation Phase* (1993-June 2000) is characterized by the exploration of customary law (*adat*) and local institutions, documented in written form and “enacted” in a systematic land use map with active support of “The Free Land Foundation” (*Yayasan Tanah Merdeka*), a local indigenous rights advocacy NGO. (2) The *Acknowledgment Phase* (July 2000-Oct. 2001) is governed by the struggle to reclaim traditional village lands (*tanah adat*) and the acknowledgement of Toro’s customary law and local management schemes as adequate means of protection by the Park Authority.<sup>1</sup> This phase includes also the foundation of local institutions and the revitalization of traditional concepts of Leadership, above all the gender-related “customary women group” and the “mother of the village” as the traditional bearer of indigenous environmental knowledge. (3) During the *Dissemination Phase* (Nov.2001-present), Toro is actively engaged in facilitating neighbouring villages to follow Toro’s

---

<sup>1</sup> Acknowledgement took the form of a so-called “Conservation Agreement” which is only recognized by the Park Authority, but not by the Forestry Department. Thus, its “legal reliability” must be rendered as low.

example and in building strategic partnerships with national and international organizations. The issues referred to above are more than characterizations of different periods of time. In fact they reflect some of the most crucial contextual aspects in community-based resource management. The first and second phase relate to the processes of “community construction” within the wider framework of the Indonesian agrarian and forestry statutes and global concerns with *indigenous societies*, *local knowledge*, *women empowerment* and *local organization*. The third phase links up with the practical problems as they relate to the making of inter-village alliances in regard to rule creation, enforcement and monitoring.

The theoretical framework adopted in this paper consists of five key concepts: “*common pool resources*”, “*practice*”, “*social actor*”, “*local knowledge*” and “*legal pluralism*”, the inter-relatedness of which will be fleshed out within the framework of *discourse*, which functions as an umbrella concept or an ‘adhesive’ between the five concepts.<sup>2</sup>

Irrespective of the *de jure* status they enjoy, **common pool resources** (CPR’s) share the feature that “exclusion” is difficult, which means that they can be kept from potential users only at a high cost at the same time they are “subtractable” in the sense that they can be depleted with individuals and groups using them more or less randomly (Gibson et al. 2000: 6). If one examines the literature on the “problems of the commons” published within the last decade, one can identify two outstanding themes of investigation. The first revolves around the adequate institutional level for managing such resources. There is an increasing awareness that neither a pure “higher-level management” by central governments, nor a pure “local-level management” by individual communities works sufficiently well by itself. Instead, successful management schemes need to be supported by *cross-scale interactions* which link institutions horizontally across space as well as vertically across different levels of organisation (Berkes 2002: 293). The second theme can be described as “diachronic analysis”: On the one hand there is the notion of the profit-maximising individual whose calculus will inevitably overexploit and deplete any common pool resource. At the other extreme one finds the community image of the “moral economy of the commons” with its emphasis on the sustainability and resilience of customary institutions and indigenous livelihood patterns (McCay 2002: 380). This view tends to consider customary communities as isolated, bounded “micro-cultures”; more or less closed systems which had evolved to be functionally stable. The one-sided focus on the “design principles” of local institutions tends to ignore the role of outside institutions and discourses that – albeit at varying rates – shape and influence them. Local communities however, do not act uniformly with these larger influences, but bring their own ideas, histories and interests into this interplay.

Arguing that viable commons institutions depend to a large extent on the creation of “encompassing organizations”, McCay (ibid: 381) calls for a stronger awareness of the social and political “embeddedness” of common pool resources in order to reconcile the discrepancies between theories of individual agency and structure-based approaches. In our conception, the idea of embeddedness is inseparably linked to the notions of “practice” and “social actor”.

*Practice theory*, as developed by Bourdieu (1977) and discussed by Ortner (1984, 1989) focuses on the culturally informed practices and dispositions (*habitus*) of actors. In this sense, **practice** is always action in relation to structure. “Practice” derives from structure, it reproduces structure and it has the capacity to transform structure.

“Thus it is structure that is doubly practised: it is both lived in, in the sense of being a public world of ordered forms, and embodied, in the sense of being an enduring framework of dispositions that are stamped on actors’ beings” (Ortner 1989: 13).

---

<sup>2</sup> Following Michel Foucault’s reasoning as outlined in “The Order of Discourse” (1971) and “The Archaeology of Knowledge” (1972), *discourse* denotes a form of practice, that produces specific fields of culturally and historically located meanings or a specific problematic by establishing meaningful relations between concepts and reality.

As Ortner (ibid: 12) points out, action considered in isolation from structure is not “practice”. Practice is intrinsically linked to notions of asymmetry and domination. Rather than the free floating, profit-maximizing agent adopted by neoclassic economic theory, practice theory sees the individual actor as being “heavily constrained by both internalised cultural parameters and external material and social limits” (Ortner 1984: 14). This is certainly true, but it should be noted that any given system consists simultaneously of a variety of at times conflicting discourses, interests, and subsystems within which an individual chooses and acts. The system being open, the individual actor is exposed to new models of behaviour, new possibilities of choice. In such situations, questions of motivation and strategic action become central. Further, as Hefner (1990) reminds us, actors’ preferences are not formulated in “solitary introspection”, but are informed by a process of positioning oneself through identification with “significant others” and their evaluation of what is appropriate and desirable. This “social referencing” is heavily influenced by the “relations between groups in society, and the moral and political history they imply” (Hefner 1990: 21).

In recognising that it is “social referencing” as well as socio-cultural differentiation which shapes the practices of structurally positioned actors, the individual actor is transformed into a **social actor** (Long 1992), whose attitudes and actions are always embedded in larger attachments or “commitments”. Such commitments however, transcend the scope of the individual calculus attributed to the free agent of utilitarian interest theories:

“The view of the person as a clear-headed maximiser over clearly defined preferences must give way to the image of a more complicated and less certain actor, attempting to sort out what is worth doing and what sort of person to be” (McPherson 1983: 111).

Expanding the concept of *social actor*, the notion of “social organisation” is better perceived as a “set of practices” (Nuijten 1992: 204) than in terms of persistent structural entities. Different patterns of *organization* emerge from interactions and negotiations between different actors. In this sense, “negotiation” refers first of all to the “negotiation of meanings, not solely the manoeuvring of individuals within agreed rules. It is a social process which draws upon cultural traditions while in the process is transforming them” (Murray Li 1995: 510). Turning now to our point of entry, the management of common pool resources, it seems less that an individual calculus can explain a commons system, rather, the individual calculus must be explained from the viewpoint of the socially, culturally and politically embedded commons (see Peters 1987).

Following an actor oriented perspective on *knowledge* as developed by Norman Long (1992), **local knowledge** is perceived as emerging from social interactions between specific actors and their “life worlds”. Working outwards from this basis, local knowledge is not constructed by a single (local) “knowledge system”, but is produced by *knowledge interfaces* which constitute the critical points of intersection between actor’s diverse life worlds. Different live worlds however, need negotiations within *knowledge encounters* which “involve the struggles between actors who aim to enrol others in their ‘projects’, getting them to accept particular frames of meaning, winning them over to their points of view” (N. Long 1992: 27).<sup>3</sup> In the course of this process, certain discursive statements will be reaffirmed, whereas others will be reformulated or transformed. This is why certain discourses are more persistent in time than others. Because knowledge processes are integrated into social processes, “discursive analysis” must always take issues of power and inequality into account (A. Long 1992: 168). However, it is not only that those in power are engaged in knowledge production, there may also be a reverse situation in which the ownership of valued knowledge

---

<sup>3</sup> It should be noted however, that, because knowledge is embedded in individual life worlds and multiple realities, the process of “winning over” is not a complete one in the sense that certain perspectives presented by actors engaged in negotiations are accepted in totality. It is rather that “meaningful bits of information” are integrated into a unique individual life world, a unique individual reality “which may differ from the ‘reality’ of the original knowledge provider” (Fremerey 2005: 256).

itself constructs an asymmetric relational structure. As Foucault (in Gordon 1980) reminds us, discourse can be both, an instrument and an effect of power. Under specific circumstances and at certain points of time, certain bodies of knowledge come to be privileged over others, that is to say the “value” which is attached to specific sectors of knowledge will rise. Because not all members of a society or community have equal access to the privileged or valued domains of knowledge, those who control valued knowledge are becoming *experts*; and it is their expertise which conveys them authority, status and power. In other words, the process of knowledge production is controlled by those who have access to valued knowledge. In regard to the notion of “local knowledge”, it is important to keep in mind that what constitutes “valued knowledge” in a given local community is often less defined by the community itself, but is shaped by regional dominant forces and influences (NGO activists, environmentalists, political agendas etc.). The validity which is accrued to local knowledge has thus less to do with its “indigeneity”, but with the authority which is accorded to it by significant outsiders. Thus, the authority attached to local knowledge must be analysed in the context of the wider discourses to which it is linked and from which it derives its legitimacy.

The point made above is that, as noted by Mosse (2001: 17), local knowledge should be conceived *relationally*, as a product of social practices rather than in terms of a fixed commodity with the subsequent question arising, what actually counts as evidence of local knowledge (or customary practice) within a given socio-historical setting. In the Indonesian context, local knowledge is primarily portrayed in terms of local beliefs and customs (*adat*). Within the last decade, the term *adat* has experienced an unprecedented valorisation within the Indonesian environmental discourse and struggle for self-determination. Originally an *objective* term to denote the way of life of village communities, encapsulating customary law, ritual practices, cultural dispositions and social relations, *adat* has been transformed into a *rhetoric* term in the struggle of local communities to reclaim their rights over natural resources and territories threatened by central government and forestry interests. The concept of *adat*, then, needs deconstruction so that it is seen as a socially constructed and negotiated process, not simply the actualisation of a given system of norms, rules and values. As far as the Indonesian reality is concerned, the final indicator for the existence of customary law communities (*masyarakat hukum adat*) however remains the recognition by the government. In other words: communities must be able to articulate their identity in terms of an “adequate representation” which fits a pre-configured set of characteristics recognized by government agencies. Thus, there is the paradoxical situation that knowledgeable actors may use the national law (the “customary slot”) in order to prove the existence of customary law (Campbell 2001: 114). Because the ‘knowledgeable’ are usually those who are experienced in dealing with higher authorities as well as non-government organizations (those who are familiar with the relevant laws and discourses), it is generally the village leaders who are in possession of the relevant knowledge. In such cases, the “production of knowledge and the exercise of administrative power intertwine, and each begins to enhance the other” (Allen 2003: 70).

In this paper, the notion of **legal pluralism** is confined to the issue of property rights. In its broadest sense, *legal pluralism* refers to the coexistence of multiple legal orders within a certain sphere of social life, whereas *property rights* regulate who is allowed to make use of a certain resource and under what conditions. Given the fact that there are always multiple legal/normative frameworks at the same time, varying “bundles” of property rights may coexist and interact simultaneously (Meinzen-Dick & Pradhan 2001: 11). As indicated in the last paragraph, *adat* has already become part of a plural legal reality. The notion of legal pluralism however, is not exhausted with an identification of different legal sources and their varying representations of rights (e.g. “local law” versus “state law” / “forestry law” versus “agrarian law”). What is to be stressed is the intrinsically *social nature* of property rights in the sense that they represent less a relationship between actors and things, but a relationship

between actors. This insight however, is anything but new. In his anthropological classic *Crime and Punishment in Savage Society*, Malinowski (1926) was quite aware of the complex nature of any property regime:

“Ownership, therefore, can be defined neither by such words as “communism” nor “individualism”, nor by reference to “joint-stock company” system or “personal enterprise”, but by the concrete facts and conditions of use. It is the sum of duties, privileges, and mutualities which bind the joint owners to the object and to each other” (Malinowski 1926: 21).

As Murray Li (1995: 502) points out, the quality and formation of property rights must be understood in terms of the particular normative social/cultural whole, the locally held “vision of community” in which they are embedded. It is important to note here that ‘discursive fields’ always consist of a number of “competing and contradictory discourses with varying degrees of power to give meaning and organise social institutions and processes” (Weedon 1987: 35). This means that within the discursive field of “property rights”, individual actors and communities may make use of different “normative repertoires” or contradictory “property discourses” in order to legitimate their respective claims.

This article is organized as follows: Section one discusses the cultural localisation and legal situation of “customary law communities” in contemporary Indonesia. Section two analyses the “revitalisation” of the major customary community features in Toro, “traditional leadership” and the spatial mapping of “customary land use” (against the background of alternative counter-interpretations) as they are informed by an overall conservation discourse and the Indonesian forestry and agrarian statutes. Section three analyses the contradictions between an adequate “representations of community” on the one hand and “community security” on the other, pointing out that conservation concerns and equity concerns are not always compatible, but rather conflict with each other. Further it compares Toro with its neighbour villages in regard to some key socio-economic features that are generally linked to land use patterns and deforestation in the research region. Section four looks into the “legitimacy” of the revitalization process in the light of the different property discourses existing within the research region. It further highlights the major practical problems related to the making of „village alliances” in community based forest management as they relate to the contradictory normative frameworks adopted by different villages. These frameworks, in turn, are based on different phases and interpretations of local history. Thus, the perception of local knowledge and custom as a “fixed commodity” is not only inadequate because of its hybrid history, but also because this history itself is heavily contested.

## **Indigenous Societies and Natural Resource Management in Indonesia’s Forest Frontier**

So-called “indigenous peoples” and their locally held knowledge systems have long been a major focus of anthropological research. Whereas the original, academically informed interest in indigenous knowledge was primarily aimed at discovering its structure and systematic, the last two decades witnessed an important shift in the evaluation of local knowledge as it became increasingly crucial to the implementation of conservation and development projects. The often remarkable effectiveness of traditional livelihood patterns in the sustainable use of natural resources has led to a valorisation of local perceptions which gained not only international legitimacy, but were even endowed with the aura of “ecological wisdom” (Posey 2000: 35). By linking it to issues of bio-diversity preservation and by transforming it into “wisdom”, local knowledge was put at the centre of the environmental discourse. On the other hand, the fact that many indigenous peoples live in areas of high biological diversity is often used strategically: In portraying their land use systems as sustainable modes of resource management, indigenous people present themselves as ideal stewards of the environment. Since the devolution of greater power to local communities has become a major imperative in natural resource management, an increasing number of program agendas aim at the

elimination of gender-related discriminations and the full empowerment of women in development and conservation planning. It is generally believed that a stronger integration of women in decision making will raise the effectiveness of sustainable development strategies.

Within the last two decades, a significant number of developing countries have undergone a paradigm shift in natural resource management from state-centred, top-down management towards more decentralized management schemes, in which local communities are given wider responsibilities (Shackleton et al. 2002). Indonesia has been no exception. Since late-1998, after 32 years of centralist rule under President Suharto's "New Order" (*Orde Baru*) regime, the country experienced a process of rapid fiscal and administrative decentralization. Whereas in comparison with other nations, political decentralization came rather late, it was preceded by a vivid discussion on the empowerment of local communities and indigenous rights (IR) since at least the early 90ties. The position of the Indonesian government is that there are no "indigenous people" in Indonesia. People living in geographic and historic isolation from the larger Indonesian society are generally designated as *masyarakat terasing* ("secluded societies"). This term applies to a very limited section of society living in isolated conditions. State policies towards these people are antithetical to the global environmental discourse on local knowledge. Rather than protecting and enhancing their practices, the government perceives these societies as heavily in need for education, development and even relocation (Murray Li 2000: 122). The Indonesian term for indigenous peoples, *masyarakat adat* entered the public discourse not before 1993. The term was created when representatives of different ethnic groups and members of the Indonesian Environmental Forum WALHI (*Wahana Lingkungan Hidup*) formed an alliance called the "Network for the Defense of the Rights of Indigenous Societies" (*Jaringan Pembelaan Hak-Hak Masyarakat Adat*) in Tana Toraja, South Sulawesi. In 1999, with the foundation of the nationwide "Indonesia's Indigenous Peoples' Organisation" AMAN (*Aliansi Masyarakat Adat Nusantara*) in Jakarta, the indigenous people of Indonesia once and for all placed their demands on the national political agenda (Sangaji 2001).<sup>4</sup>

The probably most important outcome of the foundation of AMAN was the "Joint Decree on the Resolution of Traditional Rights Conflicts" (PP 5/1999) of the Minister of Agriculture and the Head of the Agrarian Board (*Badan Pertanahan Nasional*, abbreviated BPN). In this decree the BPN, which has the legal authority to acknowledge traditional land rights, declared rights over customary village land as non-transferable (Fay and Sirait 2002: 141). The BPN's authority however, is not recognised in areas designated as "forest land". The problem with this is that more often than not, "customary forests" are secondary forests which are embedded in cyclical agricultural systems and as such form an integral part of mixed farming strategies (see Burkard, this volume). Given the highly sectoral character of the Indonesian legislation, there is neither the common vision, nor a common single law regulating natural resource and protected area management in a conclusive manner. In contrast to the BPN's commitment to devolution, the new forest law (UU 41/1999) preserved many of the centralist features of its predecessor (UU 5/1967). Within UU 41/1999, community forest is not a distinct category from private forest and state forest, but represents a subaltern category within the national forest area (Art. 1, §6). Consequently, Act No. 41/1999 recognizes only the right to forest management (*pengelolaan*) according to customary principles, but not the right to open forest for conversion into agricultural land.<sup>5</sup>

Despite the unclear distribution of authority within the government, Agrarian Law (BAL; UU5/1960) and Forestry Law (UU 41/99) share similar views on the peculiarities which define customary communities: Traditional land rights are not inherent, but are respected only as long as customary claims do not conflict with national priorities (UU 5/1960 Art. 3, UU

---

<sup>4</sup> The village head of Toro himself was actively participating in the foundation of "AMAN".

<sup>5</sup> Traditional management practices must not conflict with the state defined function of the forest as conservation or protection forest (Art.37).



41/1999 Art. 67). The devolution of rights related to the management of natural resources remains confined to so-called customary law communities (*masyarakat hukum adat*), leaving no chances for communities which either do not qualify as customary law community (e.g. multi-ethnic villages or transmigration sites) or which lack the necessary indicators.<sup>6</sup> The required indicators listed in the Forest Law (UU 41/1999, elucidation of Art. 67) are: a legally identifiable social organization (*rechtsgemeenschap*), a formal customary law institution, a clearly defined territory regulated by customary law, the presence of traditional *adat* authorities and the collection of forest products to meet day-to-day subsistence needs. Thus, devolution is channelled via a social organization which mirrors bureaucratic structures, the features of which are strictly defined by the state. In emphasizing the management capabilities of *adat* institutions, other criteria such as socio-economic security and social stability are not recognized as decisive factors for devolution.<sup>7</sup>

Deeply ingrained in the Indonesian legislation, especially the BAL (Art. 5, 16, 65), and an indispensable part of the customary law society is the notion of *ulayat*, referring to a special relationship between the local community and its “customary territory” (*tanah adat*). The term preferred by Dutch colonial scholars, *beschikkingsrecht*, is usually paraphrased with “right of avail” (Burns 1989: 9).<sup>8</sup> In its broadest sense, *ulayat* refers to community controlled land. Whereas group members have a right to make use of virgin land within the community’s territory, outsiders can only do so after obtaining permission from the community. The regulation of access remains in the hands of a traditional authority who may be either an individual elder or a council of elders. The collective nature of *ulayat* does not mean that individuals cannot hold resources for their own needs. Important is rather the fact that individual rights are defined by their relationship with the rights of the community to which the individual right holder belongs and from which his individual rights are derived. In general the community recognizes an individual’s “preferential right” to a certain piece of land at the same time he is bound by customary restrictions imposed by the community (Evers 1995: 3). The most common restriction in this regard is that land cannot be sold. Perceived in terms of a “delicate balance of rights and restrictions” (Evers), in the *hak ulayat*-conception individual and community rights are complementary and mutually constitutive. In contrast to the “right of ownership” (*hak milik*), which allows for alienation and which can be registered by land titles (e.g. certificates), the “right of allocation” (*ulayat*) is an unwritten “entitlement” based on community consent. A major difference between *hak ulayat* and *hak milik* is to be found in their respective legitimating sources: as a common right, the former derives its principal legitimacy from the community where it is applied, whereas the latter derives its legitimacy from the Indonesian national legislation.

The most critical feature attributed to customary law communities however, is that they must be persistent in time, since generations and without interruptions (UU 5/1960 Art.2, UU 41/1999 Art. 67, PP 5/1999 Art. 2). Thus, according to the law, there can not be an “invention” or “adaptation” of *adat*, nor can there be a “revitalization” of “lost” customary

---

<sup>6</sup> The term *masyarakat adat* is not appreciated by Indonesian law. Instead, the law prefers the term *masyarakat hukum adat*, literally: “customary law society” (UU 5/1960, UU 41/1999, PP 5/1999). This difference is more than semantic: Whereas the term “*masyarakat adat*” is preferred by environmentalists and local rights activists in order to pronounce the “indigenoussness” of local people and their practices, the term “*masyarakat hukum adat*” refers to the features of institutional formality which are required in order to qualify for official recognition.

<sup>7</sup> The most important law on protected area management, the 1990 Act on the “Conservation of Biodiversity and Natural Ecosystems” (UU5/1990) offers almost no chances for community participation and empowerment. The act is dominated by general statements, such as that people should be involved in nature conservation and that the government must raise the conservation awareness among the local population (Art.37, §2). Similarly, the “Environmental Management Act” of 1997 (UU 23/1997) makes no reference at all to the local knowledge held by indigenous peoples.

<sup>8</sup> Burns (1989) prefers the term ‘right of allocation’ over ‘right of avail’, because it better fits its intend that land cannot be alienated in perpetuity.

principles. Here, the legal situation becomes paradox: It was no one else than the Indonesian government itself which deprived forest dependent communities of their self-governing capability and sanctioning patterns by imposing a uniform, bureaucratic structure in the countryside (UU 5/1979) and by concentrating the full management authority over forest resources in the hands of the state (UU 5/1967). On the one hand, local communities were withdrawn from their traditional role in forest protection by government regulation (PP 28/1985, Art.10), on the other hand they are expected to prove their embeddedness and integration with nature in order to qualify for recognition as customary law community. As Campbell (2002) points out:

By depicting a romanticised version of *adat* as a glorious living tradition of harmony with nature that is fully operative in forest dependent communities, it is easier for government critics to push their equally simplistic view that most customary systems (as static self-perpetuating operating systems) have already broken down” (ibid: 115).

Whereas laws regulating natural resource use in direct manners offer only little “room for manoeuvre” for local communities to manage their resources autonomously, there exists a number of laws regulating resource use in indirect manners which seem more dedicated to the devolution of management rights. A Parliament Resolution from 2001 (*TAP No. IX, 2001*) states that the “management, ownership status and use of land must be ordered anew with a just land reform that acknowledges more clearly the ownership rights of the common people” (Art.5, §1). The same paragraph introduces the concept of “transitional justice” as a means to establish social stability during the transition from centralist state to regional autonomy. The *Law on National Development* (UU 25/2000, Art.10) points out that “regulations about resource use must include access of *adat* communities as well as (other) local communities” and the new *Law on Human Rights* (UU39/1999, Art.6, §1, 2) declares local rights over resources as a part of the basic human rights with community land rights being portrayed as “natural rights”. Already drafted in the Suharto Era, the *Law on Population Development and Family Welfare* (UU 10/1992) proclaims the “right to the beneficial use of territory that constitutes a traditional customary inheritance” (Art.6). Albeit these laws contain important statements, there exist no implementing regulations to enforce their basic provisions.

From the point of view of local communities however, the “state” is regarded as an assemblage of various agencies and institutions (the Forest Department, the Park Management, organizations acting on behalf of the government etc.), not in terms of a monolithic central structure. The “fields of power” which surround local communities however, are by far exhausted with the state apparatus. As Murray Li (2001: 651) points out, the power which Foucault described in his treatise on “Governmentality” (Foucault 1991) as regulating the “conduct of conduct” has meanwhile become a characteristic of organizations which are generally identified as “non-governmental”. Guided by their respective “moral visions”, NGO’s often exercise the same kind of power as the state when engaged in “reforming” and “improving” local communities in the direction of their specific agendas. Given the overall legal and cultural localization of “indigenous people” and “customary communities” in Indonesia, the fulfilment of the state defined features of a “customary law community” (as stated in the Forestry and Agrarian Laws) remain the single legal “slot” for communities to regain control over their ancestral territories.

### **The Construction of a Customary Law Community: Why is Toro different?**

Similar to other enclaves inside the National Park, such as the village of Katu in the Besoa valley and the villages surrounding Lake Lindu (documented in Murray Li 2000), Toro villagers were threatened to be resettled from their village since 1997 (Sunito 2005: 151). Efforts to resist resettlement ended with the formal recognition of Toros ancestral lands when a “village conservation agreement” (*Kesepakatan Konservasi Masyarakat*) was signed with

the National Park Authority in July 2000. Influenced by a NGO-attached village leader, Toro decision makers realized that the success of their resistance towards resettlement depended on their capacity to prove the authenticity of their ancestors' rights and their ability to construct a viable and enforceable customary "counter-culture" (Zerner) which fulfilled the Park Authority's demand for adequate preservation. This effort however cannot be analysed in isolation from the wider national discourse on development and indigenous rights. Resettlement is nothing uncommon in Indonesia where thousands of farm households are relocated from the overpopulated island of Java via the national transmigration scheme. In case Toro villagers would present themselves as "ordinary farmers", their livelihood could - at least theoretically - be recreated elsewhere like that of thousands of other transmigrates (see Murray Li 2000: 134). This means that in resisting resettlement, Toro leaders had to manage a fivefold task:

- (1) their local culture had to be presented as unique, sufficiently different from other villages in order to match with outsiders images of "indigenous societies",
- (2) their livelihoods had to be presented in a way which proves their attachment to place, in order to convince outsiders that their specific form of existence is only possible in the place where they live,
- (3) the representation of traditional forms of social organization must match with the nationally defined features of a customary law community,
- (4) the traditional mode of land use must be presented as being sufficiently sustainable to sustain the integrity of the National Park and should – if not mirror – at least be not in conflict with the national forest zoning scheme,
- (5) Toro must win the hearts of NGO's in order to make the "Toro case" public and to mobilize the necessary support.

This is what Tsing (1999: 163) has described as the necessity to create a "tribal situation" in contrast to a mere "village situation". Thus, more than other villages near the Park, Toro represented the "kind of community that environmentalists and green developers might choose for co-operation, learning, and alliance" (ibid: 161). Support was organised via a Sulawesi-based NGO called "The Free land Foundation" (*Yayasan Tanah Merdeka*; abbr. *YTM*) which had already long established connections with part of the village leaders. In contrast to the two other leading NGO's in Central Sulawesi ("The Nature Conservancy" (TNC) and "Care International"), YTM's activities are not framed within the governments policies of development and village-state-relations, but are rather formulated in opposition to the state. Less concerned with issues of "development" (as in the case of "Care") and "conservation" (as in the case of "TNC"), YTM is regionally known as the specialist for "empowerment". In the case of Toro, "empowerment" meant nothing else than the actualisation of the tasks outlined above.

The adequate representation of the *Customary Law Community of Toro* manifested itself in two major features. First, the notion of "traditional leadership", including the establishment of a "Mother of the Village" (*Tina Ngata*) as the traditional carrier of environmental wisdom and a "Customary Law Council" (*Lembaga Adat*) having the full jurisdiction over Toro's ancestral territories. The second feature concerns the spatial mapping of Toro's customary lands and traditional modes of land use. Within the course of time, these basic "features" have been supplemented by several minor features, the most important of which is the feature of a "low external input sustainable agriculture" (LEISA). The three features listed figured prominently in the proposal for the "Equator Award" as the most pronounced distinctive elements of "Toro identity". According to the proposal, the rather successful preservation of the forests in Toro is directly linked to these "customary features". Whereas this view is shared by most NGO-activists as well as by some bureaucrats and researchers, the following discussion is aimed at unveiling these direct relationships as merely "myths".

## *Traditional Leadership and the Customary Council*

Traditional leadership positions have been framed into two concepts, the *Tina Ngata* (literally: the “Mother of the Village”) as the female carrier of “local environmental wisdom” (*kearifan lokal*) and the *Totua Ngata* as the custodian of customary law. Among the two “customary leaders”, it is first of all the *Tina Ngata* who won regional and international attention and acclaim and is meanwhile perceived as a sort of “cultural core” of the customary law. Thus, the journal *Down to Earth* (No. 63, 2004) reports empathically of the prominent role of the *Tina Ngata* in the sustainable resource use of Toro. The emergence of the *Tina Ngata* is intrinsically linked to the foundation of the “Customary Women Organization” *OPANT* (*Organisasi Perempuan Adat Ngata Toro*) in May 2001. Legitimizing its existence with the prominent role that women played in village decision making in the past, *OPANT* was founded as a substitute for the state-organized groups of the “Family Welfare Program” (*Pendidikan Kesejahteraan Keluarga*, abbr. “PKK”) which focused primarily on issues of household hygiene, child care, nutrition and birth control. The PKK was abolished because of its exclusively “domestic” character which was perceived as being antithetical to the local tradition in which women played important public roles as “keepers of the *adat*” (*Pabolia Ada*), decision makers (*Pangali Baha*) and carriers of environmental knowledge (*Tina Ngata*). Whereas the “ecological function” of the *Tina Ngata* lies in the determination of the right “time quality” for forest clearing according to astrological principles, the *Totua Ngata* knows about the ecological suitability of forest locations for agricultural conversion (distance from river streams, steepness and soil erosion, fertility etc). Both functions relate to the “rights of avail” of traditional authorities in the allocation and distribution of community controlled land. *Tina Ngata* and *Totua Ngata* function ex officio as leaders of *OPANT* and the Customary Council (*Lembaga Adat*) respectively.

Whereas the “official” Toro version argues that the *Lembaga Adat* was the central authority (*otoritas tunggal*) in regulating social life and natural resource use since times immemorial<sup>9</sup>, this version is heavily contested by two different “folk versions”. Following the first version, the *Lembaga Adat* was founded in 1939, when several religious leaders, aristocrats and elders met in order to restore the social norms which had been deteriorating with the arrival of the Dutch. In the second version the origins of the *Lembaga Adat* can be traced to the regular meetings which were held in the “communal meeting house” (*lobo*) during the Japanese occupation. It is important to note that in both versions the *Lembaga Adat* appears by no means as an invention of the ancestors, but is rather perceived as the outcome of reactions against outer circumstances or informal meetings. Further, the issue of local resource management plays no role at all in the foundation of the council. According to the “Rules for Resource Management” drafted in 2002 every planned land clearing must be reported to the *Lembaga Adat*, which gives its formal consent after the *Tina Ngata* and *Totua Ngata* have been consulted. The point to be made is that both “traditional functions” are linked to formal organizations and display rather formal than traditional characteristics. Thus, the *Tina Ngata* herself held the former position as head of the PKK. Compared to the *Lembaga Adat*, the role of the *Tina Ngata* is even more contested. In the common version in the cultural centre of the Kulawi valley, the town of Bolapapu, the term *Tina Ngata* relates to the cultural and social role of Bolapapu, which is also the administrative district centre, as the “Mother of the Villages”.<sup>10</sup> This version is popular among the Islamic descendants of the Kulawi kings who deny the existence of *Tina Ngata* as a person. The *Tina Ngata* of Toro is merely perceived as an, albeit clever, invention of Toro in order to gain outside attention.

---

<sup>9</sup> Lembaga Masyarakat Adat Toro: Kearifan Masyarakat Adat Ngata Toro dalam Pola Interaksi Pemilikan dan Pengelolaan Sumber Daya Alam (2002).

<sup>10</sup> Indonesian language does not differentiate between singular and plural; both interpretations are possible.

Some elders in Bolapapu on the other hand accept the personal aspect of the *Tina Ngata*, though with three limitations: First, the phenomenon *Tina Ngata* is confined to the core village of Bolapapu. Second, the *Tina Ngata* is by no means a continuous institution; rather the *Tina Ngata* emerges sporadically because she is in possession of a relevant expertise. Third, this expertise is linked to issues of warfare, oracles, conflict resolution and healing, but is not related to the forest or to natural resource management in general. Last but not least, some younger functionaries inside and outside from Toro related the term *Tina Ngata* to the wife of the village head who normally carries the bulk of the PKK-work load and is thus jokingly called “Mother of the Village”. This is not to say that the personal notion of *Tina Ngata* as an ancestral institution adopted by Toro leaders is as such “illegitimate”. What is to be stressed, however, is that Toro leaders present their specific conception to the outside world with quite some success, at the same time their legitimacy to do so is still under debate inside the village.

The main topic within the regional “Toro discourse” however concerns the relationship of traditional authorities and formal organizations. Among most elders in adjacent villages as well as among Toro residents themselves there is consensus that in the past the *Totua Ngata* was not a formalized position. The same holds true for the individuals who gathered to discuss a certain problem. Far from being a fixed set of people, the individuals who gathered depended on the specific problem that had to be solved. Thus, the *Totua Ngata* was an informal position, which was rather determined by “individual” or “situational” expertise, than by formal rules of succession. Informants pointed out that in terms of gender *Totua Ngata* is a neutral term and that women have not been excluded in decision making in case they were in possession of the relevant expertise. They further made the point that these women were not explicitly addressed as *Tina Ngata* or by any other term, but were part of a group of “elders” called *Totua Ngata*. In this sense, the original meaning of *Totua Ngata* relates rather to the way people were “organizing their affairs” than to organizational entities and gender issues. Only within the “revitalization process”, have positions of *ascribed* status been formalized and converted into an *achieved* status with the role of *Tina Ngata* being transferred to the former leader of the PKK and the role of *Totua Ngata* being transferred to the head of the *Lembaga Adat*, both of them already in powerful administrative positions before the revitalization process itself started.

The discourse around issues of “organizing” versus “formal organization” however is not exhausted with the traditional role of *Totua Ngata* and their position in village life, but meanwhile includes the role and “appropriate” understanding of the Customary Women Organization *OPANT* itself. *OPANT* (formally established in 2001) has its origins in an informal movement of some younger women, searching for ways to secure a stronger participation of women in village decisions. Given her capacity and experience as the former leader of the PKK, the *Tina Ngata* was chosen to represent their concerns to the village administration and outside organizations. With the formation of *OPANT* however, the women saw that the benefits of their struggles were increasingly captured by the leader. Due to in-transparent management practices in the case of funds for a nursery school, several key position holders (secretary, cashier and the specialist for traditional arts) withdrew their involvement in *OPANT* with the effect that at the time when *OPANT* (represented by its leader) won international acclaim in form of the “Equator Award”, *OPANT*’s activities had already come to a standstill in Toro. A former *OPANT*-activist pointed out that

“Formerly, in the PKK there was not much money...but the channels were clear and everybody knew about the state subsidies... so and so much for the village, so and so much for the hamlets and so and so much for every neighbourhood group. ... So it was with the information... One became ten, ten became one hundred and a hundred became thousand. ... Now, with Opant “she” makes proposals to all kinds of organizations in the name of Opant, but we never know anything... There are no clear channels for information and funds. When we asked about the funds for the

nursery school, we received Rp. 50.000 each and that was all. Before we become “cheated” (*dikasih bodoh*) I think it is better to withdraw”.

Meanwhile, women call for the re-establishment of PKK. The lesson to be learned from the *OPANT* case is that with the establishment of a formal organization which mirrors bureaucratic structures, a structurally positioned leader could capture the organization’s concerns for her private “empowerment” in presenting *OPANT*’s activities to the public and making its concerns intelligible to outsiders. Thus, a genuine movement of “organizing women’s affairs” ended up with a formal organization characterized by a high degree of “participatory exclusion”. Because of the emphasis on “empowerment” for its own sake, neither *YTM* (which facilitated the foundation of *OPANT*), nor *Care International* (which made the proposal for the “Equator Award”) realized that state-organizations (PKK) are fulfilling valuable functions that will have to be performed by the “empowered” organizations if they are eliminated. Thus, when the Department of Health distributed medicines in order to kill mosquito eggs in water basins, Toro households lost out because the medicines were distributed via the PKK-branches in every village. One must be careful with the idea that the formation of “own” organisations is always in favour of local communities. Once a new organisation is established, certain leaders may well capitalise the name and principles of the organisation for their own benefits.

In regard to “local knowledge” related to the appropriate planting time, which Toro portrays as an “exclusive knowledge” embodied in the *Tina Ngata*, our survey on “customary practices” revealed that – far from being exclusive - this aspect of local knowledge is commonly shared knowledge, almost evenly distributed among the community members. 69% (n = 40) of the women in the representative household sample determined the planting time by themselves, using astrology, moon phases, age of seedlings or traditional calendars. The others, who followed the example of their fellows, based their decisions on the instructions of the extension service (n=4), the working plan of the reciprocal working groups (n=5) or modelled their behaviour on the activities of elder women who are perceived as being knowledgeable in this question (n=3).<sup>11</sup> The point to be made is that by monopolizing and appropriating commonly shared knowledge, certain individuals who are ‘knowledgeable’ about what kind of knowledge “counts” in the eyes of significant outsiders may well enhance their power and influence within a regional discourse on empowerment and customary practices. It is within this discourse, where “knowledge and power intertwine and where each enhances the other” (Allen 2003: 70). Our discussion on the failure of *OPANT* revealed that as in most approaches to local organization in development, NGO’s often resemble to state agencies in their lack of “understanding of how people strategically organize themselves”, a lack which is mainly due to “the persistence of notions of formal bureaucratic rationality” (Nuijten 1992: 189). Without a formal organisation (*OPANT*) existing, Toro’s struggles for women empowerment could not have been presented to the public easily. In the case of Toro however, the focus on “organization” as a *persistent entity ingrained with bureaucratic rationality* led not to the empowerment of a clear defined section of village society (women), but rather enhanced the position of parts of the village elite who put themselves on top of the organization and who are well equipped to capture the benefits of what were formerly uncoordinated meetings of women “organizing themselves”. The person who fulfils the role of *Tina Ngata* is not a free-floating, profit-maximising individual “engaged in endless creativity” (Ortner 1989), but a structurally positioned actor using certain aspects of locally held knowledge *strategically* in her encounters with outsiders, in making her concerns intelligible to the life-worlds of others. On the other hand, the women who feel deprived of their struggles are not passive recipients of a process shaped by forces outside their control.

---

<sup>11</sup> Knowledge about the determination of planting times is neither exclusive to a certain person, nor exclusive to a certain community. A household survey of Storma-subproject A4 revealed that most farmers determine planting times by themselves in all 12 villages under study (Nunung Nuryantono, personal communication).

Under the given circumstances, withdrawing oneself from engagement is more than an effective “*weapon of the weak*” (Scott 1985). In successfully bringing *OPANT*-activities to a standstill and in calling for re-establishment of the PKK, the actions (or “practices”) of Toro women – because they are related to the existing structure - may well have the capacity to transform that structure in the long run. Of course, this process will involve other negotiations in sorting out “what is worth doing and what sort of person to be” (McPherson 1983: 111).

One important aspect of Toro’s claimed primary role of women and gendered knowledge in the past is the argument that from times immemorial until the present it has always been the women who inherit wet rice fields (*sawah*). In our survey however, only 31% of all wet rice fields acquired by inheritance have been inherited by women, most of them (69%) instead were inherited by men. The reason for a male preference in *sawah* inheritance given by leaders of neighbouring villages (as well as by two old key informants in Toro who are not linked to the present village administration) is that in the “old past” (*jaman dulu*) wet rice plots were indeed bequeathed to the women. With the arrival of the cash economy however, the male household head became increasingly responsible in sustaining the well being of his family (*menghidupkan*), so that in terms of “family security” it was more promising to transfer the *sawah* to the men. This process was intensified with the arrival of the “Green Revolution” and the *bimas* rice intensification program, when the role of rice cultivation changed from subsistence or part-subsistence to full cash crop production. This is of special relevance in the case of Toro where most cash income is still obtained from rice production. Whereas in the past men were responsible to provide for cash by the collection of forest products such as *rattan*, *resin* and *gaharu*, the role of women as leaders of the various rituals related to rice cultivation was in principle a domestic role. If, however, the economic role of rice cultivation changes, so do gender roles in regard to rice production. The basic dichotomy women/domestic : men/cash remains, but the major income generating resource is transferred to men. In the neighbouring village of Bolapapu, Laksmi Savitri (see her contribution in this volume) found that there is an increasing tendency to divide wet rice fields between male and female heirs equally in order to avoid conflict within the family. If cacao becomes the primary income source, *sawah* are less important and can be transferred back to the women. This process is most pronounced in the cash crop dominated village of Sintuwu (Palolo valley) where men work the cacao plots and women manage the wet rice fields via exclusionary work arrangements. There is already an almost equal inheritance of *sawah* by women and men in Sintuwu. If there is a tendency in Toro that *sawah* are more and more inherited by women, it should first of all be linked to the Sulawesi cacao boom and to issues of conflict avoidance, not to the re-invention or continuity of customary law. Inheritance itself is a flexible means to cope with varying situations, not a stable element of Kulawi or Toro *adat* and identity.<sup>12</sup>

#### *The Spatial Mapping of Customary Territories and Traditional Land Use and the Feature of a “Low External Input Sustainable Agriculture” (LEISA)*

As common in other communities in the research region, Toro villagers distinguish between several types of forest according to the age of the vegetation: (1) *wana ngiki* refers to the forested landscape deep inside the forest, usually on hills and out of reach for people’s activity, (2) *wana* refers the border areas between used and unused forest areas and functions primarily as a reservoir for hunting activities, (3) *pangale* are the old secondary forests which have been left idle for more than 25 years and which have become almost “similar” to virgin

---

<sup>12</sup> Further, land registration and certification involves that plots are mostly registered on the husbands name, irrespective if they have been bought with the money of the woman or the money of the man or by whom they have been inherited. Therefore people transferred *sawah* to the men, because otherwise sooner or later they will be registered under the name of the husband of their daughters and be transferred to another extended family. If it is transferred to sons, it remains within the family.



forest, (4) *omah* are forested landscapes with a vegetation age ranging from 5 to maximum 25 years and which are actively used by the village population, predominantly for “agro-forestry” systems. In the so-called “Participatory Map of Land Use and Local Wisdom” (*Pemetaan Partisipatif dan Penggalian Kearifan Lokal*) the several kinds of forest are represented by clear categories and clear distinguishable territories. In portraying the different kinds of vegetation as clearly differentiated areas inside the forest, the cartographic representation of Toro’s customary forests does not only fulfil the Park Authority’s demand for adequate environmental protection; it also mirrors the national zoning scheme as outlined in the Indonesian Conservation Act (UU 5/1990, Art.34, §3). It further allows for the construction of a more or less congruent overlap of resource boundaries with legal boundaries.

In the official Toro documents, this zoning scheme is represented as the manifestation of an indigenous conception called *katuwua* which orders man’s interaction with the forest. The *katuwua* is formulated in relation to a complementary term, *hintuwu*. The *hintuwu*-principle is portrayed as those elements of *adat* which order the social life of the community, whereas the *katuwua* relates to those elements which order the community’s relationship with the natural environment. The original meaning of *katuwua* however seems much less exclusive and specified as the Toro version suggests. All over Central Sulawesi, including the city of Palu, the term is usually known in the meaning of “plants” or something which “sprouts up”. Etymologically, the term consists of two parts: in the Kaili and Kulawi languages, *ka* means “something”, whereas *tuwua* means “to grow”.<sup>13</sup> Thus, *katuwua* represents a universally shared term in the region. Denoting the “life force” of plants, in its original meaning, *katuwua* exists irrespective of humans and is not at all linked to the community’s interaction with its surrounding resources.

Following the official Toro version, it is an integral part of the local customary law that *omah*-forests may be used by private households on the *ulayat*-principle as long as the utilization of the secondary forests does not conflict with the restrictions imposed by the village leaders based on their “local wisdom”. Use rights of *omah*-forests can be transferred from one generation to the next. The *pangale*-forests on the other hand are portrayed as “community lands” where no “right of avail” applies and which can not be converted for agricultural or agro-forest purposes. The common village property is called *huaka*, whereas private use rights are labelled as *dodoha*.<sup>14</sup> Thus, different types of forest relate to different property rights. Our survey on customary practices however revealed that the villagers do not perceive the term *huaka* as denoting a common village property. Instead, *huaka* is considered as a “family pool” which derives its ownership status from the rights of the first clearer. In the daily conversation *huaka* and *dodoha* appear as two sides of the same thing: whereas forested lands are often referred to as “this forest is *huaka* of family X”, the term *dodoha* relates to individual property which has been formally inherited by an established inheritance procedure, for example: “this wet rice plot or this machete is my *dodoha*”. In the folk version, *huaka* is less linked to common village property, but refers to the common family-pool which has not yet been divided among the co-heirs. Interestingly, in explaining *huaka*, informants refer to both, *omah*-forests as well as *pangale*-forests. In this version (which is the dominant version throughout the research region), *omah* and *pangale*-forests are no independent legal categories, but are 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. Utilization of forest is restricted by the fact

---

<sup>13</sup> Examples of *katuwua* given by our respondents are that one should not trample on harvested maize cobs or that one should not draw rattan along the wet rice fields when the rice begins to ripen in order to avoid that the soul of the rice gets lost.

<sup>14</sup> Lembaga Masyarakat Adat Toro: Kearifan Masyarakat Adat Ngata Toro dalam Pola Interaksi Pemilikan dan Pengelolaan Sumber Daya Alam (2002).



whether it belongs to a certain “family pool” or not, irrespective of the age of the vegetation. Interestingly, in the local language *Bahasa Kulawi*, the dominant way of land acquisition in the past, the opening of primary forest, is called *mo pangale*. In the *mo pangale*-conception the opening of virgin stands was succeeded by long fallow periods; the vegetation being cut at least two times before the plot was used for the cultivation of upland rice. More often than not, the clearing of forest (*mo pangale*) functioned as a mechanism to secure “reserve lands” for future generations. Following this line, the original term *pangale* seems more related to issues of expansion than to issues of preservation. Informants pointed out that some years ago, before the process of customary revitalization started, there was no difference in terms of property between *omah* and cleared *pangale*-forests. The first clearer is called *po pangalea*, whereas the plot being cleared is called *po pangaleanya*. The argument made by some villagers is that the suffix “nya” (a possessive pronoun in Indonesian language) points out rather to the rights of a first clearer than to the “rights of avail” claimed by Toro leaders. If private forests are transformed into a community forest, rights are transferred from individual owners to the community with the question arising who in the community makes the decisions and who is actually empowered by this shift of ownership status? Faced with different situations, leaders and villagers draw upon totally different property discourses in legitimating their claims.<sup>15</sup>

It should be noted that – like in many other communities – Toro’s dominant form of land use in the past was of the shifting cultivation type. The dominant system was less one of *pioneer swiddening* characterized by a concentration on primary forests, but rather one of *established swiddening* with people rotating on fixed secondary plots. Nevertheless, from time to time the settlement moved over short distances. Expansion and contraction of villages is a well established feature of Central Sulawesi villages. The “territorialisation” of customary law however, as “enacted” in the cartographic material, gives the impression as if the settlement and its surrounding resources have been temporally and spatially stable throughout generations. The customary territories, represented in form of fixed, simply identifiable zones of legal and biological diversity, appear as clearly distinguishable areas which make monitoring and rule enforcement an easy task. On the one hand, with the help of the YTM-sponsored “customary land use mapping” (informed by the national statutes of the Conservation Law) Toro could prove its capability to fulfil the Park Authority’s demands for adequate protection. On the other hand, the villagers’ interpretations of individual ownership rights which surround the *mo pangale* and *po pangalea* conceptions, have become almost neutralized in the course of the process. Given the vivid property discourses existing in the village, the spatial mapping of traditional land use patterns appears less in terms of a realistic representation of a glorious past characterized by local wisdom, but rather in terms of a “politicized social and cultural construct” (Rodman 1992: 640) in order to meet the needs imposed by outside agencies.

The second aspect of the sustainable character of Toro’s land use system, the feature of a “low external input sustainable agriculture” (LEISA), was already promoted by Toro in its facilitating efforts in neighbour villages before the proposal for the “Equator Award” was drafted.<sup>16</sup> This term relates to the rather low degree to which Toro villagers make use of chemical inputs, especially fertilizers. In our survey, 31% (n=18) of the villagers made sporadically use of such fertilizers, the use being confined to wet rice cultivation. No use of chemical fertilizers is documented in the cultivation of non-rice food crops, such as red beans, maize and cassava. It is tempting to attribute the very limited use of fertilizers to the feature of *indigenous environmental knowledge* (IEK). Informants however pointed out that – given the

---

<sup>15</sup> After the „Conservation Agreement“ with the Park Authority was signed, people’s understanding of the agreement was that they can now open their *huaka*-family pools in the forest, leading to dozens of households clearing land in the forest.

<sup>16</sup> Masyarakat Adat Ngata Toro: Diskusi Kampung Bolapapu 2003: 6.

fact that Toro receives almost no government subsidies – the private investments of fertilizers are too high compared to the limited increase in yields which can be expected. This finding is shared by plot experiments which were conducted by *Storma* researchers in neighbouring Napu valley: N-based fertilisers can raise maize yields, but the increase is not significant. Given costs of fertiliser and labour as well as the low returns for maize make it just not worthwhile to use fertiliser as long as yields do not drop below a certain minimum (see Anthofer et al. 2003). Therefore it is rather “risk management” than IEK which is responsible for the non-use of fertiliser in the dry land sector. In case input costs are hypothetically excluded, a different picture emerges: In our survey, 57 out of 60 respondents stated that they would use fertiliser in case it would be delivered by the government or other organizations. Thus, Toro farmers are by no means “nature-bound tribesmen”, but “rational peasants” who act within the limited scope of action provided by the government and their own village administration.

The representation of *adat* through the “Green Lens” (Zerner 1994) is not surprising under the given circumstances of an intensive ecological discourse promoted by the National Park Authority and environmental organisations. The struggle about who has the relevant knowledge to use the common-pool-resource forest margin in a sustainable manner is also a question about who has the legitimate right to control this resource. Within this process, *adat* is transformed into a powerful legal “counter-culture” (Zerner) which has to position itself as a viable alternative to the state’s control over resources. Paradoxically, this “counter-culture” has to make heavy use of the state’s national statutes itself – even at the cost of locally held perceptions (as exemplified in the *mo pangale*-principle) – if it strives for official acknowledgement. This, in turn, depends on ‘knowledgeable’ leaders who are aware of the discursive fields surrounding their communities, who are familiar with the “customary slot” provided by the law and who are capable to use “the national law in order to proof the existence of customary law” (Campbell 2001: 114). This includes the knowledge about the “right” property discourses to draw upon in legitimating ones claims.

### **Customary Community, Socio-economic Security and the Stability of the Forest Margin**

Within the Indonesian legislation the official recognition as *customary law community* depends on the existence of a “right of allocation” (*ulayat*), a major feature of which is that patterns of land use are restricted by limitations imposed by the community. The notion of alienable rights as embodied in the concept of private property (*hak milik*) is not compatible with the features of a “customary law community”. This means that there is no room for private land certificates within the framework of “customary law community”. Once a farmer owns a certificate, his plot cannot anymore be disturbed by anybody, it is safe and rules on land use (like those written down in the “Conservation Agreement”) can hardly be applied. In obtaining certificates, Toro villagers are troubled from two sides.<sup>17</sup> The Agrarian Board (BPN) does not issue certificates via the state-sponsored certification program *PRONA* because it does not appreciate Toro’s politics. On the other hand Toro leaders try to avoid the issuing of certificates because of two reasons: (1) In case a farmer owns a certificate, he can sell the plot at any time to anybody. The village internal “ban on land sales” (which is part of the customary law community struggle) would thus not be effective. (2) During the process of certification, bordering plots must be identified. If the ownership status of neighbouring plots is not clear and identification turns out as rather complicated, BPN officials are very fast in declaring neighbouring plots as “state land” (*tanah negara*) which may lead to troubles

---

<sup>17</sup> In comparison with other villages the number of plots certified is in Toro 6%, in Watumaeta 30% and in Rompo 24%. On the other hand the number of plots without any written proof – even no tax letter or a registration in the village secretary’s office exists – is in Rompo 3,2%, in Watumaeta 2,7%, in Sintuwu 9,4% and in Toro 41,2%.

between people obtaining the certificate and others who have been displaced from their lands via the declaration as “state land”. Further, if a substantial amount of Toro forests would become state land or documented “private property” (*hak milik*), the construction of *huaka* as common village property and the struggle for recognition as “customary law community” would definitely fail. The notion of the *Lembaga Adat* as the sole authority having full jurisdiction over Toro’s territories could not be upheld.

Interestingly both parties involved, the villagers who feel themselves deprived of their private rights in their lands as well as the village administration which strives to maintain the “customary image”, legitimise their claims with “intergenerational access”. Farmers argue that they cannot intensify their plots in an effective manner. Neither can plots be inherited by their offspring in an economically valuable condition, nor can they be sure that their children will be allowed to make the necessary investments in the future. The argument of the village leaders on the other hand points out to the disastrous situation in several neighbouring villages where the common practice to sell land to outsiders (migrants) has led to a severe shortage of land. Certificates however are not only an important means to enhance plot security, they are even more essential if one wants to borrow money from the bank. Under the Indonesian credit scheme, it is primarily land certificates which function as collateral. Thus, Toro villagers are severely disadvantaged in obtaining credits compared to their fellows in neighbouring villages.<sup>18</sup> There is another rationale behind the ban on land sales. Security in terms of intergenerational access can only be sustained if land sales to outsiders are limited. But the role of the village head (*Kepala Ngata*) and the customary council (*Lembaga Adat*) in controlling the land market should not be underestimated as a source of power. Whereas other villages rely on neighbour’s agreements of borders in land clearings and transactions and are thus recognizing individual ownership rights, in Toro all activities related to land must be managed via the *Kepala Ngata* and the *Lembaga Adat*, thus fulfilling the state’s prerequisites of *ulayat*. It is not only the sanctioning capacity of the *Lembaga Adat* that is enhanced (as in other villages), but control over land. Only by such means can Toro leaders avoid an influx of land hungry Buginese migrants, whose rather intensive kind of land use would not only convert the enriched secondary agro-forests of Toro into modern cacao plantations (in neighbour villages Buginese migrants managed land certificates quite fast on their own) and undermine the “customary image”, but in its effectiveness in terms of product value the Buginese system could present a dangerous counter-model to the “sustainable” model as envisaged by the leaders of Toro.

However, Toro must endow its people with some other form of “land proof” in order to obtain credit. This is the so-called “transfer letter” (*surat penyerahan*) which is usually issued in case of inheritance. It is seldom used for purchase because according to the law (in difference to the “land transaction document”, the *akta jual-beli*) one cannot use it for renting out, mortgaging, sharecropping, leasing and exchange. In a certain sense land documented by this kind of letter cannot be used for all kinds of transactions peasants make in order to survive. At least it can be used for - albeit very small - credits from the bank. The option of rather small credits (compared to credits available with certificates) does not compensate for the loss of security if plots cannot be leased, rented out or exchanged. The policies of Toro is that in case somebody needs credit, the village administration issues a *surat penyerahan* in which it states that so and so much “customary land” (*Huaka Adat Ngata Toro*) has been transferred for usage to the receiver by the village authorities. The purpose of Toro leaders to issue this kind of letters is twofold: (1) In difference to certificates or transaction documents, the “transfer letter” must be approved and signed by the village head which once again enhances his control over the land market. (2) The official form for the “transfer letter”

---

<sup>18</sup> Research of Storma sub-project A 4 revealed that the number of Toro residents who obtained credits from the People’s Bank (*Bank Rakyat Indonesia*) in the county capital of Bolapapu is significantly lower compared to the residents of other villages (Nunung Nuryantono, personal communication).

(issued by the regional county administration of Donggala) lists several types of village land including the term *milik adat* (“customary property”). Thus, irrespective of whether a plot has been purchased, inherited or was acquired by individual clearing (*mo pangale*), in the “transfer letter” all plots appear formally as *milik adat* (wet rice fields - usually perceived as *dodoha* - included).

There is a serious inconsistency in regard to “customary territories” between the provincial government and the county administration. Whereas a provincial regulation from 1993 (SK 529.2/8158) denies the existence of “customary lands” (*tanah adat*) in Central Sulawesi, the county of Donggala recognizes its existence inside its territory. There exist not only multiple legal/normative frameworks inside the village, the coexistence of multiple legal orders can also be found within the state apparatus itself. In such a situation, both, villagers and leaders can draw upon “state law” in legitimating their claims. The lesson to be learned is that the notion of “customary law community” on the one hand and priorities of socio-economic security among the village population on the other hand are not always compatible, but rather conflict with each other.

However, there remains an unsolved question. As pointed out in the introduction, the forest margin in Toro is indeed more stable in comparison to most other communities in the research area. There is a widespread assumption shared by NGO’s and local bureaucrats that the relatively stable forest margin in Toro is directly linked to the process of “customary revitalization”. An alternative explanation however lies in a systematic comparison of the socio-economic characteristics of Toro with other villages. Rather than referring to “customary principles”, the approach adopted looks into those factors that count for deforestation in the research region in general. As pointed out elsewhere, wet rice cultivation can reduce the pressure on the forest cover. Given the fact that - in comparison to dry land agriculture - wet rice production is characterized by a higher absorption of work force and lower incomes, it leaves less time and surplus that could otherwise be invested in new land clearings. Thus, Martens et al (2004: 188) found that the “forest saving” effect of yield increasing technologies in the lowlands of the forest margin is stronger if new technologies are also labor intensive. In our representative sample of 144 households in five villages there exists a clear established negative correlation between wet rice cultivation and land clearings. The area of wet rice worked by an individual household relates negative to the area of forest that has been cleared within the last five years ( $r = - 3,4$ ; significant on the 0, 01 level). On the other hand, the number of owned adult cacao trees relates positive to forest clearing ( $r = 0, 39$ , significant on the 0, 01 level). Given a weak enforcement of rules and monitoring, a significant increase in cash income during the economic crisis (1997/1998) put cacao farmers in an advantageous position to extend their holdings as compared to wet rice farmers and mixed farmers.

Another factor linked to deforestation processes can be seen in the distribution of subsidies for cacao cultivation. The location where cacao has been planted *for the first time* is clearly related to the distribution of subsidies (chi-square = 31, 5, significant on the 0, 05 level). Receivers of perennial subsidies in form of seedlings and other inputs have more often opened new fields to plant cacao, whereas non-receivers have more often experimented with cacao in home lots, within secondary forests or in fields already used for annual cultivation before. Instead of relieving the forest margin, input subsidies were often turned into an incentive to open new land. Among the households who received subsidies 25 out of 41 opened new plots to plant cacao, whereas only 10 out of 104 households receiving no subsidies planted their **first cacao** in newly opened plots. Table 1 presents a systematic comparison between Toro and two other villages in regard to these three “context variables”:

**Table 1: Characteristics of three selected villages in regard to factors related to forest clearing**

	Watumaeta	Rompo	Toro
Percentage of households receiving cacao subsidies	<b>35,8</b>	<b>24,8</b>	<b>21,0</b>
Percentage of households working wet rice fields	<b>28,2</b>	<b>64,5</b>	<b>82,1</b>
Percentage of households opening land within the last 5 years	<b>92,5</b>	<b>26,1</b>	<b>20,5</b>
Average number of adult cacao trees per household	<b>555</b>	<b>107</b>	<b>131</b>

If we compare Watumaeta with Toro, comparatively less subsidies have been delivered by the government and other organisations in Toro. In contrast to Watumaeta, there is a clear established dominance of wet rice agriculture over cacao production in Toro. The average number of adult cacao trees per household is only 1/5 of those in Watumaeta. In terms of all socio-economic “context variables”, Toro is similar to Toro where the forest margin is also relatively stable, although *without* customary revitalization. Thus, the comparatively stable forest margin in Toro seems rather to be linked to several circumstances in the wider socio-economic environment than to the revitalization of customary principles as such. These, instead, have rather been constructed *around* the given situation in order to resist resettlement, to broaden the chances for official recognition as “customary law community” and to mobilize outside support.

### **Toro, its Neighbours and the State – The Regional Discourse on “Kulawi Identity”**

As Agrawal (2000) points out, the preliminary focus of social science has been on the internal dynamics of groups, but external dynamics are important as well. Councils engaged in resource management are often based on village boundaries, with each village making its own rules. In their effort to preserve natural resources, small villages will have greater difficulties in raising the necessary funds than larger villages. As it is well known from examples in India, groups of adequate size can often be more successful than small groups (Agrawal and Yadama 1997). First, because they find it easier to raise the necessary funds, second because they can also be more effective in dealing with higher authorities. The argument made is that small councils are disadvantaged in their efforts to generate sufficient human and financial resources to monitor and enforce local rules. This raises the question as to the formation of *village alliances* in natural resource management. The success of such an endeavour however depends to a large extent on the compatibility of rules and sanctions related to the forest. This on the other hand demands that the villages concerned draw upon the same legal discourses in legitimating their rules. It remains an established fact that a village cannot be successful in preserving its environment alone. Therefore, with the help of YTM, Toro started an intense process of “facilitating” in other villages since the end of 2001. The facilitating contents are mainly defined by “women empowerment” and “forest protection”. This process however seems to be hampered by several intervening factors. In contrast to Toro, whose strive for self-determination is partly framed in opposition to the regional administration (elimination of state institutions such as the PKK) and which focuses on the sustainability of its traditional agricultural techniques (LEISA), its neighbour villages framed their engagements with the government largely within the state’s discourse of development. Toro has dropped central institutions in the village which have been replaced by new organizations, as e.g. the PKK which was replaced by *OPANT*, the village operative assemblage LKMD (*Lembaga Kesejahteraan Masyarakat Desa*) which assists the village head in the implementation of

government programs and which was dropped totally and with central functions of the village parliament (*Badan Perwakilan Desa*) being transferred to the *Lembaga Adat*.

Government institutions (provincial government, BPD, Development Agency) have less a problem with the re-invention of *adat* as such; the fear is that via the “facilitating process” the virus of “institutional heresy” will spread as well which could make regional policies becoming a mess. Under the given circumstances, the villages have been rather reluctant towards Toro’s efforts. Further, during the Suharto-Era the village elders have been heavily involved in applying state regulations with the effect that traditional power and political power have been highly intertwined. Despite political decentralization and the new legislative framework, the ingrained perception that any strive for self-determination is automatically directed against the state still survives in the minds of local leaders. Accordingly, investigation, redefinition and revitalization of *adat* are perceived as being in opposition to the government. The fear on behalf of the villages is that if they drop central village institutions like Toro did, their fate can become like the one of the village of Katu which was punished for “overacting” by a total withdrawal of state subsidies. This fear is especially pronounced in the field of “women empowerment”. The paradox is that if women would be empowered by a new group (like *OPANT*), villagers at the same time could find themselves as less empowered to control their own agrarian development if agricultural subsidies are cancelled. Thus, the village of Sungku withdrew the idea of founding an *OPANT* because it feared trouble with state agencies. In the village of Bolapapu on the other hand, women stated that *OPANT* in Toro serves only the needs of certain people and that they prefer to create an “*adat* branch” under the roof of PKK. In the village of Matawe which rejects the involvement of NGO’s in its village affairs, women conceded their disappointment with the PKK and explained their plan to create a women organization which will exist beside the PKK. Toro did not convince other villages to follow its example, but rather every village searched for an own organizational solution which is quite different from Toro. In the end the failure is also a matter of strategy. Because Toro made its arrangements with YTM and the Park Authority without sufficient involvement of neighbouring villages, but entered other villages with “ready for use” concepts afterwards, it followed a typical “top-down-approach”. Thus other villages could not identify a “win-win”-situation if they co-operate closely with Toro.

As the relationship of Toro with its closest neighbour Sungku shows, the foundation of a “customary law community” and the grant of conservation agreement is not always in favour of neighbouring villages. Whereas Sungku people living in Toro can still cultivate their fallow lands in Sungku, Toro people living in Sungku cannot do so in Toro. Toro established a more or less congruent overlap between resource boundaries and legal boundaries in declaring *omah* as open for conversion under certain conditions (*ulayat*-criterion), but forbidding the conversion of *pangale*. Neither in Bolapapu, nor in Sungku or Matawe such a concept exists. Fallow plots are *huaka* (family property), irrespective of the age of the vegetation. The Toro concept of legal boundaries and principles of access are not compatible with other villages which follow an antithetical legal discourse. As mentioned above, Sungku, Bolapapu and Matawe reject the existence of “customary village lands” in their community. Therefore the establishment of village alliances proved not practicable in this part of Kulawi which may be the reason why the forest issue was only marginally addressed in the facilitating process.

Conflicts about what constitutes the “real” *adat* of Kulawi are most heavily struggled over with the village of Bolapapu. In the eyes of Bolapapu leaders, Toro exports a “heterodox” version of *adat*, whereas the “orthodox” version in its purest form is only to be found in the village of Bolapapu. Toro is accused as a “tradition dealer” (*perdagangan adat*) which sells a hybrid version of customary principles to outsiders, thereby destroying *adat*. Within this conflict Bolapapu and Toro draw upon two contested Kulawi “histories”. Bolapapu leaders argue that Toro is actually a new village, founded in 1926 by immigrants from the neighbouring villages of Bolapapu, Sungku and Lonca (a fact which is proved by our

household data but which is not mentioned in the materials published by Toro) and that the “traditional court” (*pengadilan adat*) was located in Bolapapu, the centre of the Kulawi kings. The supremacy of Bolapapu in matters of “customary law” is still recognized by other neighbouring villages which regularly consult Bolapapu in case a conflict within or between villages cannot be solved by themselves. In 2004, descendants of the Islamic *Tomampe* branch of Kulawi rulers founded an organization called “The Tina Ngata Group of Kulawi” (*Kelompok Tina Ngata Ngulawi*) in order to restore the “real” meaning of the *Tina Ngata*-concept as “The Mother of the Villages”. Supported by the regional government, a descendant of the Christian *Djiloy* branch founded the “Kulawi-wide Customary Council” (*Majelis Adat Kulawi*) as an organizational forum to counter-balance Toro’s predominance in *adat* representation. A weakness of Bolapapu’s counter action is for sure that it is not co-ordinated by a single movement or village organisation, but is highly dispersed along the familial and religious lines of the local aristocracy.

Toro on the other hand argues that Bolapapu’s claims refer to the direct past and points out that the rise of Bolapapu as the administrative centre of Kulawi and the instalment of the “Kulawi kings” is actually a product of Dutch “indirect rule” and that in the distant past, before the arrival of the Dutch, the relationship between the villages in the Kulawi valley was not at all a hierarchical one (Suryo Adiwibowo, personal information). Further, the original resource management in Kulawi was quite well organized by *hak ulayat*, before it deteriorated with the introduction of private property by the Dutch in their effort to facilitate the collection of taxes! These representations of local history however should not be judged in terms of “ethnographic accuracy”; what is to be stressed is that within this “battlefield of knowledge between local leaders” (Huwono 2005) social actors do not only draw upon a hybrid history, but a history which is heavily contested.

Interestingly, the issue of natural resource management is not addressed in both of the Bolapapu organizations. As pointed out by Huwono (2005), lacking the necessary knowledge and conceptions, the response of Bolapapu’s established leaders to the “new discourse” comes probably too late. The most pronounced village-internal opposition and advocates for Toro’s movement are the educated members of the younger part of Bolapapu’s population. Whereas the established *adat* leaders regard the interpretation of *adat* as an exclusive “affair of the elders” and argue that according to local custom younger people have no significant say in village affairs, the “youth group” calls for a new “social contract” (*kontrak sosial*), including the preservation of Bolapapu’s resources for future generations. There exists a central conflict about the meaning of *adat* in current times. Should it be preserved as locally established practice or should it be transformed in order to match the needs of current times (e.g. stronger participation, nature conservation) with the subsequent question arising “what kind of persons and what kind of community do we want to be”. It is actually “Kulawi identity” which is at stake. Whereas the former head of the village made a strategic alliance with Bolapapu’s elders in accusing the “youth movement” of being a disguised Toro-related NGO which wants to exploit *adat* for individual interests, the election of a new village head in March 2004 marks probably a caesura in Kulawi history. Being young and the first leader of non-aristocratic descent, the head shows an empathic attitude towards the “youth movement” and makes no secret out of his sympathy for Toro’s policies – a view which is shared by the new head of the village parliament (BPD) in the neighbouring village of Matawe. Whereas the existence of *tanah adat* in Kulawi is denied by the elders (a point of view which is in line with the provincial government), the new leaders in Bolapapu and Matawe made the preservation of “ancestral lands” for future generations become a corner stone in their rhetoric. Though these claims are conceptualized in terms of *tanah adat*, in practice it takes the form of *huaka*; the private nature of forest stretches as “family pool” as such is not questioned. However, the “system” has become more open and which direction the future mode of Kulawi social organization and resource management will take and which discourse will prove as being

more robust and persistent in time, should largely depend on the capability of the various actors “to enrol others in their projects” and “winning them over to their points of view” (N. Long 1992: 27). “Power” in the Kulawi valley cannot be grasped by Max Weber’s conceptions of “charismatic” and “bureaucratic” forms of leadership (Weber 1922:).

“power is not to be taken to be a phenomenon of one individual’s consolidated and homogenous domination over others.... power must be analysed as something which circulates....power is employed and exercised through a net-like organisation (Foucault, in Gordon 1980: 98).

Like knowledge, “power” is embedded in social practices. In this sense, its degree should largely depend on the capability to draw upon the appropriate discourses in giving meaning to and organizing social institutions and processes. In the long run however, the outcomes of the ongoing accommodations and negotiations (“discursive practices”) may well “take the form of cultural statements” (A. Long 1992: 165).

## Conclusion

The foregoing pages aimed at revealing the importance and inter-relatedness of five major theoretical conceptions, *common-pool-resources*, *practice*, *social actor*, *local knowledge* and *legal pluralism* in regard to local resource management with special reference to Central Sulawesi. The notion of *discourse* served as an “umbrella concept” which binds the five dimensions together. In regard to the management of the common pool resource *forest margin* it was shown that social actors construct “local knowledge” within regionally dominant discourses by drawing on different legal/normative frameworks. “Individual calculus” is not a suitable concept to explain conditions of the commons. In the case of the Kulawi valley, it turned out as more informative to explain the individual calculus from the viewpoint of the culturally, socially and legally embedded commons (see Peters 1987). The construction of local knowledge related to resource use is embedded in culturally informed practices which draw upon local traditions. At the same time it is transforming them. The leaders of Toro, the former members of *OPANT*, the elders of Bolapapu and the members of the “youth group” are social actors who draw upon the same cultural tradition. Their “agency” - being closely related to the existent social structure - may well have the capacity to transform that structure in the long run (as happened with the election of a village head of non-aristocratic descent). Toro’s success is not based on a local tradition which is stronger or more authentic than the one of Bolapapu. By drawing upon the “right” property and environmental discourses and by constructing a “tribal situation” rather than a “village situation”, Toro leaders were able to gain the necessary attention from significant outsiders. This process was fostered by socio-economic conditions such as a low rate of in-migration, domination of wet rice agriculture and a less developed cash crop sector. Indigenous environmental knowledge and customary principles can be invented easily if the existing socio-economic circumstances guarantee the non use of external inputs and a relatively stable forest margin, whereas actually there is no direct relationship between them. As the discussion showed, Toro can hardly function as a “model” to be copied one to one by other villages. Whatever direction the Kulawi property discourse will take, the robustness of any kind of resource use and property scheme adopted will depend on its capability to provide a minimum of “socio-economic security” for the peasant population.



## References

- AGRAWAL, A. and YADAMA, N. (1997): How do local institutions mediate market and population pressures on resources? Forest *panchayats* in Kumaon, India. *Development and Change*, Vol.28: 435-65.
- AGRAWAL, A. (2000): Small is beautiful? But is large better? Forest-management institutions in the Kumaon Himalaya, India. In: Gibson, C., McKean, M. and E. Ostrom (eds): *People and forests. Communities, institutions, and governance: 57-87*. London
- ALLEN, J. (2003): *Our town: Foucault and knowledge-based policies in London*. London.
- ANTHOFER, J. et al. (2004): Adaptability analysis and risk assessment of N fertilizer application to maize in the Napu Valley of Central Sulawesi, Indonesia, in: Fremerey, M., Gerold, G. and E. Guharja (eds): *Land use, nature conservation and the stability of rainforest margins in Southeast Asia: 409-26*. Berlin.
- BERKES, F. (2002): Cross-scale institutional linkages: Perspectives from bottom up. In: Ostrom, E. et al. (eds): *The drama of the commons: 293-317*. Washington.
- BOURDIEU, P. (1977): *Outline of a theory of practice*. Cambridge.
- BURNS, P. (1989): "The myth of Adat". *Journal of Legal Pluralism* 28: 1-128.
- CAMPBELL, J. (2002): Differing perspectives on community forestry in Indonesia. In: Colfer, J. P. and P. Resosudarmo (eds): *Which way forward? People, forests, and policymaking in Indonesia: 110-126*. Singapore.
- EVERS, P. J. (1995): Preliminary policy and legal questions about recognizing traditional land rights in Indonesia. *Ekonesia. A Journal of Indonesian Human Ecology*. No. 3: 1-23.
- FAY, C. and M. SIRAIT (2002): Reforming the Reformists: Challenges to Government Forestry Reform in Post-Suharto Indonesia. In: Colfer, J. P. and P. Resosudarmo (eds): *Which way forward? People, forests, and policymaking in Indonesia*. Singapore.
- FOUCAULT, M. (1971): *The order of discourse*. London.
- FOUCAULT, M. (1972): *The archeology of knowledge*. London.
- FOUCAULT, M. (1991): *Gouvernementality*. Burchell, G., Gordon, G. and P. Miller (eds): *The Foucault effect: Studies in Gouvernementality*. Chicago.
- FOUCAULT (1980): *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977*. London.
- FREMEREY, M. (2005): Local communities as learning organizations: The case of the village of Toro, Sulawesi. In: A. Neef (ed): *Participatory approaches for sustainable land use in Southeast Asia: 253-2* Bangkok.
- GIBSON, C., OSTROM, E. and MCKEAN, M. (2000): Forests, people, and governance: Some initial lessons. In: Gibson, C., McKean, M. and E. Ostrom (eds): *People and forests. Communities, institutions, and governance: 227-242*. London.
- HEFNER, R. (1990): *The political economy of mountain Java*. Berkeley.
- HUWONO, M. (2005): *Battlefields of knowledge among local leaders*. Program Sarjana IPB Bogor (unpublished master thesis).
- LONG, A. (1992): Goods, knowledge and beer. In: Long, N. and Long, A. (ed): *Battlefields of knowledge. The interlocking of theory and practice in social research and development: 147-170*. London and New York.
- LONG, N. (1992): From paradigm lost to paradigm regained. In: Long, N. and Long, A. (ed): *Battlefields of knowledge. The interlocking of theory and practice in social research and development: 16-46*. London and New York.
- MALINOWSKI, B. (1926). *Crime and punishment in savage society*. London.
- MARTENS, M., ZELLER, M. and R. BIRNER; *Does Technical Progress in Agriculture have a Forest*

- Saving Effect? Evidence from Central Sulawesi. In: Gerold, G., Fremerey, M. and E. Guhardja; Land Use, Nature Conservation and the Stability of Rain Forest Margins in SE-Asia; Berlin 2004.
- McCAY, B. (2002): Emergence of institutions for the commons: Contexts, situations and events. In: Ostrom, E. et al. (eds): *The drama of the commons*: 361-402. Washington.
- McPHERSON, M. S. (1983): Want formation, morality, and some “interpretive” aspects of economic inquiry. In: Haan, N. et al (eds): *Social Science as moral inquiry*. Columbia.
- MEINZEN-DICK, R. S. and R. PRADHAN (2001): Implications of legal pluralism for natural resource management. *IDS Bulletin* Vol. 32 No. 4: 10-17.
- MOSSE, D. (2001): “People’s knowledge”, participation and patronage: Operations and representations in rural development. In: Cooke, B. and U. Kothari (eds): *Participation: The new tyranny?* London: 16-35. London.
- MURRAY LI, T. (1995): Images of community. Discourse and strategy in property relations. *Development and Change* Vol. 27: 501-527.
- MURRAY LI, T. (2000): Locating indigenous environmental knowledge in Indonesia. In: Ellen, R. et al (eds): *Indigenous environmental knowledge and its transformations. Critical anthropological perspectives*: 121-147. Amsterdam.
- MURRAY LI, T. (2001): Masyarakat Adat, difference, and the limits of recognition in Indonesia’s forest zone. *Modern Asian Studies* 35: 645-676.
- NUIJTEN, M. (1992): Local organization as organizing practices. In: Long, N. and Long, A. (ed): *Battlefields of knowledge. The interlocking of theory and practice in social research and development*: 189-210. London and New York.
- ORTNER, S. (1984): Theory in anthropology since the sixties. *Comparative Studies in Society and History* 26: 126-166.
- ORTNER, S. (1989): *High Religion: A cultural and political history of Sherpa Buddhism*. New Jersey.
- PETERS, P. E. (1987): Embedded systems and rooted models: The grazing lands of Botswana and the commons debate. In: McCay, R. and J. Acheson (eds): *The question of the commons*: 171-194. Tucson.
- POSEY, D. A. (2000): Ethnobiology and ethnoecology in the context of national laws and international agreements affecting indigenous and local knowledge, traditional resources and intellectual property rights. In: Ellen, R. et al (eds): *Indigenous environmental knowledge and its transformations. Critical anthropological perspectives*: 35-54. Amsterdam.
- RODMAN, M.C. (1992): Empowering place: multi-locality and multivocality. In: *American Anthropologist* 94, 1992.
- SANGAJI, A. (2001): *Penghancuran Masyarakat adat dalam pengelolaan sumber daya alam di Sulawesi Tengah*. Palu.
- SCOTT, J. (1985): *Weapons of the weak: Everyday forms of peasant resistance*. Yale.
- SHACKLETON, S. et al. (2002): Devolution and community-based natural resource management: Creating space for local people to participate and benefit? *Natural Resource Perspectives* No. 76: 1-8.
- SUNITO, S. (2005): *Continuity and Discontinuity of local institutions in community-based natural resource management*. Inaugural-Dissertation University of Kassel. Kassel and Bogor.
- TSING, A. (1993): *In the realm of the diamond queen*. Princeton
- TSING, A. (1999): Becoming a tribal elder and other green development fantasies. In: Murray Li, T. (ed.): *Transforming the Indonesian Uplands*. Halifax.
- WEBER, MAX (1922): *Wirtschaft und Gesellschaft*. Berlin.
- WEEDON, C. (1987): *Postfeminisms: Feminism, Cultural Theory and Cultural Forms*. London.
- ZERNER, C. (1994): Through a green lens: The construction of customary environmental law and community in Indonesia’s Maluku Islands. *Law and Society Review* Vol. 28: No. 5: 1079-1122.