



# Gender Justice: Forest Tenure and Forest Governance in Indonesia

## Brief #3 of 4

*The Challenges of Securing Women's Tenure and Leadership for Forest Management: The Asian Experience*















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Exploration of the dynamics of forest tenure and forest governance in Indonesia has focused mostly on contested processes between the State and forest-dwelling communities, particularly Indigenous Peoples, customary communities and other local communities. Many documents presenting the results of this process view “community” as a homogenous entity. Limited attention has been given to the heterogeneity of “community,” in which gender, class, ethnicity, religions, and other socio-cultural aspects provide critical contributions to the formation of sub-groups within a “People” as well as multiple identities of the members of each sub-group. Therefore, gender-based injustices in forest tenure and forest governance, as experienced mostly by women who occupy certain positions within the community, have so far not been adequately addressed.

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In Indonesia, most of the advocacy work on forest tenure and governance reform has focused on how to resolve the conflict between customary forest tenure systems and the “political forests” under state control (with its associated system of territorialization, zonation, and management) established under law. These conflicts and disagreement over who should control and manage forest lands lie in large part in the present definition and classification of the “Forest Zone,”<sup>3</sup> which is itself a product of the establishment of “Political Forests” by the previous colonial administration.<sup>4</sup> While this advocacy work seeks to both change the legal framework and its implementation, as well as address systems of conflict resolution, all too often the question of gender inequity is never considered a part of the issue.

This paper attempts to explore how gender, both as cultural construction and as an analytical concept, as well as its intersection with variables such as socio-economic class, ethnicity and geo-political location, plays a critical role in the practice of forest tenure and governance in Indonesia. Therefore, it is necessary to examine the how gendered relationships create differentiated social and environmental outcomes so that appropriate actions can be taken that lead toward gender justice.

Activists and academics in Indonesia, along with their counterparts in other countries, increasingly employ the term ‘gender justice’ because of the growing concern that earlier terms like ‘gender equality’, or ‘gender mainstreaming’ are inadequate both on conceptual and practical fronts to give “a strong enough sense

of, or adequately address, the ongoing gender-based injustices from which women suffer.”<sup>5</sup> Gender justice requires addressing the relevant processes needed for eliminating the inequalities between women and men that are produced and reproduced in the family, the community, the state, and the market. It also requires that mainstream institutions are accountable for tackling the injustice and discrimination that keep too many women poor and excluded.<sup>6</sup>

This paper will start with an explanation of its conceptual approach, followed by narration of socio-cultural dynamics of forest tenure and forest governance through case studies. It will then discuss lessons on gender injustices in forest tenure and governance stemming from the case studies. In order to understand how gender injustices happen at various levels, we will trace the history of structural aspects and political dimensions of gender blindness in forest tenure and governance in Indonesia.

## 1. CONCEPTUAL APPROACH

This analysis of gendered relationships within forest tenure and governance practices in Indonesia has been written drawing on two sets of conceptual frameworks, namely feminist political ecology and the theory of access. By combining these two conceptual approaches, we can usefully investigate both the broader structural set of power relations as well as the specific institutional practices that lead to particular forms of gendered political and social practices and discourses in the forest tenure regimes of Indonesia.

Political ecology as an analytical framework was originally developed to facilitate the identification of underlying political, economic, and social forces in the process of natural resources degradation;<sup>7</sup> it permits an examination of how the context of local land use practices and the wider political economic and social systems play a critical role in decision making processes of land users.<sup>8</sup> It thereby enables an exploration of injustices associated with unequal access and control over resources, in short, to investigate the complex analytical and practical associations of environmental politics and the institutions of civil society in which knowledge and practices are encoded, negotiated and contested.<sup>9</sup>

Aligned with this analytical orientation, feminist political ecology views gender as a key variable in conjunction with its interface with class, caste, race, culture, and ethnicity in creating various processes that determine resource access and control, ecological changes, as well as local actions of women and men in maintaining their livelihoods.<sup>10</sup> Feminist political ecology is also employed to recognize, examine, and translate local experience in the context of global processes of environmental and economic change. In doing so, feminist political ecologists combine three critical themes: 1) gendered knowledge, 2) gendered environmental rights and responsibilities, which include property, resources, space, and different forms of gendered legal and customary rights, and 3) gendered environmental politics and grassroots activism.<sup>11</sup> Recent work of feminist political ecology scholars explores how struggles around livelihood and natural access relate closely to subject formation.<sup>12</sup> These scholars view “gender” beyond an overarching descriptive term or categorization but rather locate “gender” as an analytical concept for examining how a set of power relations work.<sup>13</sup>

Completing this broader feminist political ecology framework is the study of access that focuses specifically on the multiple ways people gain benefits from resources. Access retains an empirical “... focus on the issues of *who* does (and who does not) get to use what, in *what ways*, and *when* (that is, in what circumstances).”<sup>14</sup> Within this framework, access can be seen as “bundles and webs of powers that enable to gain, control, and maintain access.”<sup>15</sup> Different people and different institutions can hold and exercise different bundles and webs of powers. Therefore, some people, group(s) of people, and

institutions control resource access while others must maintain their access through those who have control.<sup>16</sup>

## 2. UNDERSTANDING PROBLEMS AND DYNAMICS OF FOREST TENURE AND FOREST GOVERNANCE PROBLEMS THROUGH “HER STORIES”

To understand gender-related aspects of the dynamics of forest tenure conflicts and forest governance problems in Indonesia, we propose to use the above analytical perspectives in observing three case studies focusing on women’s accounts from various backgrounds confronting forest tenure problems in their daily life. In narrating these stories on a variety of forest tenure conflicts and forest governance problems, the writers are informed by the feminist methodologies that affirm the importance of positional perspectives that are bounded by “a commitment to the empowerment of women and other people.”<sup>17</sup> Feminist methodologies enable women of different sub-groups and other marginalized groups to have spaces to share their valuable knowledge.

### Case Study 1: A spectrum of tensions in Kasepuhan Banten Kidul, Banten<sup>18</sup>

Ibu Asih<sup>19</sup> is a female member of one among eleven sub-groups of the Kasepuhan Banten Kidul customary community (also known as Kasepuhan community). This customary community lives in the upland area of the western part of Indonesia’s Java Island. The Kasepuhan customary area is one of few remaining locations of Java Island covered by tropical rainforests, known as the Halimun ecosystem.

The Kasepuhan Community implements a customary system of forest tenure. Many areas within the customary territories established by the Kasepuhan Community are communal lands. The areas that are considered as communal are customary protected forests (known as *leuwung tutupan*), customary reserved forests (*leuwung titipan*), and managed forests (*leuwung garapan*). The *leuwung tutupan* is designated as a protected area in order to maintain ecological, socio-cultural and spiritual functions of the forest. The *leuwung titipan* is reserved forest lands that can be used during certain times (through specific access mechanisms) to meet basic needs which include foods, medicines and housing materials. The final category *leuwung garapan* involves forest lands that can be opened by Kasepuhan Community members and converted into dry agricultural land or mixed garden. This arrangement is achieved through certain access and control arrangements managed by customary leaders.

Customary traditions in the Kasepuhan Community allow Kasepuhan women to have inheritance rights over land and other properties such as the house and animals. However, their male counterparts usually have more access to lands, as many families believe that men need more land to support their traditional role as the head of household. Men of families with higher social status, such as families of customary leaders or those who have conjugal or close connections with these families, have better access to lands represented by more and larger land plots.

Ibu Asih is a middle-aged woman who has been married three times. She has access to five small plots of land in *leuwung garapan* areas. Two of these plots of land are considered as “her lands,” one of which she inherited from her parents while another was the result of her own hard work after she ended her second marriage. She worked hard as a laborer in her relatives’ and neighbors’ lands and she was able to “purchase” this plot of land from her neighbor by paying to get access to use it. In other words, she paid the previous access holder to transfer the access rights to this piece of land to her. Although she

mentions these areas as “her lands,” she is fully aware that these lands are actually controlled by one of the male customary leaders in her village. Following custom, this male leader allows Ibu Asih’s parents and Ibu Asih’s neighbor to transfer the access to use his lands to Ibu Asih through an inheritance process and monetary transactions, as long as he receives certain portions of the harvest from these lands. Ibu Asih manages these two plots of lands as dry agricultural ones. She mainly cultivates local varieties of dry paddy and other crops to meet subsistence needs of her family.

The third and fourth plots of land Ibu Asih manages are considered as “her husband lands,” as her third husband inherited access to the use of these lands from his parents. The fifth plot she manages is conjugal land, as she and her third husband “purchased” the access to use this land. Similar to the first and second lands Ibu Asih manages, the access to use all three plots of land are controlled by the male customary leader in their village, therefore she and her husband have to share with him certain portions of the harvest from these lands. Ibu Asih mentions that what she understands from this system is a customary mechanism to arrange utilization of *leuweung garapan* area so that there will be no overlapping claim over plots of land in the area.

The above mechanism, however, has been disturbed because the government claims control over all the lands within the customary territory of Kasepuhan community, which include various types of customary forests, mixed gardens, swidden agricultural areas and wet paddy fields because it regards them as state lands. The Basic Forestry Law No. 5 established in 1967, which adopted the earlier colonial policy in claiming forested areas as state lands, was used as a basis to develop regulations on forest land use in Indonesia. In the 1970s the government began subdividing the Halimun ecosystem area into multiple purpose zones: production forest areas managed by a State-owned Forest Company, conservation areas were managed by the Halimun National Park, and agricultural plantation areas were managed by both state-owned and private companies. Until 2003, the lands Ibu Asih managed were claimed as state production forest lands managed by the State Forestry Company (*perhutani*). As a result, Ibu Asih has experienced hard times, especially during the 1980s, when she confronted state forest guards while working in her lands, her husband’s lands, and her conjugal land. These state forest guards threatened to put her in jail as she was considered as an encroacher on state forest lands. Ibu Asih managed to escape from this threat by sharing certain portions of the harvest from these lands to one of the guards who lived in a nearby village outside the boundary of the customary territory of the Kasepuhan community. As the lands Ibu Asih manages are barely enough to meet the basic needs of her family, sharing of harvest from these lands as a way to maintain access has created problems for Ibu Asih and her family. They adopted various ways of survival, including marrying off their daughters at a relatively young age and sending other daughters to big cities to work as domestic workers.

The enlargement of the Halimun National Park area through a decree signed by the Minister of Forestry in 2003 changed the status of all lands managed by the Kasepuhan People including those managed by Ibu Asih and her family now incorporated into the new national park boundaries.<sup>20</sup> In addressing the situation where the boundaries of the Halimun National Park now overlapped with the customary territories of the Kasepuhan community, the National Park management (with bilateral aid support from Japanese government) developed several approaches including a conservation village model (*Model Desa Konservasi/MKK*). This model allows members of the Kasepuhan community to manage forest lands through certain arrangements and agreements with the National Park. A project was specifically set up to develop this model in the field with a number of professional community organizers (COs) hired to support the process. However, these paid COs mostly communicated the project plan with customary

leaders and informal leaders (mostly male) whilst seldom communicating with women, especially those belong to lower social class such as Ibu Asih.

Ibu Asih and her female counterparts received information about how the enlargement of the National Park area together with current relevant regulations and government-sponsored programs may affect the lands she manages from an NGO that has been working closely with the Kasepuhan community in advocating the recognition of customary rights. She mentioned that although this NGO has been working in her village for a certain period of time, its activists mostly worked with customary leaders and other informal leaders of her village who are mostly the male members of elite families. She shared that she was finally able to have more interaction with this organization when it began to have a female CO and started to develop specific activities where she and other Kasepuhan women, especially those who share a similar background with hers, have space to fully participate.

## Case Study 2: Tenurial conflicts in the Central Kalimantan ex-Mega Rice Project area<sup>21</sup>

The areas that are part of the Central Kalimantan Ex-Mega Rice Project Program were historically managed by Indigenous Peoples, dominantly by the Ngaju Dayak people. Studies have revealed that before the 20<sup>th</sup> century these peoples conducted two main activities related to forest resources: 1) gathered forest products, including non-timber forest products, for subsistence needs and limited scale of trading, and 2) swidden agriculture.<sup>22</sup> This started changing in the early 20<sup>th</sup> century when the Ngaju Dayak people began to plant rubber in their former swidden agriculture plots in the early 20<sup>th</sup> century, influenced mostly by the rubber price boom at the time.<sup>23</sup> Later, in the early 1970s the Ngaju Dayak forest lands came under external threats once it became part of the newly established “Forest Zone” (under Ministry of Forestry control) following the establishment of Basic Forestry Law no. 5 of 1967. Now, timber companies begin timber extraction once they obtain “official” logging licenses from the Ministry of Forestry.<sup>24</sup>

Soon after, the Ngaju Dayak people continued to face tenurial conflicts when the central government established a transmigration program in their customary territories in the late 1980s. Adding to this, in 1994 the central government enacted a plan to convert 1.4 million hectares of peat swamps into rice paddy fields known as the Mega Rice Project. Although this project was finally terminated in 1999, it caused serious peatland ecosystem degradation and destruction of livelihoods as well as socio-cultural disruption. The tragedy continues as some parcels of the ex-Mega Rice Project area were subsequently allocated for oil palm plantations and sand mining.<sup>25</sup>

The Provincial Land Use Plan of Central Kalimantan, which was enacted through regional regulation in 1993 and revised in 2003, has not yet been approved by the Central Government since the Ministry of Forestry is in disagreement with the data presented in the proposed spatial plan. The Ministry of Forestry considers all areas within the boundary of the ex-Mega Rice Project as the “forest zone.” Therefore, all activities carried out in the ex-Mega Rice Project area except those covered by forestry permits, including the release of land certificates for transmigrants by the National Land Agency (Badan Pertanahan Nasional) are “illegal.” The existence of customary forest tenure of the Ngaju Dayak people is also not recognized.<sup>26</sup>

As a result of these different sets of changes in production and planning systems, there are numerous tenurial conflicts in the Ngaju Dayak territories. Over time, there have been smaller parcels of land available for each Dayak household. Inevitably, these have caused negative impacts on livelihoods, social

economic, health and education of the Ngaju Dayak people with women, youth and children, especially those belong to lower social class within the community being the most vulnerable subgroups. Many women have a low education level. They often marry in their teens, causing significant risk during pregnancy and contributing to relatively high maternal and infant mortality.

As access to customary lands became more restricted, with smaller areas of lands managed by individual families, the customary land tenure system gradually became more male-dominated. Women, who generally have a lower education level than men, are in a subordinate position when securing control over the lands that they inherit.

Even where there has been a recognition of customary territories, many women of the Ngaju Dayak do not often benefit. As a result of regulations on customary lands issued by the provincial government of Central Kalimantan, some customary leaders (*damang*) that are authorised to issue a letter of reference on customary land (*Surat Keterangan Tanah Adat/SKTA*) within the boundaries of their customary territories, were used by the oil palm companies to grab lands from their communities through legally endorsed mechanisms. Backed by the oil palm companies, some customary leaders issued SKTA and provided compensation fees to community members whose lands will be used by the companies for plantation.<sup>27</sup> In doing so, they mostly communicated with male members of their communities, and as such, many women were not included in this communication process, causing many of them to lose their lands and sources of livelihood.

After a wide public debate about this problem at the local, national and international levels, the Central Government enacted a decree that restricted the operation of oil palm plantations and allocated the area for the purpose of ecological restoration and greenhouse gas emissions reduction.<sup>28</sup> This has then triggered another set of problems, as tenure insecurity continues to occur in the area. Multiple claims on lands take place between the government and the communities (both Indigenous Peoples and local communities), between central and local governments, between customary leaders and their people, among groups of people within one community, and between male and female members of a family or a clan.

### **Case Study 3: Gender-based and class-based inequality problems in government-sponsored Community Forestry in Gunung Kidul, Yogyakarta Province<sup>29</sup>**

Ibu Tuti and her family live in a rural village in Gunung Kidul of Yogyakarta Province in Java, Indonesia. She and her husband are farmers who participate in the HKm program, a state-sponsored community forestry initiative to assist small farmers to access lands for tree crops. Ibu Tuti is a middle aged woman who did not complete her primary education, while her husband completed his secondary education. They were married when Ibu Tuti was 16 years old, and she gave birth to three daughters. The first daughter married at young age and has two children; she lives in the same village as her mother and works as a farmer while her husband works as a seasonal construction worker in a nearby city. The second daughter completed middle school education and works as a domestic worker in Jakarta while her third daughter is still completing her high school education in a nearby village.

Prior to their participation in the HKm program, Ibu Tuti and her husband had access to two small plots of state lands which they managed as dry agricultural plots. In securing access to these state lands, they paid fees to several people in their village whom they know as “the guards of the state lands.” They also have two small plots of their own land. The first one, only 250 m<sup>2</sup>, is owned by Ibu Tuti. She inherited



this land from her grandmother and planted teak and other trees on this small plot. The second plot of land is jointly owned by Ibu Tuti and her husband (Pak Tukiman), but the title of the land belongs to Pak Tukiman. The couple bought this 1,000 m<sup>2</sup> plot of land by selling their only cow. They got the cow from Pak Tukiman's parents but according to Ibu Tuti she was in charge of taking care of the cow until it was ready to be sold. They manage this second plot of land to plant cash crops.

Although Ibu Tuti and Pak Tukiman work hard to manage all of these lands, they still struggle to cover the basic needs of their family, particularly the education cost for their youngest child. To earn more money, Pak Tukiman works as handyman in the village while Ibu Tuti opens a very small, kitchen-based shop in the evening. While waiting for her customers, she makes soya bean patties (*tempe*) and sells them the next evening. As she is very busy meeting her family's needs, she does not have time to participate in women's group activities such as Koran/Qur'an reading or participating in a traditional micro finance group known as *arisan* in her hamlet.

The participation of Ibu Tuti and her husband in the HKm program is through membership of the village-based forest farmers group. Membership into the group is as household unit which is represented by the husband as he is considered the head of the household. For Ibu Tuti's family, her husband (Pak Tukiman) is listed in the list of the HKm farmers. The list of members of the HKm farmers in Ibu Tuti's village only has two female names, representing female-headed households. These two households are not the only female-headed ones in the village but they were the ones able to join the forest farmers group because the NGO which facilitated the formation of the HKm group considered these two women to have sufficient literacy skills to participate in the group's work.

Since their family joined the HKm farmers group, Ibu Tuti and Pak Tukiman have been allowed to manage one hectare of HKm land. They practice a division of labor in managing this HKm land. Pak Tukiman's main task is to prepare the land and obtain tree seedlings from the HKm group and other government-sponsored reforestation projects, while Ibu Tuti's main task is to cultivate the seedlings, and take care of the young trees, including weeding and pruning. This division of labor enables Pak Tukiman to earn additional money by working as handyman in their village.

Although Ibu Tuti has a significant role in managing the HKm land assigned to her family, she never attends HKm meetings or other public meetings. Even so, she stated that her husband does not share information with her that he gained from the meetings, while she herself never asks him or others about HKM related information as she feels too tired from her daily activities. One day, a meeting of the HKM farmers group took place in her house (as the venue of its meetings take place in houses of its members). Ibu Tuti did not join the meeting as she was busy preparing food and beverages for the meeting. Not only did she feel that it was inappropriate for her to join the meeting, her husband was quiet throughout the meeting. After the meeting finished, Pak Tukiran mentioned that it was hard for him to fully understand the many topics discussed in the meeting, especially when it came to regulations. He confessed that although he completed junior high school, he feels that he does not have good literacy skills as he rarely uses them.

Ibu Tuti shared that due to the hardships that her family experiences, she sometimes has to harvest young trees to meet urgent financial needs. NGOs label this activity as "*tebang butuh*" (urgent needs-based tree cutting). At the time, she was not aware that this action might put their family into a difficult position. Since this action is considered breaking the management plan of the HKm, the HKm group may impose some sanctions on her family. The hardest sanction would be to be dismissed from the HKm group.

Ibu Tuti is not alone. She and her fellow women of lower social classes play a critical role in managing forest resources but their involvement in decision-making processes related to forest lands and forest resources at the household and the community level is very limited. Many of them, for example, do not even know that their husband has joined the forest farmers group at the village level, so they do not know that forested lands they manage are part of a collective management plan.

In Ibu Tuti's village, due to special circumstances, several women were recruited as members of forest farmers groups. They were either the heads of households due to being widows or were temporary heads of households due to their men leaving the village to seek outside substantive employment. However, these women members have not been active in the HKm meetings, which are usually conducted at night or at a time where the women are busy working. Moreover, an NGO that intensively works with the HKm group in Ibu Tuti's village has not paid attention to gender-related issues. Due to lack of gender sensitivity as well as cultural barriers, male community organizers of the NGO that supports the HKm mostly communicate with male villagers, particularly those who occupy important positions both in the HKm group and in the village. These male community organizers assume that these leaders will transfer the information to male members of the HKm group and later these members will inform their wives. Consequently, Ibu Tuti and many other women are not aware of the information regarding relevant government regulations and the collective management plan which affects the way they should manage the lands. This low level of understanding influences their actions such as cutting the trees for immediate urgent needs, which later could risk the position of their families as members of forest farmers groups.

### 3. GENDER INJUSTICES IN FOREST TENURE AND FOREST GOVERNANCE: LESSONS FROM THE CASE STUDIES

From these case studies, we learn that women of different social status and classes have certain forms of relationship in managing forest lands and resources. One woman may have access to variety of different plots of forest lands, ranging from her own land(s), her husband's land(s), her conjugal land(s), her

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relative's or neighbor's land(s), as well as state lands. Multiple identities carried by one woman, contributed by her marital status, socio-economic class, age, occupation, and other factors will influence her position in the daily application of forest tenure and forest governance at multiple levels, from the household, clan, and community levels.

We also learn that in gaining access to forest lands and resources, indigenous women and local women gain and maintain access to such lands and resources through those who assert control via specific mechanisms, processes, and social relations. For the cases of Ibu Asih of Kasepuhan Community and Ibu Tuti of Gunung Kidul, those with control are actors (male customary leaders, male members of the family, male neighbors, male state forest guards, etc.) that occupy different positions in relation to the lands at certain historical moments. This is in line with the argument of Ribot and Peluso (2003) about the notion of access as bundles and webs of power relations that enable actors to gain, control, and maintain access of natural resources. Women therefore have to navigate the webs of power that exist within the household, clan, community, state and the market.



The case studies show that during these processes women face various forms of gender injustice such as sub-ordination, marginalization, discrimination and stereotyping. At the same time, these forms of gender injustice contribute to the degree to which women can gain and maintain access to lands, and in what ways and how long they can maintain access. Indigenous women of the ex-Mega Rice Project area, who have lower level of education compared to their male counterparts, have very limited access to knowledge, particularly about changes of policies on forest tenure and forest governance that affect the lands they manage. All of this has contributed to the sub-ordination of the women in decision making over their own lands and those held with their husbands. Customary leaders, their husbands and other male members of their families make decisions without involvement of women. This subordination contributes to the marginalization of indigenous women in various processes that happen in their own family and community. This has led to women losing access and or control of their lands, making them more vulnerable.

When NGOs started to work with Indigenous Peoples and local communities, they often ignore gender-based problems as well as various forms of gender injustices that relate to forest tenure and forest governance. When NGOs began to facilitate community members in the ex-Mega Rice Project area to develop collective actions to challenge government policies and programs on forest tenure and forest governance, they hardly considered the involvement of indigenous women. The NGOs who work with Kasepuhan Community and the HKm group adopted similar approaches that ultimately marginalized women, thereby further contributing to gender injustices.

How do various forms of gender injustices continue to exist in the application of forest tenure and forest governance in Indonesia? The following section explores an institutional analysis of what we would call gender justice blindness within forest tenure and governance systems in Indonesia.

#### **4. GENDER JUSTICE BLINDNESS IN FOREST TENURE AND FOREST GOVERNANCE: TRACING HISTORIES**

Gender-blindness originally means ignoring the different roles, responsibilities and capabilities of men, women, boys and girls, and the social processes that determine these. Gender-blind policies and programs are based on male-centric experiences as the ‘norm’ and on the assumption that everyone affected by them has the same needs and preferences.<sup>30</sup> Using the above concepts, we apply the term “gender justice blindness” in this paper to mean ignoring the existence of gender injustices and neglecting efforts to eliminate marginalization, discrimination, multiple-burdens, stereotyping and violence against women and other marginalized members of community as well as other forms of gender injustice.

Through the following sub-sections where we trace histories of forest tenure and governance as well as gender politics in Indonesia, we argue that the state-controlled forest tenure framework and government-orchestrated forest governance system in Indonesia exhibit gender justice blindness.

##### **4.1 Brief history of forest tenure and governance in Indonesia**

The institutionalization of “political forest” giving the state control over large forest areas during the colonial era<sup>31</sup> has substantially structured the contemporary landscape of forest tenure and governance in Indonesia. The legacy of the political forest concept is still strongly reflected in forest resource access, control, and exclusion through the active reproduction of authority over heterogenic groups of men and

women as well as space in contemporary Indonesia.<sup>32</sup> This continuous authority, which is informed by a variety of power processes, establishes and shapes resource access through the production of categorization of certain geographical areas, including uplands and remote islands as empty, alienated, backward or uncivilized therefore justifying that both territorial and managerial control over these areas should be in the hands of the state.<sup>33</sup>

According to Peluso and Vandergeest (2001), the term “political forests” refers to lands declared by the State as forests. Adopting the work of various scholars (such as Guha 1990; Vandergeest and Peluso 1995; Bryant 1997; Sivaramakrishnan 1999; Agrawal 2001), they further argue that political forests played critical roles in the establishment of the territorialization and legal framing of forests. In colonial Indonesia, the Dutch Colonial Forest Service (*Boschwezen*) developed “political forests” through colonial forestry laws by drawing boundaries between agricultural and forest lands, declaring all unclaimed and forest lands as the domain of the state.<sup>34</sup>

In managing “political forests” in Java Island, particularly the teak forests, the colonial administration adopted the German structures and ideology of ‘scientific’ forest management.<sup>35</sup> Moreover, it transformed scientific forestry into industrial forestry. The application of industrial forestry in Java’s teak forests played a significant role in the commercialization and industrialization of agricultural products in colonial Java such as rubber, sugar, coffee, tobacco, and indigo. Teak wood was heavily used in the development of state railroads and the shipbuilding industry.<sup>36</sup> Later, the shipbuilding industry turned into another lucrative business, and made the teak forests of Java Island one of the biggest economic resources for colonial administration at the time.<sup>37</sup>

The government of post-colonial Indonesia, particularly Suharto’s regime during the New Order era, adopted industrial forestry as one of the main tools for controlling lands and forest resources. In particular, this approach was applied in order to further extract timber. To secure this process, Soeharto’s regime enacted the Basic Forestry Law No. 5 in 1967 which continued the colonial declaration that all non-private forested lands are state property and therefore should be managed under the state-controlled system. In setting up the “political forests” and applying a state-controlled system of forest management, this regime exercised the alienation of Indigenous Peoples and local communities from their communal forest lands. Through this process, this regime established the official licensing system of the forests to private and state-owned logging companies as well as timber plantation companies throughout the main islands outside Java.<sup>38</sup>

Most importantly, the frameworks of political forests and industrial forestry adopted by the New Order regime both neglected the existence of community-based forest resources management systems that had been developed by generations of Indigenous Peoples and local communities across the Indonesian archipelago. The existence of these systems, along with indigenous tenurial systems, had already been identified by Dutch researchers during the colonial era. They wrote in scientific journals about a variety of models of community-based forest resource management systems, including the Tembawang system developed by the Dayak peoples of West Kalimantan and the Repong Damar system developed by the Krui people of Lampung, Southern Sumatra.<sup>39</sup> The exploration of community-based forest resources management systems has been continued by NGOs, academic institutions and research organizations since independence. These studies have been followed-up by various actions aiming to reform forest-related policies toward the recognition of these rights of Indigenous Peoples and the adoption of community-based forest resource management systems.<sup>40</sup>

As a result of this long advocacy process initiated by various actors, particularly conducted in the late 1980s and during the early to mid-1990s, several regulations related to community based forest

management (CBFM) were enacted. However, the tenurial rights of Indigenous Peoples and the existence of local community-based forest systems are still not officially recognized.

Substantial changes in forest tenure and forest governance policies began during the late period of the New Order era and right after the New Order regime collapsed. One progressive policy was a ministerial decree creating a zone with special purpose to protect the ‘damar’ agroforests of Krui, Lampung (southern Sumatra). This decree is considered historic since it recognizes the legitimacy of community-managed agro-forests on a significant area of State Forest Land.<sup>41</sup> Another important policy was the enactment of Forestry Law No. 41 of 1999, which replaced the Basic Forestry Law No. 5 of 1967. This new forestry law serves as the legal basis for Government Regulation (PP) No. 6/2007 on “Forest Allocation, Forest Management Plan and Land Utilization,” later revised and replaced by regulation PP No. 3/2008. This regulation provides a legal basis for managing conservation forest, protected forest and production forest through the integrated forest management system, known as Kesatuan Pengelolaan Hutan/KPH (Forest Management Unit). The KPH/FMU system aims to achieve sustainable forest management through increasing the economic value of forest products. At the same time, this regulation provides a legal basis for community empowerment through village forest (*hutan desa*), community-based forestry (*hutan kemasyarakatan*), and partnership (*kemitraan*).

Although the new forestry law and associated regulations provide access for forest villagers to use and manage state forests, it still adopts a state-based centralized control over “political forests.” Moreover, the forestry law does not fully recognize the rights of Indigenous Peoples (*masyarakat adat*) to forest lands and resources.

## 4.2 Brief history of gender politics in Indonesia

Gender politics play a significant role in the different political regimes in post-colonial Indonesia in sustaining their power, which include controlling the political forests. In tracing gender politics in Indonesia, it is critical to explore the application of the so-called *Ibuism* ideology, which defines women only as mothers and wives. The word *Ibuism* comes from a word *ibu* in the national language of Indonesia, which means mother. *Ibuism* is a term first coined by Madelon Djajadiningrat-Nieuwenhuis in her article “*Ibuism and Priyaization: Path to Power?*” published in 1987 to describe the combination of Dutch petit-bourgeois values and traditional priyayi (Javanese aristocrat) values. Madelon Djajadiningrat-Nieuwenhuis defines *Ibuism* as an ideology that sanctions any action taken by a mother who looks after her family, a group, a class, a company, or the state without demanding any power or prestige in return.

When the New Order regime came to power in 1966, it restrained all forms of mass organisation, and existing political parties were either demolished or rendered powerless. Consequently, people’s movements, including women’s movements which were quite large and politically influential in the pre-New Order period, were to a great extent destroyed. Gerwani was one of the dominant organizations in the women’s movement in the pre-New Order era, particularly during the 1950s and early 1960s.<sup>42</sup> In 1961 it had more than one million women members. Local branches of Gerwani were established all over Indonesia. Most members had joined this organization because its activities related to their basic needs and basic women’s problems. It established critical education processes and literacy programs for women and training for women on technical skills such as management and accounting for small/informal businesses. It developed microfinance programs in rural areas and urban slums. It created kindergartens and childcare centres in both rural and urban villages, in markets, agricultural plantation areas as well as in many areas where women worked in the informal economic sector. Gerwani created campaigns against

*By defining women according to the Ibuism ideology as mothers and wives and not endorsing women's access to political power, the New Order has domesticated, segregated and depoliticised women.*

sexual harassment, women trafficking and child marriage. It also formed campaigns on the rights of working women and agrarian women.<sup>43</sup> From the late 1950s Gerwani became more closely aligned with the Indonesian Communist Party (PKI). As the PKI itself fully supported President Soekarno and his international projects (opposing the formation of the new state of Malaysia), Gerwani put the needs of mothers in a secondary place and emphasized their identification with the on-going revolution. This position was in line with Soekarno's abstraction about Indonesian women. In his polemical work *Sarinah* Soekarno (1963) asserted that women are to devote themselves to the nation, and concerns like national unity should take precedence over women's issues. At the time Soekarno encouraged women to educate their children in revolutionary beliefs and to participate in drills and other preparation for armed struggle against neo-imperialism.<sup>44</sup>

The New Order regime that followed Soekarno, which worked with military power in maintaining a fear of "communism" to sustain its power and control, adopted an Ibuism ideology.<sup>45</sup> The state *Ibuism* concept derives from the most oppressive aspects of both bourgeois "housewifeization"<sup>46</sup> and Priyayi (aristocrat or white-collar Javanese) *Ibuism*. Due to its fear of the power of women's organizations like Gerwani, Soeharto's New Order government organized women and forced them to become members of organizations controlled by the government such as Dharma Wanita, Dharma Pertiwi, and the PKK. By defining women according to the *Ibuism* ideology as mothers and wives and not endorsing women's access to political power, the New Order has domesticated, segregated and depoliticised women.<sup>47</sup>

The legacy of this ideology still affects the contemporary era. This can be seen in forest-related policies and programs developed by both national and local governments that neglect the significant role of women in forest tenure and forest governance.

As a result, many programs initiated by civil society organizations aiming to facilitate community empowerment in securing forest tenure and forest governance also unwittingly adopt this ideology. Many NGOs that are involved in this process prioritize their efforts to help Indigenous Peoples and local communities, whom they view as homogeneous and gender-neutral groups, seeking to gain and protect their political recognition and rights through various forms. Many activists who work in the field of forest tenure and forest governance share a similar view that gender justice should be included within the emerging agenda. Meanwhile, activists who are involved in the women's movement focus their work mainly on the elimination of gender injustices in urban areas. Collaboration between Indonesian NGOs who work in forest tenure and forest governance with those who work in achieving gender justice is still very limited.

## 5. ONGOING GENDER MAINSTREAMING PROCESSES: SLOW PROGRESS

Gender mainstreaming refers to strategies for program/policy design, implementation, monitoring and evaluation in addressing gender issues within all sectoral programs. These strategies apply data and insights from gender analysis. Gender mainstreaming frameworks offer baseline definitions of key

concepts, propose guiding principles for action and spell out the lines of responsibility within an organization to mainstream gender throughout its programs.<sup>48</sup>

Gender mainstreaming processes in forests-related institutions, which include government agencies, local governments, funding agencies, NGOs, Indigenous Peoples Organizations (IPOs), and Community-Based Organizations (CBOs) have been on long and bumpy roads. In developing gender mainstreaming processes, each institution adopts a variety of approaches.

## 5.1 Government efforts

The New Order regime established a framework aiming to advance the promotion of women in national development in which women had an equal partnership with men. This framework was strongly influenced by the concept of “women in development” rather than “gender and development.” It focused on merely enhancing women’s participation in the development process rather than addressing gender

### BOX 1: REGULATIONS ON GENDER MAINSTREAMING, ESTABLISHED BY SUCCESSIVE GOVERNMENTS OF THE POST-NEW ORDER ERA:

- **Instruction of the President of the Republic of Indonesia No. 9/2000 Concerning Gender Mainstreaming in National Development (2000)**

This instruction aims to enhance the position, role and qualities of women to achieve gender equality in the family, society and the nation. It instructs all government bodies to implement gender mainstreaming for planning, formulation, implementation, monitoring and evaluation of national development policies and programs in accordance with their responsibilities, functions and authorities.

- **Manual of Implementation Guidelines on Gender Mainstreaming in National Development (2002)**

This manual was issued by the State Minister for the Empowerment of Women to provide guidance for government bodies in implementing the Instruction of the President No. 9/2000 concerning Gender Mainstreaming in National Development.

- **National Development Masterplan for Women’s Empowerment (RIPNAS) 2000-2004**

The Masterplan was enacted by the State Minister for the Empowerment of Women. Its main objectives are “improving the life quality of women in any strategic sectors; increasing the socialization of gender equality and gender equity; eliminating any forms of violence against women; enforcement of Human Rights for women; and empowering and increasing the independence of women institutions and organizations.”

The Government of Indonesia was one of 189 countries that supported the adoption of the Millennium Development Goals (MDGs) in September 2000. Goal 3 deals specifically with gender equality. The eight goals of the MDGs form an overarching framework that places human rights and poverty at the center of development policies. The government of Indonesia is committed to achieve the targets of the MDGs by 2015. In 2005 the government of Indonesia stated that Indonesia has made considerable progress in promoting gender equality. The ratio of male and female education, literacy rate, women’s contribution in the non-agricultural sector and the participation of women in politics and legislative programs are cited as evidence of success. According to a government report, the expansion of the education system in Indonesia has benefited females, particularly the introduction of nine years compulsory basic education and the abolition of primary school fees in 1999.



issues that contribute to many of the problems women face in development. Nevertheless, this framework can be taken as a preliminary step toward gender mainstreaming in Indonesia.

It is important to note that the Government of Indonesia ratified the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1984. In doing so, the government committed itself to efforts to promote and protect women's rights, and to implement measures to eliminate discrimination in public life, employment, education, health care, and other areas. The Government of Indonesia has to implement Article 14 of CEDAW, which states that "State Parties shall take all appropriate measures to eliminate discrimination against women in rural areas ... and ... shall ensure to such women the right ... to have access to ... and equal treatment in land and agrarian reform as well as in land resettlement schemes."

Although the Indonesian government has initiated various steps in gender mainstreaming, the result of these processes has not been effective in reforming gender justice blind policies and programs related to forest tenure and forest governance.

There is one policy that clearly addresses gender justice in natural resources management and agrarian reform, known as the Decision of People's Assembly No. IX in 2001 (TAP MPR No. IX/2001). This policy was enacted by the highest body of the Indonesian State as a result of intensive lobbying by social movements at the time. Unfortunately, since 2004 this policy along with other policies enacted by the People's Assembly, were not effectively implemented.

## 5.2 Mainstreaming process of gender justice initiated by Non-Government Organizations

Gender justice mainstreaming among NGOs who work in forest tenure and forest governance has also been slow. Environmental and forest-related NGOs developed their understanding of gender-based problems and gender injustices in forest resources and natural resources management through close collaboration with women's NGOs. Among the very few initiatives to increase awareness and capacity building for activists and community organizers toward gender justice in community-based forest resources management, one was initiated in the late 1990s by RMI—the Indonesian Institute for Forest Environment, with support from KEMALA—Biodiversity Support Project and the Ford Foundation. Representatives of NGOs from various regions participated in a series of intensive training processes that RMI developed in close collaboration with Kapal Perempuan. Nevertheless, the result of these processes was not effective since many NGOs only sent junior staff that were not able to apply the skills they gained from the training process, as they did not have strong a bargaining position in their organizations.

Many NGOs working on forest tenure and forest governance still have very limited understanding of gender-related aspects including the concept of gender justice. The result of a gender assessment conducted for the Forest Governance Program of Kemitraan<sup>49</sup> shows that many key staffs/members of national NGOs that work on forest-related issues are not aware that gender justice is one of the core issues in forest tenure and forest governance. Many of them associate gender aspects merely with involvement and participation of women in their programs/projects. They also think addressing gender justice is not the business of their organizations as they work on forest tenure and forest governance, not on women's issues. Due to this low awareness of gender justice and gender-related aspects, it comes as no surprise to find that many NGOs working on forest tenure and forest governance have no gender justice policy to guide their planning, monitoring and evaluation processes. This contributes to the situation

where the principles of gender justice have not been included in the design, planning, monitoring and evaluation of programs and various forms of actions that they develop.

## 6. TOWARD GENDER JUSTICE IN FOREST TENURE AND FOREST GOVERNANCE

Adopting the above conceptual framework, we argue that gender justice in forest tenure and forest governance can be defined as the ending of injustices and inequalities between women and men that result in subordination, marginalization and discrimination of women and other vulnerable members of the community as well as violence against women and other vulnerable members of the community in the establishment and practice of forest tenure and governance.

We believe that in order to achieve gender justice, the following urgent steps and actions are needed.

- **Placing gender justice within efforts to reform the forest legal and regulatory framework**

The reformulation of the legal framework for forest lands and resources, which should include the recognition of the rights of Indigenous Peoples, should also include gender justice principles and actions. Ongoing efforts initiated by various parties including public-interest lawyers and NGOs working on legal pluralism in advocating the reform of the regulatory framework for forest tenure and governance need to incorporate existing laws that provide recognition and protection of women's rights as well as a commitment to eliminate all forms of gender injustices.

- **Systematic capacity building on gender justice in forest tenure and governance among government institutions, civil society organizations and donor agencies**

Government agencies, donors, research institutions, NGOs and other civil society organizations should develop capacity building on gender justice in forest tenure and forest governance for their key members and staff. By doing so, their key staff that will be able to apply gender analysis and adopt gender justice principles in projects and programs. Furthermore, it is expected that these institutions will be able to develop gender justice policies that guide their planning, monitoring and evaluation processes.

- **Increasing voices of women and vulnerable groups in decision-making**

Gender justice is dependent on the ability of women and other vulnerable groups to participate in and influence the decision-making process at all levels, from household and community to national, regional and global levels.

**“As an outcome gender justice implies access to and control over resources, combined with agency. Gender justice requires that women are able to ensure that power-holders—whether in the household, the community, the market, or the state—can be held to account so that actions that limit, on the grounds of gender, women’s access to resources or capacity to make choices, are prevented or punished.”<sup>50</sup>**

Efforts to increase the role of women and other vulnerable groups in decision-making process related to forest tenure and governance can be carried out through the following steps: a) involvement of women and vulnerable groups in policymaking at community and district levels, as well as at higher levels, and b) supporting the participation of women and vulnerable groups in community organizing processes. This step will contribute significantly to increasing women's role in decision-making within the home and at the same time prepares and encourages women to participate more actively in their communities.

- **Adopting gender justice principles in community organizing processes and in applying multistakeholder approaches at all levels in reforming forest governance through tenure conflict resolution**

Civil society organizations that work at the grassroots level should adopt gender justice principles and practices in community organizing processes. One means is by recruiting female community organizers/village facilitators in order to encourage participation of female villagers, particularly those that belong to vulnerable or disadvantaged groups, in their programs/projects aiming to secure community forest tenure and just forest governance.

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- <sup>14</sup> Nealle 1998: 48- italics in original, cited in Ribot, Jesse C. and Nancy Peluso. 2003. 'A Theory of Access.' *Rural Sociology* 68 (2): 153-181.
- <sup>15</sup> Ribot and Peluso 2003.
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- <sup>18</sup> This case study has been written based on the accounts narrated intensively by Kasepuhan women during a series of community-based field school organized by RMI-the Indonesian Institute for Forest and Environment in 2009 in which Mia Siscawati served as one of the facilitators for the event.
- <sup>19</sup> This is not her actual name. For protection purpose, all names in the case studies are pseudonyms.
- <sup>20</sup> For detailed account on tenurial conflicts faced by Kasepuhan community, please see Moniaga, Sandra. 2009. Fighting over the land and forest: century-old conflicts persist in the vast tracts of Indonesia that are designated as state forest. *Inside Indonesia* 98: Oct-Dec 2009.; Hanafi, Imam, Nia Ramdhaniaty, and Budi Nurzaman. 2004. *Nyoerang Alam Ka Tukang, Nyawang Anu Bakal Datang: Penelusuran Pergulatan di Kawasan Halimun, Jawa Barat-Banten*. Bogor: RMI-the Indonesian Institute for Forest and Environment.
- <sup>21</sup> This case study is written based on the involvement of Avi Mahaningtyas in the process of facilitating the development of forest governance in Central Kalimantan facilitated by the Kemitraan-Partnership for Governance Reform, and from the study on land tenure conflicts in Central Kalimantan prepared for the Kemitraan.
- <sup>22</sup> (MacKinnon et al., 1996)
- <sup>23</sup> Brookfield, H. et al. 1995. *In Place of the Forest: Environmental and Social Transformation in Borneo and the eastern Malay Peninsula*. Tokyo, New York: United Nations University Press.
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<sup>26</sup> Afiff, 2010.

<sup>27</sup> Afiff 2010.

<sup>28</sup> Galudra et al. 2010.

<sup>29</sup> This case study is written based on accounts narrated by female villagers during gender assessment process of the Forest Governance Program of the Kemitraan-Partnership for Governance Reform, conducted in 2009.

<sup>30</sup> Kabeer 2003.

<sup>31</sup> Peluso and Vandergeest 2001.

<sup>32</sup> Elmhirst 2010.

<sup>33</sup> See, for example: Ribot and Peluso 2003 Li 2001; Moore, Donald. 2005. *Suffering for Territory: Race, Place and Power in Zimbabwe*. Oxford: Oxford University Press; Li, Tania M. 2000. Articulating Indigenous Identity in Indonesia: Resource Politics and the Tribal Slot. *Comparative Studies in Societies and History* 42: 149-179; Li, Tania M. 2001. 'Relational Histories and the Production of Difference on Sulawesi's Upland Frontier.' *Journal of Asian Studies* 60 (1) 41-66.

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<sup>36</sup> Peluso and Vandergeest 2001, Peluso 1992.

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<sup>38</sup> Siscawati, Mia and Yando Zakaria. 2010. *Capacity Building Needs Assessment for Community Forestry in Indonesia*. Report prepared for RECOFTC.

<sup>39</sup> Brookfield et al. 1995.

<sup>40</sup> Siscawati, Mia and Muayat A. Muhshi. 2008. *Perjalanan Konsep, Kebijakan, dan Praktek Kehutanan Masyarakat di Indonesia*. Report prepared for FKMM.

<sup>41</sup> (Fay et al. 1998)

<sup>42</sup> Wieringa, Saskia. 2002. *Sexual Politics in Indonesia*. Basingtoke: Palgrave Macmillan.

<sup>43</sup> Wieringa 2002.

<sup>44</sup> Wieringa 2002.

<sup>45</sup> Suryakusuma, Julia. 1996. 'The State and Sexuality in New Order Indonesia'. In Sears, Laurie (ed). *Fantasizing the Feminine in Indonesia*. Durham, NC: Duke University Press.

<sup>46</sup> Maria Mies in her book *Patriarchy and Accumulation on a World Scale* (1986) coined the term "housewifization." She defines it as a process by which women are socially defined as housewives, dependent for their sustenance on the income of their husbands, irrespective of whether they are de facto housewives or not. The social definition of housewives is the social definition of men as breadwinners, irrespective of their actual contribution to their families. "Housewifization" is primarily an economic concept.

<sup>47</sup> Suryakusuma 1996.

<sup>48</sup> UNESCO 1999.

<sup>49</sup> Siscawati, Mia. 2009. *Gender Mainstreaming Need Assessment on Forest Governance Program-Partnership for Governance Reform in Indonesia*. Report prepared for Kemitraan-Partnership for Governance Reform in Indonesia.

<sup>50</sup> Goetz 2007.





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