

**BAGIAN 1:
CORRESPONDING
LETTER**



Muhammad Alif K. Sahide <alif.mksr@gmail.com>

Received revision LUP_2017_635_R1

1 pesan

Land Use Policy <EvisSupport@elsevier.com>

23 Maret 2018 23.38

Balas Ke: jlup@elsevier.com

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Ref: LUP_2017_635_R1

Title: Deadlock opportunism in contesting conservation areas in Indonesia

Journal: Land Use Policy

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RESPONSE TO THE REVIEWERS

Title: Deadlock opportunism in contesting conservation areas in Indonesia

Reviewer#1

The manuscript is substantially improved, and now offers a far more coherent, cogent, and useful contribution. Importantly, this paper now provides a succinct and well-articulated political ecology of social forestry in Indonesia through colonial and post-colonial periods. This is in itself a valuable piece of scholarship. The theoretical positioning is much clearer and certainly more effectively applied in the analytical process. I have some further minor suggestions that could be addressed before publication.

Reviewer#2

I got the opportunity to review your manuscript after revision. Yes, your article is not easy digestible. But it is well structured, it provides a clear research focus, a method and the supporting results. The topic is very interesting as well as your results. And I encourage you to continue with your research. All in all, I agree with your comments to the previous reviewers and from my side your manuscript is ready for publication. Well done!

Response:

We take this as encouragement and motivation from both reviewers, we acknowledge and highly appreciate your suggestion on the conceptual and operational framework, which are now well improved. Thanks also for the detailed comments with which the overall quality of the paper is greatly improved Thank you very much

Reviewer #1

First, there could be a succinct explanation of the conceptual terms provided in the Introduction, and a more clearly articulated statement of the problem and rationale for the study.

Response:

We have made changes in the introduction following reviewer suggestions, we have:

- *deleted some sentences that are redundant (repeating the points that are already made).*
- *defined acronym when used the first time and use it throughout the paper (e.g. DG).*
- *changed some conservation areas terms into more local context with 'HK' – Hutan Konservasi'. We also identified that the word, "conservation areas" is used too many times. So we changed "conservation areas" to HK in some cases and deleted some when it was obvious we meant conservation areas.*
- *made some changes based in the purpose that wider readership can digest this paper or to avoid mis-understanding*

Second, there is room to make slight changes to the headings and structure, to space the manuscript's logical flow more effectively, and avoid the rabbit-hole scale of sub-headings. Third, I am not sure that the figures (particularly Fig 1) are as clear as they could be - there might be merit in asking someone with Adobe Illustrator skills to reproduce these more effectively, since this is a paper that may well be read and cited for some time, and powerful

graphics will support that outcome. Finally, there are still some minor issues with expression and grammar that could be addressed.

I have made specific notes on an attached file, and hope you will take these small suggestions as an encouragement to finalise the manuscript. A genuine improvement on the initial submission and a useful contribution.

Response:

Thank you very much for providing the detailed suggestions and comments in the track change file, we received most of the suggestions. Exception for the method section that reviewer suggest to include in the introduction, we think that we need to keep the method section so the reader can understand that this paper has clear method that can be replicate in the future research.

We agree with the heading and structure suggestion from reviewer, and we have addressed it with this revision. We also ask someone to re-shape our Figure 1 and Figure 2, and his contribution is added in our acknowledgement as well. We also provide graphical abstract anticipating wider readership digest this paper



Muhammad Alif K. Sahide <alif.mksr@gmail.com>

Requested for LUP_2017_635

2 pesan

Muhammad Alif K. Sahide <alif.mksr@gmail.com>

20 Maret 2018 15.38

Kepada: gmrsrc@gmail.com

Cc: Lukas Giessen <lukas.giessen@efi.int>

Dear Professor Guy Martin Robinson
Editor of Land Use Policy

We would like to inform that previously we submitted our manuscript LUP_2017_635 which title "Pushing the boundaries of conservation and development: geothermal projects, community forests, and contesting the future of conservation zones in Indonesia". We also had received a mayor revision.

We already revised our manuscript based on one LUP reviewer comments, and now we are ready to re-submit. We feel sorry that it takes long time to revise due to the very substantive comments from reviewer side. We reconstruct our paper based on the reviewer comments and provide new title "Deadlock opportunism in conservation areas in Indonesia".

Unfortunately, after checking our account submission in the Evise system, we could not find it anymore. Would you please to reactivate it, and we will re-submit it soon.

Thank you very much.

Best regards
Muhammad Alif K. Sahide
Corresponding author for LUP_2017_635

Muhammad Alif K. Sahide
Editor in Chief, Forest and Society
<http://journal.unhas.ac.id/index.php/fs>

Google Scholar link:
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On Aug 15, 2017, at 7:01 AM, Guy Martin Robinson <EviseSupport@elsevier.com> wrote:

Ref: LUP_2017_635

Title: Pushing the boundaries of conservation and development: geothermal projects, community forests, and contesting the future of conservation zones in Indonesia

Journal: Land Use Policy

Dear Mr. Sahide,

Thank you for submitting your manuscript to Land Use Policy. I have completed the review of your manuscript and a summary is appended below. The reviewers recommend reconsideration of your paper following major revision. I invite you to resubmit your manuscript after addressing all reviewer comments. Please note that as I was only able to obtain one rebiewer for your manuscript I will need to add a second for the revision. You need to use a professional editor to improve the standard of English usage and grammar. I suggest you use the serive offered by the publishers.

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- **Interactive Plots**: Interactive plot viewer providing easy access to the data behind plots. Please prepare a **.CSV** file with your plot data and test it online [here](#) before submitting as supplementary material.

I look forward to receiving your revised manuscript as soon as possible.

Kind regards,

Guy Robinson

Professor Guy M Robinson
Editor
Land Use Policy

Comments from the editors and reviewers:

-Reviewer 1

-

The social-ecological dynamics of Indonesian forests and forest governance are extremely complex, with fragmented and overlapping regulatory structures, diverse interests and actors across local, national, and global scales, and challenging political and cultural contexts. The authors are well versed in the institutional and political issues of Indonesia's forests, and offer some interesting perspectives on this topic. This paper presents a potentially useful commentary at the political end of a political ecology analysis, but is not publishable in its current form.

The paper as it stands is not easily accessible to non-specialist readers, and even for those with expertise and experience in these areas the manuscript would benefit from substantial revisions to clarify the meaning of key terms and improve the structure and analytical insights. Major changes are needed to meet the standards of an international scientific journal of repute, such as LUP.

I offer the authors suggestions in several broad but critical areas, and then provide examples of stylistic and structural aspects that need to be improved throughout the paper.

The principal weakness of the paper is its lack of clarity – in conceptual positioning, analytical structure, and expression of information.

The text states that “The objective of this article is to describe and explain how a deadlock situation can be broken to open up opportunities by employing allowable narratives of forest conservation zoning in Indonesia to open up opportunities for both geothermal utilization and community forest politics.” The authors also state that their “main hypothesis is that community forestry policy did not have a strong claim to the conservation zone because of environmental arguments on protecting biodiversity,” and that they “apply deadlock and Bureaucratic Political theories to explain the deadlock between geothermal projects and community forestry in conservation area.

The theoretical positioning is confused. **Bureaucratic politics** theory emphasises the role of government agencies in promoting their own interests against those of other government agencies – with which they are competing for funding, resources, and authority.

Dilemmas as used by Fearnside (2003) refer to the challenges for government of legislating in the face of competing interests and priorities, across the private sector, communities, and environmental NGOs. This is fine, but does not appear much or at all after this first use. What’s the point?

The reference to “**deadlock**” in Wiranto et al. 2001 is in Bahasa Indonesia, and therefore not immediately accessible. In game theory, “deadlock” refers to a situation where the most beneficial behaviours or actions are also dominant, meaning that self-interest for all parties has the most positive outcomes generally. This begs the question, how is deadlock being used in this paper? This should be clarified and applied consistently throughout the manuscript.

The phrase “**hollow** state” is an established reference to executive political regimes in which governance is fractured and diluted through extended layers of contractual relations with sub-agencies and the private sector. Here the authors appear to refer to “hollow policy” as governance actions – either formal or informal – that are insubstantial, or tokenistic. The “hollow” concept needs to be made very clear early on.

The authors say that “**non-decision** exists as a power tools when the dominant values of the most powerful actors forcefully and effectively manipulate the situation in order to prevent certain grievances from developing into full-fledged issues which will call for decisions.” This is perhaps the most clearly applied concept throughout the discussion.

These concepts are all arguably relevant and appropriate lenses to apply to the analysis, but not coherently applied in the paper. Perhaps the main problem is a lack of explication of the meaning of the terms as used in the analysis. In revising the paper, the authors should introduce each term, clarify its meaning with suitable explanation and references to previous literature, and ensure that the use of the term in the present manuscript is clear and specific.

Thereafter, in the analysis, the various case studies should be explained in line with these conceptual lenses, so that the reader has a consistent framework for understanding the issues. Given the complexities of Indonesian forestry law, it is worth remembering that traditional structures and scientific formats will be very helpful in comprehending the arguments.

The second major issue in the paper is the analysis. The authors state that “data collection methods used in this research include content analysis, interviews, and observations from our long experiences on witnessing conservation policy.” The only inclusion of data appears in a few brief comments and footnotes. This is a major flaw in the paper – it does not seem that there is a genuine use of primary research data, and the hypotheses are not properly tested using original empirical information. If the authors wish to use the hypotheses approach, then the testing of propositions needs to be much rigorous and structured. As it stands, the paper seems to say, “We think this is the case”, and then present extended and largely unreferenced discussion (in other words, opinionated assertions without supporting evidence) before concluding with “Therefore we have proved our hypotheses.” I am unconvinced by this approach, and encourage the authors to offer more data-driven arguments, built on evidence-based analysis that is robust and logical.

The coding presented in Table 2 is poorly explained and not obviously relevant. What is the purpose and value of the table? The other graphics are similarly lacking in relevance or impact.

If the paper is to be successful as a piece of original analysis, it needs to present original data in a clear and accessible form (where are the interview and survey results, where is the coding?) that is then assembled to present evidence for particular outcomes, analysed using the themes of deadlock, hollowness, etc., with the results used to generate specific arguments. As it stands the paper reads as an overly detailed history

lesson with lots of personal insights and opinion, with some token (hollow?) gestures toward established scientific practice, in the form of theoretical framing and data presentation.

This is the other primary constraint on the manuscript – its tendency to present information and ideas in not just a discursive but unsubstantiated manner. Section 4 is not so much a presentation of results but a review of current and recent history. These arguments must be supported far more effectively, with the evidence of your original research, or through citations of other peer-reviewed literature.

There is some good material in the paper – Table 2 is insightful, for instance. However, the consideration of geothermal energy initiatives is confusing – and minimal. The paper purports to explore the dynamics of geothermal in forest conservation areas, but this could be done much more convincingly and clearly.

I would suggest that the paper be restructured in a political ecology format. The manuscript could do the following:

1. Provide an overview of Indonesia's forest conservation policies and energy development agenda (current section 1, with parts of section 4). Explain the research problem and question (what is the research question exactly?). Outline the manuscript structure.
2. Specify the methods (lit review, interviews, workshops). Lose the hypotheses – not necessary.
3. Discuss background and concepts (current sections 2 and 4.1)
4. Present results: interview responses to specific questions (table form), section 4.2.2 (and table 2).
5. Discuss stakeholders (actors) – current section 4.3; discuss local, national, global implications in terms of forests (ecology), development (energy), and sustainability (equity). All using the key concepts established in the beginning.
6. Conclude with key insights, highlight main findings, identify further research needs.

Sections 1, 3, and 5 can be condensed. Sections 2, 4, and 6 considerably expanded.

A critical improvement is clarification around the central theme of geothermal energy. This is not well presented as central to the analysis.

Below I point out some problems of expression, grammar and spelling, referencing, and other details. These few examples are not comprehensive, but indicative of issues that need to be addressed throughout the manuscript before it can be reviewed again.

Problems with expression:

Please clarify the meaning of:

P15, section 4.2.1 “they consider conservation areas the last defense of Indonesian forestry” – do you mean “Indonesian *forests*”? The following sentence does not help make this clear.

P15, section 4.2.1 “territorial quantity of state forests area”?

P15, section 4.2.1 “customary forest sites”

Section 4.2.1 “hollow regulations were created thus making it effective depends on the particular presence interests.”

Problems with spelling, grammar, or punctuation, e.g:

Abstract first sentence “...it is reasonable to expect”

Intro 2nd para “...the terms forest preservation should be differentiated with *from* forest conservation”

Intro 5th para “camouflaging”; “hyphotesis”; final sentence is incomplete, and finishes with a comma.

Section 2.1 “Ideologies related to conservation areas and its utilization are multiple.”

Lack of referencing:

Intro 3rd para "In the last few decades, forest conservation in Indonesia has become the battlefield of contesting interests; political actors evaluate 'proposals' on the conservation areas. Arguments of how utilization could be made in conservation areas are often used by political actors for pursuing their own interests. Sometimes conservation is defined and interpreted differently by political actors involved." Each of these sentences make assertions that should be supported with suitable references to peer-reviewed literature.

Section 4.1.1.4 *The role of international donor organisations section*: "It is found that community empowerment activities inside conservation forest areas are still lacking." This requires a reference.

Section 4.3.6 "The company has proven that it cares about the environment in managing 200 ha from 10.000 ha concession (since 1980) and they achieve 'golden category' certificate from the Ministry of Environment in 2011."

Details

Section 4.1.1.4 5th para "a high degree of functionality and management protection responsibilities" – What does this mean? There is a need for greater clarity around the ecological aspects of the argument.

Surely it's not that "geothermal can trigger small or micro-earthquakes," but that drilling activities associated with geothermal resource exploration and exploitation can do so, or be perceived as having this type of impact by local communities. The authors should examine this assumption critically, looking at available peer-reviewed science.

Section 4.2.1 Can you clarify the meaning of "social forestry mechanisms" as contrasted to community forestry? This sort of clarity will facilitate engagement by a diverse audience.

Figure 2 is not clear. Graphics should be used to effectively and concisely convey complex ideas. This figure does not do that well; it might be better to communicate the point in text.

P23(21) Footnote 17 Ibid 20 and 21 – what do the 20 and 21 refer to?

Section 5 para 2 "Indonesian conservation bureaucracy history (see Section 4.1.1 has clearly – needs a closing parenthesis

There is much of value in this paper but in its current form it is not coherent nor useful. The authors should consider a significant revision that addresses these structural and conceptual constraints, in order to make the data, findings, and arguments more accessible to the wider scholarly community.

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Guy Robinson <gmrshr@gmail.com>

20 Maret 2018 18.04

Kepada: "Muhammad Alif K. Sahide" <alif.mksr@gmail.com>, EP Support <support@elsevier.com>

Dear Support,

I would be grateful if you could assist this author of a revised manuscript which they are trying to submit to Land Use Policy, but without any success.

Thanking you in anticipation.

yours sincerely,

Guy Robinson

Prof Guy M Robinson
Editor LUP

[Kutipan teks disembunyikan]



Muhammad Alif K. Sahide <alif.mksr@gmail.com>

Your manuscript LUP_2017_635_R1 has been sent for review

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24 Maret 2018 07.41

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Kepada: alif.mksr@gmail.com

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Title: Deadlock opportunism in contesting conservation areas in Indonesia

Journal: Land Use Policy

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alif <alif.mksr@gmail.com>

24 Maret 2018 13.27

Kepada: Micah Fisher <micahrf@hawaii.edu>

Dr. forests. Muhammad Alif K. Sahide
Laboratorium Kebijakan Kewirausahaan Kehutanan
Fakultas Kehutanan, Universitas Hasanuddin
Pemimpin Redaksi Jurnal Hutan dan Masyarakat (Journal of Forest and Society)
Jalan Perintis Kemerdekaan KM X,
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**Pushing the boundaries of conservation and development:
geothermal projects, community forests, and contesting the future of
conservation zones in Indonesia**

Muhammad Alif K. Sahide¹, Ahmad Maryudi², Christine Wulandari³, Ahmad
Dhiaulhaq⁴, Micah Fisher⁵, Yeon-Su Kim⁶, Lukas Giessen⁷

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Pushing the boundaries of conservation and development: geothermal projects, community forests, and contesting the future of conservation zones in Indonesia

Abstract

Once the government begins to allow geothermal projects in conservation areas, it is reasonable to expect that community forestry actors will demand similar or more access to conservation areas by citing similar legal bases for their demands. The overlapping (if not contesting) objectives can lead to a situation called “deadlock” or “dilemma”, which may result in a policy stand-off or non-decision. A deadlock situation can be used by powerful actors to maintain their interest, in which the relevant actors maintain non-decision situation to gain some potential benefits. Using deadlock and bureaucratic politics theory as framework, the objective of this article is to describe and explain how a deadlock situation in conservation areas can be broken to open up opportunities for geothermal and community forestry by employing allowable narratives of forest conservation zoning in Indonesia. Arguments and findings presented in this paper are drawn from content analysis, interviews, and observations from authors’ long experiences on witnessing conservation policy operationalized in Indonesia, both in Java and outside Java. The results show that while relevant actors provide effective policy for geothermal politics, they still keep hollowing policy for community management politics. While ‘community’ is formally everywhere as camouflaging existence, realistically it is merely a hollow policy.

Keywords: conservation politics; geothermal; non-decision; community forestry; bureaucratic politics

1 Introduction

Conservation areas around the world have been politically contested due to overlapping, or often competing management objectives. One of the most frequent conflicts is between conservation and development objectives, including those for meeting needs of local communities (Yusran et al., 2017; Ma et al., 2009; Setiawan et al., 2016). They are usually allocated to maintain protection and preservation functions of the nature with minimised or even completely prohibited human activities. Zoning has been globally applied as one of strategies to manage multiple interests of multiple actors, for example, by accommodating both conservation and local utilization (Fearnside, 2003; Mulyana et al., 2010). However, it does not happen in a vacuum. It is situated in particular socio-economic and political contexts that shape the outcomes (Maryudi, 2015). Earlier literature on political ecology shows that the creation of conservation areas is not always based on biophysical or scientific considerations. Decisions over access and control over these areas are often results of political processes involving various actors, interests and power (Peluso, 1993; Peluso & Vandergeest, 2001; Adams & Hutton, 2017).

In Indonesia, more than a third of all forest area (about 48 million hectares) has been designated for conservation purposes including national parks and protected forests (MOEF, 2014). Management of the country’s conservation areas has evolved from a strict preservation to a conservation model that allows some degree of nature utilization to serve human needs. Wiratno et al. (2001) argues that the terms forest

preservation should be differentiated with forest conservation¹. While preservation requires static maintenance of nature's ecological structure (i.e. protection from use), conservation concerns about safeguarding its ecological functions (i.e. proper use). Therefore conservation opens up possibility for utilization of natural resources.

In the last few decades, forest conservation in Indonesia has become the battlefield of contesting interests; political actors evaluate 'proposals' on the conservation areas. Arguments of how utilization could be made in conservation areas are often used by political actors for pursuing their own interests. Sometimes conservation is defined and interpreted differently by political actors involved. In this study, we examine conservation-utilization politics driven by various actors and interests across several levels of government. Although many policy instruments are being used to serve various interests, this paper particularly focuses on the use of 'non-decision' policy instrument in steering utilization of conservation forests in Indonesia.

Conservation zoning has been implemented in Indonesia since the 1990s, which aimed to manage multiple stakeholders' interests. Law 5 of 1990, Government Regulation 68 of 1998, and a Ministerial Decree (P.56/2006) on guidelines for zoning conservation areas provide legal basis for allocation of special use zones within national parks. More recently community forestry and private mining companies became the two main actors promoting forest utilization. Furthermore, the Indonesian government began experimenting with allowing geothermal projects in conservation areas under Law 21 (2014) and Ministry of Environment and Forestry (MOEF) regulation 46 (2016) (Bos & Brown, 2012). Although it has been legally possible, utilizing natural resources in conservation areas has been rarely allowed. The proposals for geothermal projects recently gained a political momentum as they are recognized as an environmental service, which is allowed in conservation areas.

Opening access for geothermal projects in conservation areas would allow what we call, "liberal zoning", which may mean more and bigger developments. Liberal zoning may help open up opportunities for local communities to negotiate more liberal uses, for example, community timber management in conservation areas. Once the government allows geothermal projects in conservation areas, it is reasonable to expect that community forestry actors will demand similar access and utilization. Such is described as a situation a 'deadlock' (Wiratno et al., 2001) or 'dilemma' (Fearnside, 2003), which may result in a policy stand-off or non-decision. In this paper we use and enrich these terms on the view of political discourse as 'non-decision instruments', which can be observed and analysed as comouflaging strategy for certain interest (Sammon, 2008; Bachrach & Baratz, 1962). To break the deadlock, the competing interests need formal support and mandates from by the bureaucracy on conservation management. From the legal-bureacratic perspectives, utilization in conservation areas needs the transfer of authority to the more production -oriented bureaucracy. Therefore, our main hyphotesis is that community forestry policy did not have a strong claim to the conservation zone because of environmental arguments on protecting biodiversity, however, as political actors drew on arguments to support future geothermal development projects as an environmental service,

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

In this study, we apply deadlock and Bureaucratic Politic theories to explain the deadlock between geothermal projects and community forestry in conservation areas in Indonesia. In particular, how “conservation” is defined in political discourses, and how does it support future geothermal development projects as an environmental service, while limiting community access for protecting biodiversity. The objective of this article is to describe and explain how a deadlock situation can be broken to open up opportunities by employing allowable narratives of forest conservation zoning in Indonesia to open up opportunities for both geothermal utilization and community forest politics.

2 Theoretical Underpinning

2.1 Bureaucratic politics propagating conservation and utilization interests

Ideologies related to conservation areas and its utilization are multiple. For example, while conservationists may define conservation area as an area without human interventions (Morelli, Tryjanowski, & Benedetti, 2016), politics may allow new mechanisms for utilizing reserve areas for other purposes (Stutzin, 1975). Therefore, the term conservation area that manifests in a bureaucratic format may have formal and informal mandates (see formal and informal interest bureaucracy in Krott (2005)). While formally mandated to serve the public, bureaucracies have informal own interests of enlarging staff and budgets, and strengthening their political influence (Krott, 2005; see also Wibowo & Giessen, 2015). As Sahide & Giessen (2015) mentioned, traditionally, land use bureaucracy in Indonesia is divided into two traditional categories, i.e. production-oriented bureaucracy and conservation-oriented bureaucracy (also see Hirsch & Warren, 1998; Giessen, Krott, & Möllmann, 2014, Sahide & Giessen, 2015). Bureaucratic politics theory has enlarged recognition of eclecticism in public policy decision-making processes (Krott, 2005; Krott et al., 2014) including detecting the interests of conservation or production forest oriented bureaucracies at multiple levels and scrutinizing their supportive or obstructive behaviour (e.g. recentralisation case in Indonesian forest bureaucracies) (Sahide et al., 2016).

2.2 Using hollow policy instrument as non-decision power

Non-decision power made hollow policy

Wolfinger and colleagues (1968) introduce a non-decision as a notion of ‘power structures’. Non-decision in public decision-making is often used interchangeable with power and influence. Such often hampers researchers, who may utilize the concepts too both broad and narrow. Too broad because important distinctions between power and influence are brushed over; and too narrow because other concepts are disregarded—concepts which, had they been brought to bear, might have altered the findings radically.

Non-decision is defined by Bachrach & Baratz (1963) as “the practice of limiting the scope of actual decision-making to ‘state’ issues by manipulating the dominant community values, myths, and political institutions and procedures”. Using this definition we can appreciate that non-decision exists as a power tools when the dominant values of the most powerful actors forcefully and effectively manipulate the situation in order to prevent certain grievances from developing into full-fledged issues which will call for decisions. With regard to power, it is important to

understand that while certain conditions are necessary (for example: a conflict of interest or values between actor A and actor B) these conditions may not in fact be sufficient conditions of power. Power can be in a form of the ability of an actor to shape a political agenda according to its own interests, even when facing resistance from opponents or other actors. Weber describes it as the ‘probability that one actor within a social relationship will be in a position to carry out his own will, despite resistance’ (Weber, 1922, p. 152). In this paper, we focus on the coercive form of power as well as (dominant) information power by looking at formal responsibilities and investigating the actors’ basic interests shaping the conflict between community forestry and the geothermal development politics.

Non-decision instrument is also rooted from non-regime discourse in international relation studies (Singer & Giessen, 2017), which was a consequence of hollow policy discourse in public policy studies. In the dilemma situation, negotiation with indigenous peoples represents one of the most critical areas for the long-term future of natural ecosystems in the region (Fearnside, 2003). Therefore, in this framework, long term future is translated as non-decision, or temporarily non-decision which is useful for some actors to examine its power, which is in this framework focusing in the coercion power and information. Decisions over access and control over forest areas (e.g. conservation areas) are often results of political processes involving various actors, interests and power (Peluso 1993; Peluso & Vandergeest 2001; Adams & Hutton 2007).

2.3 Actors’ interest utilizing non-decision, by treating hollow policy: Breaking or sustaining non-decision

The relationship between people and nature, in conservation context, is highly political. It embraces issues of rights and access to land and resources, the role of the state (and increasingly non-state actors in NGOs and the private sector), and the power of scientific and other understandings of nature (Adams & Hutton, 2017). Therefore, we used actor centered analysis (Krott et al., 2014). Actors may exist at different playing fields (Maryudi & Sahide, 2017; also Krott, 2005) often with contesting interests such as utilization versus conservation. Powerful actors are always the one who steer social relationships and benefit from them, including from non-decision situations. Krott (2005) argues that powerful actors tend to hide themselves, but they can be indirectly identified based on how much information and coercive mandate they have. By directly observing the actors’ interest in treating non-decision, we employ our main research question of how multiple definitions and/or interpretations of conservation are used by political actors to achieve their interests?

We use Yusran et al., 2017 approach that is rooted from Krott (2005) argument that policy is not always implemented, it could be blocked since it is formulated, implemented, or implemented without enforcement. This policy cycle (formulation – implementation – enforcement) is often left to the discretion of the related administrative actor whether they provide effective or hollow policy. Powerful actor on this situation could break non-decision or sustain non-decision by providing hollow policy to achieve their effective interests. Therefore, based on this approach and combined with Matland’s typology (Matland, 1995) of policy implementation, we generate our own typology about hollow policy to explain what we mean on hollow policy, please see Table 1 for detailed description.

Table 1 The indicator of hollow policy and management as the resources of non-decision policy instrument.

I. The operational concept of hollow policy			
<i>Rule's dimension</i>		<i>Enacting dimension</i>	
<i>Code</i>	<i>Explanation</i>	<i>Code</i>	<i>Explanation</i>
A1	High rules (e.g. Laws) without medium and detailed implementation rules	B1	No implementation
A2	Medium rules, or rules without strong support from basic laws	B2	Implementation without enforcement
A3	Detailed rules, without support from medium and high laws	B3	Implementation with enforcement
II. Gradation degree of hollow policy and its explanation			
<i>No</i>	<i>Gradation degree</i>	<i>Codes' Combination</i>	
1	Non-hollow policy (toward effective policy)		
	First level	A1+B3	
	Second level	A2+B3	
	Third level	A3+B3	
2	Medium hollow policy		
	First level	A1+B2	
	Second level	A2+B2	
	Third level	A3+B2	
3	Pure hollow policy		
	First level	A1+B1	
	Second level	A2+B1	
	Third level	A3+B1	

2.4 Hypotheses/key argument

As explained in Section 2, this paper combines theories of bureaucratic politics and non-decision instrument, to build an actor-centred framework in order to shape and clarify our hypothesis. In this section, we broke down our framework analysis into three hypotheses (H):

- H1: Community forestry is a non-priority not strong formally because of biodiversity goals, but it is a non-political decision to reserve the conservation areas for future large development project. Powerful actors will keep it as the deadlock situation until they find strong national lucrative project infiltrate the conservation zonation
- H2: Hence, there are active non-decisions about the land use, put by powerful actors at national and subnational levels
- H3: Non-decisions will be reconsidered and transformed into decisions when the political power structures allow for this and the resulting decisions are beneficial for the political and material interests of powerful actors

We use the case of Indonesian conservation forests within the state forest area to illustrate how this non-decision at times can be challenged, but how powerful forces work against such initiatives for serious political interests of elites such as the president, district heads, and conservation bureaucracies.

3 Method

The data collection methods used in this research include content analysis, interviews, and observations from our long experiences on witnessing conservation policy operationalized in Indonesia both in Java (second author and third author), outside Java in Sulawesi (the first author, the fifth author) in Sumatera (Second author and the fourth author) which this direct involvement could reduce the reliability. Objectivity

and validity are ensured through triangulation by our investigator that watch from outside the arena of Indonesian conservation (last author). Furthermore, data triangulation is also operationalized by checking various supporting documents, official website information, news, and positional journals.

4 Results

4.1 Describing non-decision and its transformation to active decision over community forestry management in conservation forest in Indonesia.

4.1.1 Historical description of conservation bureaucracy

In general, it is difficult to define conservation policies as a solid bureaucracy during the Dutch and Japanese colonial era. During the colonial period conservation was relegated to some small forest preservation parks with a small institutional task force that evolved into a small unit within the Ministry of Prosperity during the early years of Indonesian Independence. Previously, it was part or under forest research bureaucracy in old era, which then grown up following the political of actors' interest. When they allied with IUCN in the New Order era and used it to define their interest to be exist bureaucratically, then conservation formally became a solid bureaucracy.

During the Soeharto era, the state territorialized and demarcated state forest area, or the Consensus of Forest Land Use (TGHK), aimed to secure timber extraction through production forest (HP), protection forest (HL), and forest conservation (HPK). HPK enforced by the conservation bureaucracy successfully raised funds through programmatic commitments from international collaboration (see section 4.1.1.4), and combined conservation with the bureaucracy on forest protection. Conservation areas was, however, made to camouflage the government's interest to reserve it for future extraction.

The post-Soeharto era has created a stronger institution because it has become a sole bureaucracy under the formal platform as a Directorate General under the Ministry of Forestry. Although seemingly contradictory, as decentralisation policies were applied across the Indonesian bureaucracy after 1998 (including forestry sector) the conservation bureaucracy on the other hand became stronger and more centralized.

4.1.1.1 The Dutch colonial era: The birth of conservation tradition, as small species protection.

In the Dutch era, the Colonial Government actively controlled and systematically structured their engagement by focusing more on forest extraction. The first conservation law called *Natuurmonumenten en Wildreservaten ordonantie* was promulgated in 1932, followed by establishment of a conservation unit under the Agricultural Director in 1934. Responsibility was then moved to *Hoofd Inspekteur Boschwezen*. However, rather than for natural reserve conservation, the *Boschwezen* areas were bureaucratically administered in their orientation towards economic returns (MoFor, 1834).

The empirical legacy of the Dutch colonial conservation approaches can still be found, for example under several units such as the Nature Reserves in Depok, the Bogor Botanical Gardens, the Nature Reserve at Gunung Gede-Pangrango, and the creation of various other Nature Reserves areas (in Sumatra, Kalimantan, Sulawesi, and Papua) from the 18th to the 19th century (Wiratno et al., 2001; MOEF, 2005). The nature conservation strategy in Indonesia can be rooted in the approaches developed by the Dutch Colonial Government in the aims of protecting certain

species, particularly the ones with a relatively limited range and/or with the potential for exploitation (Setyowati et al., 2008; Peluso and Vandergeest 2001). During the Dutch era, conservation was legally supported by *Staatblad* 1941 No. 167 (*natuurbeschermings ordonnantie*) (Setyowati et al., 2008) and *Agrarische Reglement* for outside Java and Madura island (Nurjaya, 2005).

Some conservation analysts argue that this was the ‘yellowstone era,’ copying the American model, whereby the conservation imaginary existed in separate realm from human livelihood interest (Dunggio & Gunawan, 2009). However, when viewed from a politics perspective, we can track the practices and processes that enact the conservation movement, and the powerful actors behind such interests.

Establishment of ‘small’ natural reserves historically emerged from the expansion and influence of the biologist movement in the Dutch East Indies. One of the main proponents was a biologist Dr. Sijfert Hendrik Koorders (1863-1919) who formed the Group of Forest Reservation of the Dutch East Indies (*Netherlandsch Indische Vereenigin tot Natuurbescherming*). This conservation campaign influenced the Dutch East Indies Government that had previously emphasized forest management merely for economic interests (MoFor, 2005). In other words, since the beginning, ‘conservation’ as a land reserve of the government was promoted and shaped by interaction with non-state actors (in this case biologists) to expand argumentation that justified the expanded reach of the state. In turn, such justifications were easily utilized by the government to serve their interests to control resources while also projecting future land development purposes. A geologist’s interpretation could be formulated in similar terms. For example, the control of particular landscapes could also be justified by the potential expansion of management authority over these lands.

4.1.1.2 Soekarno era (1945-1966)

In the transition to independence, much of the Indonesian bureaucracy shaped itself around its bureaucratic antecedents (Anderson, 1991). President Soekarno presided over an Agricultural Ministry that insisted that *Staatblad* 1941 No. 167 (*natuurbeschermings ordonnantie*) and *Agrarische Reglement* from the colonial era were still valid and re-operationalized. However, at the outset there is no clear formal forest conservation mandate for species conservation, except for conserving soil for protection based on PP No. 1/1951 (Nurjaya, 2005). In addition, the new Ministry of Forestry was established, separated from the Ministry of Agriculture, since the Dwikora Cabinet of 1964, which their special focus was ensuring that forests were managed for social prosperity (Nurjaya, 2005).

4.1.1.3 The New Order era (1967-1998): Defining zoning and camouflaging the timber and mining booms

The birth of zoning instrument

At the outset of Suharto coming to power, Law 5 (1967), or formally known as the Basic Forestry Law, was issued. Law 5 (1990) or Conservation Law and Government Regulation 68 of 1998 formally mandated that National Parks are managed through a zoning system which may consist of a core zone, a utilization zone, and other zones depending on necessity. These zoning categories indicate that utilization is made possible to keep future state interests in utilizing conservation areas. The utilization and other zones category presents a clue into the tandem relationships between Basic Forestry Law and Law 6 (1967) about domestic capital as well as Law 21 (1997) on forest concession mechanisms.

International influence accommodating local conservation utilizations, while state interests camouflage timber and mining booms in production forests

Responding to pressures from the international forest conservation regime (e.g. The Convention on Biological Diversity (CBD)), the New Order government sought to formally ally and attract international attention by expressing Indonesia's interests to kick start development in parallel with a clear conservation agenda. While setting aside conservation areas, the New Order camouflaged massive targets on natural resource extraction and conversion for development. Environmentalist or conservationist international actor has no space working on the production forest at this time.

The Ministry of Forestry officials at that time actively collaborated with numerous influential International actors, such as (1) the United Nations and World Bank (FAO, UNESCO, UNEP) e.g. on national park programs, (2) Multilateral treaty organizations (Colombo Plan, OAS, EEC), (3) International NGOs (IUCN and WWF), and (4) Bilateral relationships (CIDA - Canada; DANIDA - Denmark; USAID; DGIS – Netherlands) e.g. the School of Environmental Conservation in Bogor, Indonesia (Basuki, 2015; Dunggio & Gunawan, 2009; Retno, 1998). With these strong international relationships and projects on conservation, numerous efforts were undertaken to integrate conservation with development, especially during the period that community based natural resource management was promoted as an approach to involve local communities (also known as social forestry). Community engagement in conservation also began to take place in and around national parks, initiated by the 1993 World Commission on Protected Areas (WCPA) Congress held in Caracas, Venezuela in 1993 (Dunggio & Gunawan, 2009). The Congress instructed that the management of protected areas cannot only be managed by a single institution, but must involve various stakeholders, especially people living in the area. Therefore, management approaches that included participatory elements and joint management arrangements, evolved so that the forest management includes communities and conservation.

International support for mega-million dollar conservation projects began in the 1980s and 1990s, e.g. (1) about 130 million dollars of Integrated Conservation and Development Project (ICDP) initiated in the 1980s (Retno, 1998), (2) Integrated Protected Area System (IPAS) began in the early 1990s (Dunggio & Gunawan, 2009); and numerous other projects. The Directorate-General for Nature Protection and Conservation (PKA) of the Ministry of Forestry and Estate Crops as well as the Ministry of National Planning (BAPPENAS) acted as the main bureaucracy negotiating the implementation of these projects, and as a result guiding and deriving benefits from these projects. The bureaucracy that emerged in administering these relationships included promoting partnerships with the private sector, coordinating across government agencies and convening them, partnering with NGOs, developing relationships and programs with local communities. The programs that emerged across these stakeholders included raising conservation awareness, improving conservation financing, and building institutional and human resources capacity.

The 1980s and 1990s also shown the growing influence of transnational NGO advocacy for nature and for people (Brosius et al., 1998). This has contributed to development of international conservation standards like High Conservation Value (HCV). The standard was established as a management system that aims to ensure the crops are used or extracted in a sustainable manner, and to maintain the socio-cultural and environmental aspects of outstanding reel (see HCV standard in Forest Stewardship Council (2015)).

While isolating conservation forests (with international projects), at the same time, logging export booms from production forests was the second largest economic income generator for Indonesia after the oil and gas sector during this era (Sahide and Giessen, 2015). Government's concerns revolved around facilitating the necessary infrastructure development for the timber sector (Sahide et al., 2015). The New Order era also institutionalized social programming across these development landscapes by trying to homogenize ethnic groups. One example from Sumatera conservation projects also highlight the approach of conservation and community as it is different from the contemporary paradigm. The practical context in which program is proceeded with the 'common sense' viewpoint is that "if there were no tigers and elephants then it was appropriate to proceed with mining."² This is different from the contemporary conservation ethos, which promotes alignment with local indigenous values on protecting local community as the rhetoric for keeping the local originality on forest conservation. Another example which similar narratives is poignant, from the *Trenggenese* in the National Park area (Purnomo et al. 2010). This means that conservation is only a legal category of land for conserving land reserves, generally and informally retained for lucrative future development projects.

4.1.1.4 Post Soeharto era

Hollowing the management in production and protection forest, while actively securing conservation forests

After the fall of Soeharto (1998) and the move towards decentralizing state policy, previous suppression of local communities by strong security forces (i.e. military, police) resulted in the emergence of conflicts that were previously 'latent' (Yusran et al., 2017). In the early years after these reforms numerous local actors demanded and successfully contested unlimited access to the use of forest resources.

In the early stages of the reform era in Indonesia (around 1998 until 2005), state forest had become widely contested by new policy increasing the authority of local governments (i.e. decentralization), as well as eroding rules that opened access for rural communities (Resosudarmo, 2003). There are two main actors that demanded and gained widespread access to forests at that time, which in turn led to significant deforestation. First, local communities gained access to forest products, including timber, through illegal networks, and consequently began to build in areas that were previously restricted (Purnomo et al., 2010). Strict enforcement did however continue in conservation and protection forests (Sahide & Giessen, 2015). Liberal zoning policies were negotiated in forest areas, including National Parks, which allows creation of special zones or traditional zones for local community activities. In this way, community members are able to gain access to various forest products, including timber, and are also allowed for building in areas that previously restricted (Purnomo et al., 2010). This is true except for timber in conservation forests.

Second, private actors also gained wider opportunities under the decentralized mechanisms, particularly through district government's authority to legally grant small-scale concession licences on forest areas (e.g. timber concessions and mining). This authority was curbed in 2002 however, due to its relation to widespread forest and land clearance (Tacconi et al., 2004; Sahide et al., 2016). Local communities, however, have had even less legal power in utilizing forest resources, particularly in conservation areas (Sahide and Giessen, 2015).

² Interview with one NGO working for conservation in Sumatera in 24 October 2016

Along with decentralization policy, the new Basic Forestry Law (Law 41, 1999) was enacted in 1999, which contained clauses and formal mandates for community empowerment and people's welfare. This presented opportunity for indigenous and local community activists to redefine clauses on community forestry. Decentralization also provided an opportunity for local governments to manage natural resources and forests without direct intervention from the central government. Moreover, the appointment of Prof. San Afri Awang, who previously worked as an activist at the communication forum for community forestry (FKKM), as the head of the Directorate General of Planning at MOEF in 1997, contributed to the creation of a new Director General (DG) for Conservation Forests.³ The establishment of the first formal DG-level Conservation bureaucracy has also become the vessel for the indigenous peoples and community forestry activists in their movement. The formal bureaucracy was born due to the demands and contestation by the alliance promoting community forestry.

Conflict in the national park occurred because conservation management (like national parks) was the only institution that enforced the law (e.g. restricted public access) (see Yusran et al., 2017; Dunggio & Gunawan, 2009). This was different from production and protection forests (administered by district governments) which still can be accessed by community despite it was against the law. The massive 'illegal' access to the production and protection forests could not be hindered because of the sense of euphoria from decentralization reform after the fall of the authoritarian regime. Therefore the district and local government neither had the management capacity nor having interests to manage the forest. Production forests therefore, were transformed by handing out mass legal timber and mining concessions, while both protection and production forests were flooded by unrestricted public access. We call the management responsibility at this time 'hollow management', because although forests were designated as a particular type of forest with associated set of procedures, in practice these procedures were mostly ignored. (Sahide et al., 2016). Changes in forest management responsibility through decentralization in Indonesia have therefore become a major public resource (Wulan et al., 2004; Purnomo et al., 2010). As a result, conservation forests are the only forest institutions that still maintain a high degree of functionality and management protection responsibilities, as the central government have maintained their authority in these areas.

The good condition of conservation forest ecosystems are often used as a strategic rationale for governments to ally with international norms in this era. The rapid land use change occurring in Indonesia in the past two decades (Hansen et al., 2013) has foisted Indonesia into the international spotlight as a forest destroyer.

Conservationists generally believe that stable ecological conditions would be achieved if human intervention were limited (if not fully restricted) in conservation areas. The implications of this restriction are that local communities will be increasingly marginalized if they are unable to acquire the right to utilize forest resources. It is commonly understood that the number of forest communities who depend on forest resources in Indonesia is very high (Mccarthy & Robinson, 2016). Therefore, the narratives of community control and conservation converge in the zonation management of conservation areas.

³ At the Book : *Politik lingkungan: Pengelolaan hutan masa Orde Baru dan reformasi*, page 166. See at <https://goo.gl/4trjE>

To maintain its control of conservation forests, the central government still has not transfer the authority on conservation forests to regional governments. Such policies were maintained even in the strong decentralization pendulum that took place since 1999.⁴ Our argument is that the current shifts in bureaucratic politics highlight the potential for challenging the uses in these conservation forest zones. In the following sections we explain how the narrative of environmental services was used as justification for geothermal projects, which in turn also opened up the opportunities for community forestry to contest these zones.

The role of international donor organizations

The conservation ethos has been imprinted on programming through the activities of international programs. International efforts on linking conservation with community's use has been strongly supported by international actors and institutions (e.g. in Mesoamerican by Harvey et al., 2008). A example is the United States Agency for International Development (USAID)'s long support (since 2007) for conservation both in policy and practice such as supporting *Model Desa Konservasi* (Antara, 2008). Since 2007, Directorate General of Conservation of MOEF in collaboration with Environmental Services Program (ESP) funded by USAID, have been developing village conservation programs in 16 conservation areas in 5 provinces such as West Java, Central Java / Yogyakarta, East Java, Aceh, and North Sumatera Utara, as well as conservation policy making process at local level (USAID Indonesia, 2010). Additionally, there has also been effort in revising better Indonesian Conservation law e.g. BIJAK USAID Program⁵ in collaboration with the Working Group Conservation Policy and FKMM. It shows how pro conservation actors have strong alliance with community forest politics.

Furthermore, conservation has been politically perceived as disincentive for whole forest management. Conservation is often associated with international donor aids, rather than as conservation business oriented. Interestingly these international projects have successfully made conservation bureaucracy enhance local communities that live outside conservation forest, or those that live in the buffer zone⁶. It is found that community empowerment activities inside conservation forest areas are still lacking. These examples show how the ideologies of conservation and development is defined by the programmatic aspects of international aid projects, and the way they are shaped and interpreted through government programs.

The rise of geothermal

As of 2016, there were 265 potential geothermal sites in Indonesia which potentially produce more than 28,000 megawatts of geothermal resources, or equivalent to about 40% of total geothermal potential in Indonesia. However, Indonesia has only exploit 5.12% of all of its geothermal potential (approximately 1,513.5 megawatts) (MOEF, 2017). Results from analysis on potential geothermal locations for development highlight that there is a great potential of electric power production from 17 conservation areas (Ekowisata.org, 2014) which account for 70% of total Indonesian conservation area (Hakim, Fauzi, & Ekayani, 2014). Recently (in

⁴ Except for a small authority for forest park (*Tahura*) allowed managing by district government

⁵ One of the important part of BIJAK-USAID scope of works is providing support to facilitate "policy communities" to review and prepare input on several policies which related to biodiversity conservation, forest managements, wildlife, and sustainable landscape

⁶ Interview with NGOS 15 December 2016 in Jakarta during a workshop for revising Indonesia conservation law

2017), MOEF has issued environmental service license (for geothermal) for PT. PGE-CGS, Ltd in Gunung Halimun National Park that produced 377 Mega Watt energy (MOEF, 2017).

MOEF staffs responsible for overseeing geothermal development argue that they now have a detailed map of geothermal potential in Indonesia. Based on preliminary surveys by the Ministry of Energy and Mineral Resources (MOEMR) there are several conservation areas that have geothermal potential (about 6 National Parks and 33 Nature Reserves) such as Gunung Leuser National Park (NP), Kerinci Seblat NP, Bukit Barisan Selatan NP, Gunung Halimun Salak NP, Gunung Ciremai NP, and Gunung Rinjani NP. The potential areas are either located in the core or utilization zones. In Gunung Leuser NP, for example, the geothermal potential is in the core zone while in other NPs, uncharted potential geothermal are located in Utilization Zones⁷. Geothermal activity in the area of conservation through ecosystem service utilization permit and PP No. 108 in 2015, permission is given only to other than jungle zone and core zone. So they need a standard on revising the zonation due to the fact that geothermal is mostly located in core zone (Mongabay, 2016b).

Recently, MOEMR released new data indicating that the geothermal distribution potential in the largest forest area is located outside state forest area. They are located at 145 points with the potential of 12,176 mega watt (MW). Accordingly, a senior staff of MOEF said that there is no need to be fussed about geothermal development as new renewable energy (MOEMR, 2017).

.....**Insert Figure 1 here**.....

Figure 1: Map of Goethermal Potential in Conservation Areas (MoEF and MoFor, 2016)

4.2 Utilizing the deadlock: Conservation versus liberal zonation, and its consequences

4.2.1 Conserving the deadlock as the first, but unrealistic option

As explained in previous sections, the deadlock in utilizing conservation areas remained a longstanding non-decision geared towards maintaining (the core zone of) conservation areas. In other words, until geothermal politics intervened in Law 21 (2014) and subsequently MOEF decision 83 of 2016 on social forestry were passed, there were still no clear explanation for liberal zoning in conservation forests.

A deadlock policy situation had been created by geothermal, which created the opportunity to allow liberal utilization and allow community forest management in conservation forests. The government can force MOEF to conduct liberal zoning in the conservation forest, but if they did it, then every new investment in the country which need a small conservation forest may face resistance from local population. If, for example, industrial zones in a district serve to take away community rights, local populations will likely view this as an extremely unfair practice.

Conflicts in national parks in Indonesia exhibit different conflict types and levels of intensity (Yusran et al., 2017). Potential conflicts may arise between geothermal projects and local communities. For example, the case described by Hadiprasojo (2015) regarding recruitment of local employment at the Geothermal Power Plant (PLTP) run by Chevron Geothermal Salak (CGS). The project raised potential conflict between local communities due to jealousy over receiving

⁷ Interview with staff on sub-directorate geothermal of MOEF in November 2016

differentiated treatment among different villages on employee recruitment, which resulting in uneven village development (Hadiprasojo, 2015).

In another way, pro conservation policy can be in the opposing side of community forest practical politics, led by the simplistic conservation oriented bureaucracy. The conservation bureaucracy do not like illegal community utilizing conservation areas because they consider conservation areas the last defense of Indonesian forestry. Considering that production and protection forests have been massively attacked by illegal extraction activities, they make conservation as their last defense.

Furthermore, environmentalists are concerned that geothermal can trigger small or micro-earthquakes (Bromley & Majer, 2012). This is in line with the perception of community around a geothermal power plant in Mount Halimun Salak (i.e. PLTP-CGS) which has experienced several minor earthquakes that occurred since the geothermal project was operated (Hadiprasojo, 2015). Other questions raised, how this geothermal can affect native or local species due to environmental impacts of the PLTP operation.

The Constitutional Court, as a decision making instrument, has also played an important role in terms of legal aspects related to land authority. The Court in particular has caused significant changes in community forestry and land politics. Constitutional Court Decision 45 (2011) mandated that the state forest area should be gazetted (not only designated). Consequently, Constitutional Court case 35 (2012) mandated that the state release customary forest from the state forest category, opening up the potential to contest widespread land administered by MOEF. Furthermore, Constitutional Court decision 95 (2014) mandates that the state accommodates traditional rural activities in state forests. At the same time however, there are legal barriers in the implementation such as MOEF regulations and instruments making them unable to release territorial quantity of state forests area (Sahide and Giessen, 2015). Community forestry politics continues to evolve in the existing bureaucratic politics to negotiate the management of community forestry with MOEF mandates. After decades of legal infighting, MOEF has finally recognized nine customary forest sites at the end of 2016 and part of presidential commitments and national development priorities, an ambitious target of 12.7 million hectares of state forest are to be allocated to communities under social forestry scheme (HUMAS SETKAB RI, 2016). Meanwhile, pressing or releasing state forest area to become non forest area for community has been on formal political agenda through identification of the so-called land objects for agrarian reform (TORA/*Tanah Objek Reformasi Agraria*) that aims to redistribute 4,1 million ha of state forest for communities.

Therefore, conserving the deadlock to maintain traditional strict conservation for community while letting private actors utilize conservation forests is not possible at the moment. Therefore, the conservation bureaucracy began to open up the opportunity for both sides, but in turn, hollow regulations were created thus making it effective depends on the particular presence interests.

4.2.2 Breaking the deadlock: effective policy for geothermal politics but hollowing policy for community management politics

Mining development and the opening up of social forestry mechanisms created dilemmas for conservation forest areas. On the one hand, geothermal projects have been accommodated through a “green” lens that sees geothermal having the potential

to reduce reliance on fossil fuels and promote more sustainable development, despite it is also an invasive mining practice with a clear land footprint. On the other hand, as described above, social forestry proponents have utilized the momentum of the growing conciliations being made to communities for more equitable development. Environmental arguments were also used particularly the continuing perceptions that communities (particularly forest dwelling, traditional, and indigenous communities) are better stewards of the environment. The successes of both objectives were mobilized by multiple actors and then formally accommodated through geothermal as an ecosystem service and the aforementioned social forestry jargons.

At the end of Susilo Bambang Yudhoyono’s administration (2005-2014), non-decision situation for geothermal development had been broken by the passage of law 21 (2014). Joko Widodo, Yudhoyono’s successor and current president, also instructed (through MOEF and MOEMR) to follow up on the policy by specifically overseeing its implementation and enforcement.⁸ The rationale for the close monitoring of geothermal policy is also situated within an ambitious energy production target promoted by President Widodo to achieve 35,000 MW in his first term.⁹ The target is more ambitious compared to previous administrations which committed to achieving only about 10,000 MW.

MOEF has issued regulation 46 (2016), which provides a clear guideline for geothermal development, serving as an ecosystem service venture. MOEF now only needs to revise their conservation forest zonation, especially for geothermal sites that still exist in the core zone. The ambitious target has encouraged MOEMR to find innovative development programs for new potential areas of energy development as well. MOEMR is also following up on the potential that geothermal energy can become the most promising new renewable energy development (EBT). In 2016 alone the projected progress sought to achieve 215 MW as a result of programs cultivated seven years ago (Prodaya, 2016). MOEF and MOEMR now put policy synchronization of geothermal policies on their urgent agenda.

‘Community’ is formally everywhere, but realistically nowhere.

Strong commitment to geothermal policy has not necessarily followed in step on community forest politics in conservation areas. Although there is a commitment from the government to allocate 12.7 million hectares for social forestry, including social forestry in conservation areas, these are still perceived as ‘public relation’ strategy, indicated by lack the support of the conservation bureaucracy on the ground. Table 2 below provides multiple social forestry policy instruments in conservation areas that actors provide and use to indicate that in its current form it is still a hollow policy.

Table 2. Hollow policy situation in Indonesian conservation for community management politics

Policy instrument	Hollow situation			
	Rules and mandate	Timber utilization issues	Implementing actors’ treatment	Gradation degree of hollow

⁸ Interview with former staff of MoEFor that directly involve with geothermal politics negotiation (Interview taken in MoEFor building in 24 October 2016)

⁹ Formally mandated in State Medium National Plan 2015-2019 *Rencana Pembangunan Jangka Menengah Nasional (RPJMN) 2015-2019*

				policy*
1. Collaborative management: multiple actors collaborate with conservation bureaucracy unit to maintain conservation-based activities, ensuring community participation, and multiple actors dialogue in MOEF regulation 19 (2007)	Clear formal rule, but impossible to accommodate multiple stakeholders' interest in the management.	No clear mandate to allow community for extracting timber in conservation forest	Only work if there is strong non-state actor(s) funding meets with a showcase of collaboration interests, and the head of the conservation unit (e.g. national park) that is willing to do so	A2+B1 (Pure hollow policy)
2. Special zone: To those local community that has public infrastructure, e.g. market, electricity, road, school	Clear rule, especially after MOEF regulation 83 (2016)	Not allowed to harvest timber	Need strong commitment of implementing actors	A2+B2 (Medium hollow policy)
3. Traditional zone: To ensure traditional utilization of natural resources in the national park	Clear rule, especially after MOEF regulation 83 (2016)	Not allowed to cut the tree	Need strong commitment of implementing actors	A2+B2 (Medium hollow policy)
4. Conservation village model (MDK): Local empowerment program for those living in and around conservation forests (MOEF regulation 29 2013)	No strong rules, but strongly applied in the field and strongly mandated only for village outside conservation area	Timber utilization allowed only for village outside conservation area	No implementing actors inside conservation forest	A2+B3 (non hollow policy) inside conservation area, A2+B2 (medium hollow policy) outside conservation area,
5. Partnership in conservation forests in MOEF regulation 83 (2016)	Clear on guideline rule, but lack of basic law conservation support, and still need time to prove its	Timber utilization allowed only for villages outside conservation areas	Only work if it is a showcase of conservation working with community	A2+B2 (Medium hollow policy)

	affectivity			
6. Ecosystem essentials – based on Government Regulation 28 (2011)	No detailed rule, especially rules regulating	No problem with this issue, but depends on authority of the conservation area	Can work if there is strong collaboration with local governments	A2+B1 (Pure hollow policy)
7. Constitutional court decision 95 (2014)	No implementing rule from the sectoral bureaucracy	Allowed to utilize timber in state forest area, however MOEF still needs to follow up with detailed regulation	Need strong bureaucracy coordination	A2+B1 (Pure hollow policy)

* The code is developed based on Table 1

Table 2 highlights all practical schemes that work inside conservation forest areas in Indonesia but there is still need for clarity over traditional logging practices in conservation forests. Meanwhile, many conservation areas are threatened by the increasing local wood demand in neighboring areas outside the conservation areas. Those schemes have also lost their meaning when it comes to practical implementation. For example, in Danau Sentarum NP, Anshari (2006) reported that a pilot collaboration projects only succeed if there are strong international donor supports behind them. Furthermore, those schemes are mostly facilitated by local communities who live outside state conservation forests, or living in buffer zone areas. Conservation village model (MDK) is a good example, whereby people who live in the Babul National Park feel jealous because assistance through the sustainable conservation village (MDK) program was given to the villages outside the National Park. However, people who live inside conservation area are in the status quo, or restricted for timber logging. MDK may indeed be directed to people who are in conservation areas, but in practice most of the program is addressed to people who are outside or at the conservation area's buffer zones.

We are not fully agree with (Mulyana et al., 2010) who argue that creation of special zones can be a solution for national park management in Indonesia. This is because, while the aforementioned policies (Table 2) formally recognize the existence of local people and allow them to utilize land, in reality the social forestry policy instruments don't actually recognize their existence. We consider this a hollow policy. Moreover, there is no strong evidence in the field that collaboration results in effective community forestry management inside conservation forest. Because of this hollow policy, some national park officers argue that conservation bureaucracy need a discretion policy to break the hollow regulation over community forest politics in conservation areas. Conflict of interest between conservation and social forestry bureaucracies in the field (e.g. national park vs Regional social forestry agency/*Balai Perhutanan Sosial dan Kemitraan Lingkungan*) has also hindered the effectiveness of social forestry implementation in the field.

Isolating (and canalizing) geothermal pressure and community forest through inside and outside conservation zoning

Through the Government Regulation (PP) 28 of 2011, the Government introduced a concept of ‘essential ecosystem area’ adjacent to nature reserve and nature conservation areas. Now, buffer zone area can be a solid form under new policy of ‘essential ecosystem’ scheme, due to its essential ecosystem characteristics¹⁰, then liberal utilization can be applied here. Community use on timber are also allowed as long as it supports the conservation goals. This is in line with IUCN standard (category 6) which says that buffer zone like this can be allocated as utilization areas as long as it still supports conservation objectives.

.....**Insert Figure 2 here**.....

Figure 2: Isolating geothermal and community pressure in the zoning politics

Figure 2 illustrates two main pressures of geothermal and community use which was tactically canalized and isolated under different conservation zoning. For geothermal pressure, it is easily isolated in use or utilization zone. However community forestry is likely to be located outside conservation forest, or isolating it in buffer zone area (e.g. essential ecosystem zone).

4.3 Who benefits? Utilizing non-decision instrument as an active/ useful non-decision

Table 3. Options on breaking non-decision over conservation forests in Indonesia

No	Instrument options	Entry point	Consequences	Actors who benefit from the option
1	Liberal zoning for both community forests and geothermal utilization			
		Activate the commitment for 12.7 million ha for social forestry in conservation areas - Geothermal entered as the politic argumentation	- Weakening conservation politics - Revising conservation law that provide a win-win for both community and investment	- President can use it for securing electoral votes from many people living around forests - Enhancing alliance with indigenous people
2	Status quo zoning, keeping the deadlock/blocking community management politics			
	a. Both inside and outside the conservation zones area*			
	✓ Collaborative management, induced in the zonation process	International multi-stakeholder approach like this requires strong commitment from the site level	Requires more solid and consistent rules	MOEF collecting more dominant information especially National Park
	✓ Conservation Partnership	bureaucracy (e.g. national park management)	Many interpretation means possible subjective interpretation steered by strong coercion power	selecting partners to collaborate with, and make a delay of collaboration implementation and agenda, and select location inside or outside (buffer area) for partnership and collaboration
	✓ Conservation village model		Strong commitment making this scheme enforced especially	

				inside conservation area
b. Inside conservation zonation only (special zone, traditional zone, utilization zone)				
✓	Special zone	Requires strong	Employing staff to	MoEF collecting more
✓	Traditional zone	commitment from	enforce zoning	dominant information
✓	Utilization zone	the site level	regulation	and coercion power
		bureaucracy (e.g. national park management)		especially on the demand of re-zonation and enforcing the zonation rules
c. Outside conservation zonation only (buffer zone)				
✓	Essential ecosystem area	District/provincial regulation is required as avenue for implementation of this scheme	Local government will be a key player. The option however can potentially be disincentive for economic development	MoEF collecting more dominant information on essential ecosystem (substantial, procedure)

* Outside means village as conservation buffer area

Conservation partnership scheme could experience the same destiny with Joint Regulation of Minister of Forestry of the Republic of Indonesia, the Minister of Public Works of the Republic of Indonesia, and the National Land Agency (NLA) of the Republic of Indonesia Number 79 Year 2014, PB.3 / MENHUT-II / 2014, 17.PRT / M / 2014, 8 / SKB / X / 2014 on Procedures for Settlement of Land Tenure inside the Forest Area. This joint regulation is indicated as a hollow policy because it is not supported by joint guideline rules for the implementation, i.e. only NLA has provided detailed guideline¹¹ to implement this. In 2015, however, MoEF blocked it by making it as a non-decision guideline, or did not provide detailed guideline accompanying NLA's guideline. Furthermore, this joint regulation is more strong in releasing production forest only, not in the conservation areas. This narratives show that MoEF only make community forestry as hollow regulation but strong formal indication. In this case, MoEF playing 'delay politics' to generate more dominant information by not mobilizing their coercion power, it is only using the conservation bureaucracy formal administration system.

4.3.1 President

In previous administration as well as in the early years of Joko Widodo presidency, the president has only limited ability to steer conservation bureaucratic interests. However, it changes recently due to the continuous and stable increase of coercion power of this bureaucracy. Conservation bureaucracy has stable structure and growing level of coercion power e.g. determining species protection, blocking community empowerment inside conservation areas, etc.

Because of this, in the beginning, President can not fulfill his promise to his political indigenous supporter (AMAN) to re-allocate forests including conservation

¹⁰ Essential Ecosystem Zone, based on the Government Regulation (PP) 28 of 2011, includes karst ecosystem, wetlands (lake, river, swamp, brackish area, and tidal area of not more than 6 meters), mangrove and peat lands located outside of nature reserve and natural conservation areas.

¹¹ *Petunjuk Pelaksanaan Kegiatan Inventarisasi Penguasaan, Pemilikan, Penggunaan dan Pemanfaatan Tanah (IP4T) dalam Kawasan Hutan* or Implementation on Instructions Inventory Control, Ownership, Use and Utilization of Land (IP4T) in Forest Areas (NLA, 2015)

forests for customary communities. In addition, President has limited instrument asking for MOEF to treat conservation for presidential mission interests, e.g. infrastructure development to meet energy targets through an ‘ecosystem’ service like geothermal. In the Indonesian presidential system, a new President can roll back the bureaucracy through coercion power when creating the new cabinet. In Widodo’s initial cabinet decisions, he took back from the then forestry ministry by restructuring and merging forest and environment bureaucracies, which the latter had a waning budget issue. The forestry bureaucracy therefore now shares their budget with the environment and peatland bureaucracy in the current MOEF. The overall forestry budget has also declined as a result.

The State Forest is now totally under the control of President, where he can impose his popular political agenda on social forestry, while making liberal investments on geothermal projects targeted by new government regulations issued at the end of 2016¹². Social forestry, customary forest, and agrarian reform are all part of the presidential populist rhetoric to highlight popular ideas about sovereignty on forest conservation, food security, and land tenure, which is somehow strong in the formal announcement of presidential office. While geothermal and other strategic infrastructure development can infiltrate conservation forests.

Meanwhile, if the President provides conservation forest for community at this juncture, it will create visible conflict. The President can force MOEF to create liberal zoning for geothermal utilization, but if he does that, it is likely that every new investment in the country will be in conflict with local community, which also needs access to the conservation forest.

Nevertheless, the President has successfully showing up by the hand of MOEF to give customary forest for indigenous including conservation forests. However, the total agrarian reform for customary forests is still on non-decision status. The total area thus far acknowledged, as indigenous forests are only about 3,000 hectares, falling far short of the 7 million hectares claimed by indigenous rights actors. Additionally, Ministry of Agrarian Affairs and Spatial Planning still has not shown an indication of how to follow up and administer communal and customary forest land.

On the other hand the President has also weakened the role of forestry bureaucracy by not including the MOEF in the specific president’s national development priorities (the *Nawacita*). The president also successfully paved the way for MOEF to apply private conservation business oriented programs by including geothermal utilization as an environmental service. There are also strong indications that the President will instruct a revision of the Basic Forestry Law 41 (1999) in the near future.¹³ This strategy can be viewed as part of the politics of delay, or employing non-decision on the question of utilizing conservation areas, whether ‘half’ for community forestry and ‘half’ for geothermal. ‘Half’ for geothermal because making profit from geothermal business need 7 years, and it is impossible to include it in his 35.000 Megawatt target.

¹² This new government regulation will replaced old GG 59/2007 on geothermal activities and business

¹³ Observation at the Indonesian Forestry Congress showcased a speech from the Minister of Environment and Forestry mentioning that the President had requested preparations for revising Basic Forestry Law 41 of 1999, which would allow state forest areas to be rented to businesses under the *hak guna usaha* (HGU or rights to exploit) arrangement. This HGU can become collateral for a bank loan.

4.3.2 The Ministry of Environment and Forestry (MOEF)

MOEF has successfully formed two distinguishable parts. First, is in the shape of MOEF as a conservation bureaucracy, led by Directorate General (DG) Conservation. Second, is MOEF as a bureaucracy focus on forest production, under the umbrella of DG Production. The MOEF conservation bureaucracy treats the zonation framework as non-decision to gain power, and achieve direct and indirect formal benefits. MOEF only has clear operations over the core and utilization zones. Traditional and special zones exhibit the characteristics of a hollow policy, even if they are more likely to provide assistance to areas outside of the conservation area or buffer zone (see section 4.3) to maintain all zonation in the MOEF conservation bureaucracy. MOEF ‘sells’ a conservation forest program through the international forest regimes that they can continue to maintain certain actions and continue to receive benefits from international funding, such as the MDK (the aforementioned conservation villages) getting support from USAID.

DG Conservation has become superior over time due to the utilization of non-decision tools by maintaining that original forests are the political identity of MOEF, and that DG conservation will only work with external actors – such as NGOs and international actors – if they maintain conservation state forests. For example, involving NGO and international donors on MDK project that mostly work in buffer zone area, not in the conservation areas. On the other hand, MOEF has allowed Parliament to take the initiative on revising the conservation forest law, which indicates that conservation in the future will be conducted more on a basis of a business-oriented conservation, whereby conservation should derive benefits from conservation activities (e.g. selling charismatic species, ecotourism), which have expanded to include geothermal as an environmental service. They can use the increasingly cited terminology of applying a ‘landscape conservation’ politics approach in that conservation can enhance forest conservation while still provide ecosystem services like geothermal. A good showcase of ‘landscape conservation’ forest politics, with a new trend of international negotiation.

Meanwhile, by benefiting from creating a new bureaucracy for acquiring staff, mandate, and budget, the DG creates additional sub-directorates that expand bureaucratic decision making power, i.e. through carbon and geothermal business management under DG conservation,¹⁴ new *hak guna usaha* (HGU, business utilization rights) for renting forest areas under business units, created through the effort of revising the forestry law (Law 41 of 1999)¹⁵. MOEF use of the private geothermal argumentation in one venue reads similar to this representative quote: “geothermal is not like the coal mine, the open pit. Those [coal mines] destroy the forest, they make extract and leave behind a large hole. Meanwhile, accessing heat for energy from the Earth only create tiny holes, and does not require cutting down all [forests]” (Berita Satu, 2016a). MOEF has maintained state control over their own definition about conservation sustainability, challenging all transnational conservation standards like HCV and influencing conservation arrangement (similar with Giessen et al., 2016).

The Forestry Minister has argued that Indonesia's forest areas are vast, and indeed cover an astonishingly large percentage of the country. 120 million hectares is

¹⁴ See new structure (2016) of MOEF on DG conservation structure at <http://ekowisata.org/tentang-kami/> as well as <http://ksdae.menlhk.go.id/struktur-organisasi.html>

¹⁵ Observation on the effort of revising Forestry Law (Law 41 of 1999) at MOEF (during workshop series and media analysis).

equivalent in size with Japan's total land area. Furthermore, the Ministry further explains the 34 million hectares of management licenses to this land area are granted dominated to corporations. A total of 34 million hectares of land is also owned by only 25 conglomerates alone (Berita Satu, 2016b). In the period 2015 - 2019, the government committed to allocate land for Social Forestry area amounting to 12.7 million hectares, and the same news source also highlighted that these arguments are made under the basis of invigorating the people's sovereignty (Berita Satu, 2016b).

National Parks can be used by MOEF for large infrastructure by using local community empowerment. One commonly observable example are roads built in the Babul National Park, generally promoted under the rhetoric of community empowerment.¹⁶ However, large special zones for communities are still not supported or are relegated to the politics of non-decision. The DG Conservation is seemingly against community management politics, but they have enough with Constitutional Court already that winning local community (e.g. releasing state forest for customary forest under Constitutional Court 35 of 2012 decision). However, DG Conservation must not become overconfident as in the past about their sole authority to conservation areas. With the space opened up by geothermal projects, the DG must now accommodate similar challenges to utilization justification from the politics of social forestry. The rational way is seemingly giving geothermal way and community forestry but making it as hollow policy (see Table 2).

To sustain non-decision on social forestry pressures, the regular replacement of the head of national park is the way for MOEF maintaining their bureaucratic interest. The Head of the National Park is very easily replaced by MOEF because the institution reports to vertical authority with a central implementing unit in the field. Every five years the staff person is replaced by someone from other conservation implementing units or other DG conservation staff. For example, during the conflict of Tallasa sub-village in Bantimurung Bulusaraung National Park since 2005, there have been 3 replacements of the head of the national park. Villagers of Cinagara located within Gunung Gede Pangrango NP complain of the regular replacements because it affects their ability to coordinate a sustained community empowerment program with NP staff (Soemarno, 2012). Hence, in this case MOEF collects more dominant information by not mobilizing their coercion power. It only uses the conservation bureaucracy formal administration system.

The seemingly unmanaged Tahura (i.e. forest park which normally established for recreation, tourism and watershed protection) by district government especially in other islands outside Java would become a strong consideration of MOEF for not approving new Tahura proposal. The MOEF realized and tried to stop this undesirable trend by blocking efforts to propose new Tahura with the argument that the Minister does not want any additional Tahura if it comes from a state forest area. The Minister additionally stated that proposal to convert non-state forest area to become Tahura is more preferable¹⁷.

¹⁶ Observation for developing road infrastructure in the name of community empowerment, in the event of socialisation in 28 November 2016. *Pemberdayaan Masyarakat. Dalam Rangka Pemanfaatan dan Pengembangan Transportasi Terbatas di Kawasan Taman Nasional Bantimurung Bulusaraung, Kabupaten Maros, kerjasama antara Balai Taman Nasional Babul dan Balai Besar Pelaksana Jalan Nasional XIII, Makassar.*

¹⁷ Ibid 20 and 21

4.3.3 Ministry of Energy and Mineral Resources (MOEMR)

Geothermal utilization continues to increase and the Government has set a target of additional 7,200 MW by 2025 (Prodaya, 2016). MOEMR has been actively engaged with showcasing good relations with local communities through facilitating geothermal business with local and civil society organizations (Hadiprasojo, 2015). MOEMR are supported by the geothermal practitioners who argue that if we do not start geothermal development in Indonesia right now, then the potential might be moved to another area or country in the future. MOEMR is benefiting from the fragmentation of bureaucratic arrangements in the split with MOEF because in the past there were numerous structural barriers to implementation without the administrative approval from MOEF.

4.3.4 National Park

The National park has strong coercion (complete regulation and detailed with experiences of enforcement) and incentives power (e.g. regular budget).

In a non-decision period, a lot of authority keep a hollow policy to get rid of community forest. We observed in Babul National Park that some villages that their areas designated as traditional zones, facing issue that local community need to change their old candlenut tree or making regeneration, however, the park does not allow the community to replant the old tree with the same candlenut species because it is not original conservation species. Additionally, cutting the tree in conservation forest still also a grey policy (i.e. whether it is allowed or not). Mr Patu, a villager from Labuaja Distrit give a solution that the park can buy their trees (including candlenut tree), because he himself plant the trees. Again, the park did not have mechanism to buy the trees¹⁸. From this story that keeping non-decision is useful for the national park to maintain their power, while limiting the community's ability to make decision over the trees that they planted.

In breaking non-decision era, National park now has chances to reinforce their zoning or making a new zonation for geothermal development, thus, they will get budget for public consultation, staff and private collaboration. In the other side, recent instrument like conservation partnership will be used to make progress on accommodating community forestry. These two distinctive tasks will be used as formal argument to gain more staffs and budget allocation in MOEF. If national park do not get bureaucratic politic from community empowerment, all community forestry instrument will be kept as hollow policy instruments.

4.3.5 Local leaders, Bupati, district forest agency, and *Tahura* managers

Local leader in Aceh is a good example that they are actively examine their interest for conservation utilization both for local conservation *Tahura*¹⁹ park or geothermal utilization. For example, the revision of zonation policy has been an issue in Mount Leuser National Park in Aceh, that gives way for geothermal projects (Mongabay, 2016a), which also have strong support from local parliament as well (Acehterkini, 2016).

In addition for utilizing non-decision on local *Tahura* conservation area, local leaders treat *Tahura* as a useful tools to delay the zonation. In our interview with an

¹⁸ Observation on the training workshop *Peningkatan Kapasitas Masyarakat pada Zona Tradisional Dusun Pattiro Desa Labuaja Kecamatan Cenrana, Kabupaten Maros . Resort Camba-STPN Wil. II Camba*, di hotel grand palace hotel Makassar, 1 November, 2016

¹⁹ *Tahura* or forest park is one of conservation forest units that can be managed by district or provincial governments.

officer from one of the natural resources conservation agencies (BKSDA), he argues that most of Tahura is poorly managed especially those located outside Java²⁰, because of District have low capacity in managing conservation forest' and there is no regular budget. District government utilize it as a showcase to show and that District Government can utilize Tahura for getting power over management of conservation forests²¹. Our observation finding in *Tahura Bontobahari Bulukumba* show that they still do not implement the zonation due to high tension of conflict. It is observed that *Tahura Bontobahari* still struggles in mediating land claimed from local community (Radar Selatan, 2016; Rakyatku News, 2016)

All the administrative authority of the production and protection forest management at district level are transferred to the Province, effectively operationalized in 2007 (Law 23 of 2014). In this recentralization era (Sahide et al., 2016), forestry service offices at the District level has lost their authority over forest management. However, Tahura is used as the only schemes to claim back the district authority over state forest. There is the opportunity to retain their coercion power over the forest, by proposing Tahura to central government. There is a trend that some District governments propose or recommend the establishment of regional Tahura, after recentralized Law 23 of 2014 issued. At least there are 4 Tahuras' proposals that planned by some districts in western Sulawesi and South Sulawesi such as Wajo, Soppeng, Bulukumba, Mamasa. This trend also found in Sumatera Island (e.g. Tahura proposal in Mahakam Hulu).

If MOEF blocks this Tahura's proposal (as explained in section 4.3.2) than District government, would only maximize new opportunity of benefit sharing from essential ecosystem management that exist outside conservation forest, or ecotourism activity linked with conservation areas that managed by central government.

4.3.6 Big corporation and investment agency (domestic and foreign company)

Investors definitely need land for building geothermal power plant. They need conservation areas spot to be sacrificed. Chevron, for example, have asked for easy geothermal investment (Berita Satu, 2016a). The company has proven that it cares about the environment in managing 200 ha from 10.000 ha concession (since 1980) and they achieve 'golden category' certificate from the Ministry of Environment in 2011. Domestic investor like PERTAMINA is also prioritized as national investor to manage geothermal projects in Indonesia. Indonesian Forestry Higher Institution network has observe the strong tendency of investment agency and ask them not to intervene the revision of Indonesian Conservation Law (TEMPO, 2017).

Foreign palm oil companies are also potential actors who will get benefit from this situation. When MOEF needs a showcase of strong national agrarian reform and social forestry program, then releasing a significant amount of illegal palm oil estates from state forest area will possibly be the case. Take Tesso Nilo as an example, a strong indication to keep national social forestry program implemented in Tesso Nilo National Park in Riau Sumatra, which is totally different with the Babul National Park. In this Tesso Nilo which is surrounding illegal palm oil involving around 2.000-4.000 smallholder farmers, MOEF tries to force a showcase of implementation of social forestry and agrarian reform (KOMPAS, 2017). This will be a huge work for NP manager following MOEF administrator instruction.

²⁰ Observation in Tahura Abdul Latif (Sinjai) showed massive conflict with locals, a lot of local claims and conflict unmanaged

²¹ Observation from a district who propose tahura asking for consultation with BKSDA about their Tahura proposal in 19 Desember 2016, Wajo

5 Conclusion

The idea behind the use of Yellow Stone type of approach, where there is no human intervention could exist, is because political actors like it, and so that they can use it as a reserve for future use or development. The narratives of geothermal as friendly environmental services from conservation and protected forest have been actively used by political actors to impose opening non-decision for geothermal while still keeping non-decision for community management politics.

Indonesian conservation bureaucracy history (see Section 4.1.1) has clearly show that, other than suggested by modern interpretations of conservation as nature conservation, conservation areas (such as e.g. conservation forest especially in post-colonial countries) are a legal category of land for conserving land reserves, generally and informally retained for lucrative future development projects.

Liberal zoning seems to be on the verge of infiltrating the bureaucratic possibilities in conservation areas. Law 21 (2014) categorizes geothermal energy as a forest environmental service but without providing enough development for community management politics, or in other words keeping non-decision instrument for community forests. It is proved our main hypotheses (H1) that community forest is not strong because of preserving biodiversity but it is rather a non-political decision serving as a land reserve on which political actors can draw for individual future development project. Moreover, the deadlock theory and Bureaucratic Politic theory has helped explain that there is a strong tendency on breaking the deadlock by the civil society pushing the revision on Conservation Law 5 of 1990 to open more liberal involvement of community in conservation area (National Geographic Indonesia, 2016; FKMM, 2017). All policy instruments for community forestry politics show that it is remain non-decision, indicated by a hollow policy (see Table 2). While redefining production in the policies for community forestry. Although there is no clear direction on breaking this deadlock, contesting production under community forestry schemes in conservation zones, which was not previously possible, has now become justifiable and likely. Political actors in multiple levels of government have played their roles in breaking the deadlock to allow geothermal projects while limiting such opportunity for community forestry. The community forestry situation is unlikely to improve even with the President's popularous plan to expand the forest area under community control.

Timber utilization and the willingness of conservation bureaucracy do not allow for liberal zoning for community management politics. We can say that they open for community management as the result of long pressure from civil society (i.e. community forestry activists), but this also depends on conservation unit whether they would like to open it or not. Communities can access forest resources in conservation areas, except for timber utilization, through partnership conservation at special zone and traditional zone. But this so called community zone, which is proved our second hypothesis (H2) that active non-decisions about the land use, put by powerful actors.

Our results also proved our H3 that such non-decisions can at times be reconsidered and transformed into decisions when political power structure allow for this and the resulting decisions using momentum on allowing the utilization of geothermal followed by an effort for revising the conservation law. Table 3 shows the option on breaking the non-decision and its consequences as well as actors who benefit from the option (e.g. MOEF collecting more dominant information by not mobilizing their coercion power, it is only using the conservation bureaucracy formal administration system, see section 4.3. for the detail). They tried to break the non-decision but still keep the hollow policy in either implementation or enforcement (See

Table 2). In the Tahura case, this fight also includes elites at lower level (District level).

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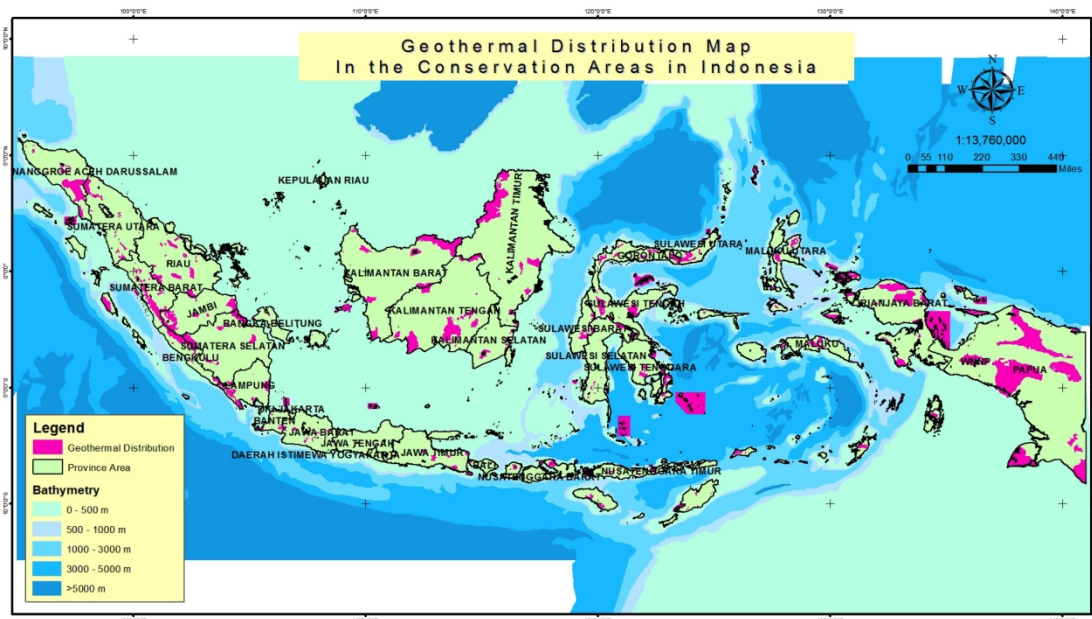


Figure 1: Map of Goethermal Potential in Conservation Areas (MoEF and MoFor, 2016)



Figure 2: Isolating geothermal and community pressure in the zoning politics

Comments from the editors and reviewers:

1. Reviewer's comments : The social-ecological dynamics of Indonesian forests and forest governance are extremely complex, with fragmented and overlapping regulatory structures, diverse interests and actors across local, national, and global scales, and challenging political and cultural contexts. The authors are well versed in the institutional and political issues of Indonesia's forests, and offer some interesting perspectives on this topic. This paper presents a potentially useful commentary at the political end of a political ecology analysis, but is not publishable in its current form.

The paper as it stands is not easily accessible to non-specialist readers, and even for those with expertise and experience in these areas the manuscript would benefit from substantial revisions to clarify the meaning of key terms and improve the structure and analytical insights. Major changes are needed to meet the standards of an international scientific journal of repute, such as LUP.

Response : *Thank you for this feedback. We appreciate the anonymous reviewer's comments very much and have included our appreciation in the acknowledgements section. We have indeed tried to bring together the breadth of our experiences to try to theorize on contemporary, often contradictory, issues in the land and forestry sectors in Indonesia. We initially tried to incorporate lots of empirical material to support our points, often, as correctly noted by the reviewer, in meandering and too technical of terms. With these helpful suggestions, we have significantly re-written, streamlined, and provided greater focus into our analysis, identifying key areas that keep the depth of the analysis but provide greater accessibility to a wider readership. You will see that our theoretical stream follows bureaucratic politics, forestry cycles, policy deadlocks, and non-decisions in ways that keep the rigor of theoretical engagement but in ways that are more straightforward to follow. We have also included a clear set of research questions that we follow throughout our line of argument. We have also shortened our historical analysis in more targeted ways. Further, we have showed how geothermal and social forestry actors and policies are contested, leading to new alliances in ways that present some very timely findings. We have also included more recent data points to back up our research. In short, we have done a major revision of the paper, we also change the title, we hope that this new version addresses the very helpful comments from the reviewer.*

2. Reviewer's comments: I offer the authors suggestions in several broad but critical areas, and then provide examples of stylistic and structural aspects that need to be improved throughout the paper. The principal weakness of the paper is its lack of clarity – in conceptual positioning, analytical structure, and expression of information.

The text states that "The objective of this article is to describe and explain how a deadlock situation can be broken to open up opportunities by employing allowable narratives of forest conservation zoning in Indonesia to open up opportunities for both geothermal utilization and community forest politics." The authors also state that their "main hypothesis is that community forestry policy did not have a strong claim to the conservation zone because of environmental arguments on protecting biodiversity," and that they "apply deadlock and Bureaucratic Politic theories to explain the deadlock between geothermal projects and community forestry in conservation area.

Response : *We have redrafted the paper to better summarize our points at the outset. We also introduced the concept of "deadlock opportunism" as a way to strengthen the conceptual positioning of the paper. The paper has also been restructured to provide a better analytical structure. We have also rewritten the abstract, which helps guide the reader more clearly. We have created new tables that also helps to highlight the conceptual frames and analytical points. We have also edited the entire manuscript for clarity, simplifying the language into much more non-technical terms, while maintaining the rigor of research approach/methods, as well as continuing to engage with theories on the politics of deadlocks within bureaucratic politics, which we will further elaborate in Response 3, below.*

3. Reviewer's comments: The theoretical positioning is confused. **Bureaucratic politics** theory emphasises the role of government agencies in promoting their own interests against those of other government agencies – with which they are competing for funding, resources, and authority. **Dilemmas** as used by Fearnside (2003) refer to the challenges for government of legislating in the face of competing interests and priorities, across the private sector, communities, and environmental NGOs. This is fine, but does not appear much or at all after this first use. What's the point? The reference to "**deadlock**" in Wiranto et al. 2001 is in Bahasa Indonesia, and therefore not immediately accessible. In game theory, "deadlock" refers to a situation where the most beneficial behaviours or actions are also dominant, meaning that self-interest for all parties has the most positive outcomes

generally. This begs the question, how is deadlock being used in this paper? This should be clarified and applied consistently throughout the manuscript.

The phrase “**hollow** state” is an established reference to executive political regimes in which governance is fractured and diluted through extended layers of contractual relations with sub-agencies and the private sector. Here the authors appear to refer to “hollow policy” as governance actions – either formal or informal – that are insubstantial, or tokenistic. The “hollow” concept needs to be made very clear early on.

The authors say that “**non-decision** exists as a power tools when the dominant values of the most powerful actors forcefully and effectively manipulate the situation in order to prevent certain grievances from developing into full-fledged issues which will call for decisions.” This is perhaps the most clearly applied concept throughout the discussion.

Response: *We have tightened up and clarified the theoretical positioning significantly. We have removed the notion of dilemmas to provide a more concise theoretical framing under bureaucratic politics. We have also much more clearly explained the idea of deadlock within the [forestry] policy cycle. Non-decision and hollow policies are both causes and effects of deadlocks. Our table 1 shows the overall framework for the different levels of hollow policies, which shapes the overall conceptual and theoretical framework presented in Figure 2. Figure 2 shows the different stages of policies challenging the deadlock on conservation zones, and we incorporate each of the stages of research questions that helps us to arrive at the concept of deadlock opportunism.*

4.Reviewer’s comments

These concepts are all arguably relevant and appropriate lenses to apply to the analysis, but not coherently applied in the paper. Perhaps the main problem is a lack of explication of the meaning of the terms as used in the analysis. In revising the paper, the authors should introduce each term, clarify its meaning with suitable explanation and references to previous literature, and ensure that the use of the term in the present manuscript is clear and specific. Thereafter, in the analysis, the various case studies should be explained in line with these conceptual lenses, so that the reader has a consistent framework for understanding the issues. Given the complexities of Indonesian forestry law, it is worth remembering that traditional structures and scientific formats will be very helpful in comprehending the arguments.

Response: We recognize this was unclearly stated in the previous manuscript. We have followed your suggestion to clarify terms, connect to literature, re-outline and present the materials in new ways. The content of how we reorganized the paper has been described in response 3 above, and you will be able to see how drastically we have changed the language and flow of the manuscript.

5. Reviewers comment :

The second major issue in the paper is the analysis. The authors state that “data collection methods used in this research include content analysis, interviews, and observations from our long experiences on witnessing conservation policy.” The only inclusion of data appears in a few brief comments and footnotes. This is a major flaw in the paper – it does not seem that there is a genuine use of primary research data, and the hypotheses are not properly tested using original empirical information. If the authors wish to use the hypotheses approach, then the testing of propositions needs to be much rigorous and structured. As it stands, the paper seems to say, “We think this is the case”, and then present extended and largely unreferenced discussion (in other words, opinionated assertions without supporting evidence) before concluding with “Therefore we have proved our hypotheses.” I am unconvinced by this approach, and encourage the authors to offer more data-driven arguments, built on evidence-based analysis that is robust and logical.

The coding presented in Table 2 is poorly explained and not obviously relevant. What is the purpose and value of the table? The other graphics are similarly lacking in relevance or impact.

If the paper is to be successful as a piece of original analysis, it needs to present original data in a clear and accessible form (where are the interview and survey results, where is the coding?) that is then assembled to present evidence for particular outcomes, analysed using the themes of deadlock, hollowness, etc., with the results used to generate specific arguments. As it stands the paper reads as an overly detailed history lesson with lots of personal insights and opinion, with some token (hollow?) gestures toward established scientific practice, in the form of theoretical framing and data presentation.

This is the other primary constraint on the manuscript – its tendency to present information and ideas in not just a discursive but unsubstantiated manner. Section 4 is not so much a presentation of results but a review of current and recent history. These arguments must be supported far more effectively, with the evidence of your original research, or through citations of other peer-reviewed literature.

There is some good material in the paper – Table 2 is insightful, for instance. However, the consideration of geothermal energy initiatives is confusing – and minimal. The paper purports to explore the dynamics of geothermal in forest conservation areas, but this could be done much more convincingly and clearly.

Responses: *Based on the previous suggestions by the reviewer, we feel we have addressed several concerns raised in this comment, namely by clarifying the literature review, re-formulating the conceptual framework, and presenting more concise and targeted research questions. Therefore we feel that the analysis comes through much more clearly in the current manuscript.*

As for our analytical approach:

First, We have changed from the overall hypotheses stated in the original manuscript to follow as you suggest in Comment 6 (below) a more exploratory political ecology format by addressing key research questions.

Second, the qualitative research methods are strengthened by participation in the ability to collect observational data. The group of authors that convened to produce this research have these strengths from varying geographic locations throughout Indonesia. The authors were directly involved in observing forest conservation zone management decisions as they were evolving in real time since the year 2000. It is a contentious and evolving process that the authors have followed closely. As a result, we have attended numerous policy discussions and have continued to interview key actors. We have also provided further robustness through our additional research on policy, regulatory, and other relevant documents. Finally we have also grounded our analysis in what we feel is a rich, and important historical framing and analysis.

Third, our research team also consists of those that have a more global expertise in conservation management that are not Indonesia-specific experts. Therefore, the validity of data interpretation was triangulated through the involvement of expertise that had greater distance from the more specific policy decisions being made in Indonesia. This allowed for a fruitful analytical discussion that helped to rebalance our findings and further provide greater robustness in our findings.

We also very much appreciate your concerns about the section on geothermal. Furthermore, it is the newest analytical area for our research team, although fits nicely into the expertise in our research team on environmental services. However, we are not interested in studying the details of geothermal, but in our analysis herein, it provides a very significant case to highlight deadlock, and the outside influences that emerge in the form of alliances that create deadlock opportunism. We therefore believe that our analytical approach is quite strong and has significant data support to back up our findings. Furthermore, we also believe that our findings are important to support a very timely discussion for forestry regimes in Indonesia, and furthermore, provides opportunities for testing in other theoretical and country contexts.

As we have already explained, Table 2 has been revamped.

6. Reviewer comments

I would suggest that the paper be restructured in a political ecology format. The manuscript could do the following:

1. Provide an overview of Indonesia's forest conservation policies and energy development agenda (current section 1, with parts of section 4). Explain the research problem and question (what is the research question exactly?). Outline the manuscript structure.
 2. Specify the methods (lit review, interviews, workshops). Lose the hypotheses – not necessary.
 3. Discuss background and concepts (current sections 2 and 4.1)
 4. Present results: interview responses to specific questions (table form), section 4.2.2 (and table 2).
 5. Discuss stakeholders (actors) – current section 4.3; discuss local, national, global implications in terms of forests (ecology), development (energy), and sustainability (equity). All using the key concepts established in the beginning.
 6. Conclude with key insights, highlight main findings, identify further research needs.
- Sections 1, 3, and 5 can be condensed. Sections 2, 4, and 6 considerably expanded.

Responses : *Thank you for this suggestion. It was really helpful as we began to re-write the manuscript. You will see that the organization of the manuscript is much more clearly stated in its current form.*

7. Reviewer comments

A critical improvement is clarification around the central theme of geothermal energy. This is not well presented as central to the analysis. Below I point out some problems of expression, grammar and spelling, referencing, and other details. These few examples are not comprehensive, but indicative of issues that need to be addressed throughout the manuscript before it can be reviewed again.

Problems with expression:

Please clarify the meaning of:

- P15, section 4.2.1 “they consider conservation areas the last defense of Indonesian forestry” – do you mean “Indonesian forests”? The following sentence does not help make this clear.
- P15, section 4.2.1 “territorial quantity of state forests area”?
- P15, section 4.2.1 “customary forest sites”
- Section 4.2.1 “hollow regulations were created thus making it effective depends on the particular presence interests.”

Problems with spelling, grammar, or punctuation, e.g:

- Abstract first sentence “...it is reasonable to expect”
- Intro 2nd para “...the terms forest preservation should be differentiated with from forest conservation”
- Intro 5th para “camouflaging”; “hypothesis”; final sentence is incomplete, and finishes with a comma.
- Section 2.1 “Ideologies related to conservation areas and its utilization are multiple.”

Lack of referencing:

- Intro 3rd para “In the last few decades, forest conservation in Indonesia has become the battlefield of contesting interests; political actors evaluate ‘proposals’ on the conservation areas. Arguments of how utilization could be made in conservation areas are often used by political actors for pursuing their own interests. Sometimes conservation is defined and interpreted differently by political actors involved.” Each of these sentences make assertions that should be supported with suitable references to peer-reviewed literature.
- Section 4.1.1.4 *The role of international donor organisations section*: “It is found that community empowerment activities inside conservation forest areas are still lacking.” This requires a reference.
- Section 4.3.6 “The company has proven that it cares about the environment in managing 200 ha from 10.000 ha concession (since 1980) and they achieve ‘golden category’ certificate from the Ministry of Environment in 2011.”

Details

- Section 4.1.1.4 5th para “a high degree of functionality and management protection responsibilities” – What does this mean? There is a need for greater clarity around the ecological aspects of the argument.
- Surely it’s not that “geothermal can trigger small or micro-earthquakes,” but that drilling activities associated with geothermal resource exploration and exploitation can do so, or be perceived as having this type of impact by local communities. The authors should examine this assumption critically, looking at available peer-reviewed science.
- Section 4.2.1 Can you clarify the meaning of “social forestry mechanisms” as contrasted to community forestry? This sort of clarity will facilitate engagement by a diverse audience.
- Figure 2 is not clear. Graphics should be used to effectively and concisely convey complex ideas. This figure does not do that well; it might be better to communicate the point in text.
- P23(21) Footnote ¹⁷ Ibid 20 and 21 – what do the 20 and 21 refer to?
- Section 5 para 2 “Indonesian conservation bureaucracy history (see Section 4.1.1 has clearly – needs a closing parenthesis

Responses : *We very much appreciate the reviewer taking the time to give specific and detailed comments to the language and syntax. You will now see that from abstract to conclusion we have conducted thorough edits.*

8. Reviewers comments There is much of value in this paper but in its current form it is not coherent nor useful. The authors should consider a significant revision that addresses these structural and conceptual constraints, in order to make the data, findings, and arguments more accessible to the wider scholarly community.

Responses. *Yes, we agree! We believe this is a meaningful and timely paper. We very much appreciate the critical and constructive feedback you provided and it took us a great deal of time and effort to complete a thorough revision of the manuscript.*

Manuscript revision 1

Deadlock opportunism in contesting conservation areas in Indonesia

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Abstract

In developing countries, conservation areas were designed for strong restrictions, protecting biodiversity and resources, and keeping people out. In Indonesia, over 18 percent of forests are designated as conservation areas. The allowable uses to these areas are extremely limited, and although there has been many policy interventions to support community and traditional uses, such efforts have always ended in a deadlock situation. This is due to the deep roots of bureaucratic politics originally defined to safeguard biodiversity, which remain deadlocked through the two major laws governing forestry and conservation areas. This deadlock has experienced a policy stand-off however, where recent permits for geothermal projects are allowed within conservation areas using the rationale that it provides an environmental service as part of global concerns for climate mitigation in Indonesia. This paper examines how a deadlock is maintained and broken through the justification of geothermal, and further explores the extent to which social forestry policies are allowed to break through the deadlock. Arguments and findings presented in this paper are drawn from content analysis, interviews, and long-term engagement among the authors observing conservation policy operationalization in Indonesia, both in Java and outside Java. Through our analysis, we propose *deadlock opportunism* as a way to highlight the processes that contest conservation areas, specifically among national actors and large scale investors that are legitimated through green and populist narratives, meanwhile hollowing out claims of community forestry. The results show that while relevant actors provide policy mechanisms for geothermal projects, they hollow out the same policy justifications in community forest management politics. Therefore, for the time being, although anticipation of breaking the deadlock through geothermal has initiated numerous policies and programs developed for social forestry, developments actually camouflage the underlying legitimacy of communities to participate in accessing lands within conservation areas.

Keywords: conservation politics; deadlock, community forestry, bureaucratic politic; geothermal; deadlock opportunism

1 Introduction

Conservation areas around the world have been politically contested due to overlapping, or often competing management objectives. One of the most frequent conflicts is between conservation and development objectives, especially those framed around meeting the needs of local communities (Yusran et al., 2017; Ma et al., 2009; Setiawan et al., 2016). While these policies are typically allocated to maintain nature protection and preservation functions, minimizing access or even completely prohibiting human activities, many countries applied zoning as a strategy to manage multiple interests within contested conservation areas. For example, certain regions are designated to accommodate both conservation and local utilization (Fearnside, 2003; Mulyana et al., 2010). However, studies show that zoning activities do not take place in a vacuum (Maryudi, 2015). The creation and decisions over access and control to conservation areas are not always based on biophysical or scientific considerations.

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In this study, we apply bureaucratic politics theory to examine the phenomenon of deadlock, specifically a dynamic we call "deadlock opportunism." This paper examines how a deadlock has been maintained over time in conservation areas, but that new developments legitimated through geothermal policies, presented opportunities to at least temporarily break the deadlock. Deadlock opportunism highlights the potential openings that allow the re-interpretation of some policies, while keeping them closed for others. ¶
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They are often results of political processes involving various actors, interests and power (Peluso, 1993; Peluso & Vandergeest, 2001; Adams & Hutton, 2017).

In Indonesia, 22.7% of all forest areas (about 27.4 million hectares) has been designated as conservation areas (MOEF, 2014). Management of these conservation areas evolved from strict preservation rules to a conservation model that allows some degree of acknowledgement of natural resource utilization to serve human needs. In the Indonesian context, Wiratno et al. (2001) argues that the terms forest preservation should be differentiated with forest conservation.¹ While preservation requires static maintenance of natural ecological structure (i.e. protection from use), conservation concerns safeguarding ecological functions (i.e. “proper” use). Therefore the conservation perspective opens up the possibility for utilization of natural resources.

In the last few decades, the vast land area under forest conservation designation in Indonesia has become a battlefield of competing interests. Political actors evaluate ‘proposals’ on conservation areas through policy negotiations to define allowable uses. Utilization arguments made in conservation areas are often supported by political actors pursuing their own interests. Conservation is thus redefined and interpreted differently by the political actors involved. In this study, we examine this conservation-utilization nexus, a politics driven by various actors and interests across several levels of government. Although there is a wide array of policy instruments being used to serve various interests, this paper focuses particular attention on the concept of deadlock and the application of ‘non-decisions.’ Historically, deadlock has been an important policy instrument because although regulations appear to allow some types of utilization in conservation areas, they are consequently hollowed out in their application.

Specifically, conservation zoning for multiple uses has been implemented in Indonesia since the 1990s, which aimed to manage multiple stakeholder interests. Law 5 of 1990, Government Regulation (PP) 68 of 1998, and a Ministerial Decree (P.56/2006) on guidelines for zoning conservation areas provided the early legal foundation for allocating special use zones within national parks. More recently, community forestry advocates and private mining companies emerged as the two main actors promoting forest utilization in conservation areas. Furthermore, as geothermal project development received greater attention and support, the Indonesian government also began experimenting with allowing sites in conservation areas under Law 21 (2014) and Ministry of Environment and Forestry (MOEF) regulation 46 (2016) (Bos & Brown, 2012). Although legally possible, utilizing natural resources in conservation areas has rarely been allowed because of the strict interpretations on conservation in Law 5/1990. The proposals for geothermal projects however, has broken the deadlock through political momentum under justifications that it provides an environmental service, helping to make the case for development in conservation areas.

Opening access for geothermal projects in conservation areas would allow what we call “liberal zoning”, which may expand the case to be made of other development possibilities. Liberal zoning may help open up opportunities for local communities to negotiate more liberal uses, for example, through permit proposals for community timber management schemes in conservation areas. Once the government allows geothermal projects in conservation areas, community forestry demands will also be made for access rights and utilization. In this paper we introduce the concept of

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

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deadlock opportunism, theorizing the mechanisms of historical non-decisions, explaining current breakthroughs as part of discursive elements observed as a comouflaging strategy for particular interests, and also highlight how deadlocks are re-applied once certain interests have been met (Sammon, 2008; Bachrach & Baratz, 1962).

To examine our hypothesizing of deadlocks, non-decisions, hollow policy, and the shift to deadlock opportunism in utilization of conservation areas, our research questions therefore examine the following:

- 1) What are the factors that have maintained deadlock politics in conservation areas in Indonesia?
- 2) How did geothermal open up the deadlock for allowable utilization in conservation areas?
- 3) To what extent has social forestry been able to succeed in making similar claims from the deadlock opening?
- 4) Who benefits and who loses from deadlock opportunism?

Overall, this paper examines how a deadlock has been maintained over time in conservation areas, but that new developments, legitimated through geothermal policies, presented opportunities to at least temporarily break the deadlock. Deadlock opportunism highlights the potential openings that allow the re-interpretation of some policies, while keeping them closed for others. The paper proceeds with a theoretical discussion of bureaucratic politics, examining the deadlock concept, and corresponding aspects of non-decision and hollow policies. In the subsequent section

2 Theoretical positioning: Bureaucratic Politics, Deadlocks, Non-decision, and Hollow Policy

2.1 Bureaucratic politics

The relationship between people and nature, in a conservation context, is highly political. It embraces issues of rights and access to land and resources, the role of the state (and increasingly non-state actors in NGOs and the private sector), and the power of scientific and other understandings of nature (Adams & Hutton, 2017). The concept of bureaucratic politics acknowledges that policy decisions are not always made by unitary, rational decision makers. For example those representing “the state” have little room for autonomous actions by individuals of high-level decision making within government agencies. This emphasizes that public policy outcomes often result from a process of bargaining among high-level decision makers (e.g. governmental actors) and/or different government agencies with varying interests, preferences, abilities and power (Durbin 2007). With this in mind, we understand that conservation areas policies in a bureaucratic politics point of view may have formal and informal mandates and objectives.² Furthermore, although agencies are formally mandated to serve the public, bureaucracies have informally created their own interests of enlarging staff and budgets, and strengthening their political influence (Krott, 2005; see also Wibowo & Giessen, 2015). However, the existence of a particular agency, with mandates and budgets also points to particular prioritization of an issue.

Ideologies related to utilization in conservation in turn determine the actions that actors undertake within the realm of administrative function and mandate. Viewpoints about conservation area management are multiple and continue to evolve. For example, while conservationists may define a conservation area as one without human

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To break the deadlock, competing interests need formal support and mandates from the bureaucracy on conservation management. From the legal-bureaucratic perspective, utilization in conservation areas needs the transfer of authority to the more production-oriented bureaucracy (add reference here?). Therefore, our main hypothesis is that although community forestry policy did not previously have a strong claim to the conservation zone because it is designated for protecting biodiversity, however, as political actors drew on arguments to support future geothermal development projects justified as providing an environmental service, that opportunities for community forestry in conservation zones will emerge under similar rationales.¶

In this study, we apply bureaucratic politics theory to examine the phenomenon of deadlock, specifically a dynamic we call “deadlock opportunism.” This paper examines how a deadlock has been maintained over time in conservation areas, but that new developments legitimated through geothermal policies, presented opportunities to at least temporarily break the deadlock. Deadlock opportunism highlights the potential openings that allow the re-interpretation of some policies, while keeping them closed for others. ¶

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interventions (Morelli, Tryjanowski, & Benedetti, 2016), politics may allow new mechanisms for utilizing reserve areas for other purposes (Stutzin, 1975). As Sahide & Giessen (2015) have raised, land use bureaucracies in Indonesia are divided into two traditional categories, i.e. the production-oriented bureaucracy and the conservation-oriented bureaucracy (also see Hirsch & Warren, 1998; Giessen, Krott, & Möllmann, 2014, Sahide & Giessen, 2015). Bureaucratic politics theory has expanded the recognition of eclecticism in public policy decision-making processes (Krott, 2005; Krott et al., 2014) including detecting the interests of conservation or production forest oriented bureaucracies at multiple levels and scrutinizing their supportive or obstructive behavior (e.g. the recentralization trend in Indonesian forest bureaucracies) (Sahide et al., 2016).

Although initially difficult to assess, the growth of bureaucracy based on the convoluted indicators of budget portion and structural mandate, in this article we have assessed political influence based on the level of organisation. The signposting evident in the evolution of bureauratic offices and the priorities assigned to their function indicate varying degrees of power and influence. For example the lowest level (a task unit) within a bureaucracy will have much less power to enact and influence programs compared to the highest level (directorate general).³ Overall, our approach to identifying levels of prioritization in bureaucratic politics provides an entry point for observing power inherent in conservation bureaucracies over time (discussed in section 3.1, below).

2.2 Deadlock

We developed the 'deadlock' concept based on our reconstruction of policy cycle theory introduced by Krott (2005) in that a 'deadlock' occurs when actor(s) block the policy cycle due to particular actor interests. According to Krott (2005), a well-established policy program consists of three-phases of problem-solving elements including policy formulation, policy implementation, and policy evaluation and monitoring. We add one more element based on Yusran et al.'s (2017) research that indicates an additional post-implementation step. In this crucial additional element suggested by Yusran, decision makers have the option to enforce implemented programs or relegate it only to formal spheres of implementation without field applications and enforcement. We further describe this aspect in the discussion of hollow policies below. Therefore, we have 4 key elements in the policy cycles, which help us to identify deadlocks, non-decisions, and hollow policy. Figure 1 shows the cycle beginning with policy formulation, which determines the issues to be resolved and standardized solutions in the form of programs; second, policy implementation, which entails the practical application of formulated programs to the issues; third, policy enforcement, which assesses policy making chosen by actors to enforce, making the policy solidly implemented; and the fourth is policy evaluation and monitoring, which assesses the formulation and implementation of a program

A decision making deadlock can occur at various stages of a policy cycle. For example, a deadlock may occur due to confronted actor interests. Political actors may not follow a policy recommendation because of strong external factors (e.g. national or other sectoral interests). In this case, the deadlock can be resolved by ignoring the external agenda. As highlighted earlier by Yusran et al., (2017) and Krott (2005), a policy is not always implemented; it could be blocked from its formulation,

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implemented, or implemented without enforcement. This policy cycle (formulation – implementation – enforcement – evaluation) is often left to the discretion of the related administrative actors, whether they provide effective application of a policy or render it a hollow policy. Powerful actors throughout the cycle could therefore institute non-decisions, potentially break non-decisions, or sustain existing non-decision by creating a hollow policy to achieve their effective interests. We highlight the policy cycle utilizing Matland’s typology (1995) and include the various decisive points throughout the cycle in Figure 1 below.

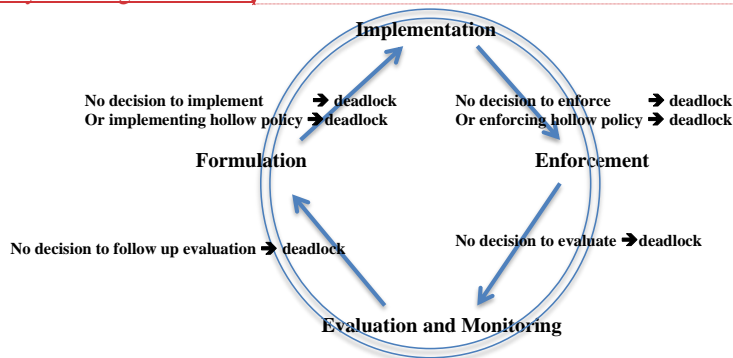


Figure 1: How non-decision power and hollow policy potentially leads to deadlock or blocking the forest policy cycle.

2.2.1 Non-decision

‘Non-decision’ is defined by Bachrach & Baratz (1963) as “the practice of limiting the scope of actual decision-making processes to ‘state’ issues by manipulating dominant community values, myths, and political institutions and procedures.” Using this definition we can appreciate that non-decisions exist as tools of power when dominant values among the most powerful actors forcefully and effectively manipulate the situation in order to prevent certain grievances from developing into full-fledged issues resulting from forcing a decision.

Wolfinger and colleagues (1968) further expand ‘non-decision’ as a notion of ‘power structures.’ Non-decisions in public decision-making therefore, are, often used interchangeably by those that hold power and influence. Power here means the ability of an actor to shape a political agenda according to its own interests, even when facing resistance from opponents or other actors (Krott et al. 2014). Weber describes it as the ‘probability that one actor within a social relationship will be in a position to carry out his own will, despite resistance’ (Weber, 1922, p. 152). In this paper, we focus on the coercive form of power as well as the (dominant) information power by looking at formal responsibilities and investigating actors basic interests shaping the conflict over conservation area in the emerging claims between community forestry and geothermal development politics.

The non-decision instrument is also rooted from non-regime studies in international relations (Singer & Giessen, 2017), which emerged from hollow policy dimensions in public policy studies. In the non-decision/hollow policy scenario, the example of negotiations with indigenous peoples represents one of the most critical areas for the long-term future of natural ecosystems in the region (Fearnside, 2003), in which land is seemingly relented to communities but still under the bureaucratic

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decision making powers of the state. Therefore, in this framework, long term decisions that might emerge as populist priorities are initiated but in turn are translated as non-decisions, that are useful for some actors to exercise their power, which in this framework highlights powers of coercion and information at play. Decisions over access and control over forest areas (e.g. conservation areas) are often results of political processes involving various actors, interests and power (Peluso 1993; Peluso & Vandergeest 2001; Adams & Hutton 2007). The hollow policy, as we will explain shortly, opens up the space for a policy initiative but foregoes the responsibility of actually fulfilling such commitments.

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2.2.2 Hollow policy

In this paper we further develop the concept, dynamics, and heuristics of hollow policy, referring to the governance actions – either formal or informal – that are insubstantial, or tokenistic (add reference here). We focus on **policy implementation** and **policy enforcement** elements, based on Yusran et al.'s (2017) notion that implementation and enforcement are the key factors exposing the degree of access of a certain policy derived by actor interests. Other empirical evidence from implementation approaches can also be seen as an early measurement of further and more detailed enforcement (Kaimowitz, 2003; Wertz-kanounnikoff, 2005). We generate our own typology on hollow policy to explain what we mean, as detailed in Table 1. The table below explains the varying degrees of rules (policy-rule dimension) with the corresponding levels of implementation (enacting dimension). The combinations and degree to which the hollow policy dynamic persists helps to showcase the pathways for deadlock opportunism to allow the enactment of certain policies, while shutting off others. In the following sections we detail our methods prior to returning to the emergence of deadlock opportunism.

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Table 1 Indicators of hollow policy and management as resources of non-decision policy instrument.

I. The operational concept of hollow policy based on dynamic's of implementation and enforcement.

Policy - Rule dimension		Enacting dimension	
Code	Explanation	Code	Explanation
A1	High rules (e.g. Laws) without medium and detailed implementation rules	B1	No implementation
A2	Medium rules, or rules without strong support from basic laws	B2	Implementation without enforcement
A3	Detailed rules, without support from medium and high laws	B3	Implementation with enforcement

II. Gradation degree of hollow policy and its explanation

No	Gradation degree	Codes' Combination
1	Non-hollow policy (toward effective policy)	
	First level	A1+B3
	Second level	A2+B3
2	Medium hollow policy	
	First level	A1+B2
	Second level	A2+B2
3	Pure hollow policy	
	First level	A1+B1
	Second level	A2+B1
	Third level	A3+B1

2.3 Operational concept: the flow of narrative explanation

To simplify for our reader, we draw three levels of narratives to explain our finding and highlight our operational concept. Drawing from the concepts presented in earlier sections, in this paper we present our results using a conceptual framework (Figure 2). At the outset, level A flows in a circular stream in that Indonesian conservation policy growth follows a bureaucratic politics logic. By growth we mean changes from a policy of full preservation, for example, a park that has limited political articulation beyond its protection as an essential part of the national forest bureaucracy, to one that develops clear mechanisms that allows for various zoning. However, since the beginning this p It is naturally naturally and operated hollow, which lead to competing interest, then deadlock. Conservation hollow, menyebabkan competing interest means BP, lalu deadlock. Tapi hollow ini bisa jadi akar (hollow) bisa jadi akibat juga dari BP

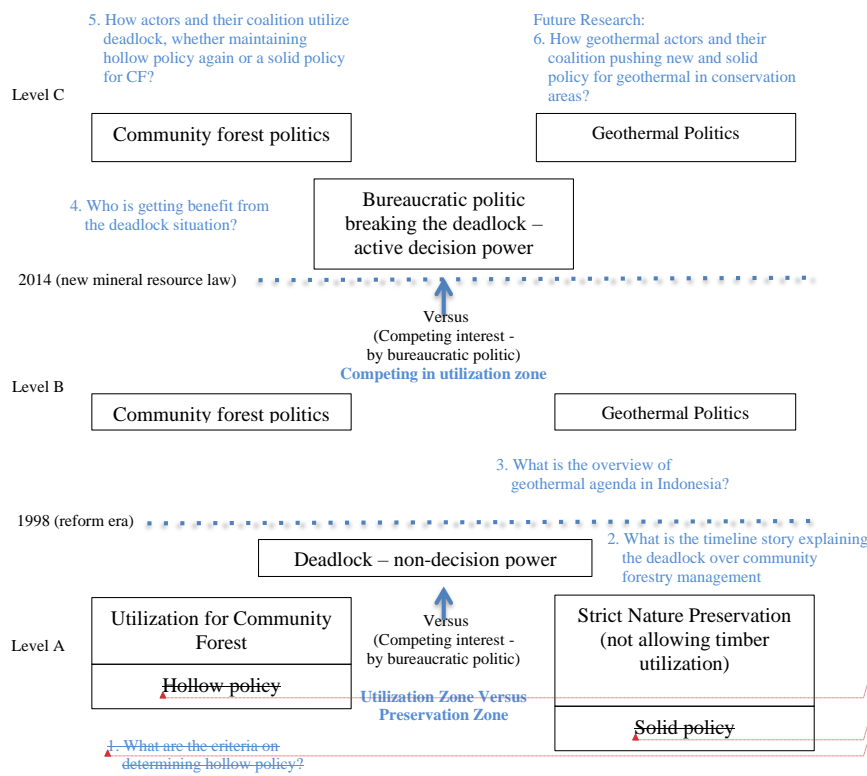


Figure 2: Theoretical and Operational Conceptual Framework

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3 Research Methods and Corresponding Results

Data collection methods used in this research include content analysis, interviews, and observations from our long-standing experiences **closely observing** conservation policy operationalization in Indonesia, at the national level in the Ministry of Forestry (MoFor), and regionally both in Java (third author) and outside of Java, in Sulawesi (first **and second author**) and Sumatera (**fourth and fifth author**). Direct involvement among these authors could reduce reliability. However, objectivity and validity are ensured through triangulation by our investigators that examine developments from outside the arena of Indonesian conservation (**sixth and last author**). Interviews and observation data are included as footnotes. Furthermore, data triangulation is also operationalized by cross-checking various supporting documents, official website information, news, and positional journals.

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3.1 Level A: History of non-decision in conservation forest politics

3.1.1 Historical description of conservation bureaucracy politics

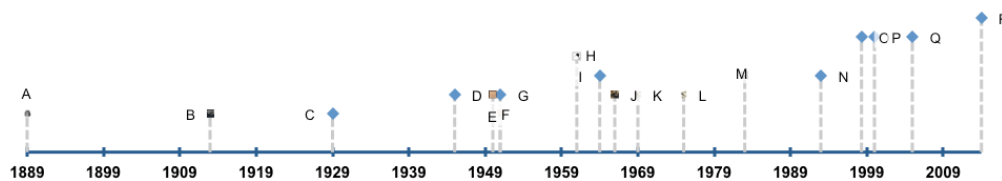


Figure 3. Time line of conservation bureaucracy in Indonesia.

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Code	Year	Bureaucracy growth momentum
A	1889	Establish natural forest park in Java (pushed by Dutch researcher)
B	1913	First Natural forest park established outside Java (Ambon)
C	1929	Appointed direct conservation unit
D	1945	Part of general task of Forest Agency, Under Ministry of Prosperity
E	1950	Fragmented into Forest Agency and Forest Parks in Indonesia
F	1951	Under Nature Protection Section
G	1951	Under Nature Protection Division
H	1961	A unit (like Directorate) under Forestry DG of Ministry of Agriculture
I	1964	As the section under division / directorate general under Ministry of Agriculture
J	1966	One section under forest development/Pembinaan hutan (Ministry of Agric)
K	1969	One section under forest protection & natural reserve (Ministry of Agric)
L	1975	Under Directorate of forest protection & natural reserve (MoA)
M	1983	Under Directorate General Forest protection & natural reserve MoFor/Departemen Kehutanan
N	1993	Sub directorate ecosystem conservation management, of Directorate Forest Agency
O	1998	Under Directorate General Forest protection & natural reserve MoFor and Plantation

P	2000	Under Directorate General Forest protection & natural reserve MoFor and Plantation
Q	2005	Under Directorate General Forest protection & natural reserve MoFor and Plantation
R	2014	Under DG nature and ecosystem conservation

Level of bureaucracy: As a **task force** (small committee unit) =1, As the **unit** responsible for specific conservation task =2, As the **section** under division of directorate general =3, As the **division/directorate** under Directorate General = 4; As the **directorate General** focusing in conservation **mix with other** issue element and directly under Ministry = 5, As the **Directorate General focusing only** on conservation issue element and directly under Ministry = 6.

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3.1.1.1 *The Dutch colonial era: The birth of a conservation tradition, as small species protection.*

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The current nature conservation strategy in Indonesia can be rooted in the approaches developed by the Dutch Colonial Government whose approaches on conservation typically aimed at protecting certain species, particularly the ones with a relatively limited range and/or with the potential for exploitation (Setyowati et al., 2008; Peluso and Vandergest, 2001). In other words, the main interest of the bureaucracy was always for economic returns (MoFor, 2005). Dutch colonial era conservation approaches were typically shaped in the form of creating conservation zones which strictly prohibited human activity, known as the 'Yellowstone model' (Dunggio & Gunawan, 2009) and backed by various legal provisions such as *Staatblad* 1941 No. 167 (*natuurbeschermings ordonnantie*) (Setyowati et al., 2008), *Agrarische Reglement* for outside Java and Madura island (Nurjaya, 2005). The empirical legacy of the Dutch colonial conservation approaches can still be found in forms of Botanical Gardens (e.g. in Bogor) and Nature Reserves in Java, Sumatra, Kalimantan, Sulawesi, and Papua (Wiratno et al., 2001; MOEF, 2005; Goss, 2011).

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Establishment of 'small' natural reserves for protecting certain species historically emerged from the expansion and influence of the biologist movement in the Dutch East Indies which influenced the Dutch East Indies Government that had previously emphasized forest management merely for economic interests (MoFor, 2005). In other words, since the beginning, 'conservation' as a land reserve of the government was promoted and shaped by interactions with non-state actors (in this case biologists) to expand argumentation that justified the expanded reach of the state. In turn, however, such justifications were easily utilized by the Dutch government to serve their interests to control resources while also projecting future land development purposes. A geologist interpretation could be formulated in similar terms. For example, the control of particular landscapes could also be justified by the potential expansion of management authority over these lands.

3.1.1.2 *Soekarno era (1945-1966)*

During the transition to independence, much of the Indonesian bureaucracy reshaped itself around its bureaucratic antecedents from the Dutch colonial state (Anderson, 1991). President Soekarno presided over an Agricultural Ministry that insisted that *Staatblad* 1941 No. 167 (*natuurbeschermings ordonnantie*) and *Agrarische Reglement* from the colonial era were still valid and re-operationalized. The colonial parks institutions evolved into a small unit within the Ministry of Prosperity during the early years of Indonesian Independence. It was part of, or under the forest research bureaucracy from a preceding era, which then changed following political transition and new interests among influential actors. However, at the outset there was no clear formal forest conservation mandate for species conservation, except for

conserving soil for protection based on PP No. 1/1951 (Nurjaya, 2005). In addition, the new Ministry of Forestry was established, taking from existing units in the Ministry of Agriculture overseen by the Dwikora Cabinet of 1964, which had particular interests to ensure that forests were managed for social prosperity (Nurjaya, 2005).

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3.1.1.3 *The New Order era (1967-1998): Defining zoning and camouflaging the timber and mining booms*

The birth of the zoning instrument

During the Soeharto era, state territorialization took place by demarcating state forest areas under the Consensus of Forest Land Use (TGHK), aimed at securing timber extraction in production forests (HP), protection forests (HL), and forest conservation areas (HPK). HPK, enforced by the conservation bureaucracy, successfully raised funds through programmatic commitments from international collaboration, and combined conservation with the bureaucracy on forest protection. Conservation areas were however, made to camouflage government interests to reserve it for future extraction. While setting aside conservation areas, the New Order camouflaged massive targets on natural resource extraction and conversion for development outside conservation areas (i.e. production forest). Environmentalists, and conservation-oriented international actors had no space to work on production forests at that time, further entrenching the protection oriented primacy of conservation forests.

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Law No. 5 (1990), and Conservation Law and PP 68 of 1998, formally mandated National Park management through a zoning system which may consist of a core zone, a utilization zone, and other zones depending on a particular justifiable necessity. These zoning categories indicate that utilization in conservation areas was thereafter made possible, expanding potential future state interests in utilizing conservation areas. Zoning categories provides a marker into the tandem relationships between the central regulating law in forestry (termed the Basic Forestry Law) and Law 6 (1967) about domestic capital, as well as Law 21 (1997) on forest concession mechanisms.

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International influence accommodating local utilization zones

Responding to pressures from the international forest conservation regime (e.g. The Convention on Biological Diversity), the New Order government sought to formally ally with, and attract international attention by expressing Indonesia's interests to kickstart development in parallel with a clear conservation agenda. The Ministry of Forestry officials at that time actively collaborated with numerous influential International actors, such as (1) the United Nations and the World Bank (FAO, UNESCO, UNEP) e.g. on national park programs, (2) Multilateral treaty organizations (Colombo Plan, OAS, EEC), (3) International NGOs (IUCN and WWF), and (4) Bilateral relationships (CIDA - Canada; DANIDA - Denmark; USAID; DGIS - Netherlands) e.g. the School of Environmental Conservation in Bogor, Indonesia (Basuki, 2015; Dunggio & Gunawan, 2009; Retno, 1998).

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With these strong international relationships and projects on conservation, numerous efforts and programs were undertaken to integrate conservation with development (Retno, 1998, Dunggio & Gunawan, 2009), especially during the period that community based natural resource management was promoted as an approach to involve local communities (also known as social forestry) (Gilmour, 2016; Zerner, 2000). Community engagement in conservation also began to take place in and around national parks, initiated by the 1993 World Commission on Protected Areas (WCPA)

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Congress held in Caracas, Venezuela in 1993 (Dunggio & Gunawan, 2009). The Congress instructed that the management of protected areas cannot only be managed by a single institution, but must also involve various stakeholders, especially people living in the area. Therefore, management approaches that included participatory elements and joint management arrangements, evolved so that forest management could include communities in conservation.

The 1980s and 1990s also show the growing influence of transnational NGO advocacy for nature and society (Brosius et al., 1998). This has contributed to development of international conservation standards like High Conservation Value (HCV) and the involvement of communities through mechanisms like Free and Prior Informed Consent (FPIC). The HCV standard was established as a management system that aims to ensure crops are used or extracted in a sustainable manner, and to maintain the socio-cultural and environmental aspects of outstanding resources. (see HCV standard in Forest Stewardship Council (2015)).

While isolating conservation forests with international projects, concomitantly, logging exports began to boom in production forests, becoming the second largest economic income generator for Indonesia after the oil and gas sector during this era (Sahide and Giessen, 2015). Government concerns revolved around facilitating the necessary infrastructure development for the timber sector (Sahide et al., 2015). The New Order era also institutionalized social programming across these development landscapes by trying to homogenize ethnic groups (Li, 2001). One example from Sumatera conservation projects also highlights the approach of conservation and community as it is different from the contemporary paradigm. The practical context in which programs were proceeded with the ‘common sense’ viewpoint is that “if there were no tigers and elephants then it was appropriate to proceed with mining.”⁴ This is different from the contemporary conservation ethos, which promotes alignment with local indigenous values on protecting local community as the rhetoric for keeping local management in forest conservation. Another example with similar narratives is poignant, in which the Trenggense community were also taken out of conservation areas in the National Park area (Purnomo et al. 2010). [This means that conservation is only a legal category of land for conserving land reserves, generally and informally retained for lucrative future development projects].

3.1.1.4 Post Soeharto era

Hollowing management responsibility in production and protection forests, while actively securing conservation forests

The post-Soeharto era created stronger institutions to manage conservation areas by increasing the profile of bureaucratic responsibilities into a singular unit under the formal platform as a Directorate General under the Ministry of Forestry. Although decentralization policies were applied across the Indonesian bureaucracy after 1998 (including in the forestry sector) the conservation bureaucracy on the other hand, became stronger and more centralized (add reference here).

After the fall of Soeharto in 1998 and the move towards decentralizing state policy, previous suppression of local communities by strong security forces (i.e. military, police) resulted in the emergence of conflicts that were previously ‘latent’ (Yusran et al., 2017). In the early reform years numerous local actors demanded and successfully contested unlimited access to the use of forest resources (Resosudarmo, 2004).

⁴ Interview with one NGO working for conservation in Sumatera in 24 October 2016

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In the early stages of the reform era in Indonesia (between 1998 - 2005), state forests had become widely contested by new policies increasing the authority of local governments (i.e. decentralization), as well as eroding rules that opened access for rural communities (Resosudarmo, 2003). There are two main actors that demanded and gained widespread access to forests at that time, which in turn led to significant deforestation. First, local communities gained access to forest products, including timber, through illegal networks, and consequently began to build in areas that were previously restricted (Purnomo et al., 2010). Strict enforcement did however continue in conservation and protection forests (Sahide & Giessen, 2015). Liberal zoning policies were negotiated in forest areas, including National Parks, which allowed for the creation of special zones or traditional zones for local community activities under the discursive shift to social forestry. In this way, community members were able to gain access to various forest products, including timber, and also allowed to build in areas that were previously restricted (Purnomo et al., 2010). This is true except for timber extraction in conservation forests.

Second, private actors also gained wider opportunities under decentralized mechanisms, particularly through the district government's authority to legally grant small-scale concession licenses in forest areas (e.g. timber concessions and mining). This authority was curbed in 2002 however, due to its relation to widespread forest and land clearance (Tacconi et al., 2004; Sahide et al., 2016). Local communities have had even less legal power in utilizing forest resources, particularly in conservation areas (Sahide and Giessen, 2015).

Along with decentralization policy, the new Basic Forestry Law (Law 41), enacted in 1999, contained clauses and formal mandates for community empowerment and people's welfare. This presented the opportunity for indigenous and local community activists to redefine clauses on community forestry. Decentralization also provided an opportunity for local governments to manage natural resources and forests without direct intervention from the central government. Moreover, the appointment of Prof. San Afri Awang as the head of the Directorate General (DG) of Planning at MOEF in 1997, who previously worked as an activist at the communication forum for community forestry (FKKM), contributed to the creation of a new DG position for Conservation Forests (Hidayat, 2008: 166).⁵ The establishment of the first formal DG-level Conservation bureaucracy has also become the vessel for the indigenous peoples movement to make claims alongside community forestry activists (Bettinger et al., 2014). The formal bureaucracy was borne due to the demands and contestation by the alliance promoting social forestry.

Conflict in the national park occurred because conservation management (like national parks) was the only institution that enforced the law (e.g. restricted public access) (see Yusran et al., 2017; Dunggio & Gunawan, 2009). This was different from production and protection forests (administered by district governments) which still can be accessed by communities despite it being against the law. The massive 'illegal' access to production and protection forests could not be hindered because of the sense of euphoria from decentralization reform after the fall of the authoritarian regime. Therefore, the district and local government neither had the management capacity nor the interests to manage the forest. Production forests therefore, were transformed by handing out mass legal timber and mining concessions, while both protection and

⁵ See book "*Politik lingkungan: Pengelolaan hutan masa Orde Baru dan reformasi*" page 166. Available at <https://goo.gl/4mrjE>

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production forests were flooded by unrestricted public access. We call the management responsibility at this time a hollow policy because although forests were designated as a particular type of forest with an associated set of procedures, in practice these procedures were largely ignored (Sahide et al., 2016). Changes in forest management responsibility through decentralization in Indonesia have therefore become a major contested public resource (Wulan et al., 2004; Purnomo et al., 2010). As a result, conservation forests are the only forest institutions that still maintain a high degree of functionality and management protection responsibilities, as the central government have maintained their authority in these areas.

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The intact condition of conservation forest ecosystems are often used as a strategic rationale for governments to ally with international norms. The rapid land use change occurring in Indonesia in the past two decades (Hansen et al., 2013) has foisted Indonesia into the international spotlight as a forest destroyer.

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Conservationists generally believe that stable ecological conditions would be achieved if human interventions were limited (if not fully restricted) in conservation areas. The implications of this restriction are that local communities will be increasingly marginalized if they are unable to acquire the right to utilize forest resources. It is commonly understood that the number of communities who depend on forest resources in Indonesia is very high (Mccarthy & Robinson, 2016). Therefore, the narratives of community control and conservation converge in the zonation management of conservation areas.

To maintain its control of conservation forests, the central government still has not transferred the authority on conservation forests to regional governments. Such policies were maintained even in the rapid shift to decentralization that took place since 1999.⁶ Our argument is that the current shifts in bureaucratic politics highlight the potential for challenging the uses in these conservation forest zones, but as we will show, that these openings happen in the context of full access for some, and in hollow terms for others. In the following sections we explain how the narrative of environmental services was used as justification for geothermal projects, which in turn also opened up opportunities for community forestry to contest these zones.

The role of international donor organizations

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The conservation ethos has been imprinted on programming through the activities of international programs. International efforts on linking conservation with community uses have had strong support by international actors and institutions (Brosius et al., 1998; e.g. in the Mesoamerican region as described by Harvey et al., 2008). An example is the United States Agency for International Development (USAID)’s long support (since 2007) for conservation both in policy and practice such as supporting *Model Desa Konservasi* (Antara, 2008). Since 2007, the DG Conservation of MOEF in collaboration with the USAID funded Environmental Services Program (ESP), have been developing village conservation programs in 16 conservation areas in 5 provinces, including West Java, Central Java / Yogyakarta, East Java, Aceh, and North Sumatera Utara, as well as conservation policy making processes at the local level (USAID Indonesia, 2010). Additionally, there has also been an effort in revising Indonesian Conservation law e.g. BIJAK USAID Program⁷ in collaboration

⁶ Except for a small authority for forest park (*Tahura*) allowed managing by district government

⁷ One of the important part of BIJAK-USAID scope of works is providing support to facilitate “policy communities” to review and prepare input on several policies which related to biodiversity conservation, forest managements, wildlife, and sustainable landscape

with the Working Group Conservation Policy and FKMM. Such examples show that pro conservation actors have strong alliances with community forest politics.

Furthermore, conservation has been politically perceived as a disincentive for whole forest management. Conservation is often associated with international donor aid, rather than as a business-oriented venture. Interestingly these international projects have significantly enhanced the conservation bureaucracy to work with local communities that live outside conservation forests, or those that live in the buffer zone.⁸ Community empowerment activities at sites within conservation forest areas however, are still few and far between. These examples show how the ideologies of conservation and development are defined by the programmatic aspects of international aid projects and objectives, while being reinterpreted and reshaped through government programs.

3.2 Justifying geothermal in conservation zones: Breaking the deadlock

As of 2016, there were 265 potential geothermal sites in Indonesia, with the potential to produce more than 28,000 megawatts, or equivalent to about 40% of total geothermal potential in Indonesia. However, Indonesia has only realized 5.12% of all of its geothermal potential (approximately 1,513.5 megawatts) (MOEF, 2017). Potential geothermal locations for development highlight large potential of electric power production from 17 conservation areas (Ekowisata.org, 2014) which amount to 70% of total Indonesian conservation areas (Hakim, Fauzi, & Ekayani, 2014). As of 2017, MOEF issued environmental service licenses for geothermal projects to PT. PGE-CGS, Ltd in Gunung Halimun National Park that produced 377 megawatts (MOEF, 2017). The project was approved on justifications of providing an environmental service and stipulated detailed environmental impact statements and ecosystem management plans to protect surrounding areas.

On the success of this initial project, MOEF staff responsible for overseeing geothermal development have now developed a detailed map of geothermal potential in Indonesia. In partnership with preliminary surveys by the Ministry of Energy and Mineral Resources (MOEMR) there are several conservation areas that have geothermal potential (in 6 National Parks and 33 Nature Reserves) such as Gunung Leuser National Park (NP), Kerinci Seblat NP, Bukit Barisan Selatan NP, Gunung Halimun Salak NP, Gunung Ciremai NP, and Gunung Rinjani NP. The potential areas are either located in the core or utilization zones. In Gunung Leuser NP, for example, geothermal potential is located in the core zone, while in other NPs, uncharted potential geothermal locations are in utilization zones⁹. The framework for justifying Geothermal activity in conservation areas are allowed on the premise of providing an environmental service obtained through a utilization permit articulated in PP No. 108 of 2015. Permission is only given to areas other than the jungle and core zones. The locations of many of the geothermal sites, however, are in the core zones, initiating further efforts to push the envelope of possible allowances to utilization beyond areas that were zoned for potential utilization (Mongabay, 2016b).

In 2017, MOEMR released new data indicating that geothermal distribution potential is located outside the state forest area at 145 locations with a total potential of 12,176 megawatts (see Figure 1, below). However, senior staff of MOEF are also excited about potential development possibility. MOEMR's reporting (2017) also explicitly expresses that the renewable energy potential of geothermal and the broader environmental benefits for climate mitigation provide the foundation for receiving

⁸ Interview with NGOs in Jakarta on 15 December 2016 during a workshop for revising the Indonesia conservation law

⁹ Interviews with staff at the sub-directorate of geothermal energy at MOEF in November 2016

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support from environmentally/conservation-oriented institutions, framing their arguments as broader environmental benefits that far outweigh the site-specific impacts.

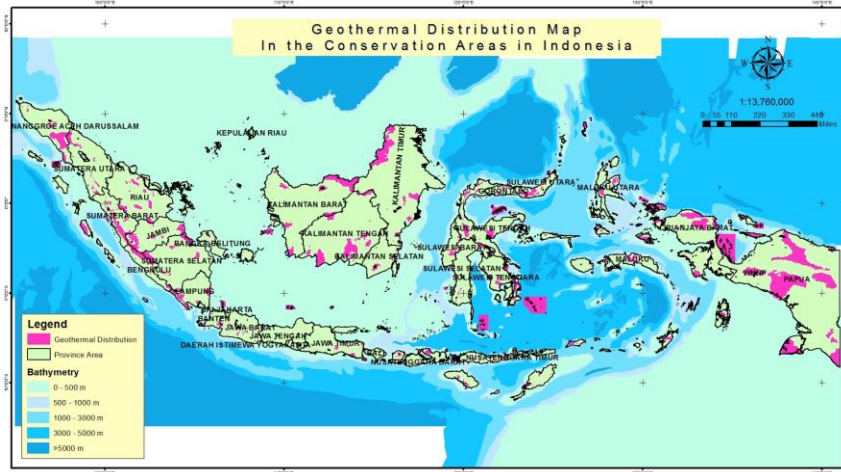


Figure 1: Map of Geothermal Potential in Conservation Areas (MoEFoI, 2016)

3.3 Utilizing the deadlock: Conservation versus liberal zoning, and its consequences

3.3.1 Re-establishing hollow policy in social forestry

As explained in previous sections, the deadlock in utilizing conservation areas remained a longstanding non-decision geared towards maintaining conservation areas. For a long time, although numerous lower level regulations often sought utilization activities in conservation areas the clash of interpretations from the umbrella laws (Law 5 / 1990, in particular) always provided overarching justification to maintain a strict preservation-oriented interpretation of conservation areas. Specifically, until geothermal politics intervened in Law 21 (2014), which was further supported through justifications in MOEF regulations, no pathways had yet existed for a clear articulation of implementing liberal zoning in conservation forests.

A deadlock policy situation had been broken by geothermal, through a combination of green narratives and powerful alliances, creating the opportunity to allow liberal utilization. This also opened up the possibility for proponents of community forestry to also make similar utilization claims in conservation areas. The government now has legal precedence to force MOEF to conduct liberal zoning in conservation forests, such proponents claim, but if they did it, then every new investment in the country which need a small conservation forest may face resistance from local population. If, for example, industrial zones in a district serve to take away community rights, local populations will likely view this as an extremely unfair practice. Such allowances for

Conflicts in Indonesia's national parks exhibit different types and levels of intensity (Yusran et al., 2017). Potential conflicts may arise between geothermal projects and local communities. For example, the case described by Hadiprasojo (2015) regarding recruitment of local employment at the Geothermal Power Plant (PLTP) run

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by Chevron Geothermal Salak (CGS). The project raised potential conflict between local communities due to jealousy over receiving differentiated treatment among different villages on employee recruitment, which resulting in uneven village development (Hadiprasojo, 2015).

In another way, pro-conservation policy can be in the opposing side of community forest practical politics, led by the simplistic conservation oriented bureaucracy. The conservation bureaucracy do not like illegal community utilizing conservation areas because they consider conservation areas the last defense of Indonesian forestry. Considering that production and protection forests have been massively attacked by illegal extraction activities, they make conservation as their last defense.

Furthermore, environmentalists are concerned that geothermal can trigger small or micro-earthquakes (Bromley & Majer, 2012). This is in line with the perception of community around a geothermal power plant in Mount Halimun Salak (i.e. PLTP-CGS) which has experienced several minor earthquakes that occurred since the geothermal project was operated (Hadiprasojo, 2015). Other questions raised, how this geothermal can affect native or local species due to environmental impacts of the PLTP operation.

The Constitutional Court, as a decision making instrument, has also played an important role in terms of legal aspects related to land authority. The Court in particular has caused significant changes in community forestry and land politics. Constitutional Court Decision 45 (2011) mandated that the state forest area should be gazetted (not only designated). Consequently, Constitutional Court case 35 (2012) mandated that the state release customary forest from the state forest category, opening up the potential to contest widespread land administered by MOEF. Furthermore, Constitutional Court decision 95 (2014) mandates that the state accommodates traditional rural activities in state forests. At the same time however, there are legal barriers in the implementation such as MOEF regulations and instruments making them unable to release territorial areas of state forests (Sahide and Giessen, 2015). Strict interpretations of indigenous communities have also pushed back against the potential 'release' of lands from the forest estate, creating new regulatory practices onerous for indigenous communities to fulfill (Fisher et al., 2017).

Community forestry politics continues to evolve in the existing bureaucratic politics to negotiate the management of community forestry with MOEF mandates. After decades of legal infighting, MOEF has finally recognized nine customary forest sites at the end of 2016 and part of presidential commitments and national development priorities, an ambitious target of 12.7 million hectares of state forest are to be allocated to communities under social forestry schemes (HUMAS SETKAB RI, 2016). Meanwhile, pressing or releasing state forest areas to become non-forest areas for community has been part of the formal political agenda through identification of the so-called land objects for agrarian reform (TORA/Tanah Objek Reformasi Agraria) that aims to redistribute 4,1 million ha of state forest for communities.

Therefore, conserving the deadlock to maintain traditional strict conservation for community while letting private actors utilize conservation forests is not possible at the moment. Therefore, the conservation bureaucracy began to open up the opportunity for both sides, but in turn, hollow regulations were created thus making it effective depends on the particular presence interests.

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3.4 Deadlock opportunism: Opening the door for geothermal and the hollowing of social forestry

Describing non-decision over community forestry management in conservation forest politics in Indonesia. Breaking the deadlock: effective policy for geothermal politics but hollowing policy for community management politics

Geothermal development and the opening up of social forestry mechanisms created dilemmas for conservation forest areas. On the one hand, geothermal projects have been accommodated through a “green” lens that sees geothermal having the potential to reduce reliance on fossil fuels and promote more sustainable development, despite it is also an invasive mining practice with a clear land footprint. On the other hand, as described above, social forestry proponents have utilized the momentum of the growing conciliations being made to communities for more equitable development. Environmental arguments were also used particularly the continuing perceptions that communities (particularly forest dwelling, traditional, and indigenous communities) are better stewards of the environment. The successes of both objectives were mobilized by multiple actors and then formally accommodated through geothermal as an ecosystem service and the aforementioned social forestry jargons.

At the end of Susilo Bambang Yudhoyono’s administration (2005-2014), non-decision situation for geothermal development had been broken by the passage of law 21 (2014). Joko Widodo, Yudhoyono’s successor and current president, also instructed (through MOEF and MOEMR) to follow up on the policy by specifically overseeing its implementation and enforcement.¹⁰ The rationale for the close monitoring of geothermal policy is also situated within an ambitious energy production target promoted by President Widodo to achieve 35,000 MW in his first term.¹¹ The target is more ambitious compared to previous administrations which committed to achieving only about 10,000 MW.

MOEF has issued regulation 46 (2016), which provides a clear guideline for geothermal development, serving as an ecosystem service venture. MOEF now only needs to revise their conservation forest zonation, especially for geothermal sites that still exist in the core zone. The ambitious target has encouraged MOEMR to find innovative development programs for new potential areas of energy development as well. MOEMR is also following up on the potential that geothermal energy can become the most promising new renewable energy development (EBT). In 2016 alone the projected progress sought to achieve 215 MW as a result of programs cultivated seven years ago (Prodaya, 2016). MOEF and MOEMR now put policy synchronization of geothermal policies on their urgent agenda.

‘Community’ is formally everywhere, but realistically nowhere.

Strong commitment to geothermal policy has not necessarily followed in step on community forest politics in conservation areas. Although there is a commitment from the government to allocate 12.7 million hectares for social forestry, including social forestry in conservation areas, these are still perceived as ‘public relation’ strategy, indicated by lack the support of the conservation bureaucracy on the ground. Table 2

¹⁰ Interview with former staff of MoEFor that directly involve with geothermal politics negotiation (Interview taken in MoEFor building in 24 October 2016)

¹¹ Formally mandated in State Medium National Plan 2015-2019 *Rencana Pembangunan Jangka Menengah Nasional (RPJMN) 2015-2019*

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below provides multiple social forestry policy instruments in conservation areas that actors provide and use to indicate that in its current form it is still a hollow policy.

Table 2. Hollow policy situation in Indonesian conservation for community management politics

Policy instrument	Hollow situation			
	Rules and mandate	Timber utilization issues	Implementing actors' treatment	Gradation degree of hollow policy*
1. Collaborative management: multiple actors collaborate with conservation bureaucracy unit to maintain conservation-based activities, ensuring community participation, and multiple actors dialogue in MOEF regulation 19 (2007)	Clear formal rule, but impossible to accommodate multiple stakeholders' interest in the management.	No clear mandate to allow community for extracting timber in conservation forest	Only work if there is strong non-state actor(s) funding meets with a showcase of collaboration interests, and the head of the conservation unit (e.g. national park) that is willing to do so	A2+B1 (Pure hollow policy)
2. Special zone: To those local community that has public infrastructure, e.g. market, electricity, road, school	Clear rule, especially after MOEF regulation 83 (2016)	Not allowed to harvest timber	Need strong commitment of implementing actors	A2+B2 (Medium hollow policy)
3. Traditional zone: To ensure traditional utilization of natural resources in the national park	Clear rule, especially after MOEF regulation 83 (2016)	Not allowed to cut the tree	Need strong commitment of implementing actors	A2+B2 (Medium hollow policy)
4. Conservation village model (MDK): Local empowerment program for those living in and around conservation forests (MOEF)	No strong rules, but strongly applied in the field and strongly mandated only for village	Timber utilization allowed only for village outside conservation area	No implementing actors inside conservation forest	A2+B3 (non hollow policy) inside conservation area, A2+B2 (medium hollow

regulation 29 2013)	outside conservation area			policy) outside conservation area,
5. Partnership in conservation forests in MOEF regulation 83 (2016)	Clear on guideline rule, but lack of basic law conservation support, and still need time to prove its affectivity	Timber utilization allowed only for villages outside conservation areas	Only work if it is a showcase of conservation working with community	A2+B2 (Medium hollow policy)
6. Ecosystem essentials – based on Government Regulation 28 (2011)	No detailed rule, especially rules regulating	No problem with this issue, but depends on authority of the conservation area	Can work if there is strong collaboration with local governments	A2+B1 (Pure hollow policy)
7. Constitutional court decision 95 (2014)	No implementing rule from the sectoral bureaucracy	Allowed to utilize timber in state forest area, however MOEF still needs to follow up with detailed regulation	Need strong bureaucracy coordination	A2+B1 (Pure hollow policy)

* The code is developed based on Table 1

Table 2 highlights all practical schemes that work inside conservation forest areas in Indonesia but there is still need for clarity over traditional logging practices in conservation forests. Meanwhile, many conservation areas are threatened by the increasing local wood demand in neighboring areas outside the conservation areas. Those schemes have also lost their meaning when it comes to practical implementation. For example, in Danau Sentarum NP, Anshari (2006) reported that a pilot collaboration projects only succeed if there are strong international donor supports behind them. Furthermore, those schemes are mostly facilitated by local communities who live outside state conservation forests, or living in buffer zone areas. Conservation village model (MDK) is a good example, whereby people who live in the Babul National Park feel jealous because assistance through the sustainable conservation village (MDK) program was given to the villages outside the National Park. However, people who live inside conservation area are in the status quo, or restricted for timber logging. MDK may indeed be directed to people who are in conservation areas, but in practice most of the program is addressed to people who are outside or at the conservation area's buffer zones.

We are not fully agree with (Mulyana et al., 2010) who argue that creation of special zones can be a solution for national park management in Indonesia. This is because, while the aforementioned policies (Table 2) formally recognize the existence of local people and allow them to utilize land, in reality the social forestry policy instruments don't actually recognize their existence. We consider this a hollow policy. Moreover, there is no strong evidence in the field that collaboration results in effective community forestry management inside conservation forest. Because of this hollow policy, some national park officers argue that conservation bureaucracy need a discretion policy to break the hollow regulation over community forest politics in conservation areas. Conflict of interest between conservation and social forestry bureaucracies in the field (e.g. national park vs Regional social forestry agency/*Balai Perhutanan Sosial dan Kemitraan Lingkungan*) has also hindered the effectiveness of social forestry implementation in the field.

Isolating (and canalizing) geothermal pressure and community forest through inside and outside conservation zoning

Through the Government Regulation (PP) 28 of 2011, the Government introduced a concept of 'essential ecosystem area' adjacent to nature reserve and nature conservation areas. Now, buffer zone area can be a solid form under new policy of 'essential ecosystem' scheme, due to its essential ecosystem characteristics¹², then liberal utilization can be applied here. Community use on timber are also allowed as long as it supports the conservation goals. This is in line with IUCN standard (category 6) which says that buffer zone like this can be allocated as utilization areas as long as it still supports conservation objectives.

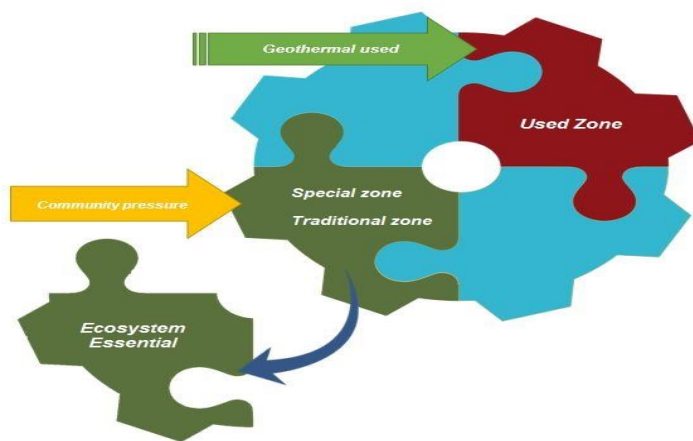


Figure 2: Isolating geothermal and community pressure in the zoning politics

¹² Essential Ecosystem Zone, based on the Government Regulation (PP) 28 of 2011, includes karst ecosystem, wetlands (lake, river, swamp, brackish area, and tidal area of not more than 6 meters), mangrove and peat lands located outside of nature reserve and natural conservation areas.

Figure 2 illustrates two main pressures of geothermal and community use which was tactically canalized and isolated under different conservation zoning. For geothermal pressure, it is easily isolated in use or utilization zone. However community forestry is likely to be located outside conservation forest, or isolating it in buffer zone area (e.g. essential ecosystem zone).

3.5 Who benefits? Utilizing the non-decision instrument as an active/useful non-decision

Table 3. Options on breaking non-decision over conservation forests in Indonesia

No	Instrument options	Entry point	Consequences	Actors who benefit from the option
1	Liberal zoning for both community forests and geothermal utilization			
		Activate the commitment for 12.7 million ha for social forestry in conservation areas	- Weakening conservation politics - Revising conservation law that provide a win-win for both community and investment	- President can use it for securing electoral votes from many people living around forests - Enhancing alliance with indigenous people
2	Status quo zoning, keeping the deadlock/blocking community management politics			
	a. Both inside and outside the conservation zones area*			
✓	Collaborative management, introduced in the zonation process	International multi-stakeholder approach like this requires strong commitment from the site level	Requires more solid and consistent rules	MOEF collecting more dominant information especially National Park selecting partners to collaborate with, and delay collaboration implementation and agenda, and select location inside or outside (buffer area) for partnership and collaboration
✓	Conservation Partnership	bureaucracy (e.g. national park management)	Many interpretations possible and subjective interpretation steered by strong coercive power	
✓	Conservation village model		Strong commitment to enforcing this scheme, especially inside conservation area	
	b. Inside conservation zonation only (special zone, traditional zone, utilization zone)			
✓	Special zone	Requires strong commitment from the site level	Employing staff to enforce zoning regulation	MoEF collecting more dominant information and coercion power especially on the demand of re-zonation and enforcing the zonation rules
✓	Utilization zone	bureaucracy (e.g. national park management)		
	c. Outside conservation zonation only (buffer zone)			
✓	Essential ecosystem area	District/provincial regulation is required as avenue for implementation of this scheme	Local government will be a key player. The option however can potentially be disincentive for economic development	MoEF collecting more dominant information on essential ecosystem (substantial, procedure)

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Commented [A68R67]: Means that this tools (non decision) is active because used by actor because useful for them. Is there any other why to frame this?

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* Outside means village as conservation buffer area

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The conservation partnership scheme could experience the same destiny with Joint Regulation of Minister of Forestry of the Republic of Indonesia, the Minister of Public Works of the Republic of Indonesia, and the National Land Agency (NLA) of the Republic of Indonesia Number 79 Year 2014, PB.3 / MENHUT-II / 2014, 17.PRT / M / 2014, 8 / SKB / X / 2014 on Procedures for Settlement of Land Tenure inside the Forest Area. This joint regulation is indicated as a hollow policy because it is not supported by joint guidelines for implementation, i.e. only NLA has provided detailed guidelines¹³ to implement this. In 2015, however, MoEF blocked it by making it a non-decision guideline, or did not provide detailed guidelines accompanying NLA's guidelines. Furthermore, this joint regulation is strengthened by only releasing production forests, not allowing uses in the conservation areas. This narrative shows that MoEF only make community forestry as hollow regulation but strong formal indication. In this case, MoEF playing 'delay politics' to generate more dominant information by not mobilizing their coercion power, it is only using the conservation bureaucracy formal administration system.

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3.5.1 President

In previous administrations, as well as in the early years of the Joko Widodo administration, the president had only a limited ability to steer conservation bureaucratic interests. However, this changed recently due to the continuous and stable increase of coercion power of the current bureaucracy. The conservation bureaucracy has a stable structure and growing level of coercion power, e.g. an ability to determine species protection, blocking community empowerment inside conservation areas, etc.

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Because of this, in the beginning, the President could not fulfill his promise to political supporters from the indigenous rights movement (a network organization named AMAN) to re-allocate forests including conservation forests for customary communities. In addition, the President has had limited instruments to demand MOEF to treat conservation according to the president's interests, e.g. in infrastructure development to meet energy targets through an 'environmental' service like geothermal. In the Indonesian presidential system, a new President can roll back the bureaucracy through coercion power when creating the new cabinet. In Widodo's initial cabinet decisions, he took back from the then forestry ministry by restructuring and merging forest and environment bureaucracies, in which the latter was experiencing waning budget allocation. The forestry bureaucracy therefore now shares their budget with the environment and peatland bureaucracies in the current MOEF structure. The overall forestry budget has further declined as a result.

The State Forest is now totally under the control of the President, where he can impose his popular political agenda on social forestry, while making liberal investments on geothermal projects targeted by new government regulations issued at the end of 2016¹⁴. Social forestry, customary forest, and agrarian reform are all part of the presidential populist rhetoric to highlight ideas about sovereignty on aspects of forest conservation, food security, and land tenure, which is explicit in the formal

¹³ *Petunjuk Pelaksanaan Kegiatan Inventarisasi Penguasaan, Pemilikan, Penggunaan dan Pemanfaatan Tanah (IP4T) dalam Kawasan Hutan* or Implementation on Instructions Inventory Control, Ownership, Use and Utilization of Land (IP4T) in Forest Areas (NLA, 2015)

¹⁴ This new government regulation will replaced old GG 59/2007 on geothermal activities and business interests

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pronouncements of the presidential office. Meanwhile geothermal and other strategic infrastructure development interests can infiltrate conservation forests.

Meanwhile, if the President provides conservation forests for community access at this juncture, it will create visible conflict. The President can therefore force the MOEF to create liberal zoning for geothermal utilization, but if he does that, it is likely that every new investment in the country will be in conflict with local communities, who are also demanding access to the conservation forest.

Nevertheless, the President has successfully influenced MOEF to give customary forest recognition for indigenous communities over a limited area, but crucially including areas designated as conservation forests. However, the total agrarian reform for customary forests is still in a non-decision status. The total area thus far acknowledged as indigenous forests are only about 3,000 hectares, falling far short of the 7 million hectares claimed by indigenous rights actors (e.g. for recognition process see Fisher et al., 2017). Additionally, the Ministry of Agrarian Affairs and Spatial Planning still has not indicated how to follow up and administer communal and customary forest land.

On the other hand, the President has also weakened the role of the forestry bureaucracy by not including the MOEF in the specific president's national development priorities (the *Nawacita*). The president also successfully paved the way for MOEF to apply private conservation business oriented programs by including geothermal utilization as an environmental service. There are also strong indications that the President will instruct a revision of the Basic Forestry Law 41 (1999) in the near future.¹⁵ This strategy can be viewed as part of the politics of delay, or employing non-decision on the question of utilizing conservation areas, whether 'half' for community forestry and 'half' for geothermal. 'Half' for geothermal because making profit from geothermal business needs 7 years, and it is impossible to include it in his 35.000 Megawatt target.

3.5.2 The Ministry of Environment and Forestry (MOEF)

MOEF has successfully formed two distinguishable parts. First, is in the shape of MOEF as a conservation bureaucracy, led by Directorate General (DG) Conservation. Second, is MOEF as a bureaucracy focus on forest production, under the umbrella of DG Production. The MOEF conservation bureaucracy treats the zonation framework as non-decision to gain power, and achieve direct and indirect formal benefits. MOEF only has clear operations over the core and utilization zones. Traditional and special zones exhibit the characteristics of a hollow policy, even if they are more likely to provide assistance to areas outside of the conservation area or buffer zone (see section 4.3) to maintain all zonation in the MOEF conservation bureaucracy. MOEF 'sells' a conservation forest program through the international forest regimes that they can continue to maintain certain actions and continue to receive benefits from international funding, such as the MDK (the aforementioned conservation villages) getting support from USAID.

DG Conservation has become superior over time due to the utilization of non-decision tools by maintaining that original forests are the political identity of MOEF, and that DG conservation will only work with external actors – such as NGOs and

¹⁵ Observation from the Indonesian Forestry Congress showcased a speech from the Minister of Environment and Forestry mentioning that the President had requested preparations for revising the Basic Forestry Law 41 of 1999, which would allow state forest areas to be rented to businesses under the *hak guna usaha* (HGU or rights to exploit) arrangement. This HGU can become collateral for a bank loan.

Commented [A75]: Fisher, Micah R, Timothy Workman, Agus Mulyana, Institute Balang, Moira Moeliono, E Linda Yuliani, and Carol J Pierce Colfer. "Striving for PAR Excellence in Land Use Planning: Multi-Stakeholder Collaboration on Customary Forest Recognition in Bulukumba, South Sulawesi." *Land Use Policy*, 2017.

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international actors – if they maintain conservation state forests. For example, involving NGO and international donors on MDK project that mostly work in buffer zone area, not in the conservation areas. On the other hand, MOEF has allowed Parliament to take the initiative on revising the conservation forest law, which indicates that conservation in the future will be conducted more on a basis of a business-oriented conservation, whereby conservation should derive benefits from conservation activities (e.g. selling charismatic species, ecotourism), which have expanded to include geothermal as an environmental service. They can use the increasingly cited terminology of applying a ‘landscape conservation’ politics approach in that conservation can enhance forest conservation while still provide ecosystem services like geothermal. A good showcase of ‘landscape conservation’ forest politics, with a new trend of international negotiation.

Meanwhile, by benefiting from creating a new bureaucracy for acquiring staff, mandate, and budget, the DG creates additional sub-directorates that expand bureaucratic decision making power, i.e. through carbon and geothermal business management under DG conservation,¹⁶ new *hak guna usaha* (HGU, business utilization rights) for renting forest areas under business units, created through the effort of revising the forestry law (Law 41 of 1999)¹⁷. MOEF use of the private geothermal argumentation in one venue reads similar to this representative quote: “geothermal is not like the coal mine, the open pit. Those [coal mines] destroy the forest, they make extract and leave behind a large hole. Meanwhile, accessing heat for energy from the Earth only create tiny holes, and does not require cutting down all [forests]” (Berita Satu, 2016a). MOEF has maintained state control over their own definition about conservation sustainability, challenging all transnational conservation standards like HCV and influencing conservation arrangement (similar with Giessen et al., 2016).

The Forestry Minister has argued that Indonesia's forest areas are vast, and indeed cover an astonishingly large percentage of the country. 120 million hectares is equivalent in size with Japan's total land area. Furthermore, the Ministry further explains the 34 million hectares of management licenses to this land area are granted dominated to corporations. A total of 34 million hectares of land is also owned by only 25 conglomerates alone (Berita Satu, 2016b). In the period 2015 - 2019, the government committed to allocate land for Social Forestry area amounting to 12.7 million hectares, and the same news source also highlighted that these arguments are made under the basis of invigorating the people's sovereignty (Berita Satu, 2016b).

National Parks can be used by MOEF for large infrastructure by using local community empowerment. One commonly observable example are roads built in the Babul National Park, generally promoted under the rhetoric of community empowerment.¹⁸ However, large special zones for communities are still not supported or are relegated to the politics of non-decision. The DG Conservation is seemingly against community management politics, but they have enough with Constitutional Court already that winning local community (e.g. releasing state forest for customary forest under Constitutional Court 35 of 2012 decision). However, DG Conservation

¹⁶ See new structure (2016) of MOEF on DG conservation structure at <http://ekowisata.org/tentang-kami/> as well as <http://ksdae.menlhk.go.id/struktur-organisasi.html>

¹⁷ Observation on the effort of revising Forestry Law (Law 41 of 1999) at MOEF (during workshop series and media analysis).

¹⁸ Observation for developing road infrastructure in the name of community empowerment, in the event of socialisation in 28 November 2016. *Pemberdayaan Masyarakat. Dalam Rangka Pemanfaatan dan Pengembangan Transportasi Terbatas di Kawasan Taman Nasional Bantimurung Bulusaraung, Kabupaten Maros, kerjasama antara Balai Taman Nasional Babul dan Balai Besar Pelakasana Jalan Nasional XIII, Makassar.*

must not become overconfident as in the past about their sole authority to conservation areas. With the space opened up by geothermal projects, the DG must now accommodate similar challenges to utilization justification from the politics of social forestry. The rational way is seemingly giving geothermal way and community forestry but making it as hollow policy (see Table 2).

To sustain non-decision on social forestry pressures, the regular replacement of the head of national park is the way for MOEF maintaining their bureaucratic interest. The Head of the National Park is very easily replaced by MOEF because the institution reports to vertical authority with a central implementing unit in the field. Every five years the staff person is replaced by someone from other conservation implementing units or other DG conservation staff. For example, during the conflict of Tallasa sub-village in Bantimurung Bulusaraung National Park since 2005, there have been 3 replacements of the head of the national park. Villagers of Cinagara located within Gunung Gede Pangrango NP complain of the regular replacements because it affects their ability to coordinate a sustained community empowerment program with NP staff (Soemarno, 2012). Hence, in this case MOEF collects more dominant information by not mobilizing their coercion power. It only uses the conservation bureaucracy formal administration system.

The seemingly unmanaged Tahura (i.e. forest park which normally established for recreation, tourism and watershed protection) by district government especially in other islands outside Java would become a strong consideration of MOEF for not approving new Tahura proposal. The MOEF realized and tried to stop this undesirable trend by blocking efforts to propose new Tahura with the argument that the Minister does not want any additional Tahura if it comes from a state forest area. The Minister additionally stated that proposal to convert non-state forest area to become Tahura is more preferable¹⁹.

3.5.3 Ministry of Energy and Mineral Resources (MOEMR)

Geothermal utilization continues to increase and the Government has set a target of additional 7,200 MW by 2025 (Prodaya, 2016). MOEMR has been actively engaged with showcasing good relations with local communities through facilitating geothermal business with local and civil society organizations (Hadiprasojo, 2015). MOEMR are supported by the geothermal practitioners who argue that if we do not start geothermal development in Indonesia right now, then the potential might be moved to another area or country in the future. MOEMR is benefiting from the fragmentation of bureaucratic arrangements in the split with MOEF because in the past there were numerous structural barriers to implementation without the administrative approval from MOEF.

3.5.4 National Park

The National park has strong coercion (complete regulation and detailed with experiences of enforcement) and incentives power (e.g. regular budget).

In a non-decision period, a lot of authority keep a hollow policy to get rid of community forest. We observed in Babul National Park that some villages that their areas designated as traditional zones, facing issue that local community need to change their old candlenut tree or making regeneration, however, the park does not allow the community to replant the old tree with the same candlenut species because it is not original conservation species. Additionally, cutting the tree in conservation forest still also a grey policy (i.e. whether it is allowed or not). Mr Patu, a villager from Labuaja

¹⁹ Ibid 20 and 21

District give a solution that the park can buy their trees (including candlenut tree), because he himself plant the trees. Again, the park did not have mechanism to buy the trees²⁰. From this story that keeping non-decision is useful for the national park to maintain their power, while limiting the community's ability to make decision over the trees that they planted.

In breaking non-decision era, National park now has chances to reinforce their zoning or making a new zonation for geothermal development, thus, they will get budget for public consultation, staff and private collaboration. In the other side, recent instrument like conservation partnership will be used to make progress on accommodating community forestry. These two distinctive tasks will be used as formal argument to gain more staffs and budget allocation in MOEF. If national park do not get bureaucratic politic from community empowerment, all community forestry instrument will be kept as hollow policy instruments.

3.5.5 Local leaders, Bupati, district forest agency, and *Tahura* managers

Local leader in Aceh is a good example that they are actively examine their interest for conservation utilization both for local conservation *Tahura*²¹ park or geothermal utilization. For example, the revision of zonation policy has been an issue in Mount Leuser National Park in Aceh, that gives way for geothermal projects (Mongabay, 2016a), which also have strong support from local parliament as well (Acehterkini, 2016).

In addition for utilizing non-decision on local *Tahura* conservation area, local leaders treat *Tahura* as a useful tools to delay the zonation. In our interview with an officer from one of the natural resources conservation agencies (BKSDA), he argues that most of *Tahura* is poorly managed especially those located outside Java²², because of District have low capacity in managing conservation forest' and there is no regular budget. District government utilize it as a showcase to show and that District Government can utilize *Tahura* for getting power over management of conservation forests²³. Our observation finding in *Tahura* Bontobahari Bulukumba show that they still do not implement the zonation due to high tension of conflict. It is observed that *Tahura Bontobahari* still struggles in mediating land claimed from local community (Radar Selatan, 2016; Rakyatku News, 2016)

All the administrative authority of the production and protection forest management at district level are transferred to the Province, effectively operationalized in 2007 (Law 23 of 2014). In this recentralization era (Sahide et al., 2016), forestry service offices at the District level has lost their authority over forest management. However, *Tahura* is used as the only schemes to claim back the district authority over state forest. There is the opportunity to retain their coercion power over the forest, by proposing *Tahura* to central government. There is a trend that some District governments propose or recommend the establishment of regional *Tahura*, after recentralized Law 23 of 2014 issued. At least there are 4 *Tahuras*' proposals that planned by some districts in western Sulawesi and South Sulawesi such as Wajo,

²⁰ Observation on the training workshop *Peningkatan Kapasitas Masyarakat pada Zona Tradisional Dusun Pattiro Desa Labuaja Kecamatan Cenrana, Kabupaten Maros . Resort Camba-STPN Wil. II Camba*, di hotel grand palace hotel Makassar, 1 November, 2016

²¹ *Tahura* or forest park is one of conservation forest units that can be managed by district or provincial governments.

²² Observation in *Tahura Abdul Latif (Sinjai)* showed massive conflict with locals, a lot of local claims and conflict unmanaged

²³ Observation from a district who propose *tahura* asking for consultation with BKSDA about their *Tahura* proposal in 19 Desember 2016, Wajo

Soppeng, Bulukumba, Mamasa. This trend also found in Sumatera Island (e.g. Tahura proposal in Mahakam Hulu).

If MOEF blocks this Tahura's proposal (as explained in section 4.3.2) than District government, would only maximize new opportunity of benefit sharing from essential ecosystem management that exist outside conservation forest, or ecotourism activity linked with conservation areas that managed by central government.

3.5.6 Large corporations and investment agency (domestic and foreign company)

Investors require land for building geothermal power plant. Numerous locations for geothermal potential are located in areas designated as conservation areas. In the past these sites were off limits due to regulatory deadlock. However, in locations outside of conservation areas large infrastructure projects are plagued by resettlement challenges. They need conservation areas spot to be sacrificed. Chevron, for example, have asked for easy geothermal investment (Berita Satu, 2016a). The company has proven that it cares about the environment in managing 200 ha from 10.000 ha concession (since 1980) and they achieve 'golden category' certificate from the Ministry of Environment in 2011. Domestic investor like PERTAMINA is also prioritized as national investor to manage geothermal projects in Indonesia. Indonesian Forestry Higher Institution network has observe the strong tendency of investment agency and ask them not to intervene the revision of Indonesian Conservation Law (TEMPO, 2017).

Foreign palm oil companies are also potential actors who will get benefit from this situation. When MOEF needs a showcase of strong national agrarian reform and social forestry program, then releasing a significant amount of illegal palm oil estates from state forest area will possibly be the case. Take Tesso Nilo as an example, a strong indication to keep national social forestry program implemented in Tesso Nilo National Park in Riau Sumatera, which is totally different with the Babul National Park. In this Tesso Nilo which is surrounding illegal palm oil involving around 2.000-4.000 smallholder farmers, MOEF tries to force a showcase of implementation of social forestry and agrarian reform (KOMPAS, 2017). This will be a huge work for NP manager following MOEF administrator instruction.

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4 Conclusion

The idea behind the use of Yellow Stone type of approach, where there is no human intervention could exist, is because political actors like it, and so that they can use it as a reserve for future use or development. The narratives of geothermal as friendly environmental services from conservation and protected forest have been actively used by political actors to impose opening non-decision for geothermal while still keeping non-decision for community management politics.

Indonesian conservation bureaucracy history (see Section 4.1.1 has clearly show that, other than suggested by modern interpretations of conservation as nature conservation, conservation areas (such as e.g. conservation forest especially in post-colonial countries) are a legal category of land for conserving land reserves, generally and informally retained for lucrative future development projects.

Liberal zoning seems to be on the verge of infiltrating the bureaucratic possibilities in conservation areas. Law 21 (2014) categorizes geothermal energy as a forest environmental service but without providing enough development for

community management politics, or in other words keeping non-decision instrument for community forests. It is proved our main hypotheses (H1) that community forest is not strong because of preserving biodiversity but it is rather a non-political decision serving as a land reserve on which political actors can draw for individual future development project. Moreover, the deadlock theory and Bureaucratic Politic theory has helped explain that there is a strong tendency on breaking the deadlock by the civil society pushing the revision on Conservation Law 5 of 1990 to open more liberal involvement of community in conservation area (National Geographic Indonesia, 2016; FKKM, 2017). All policy instruments for community forestry politics show that it is remain non-decision, indicated by a hollow policy (see Table 2). While redefining production in the policies for community forestry. Although there is no clear direction on breaking this deadlock, contesting production under community forestry schemes in conservation zones, which was not previously possible, has now become justifiable and likely. Political actors in multiple levels of government have played their roles in breaking the deadlock to allow geothermal projects while limiting such opportunity for community forestry. The community forestry situation is unlikely to improve even with the President's popularous plan to expand the forest area under community control.

Timber utilization and the willingness of conservation bureaucracy do not allow for liberal zoning for community management politics. We can say that they open for community management as the result of long pressure from civil society (i.e. community forestry activists), but this also depends on conservation unit whether they would like to open it or not. Communities can access forest resources in conservation areas, except for timber utilization, through partnership conservation at special zone and traditional zone. But this so called community zone, which is proved our second hypothesis (H2) that active non-decisions about the land use, put by powerful actors.

Our results also proved our H3 that such non-decisions can at times be reconsidered and transformed into decisions when political power structure allow for this and the resulting decisions using momentum on allowing the utilization of geothermal followed by an effort for revising the conservation law. Table 3 shows the option on breaking the non-decision and its consequences as well as actors who benefit from the option (e.g. MOEF collecting more dominant information by not mobilizing their coercion power, it is only using the conservation bureaucracy formal administration system, see section 4.3. for the detail). They tried to break the non-decision but still keep the hollow policy in either implementation or enforcement (See Table 2). In the Tahura case, this fight also includes elites at lower level (District level).

Future research

1. budget track for the bureaucator fesearch conservation bureaucracy
2. Comparing to the growth of geothermal bureauracy

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RESPONSE TO THE REVIEWERS

Title: Deadlock opportunism in contesting conservation areas in Indonesia

Reviewer#1

The manuscript is substantially improved, and now offers a far more coherent, cogent, and useful contribution. Importantly, this paper now provides a succinct and well-articulated political ecology of social forestry in Indonesia through colonial and post-colonial periods. This is in itself a valuable piece of scholarship. The theoretical positioning is much clearer and certainly more effectively applied in the analytical process. I have some further minor suggestions that could be addressed before publication.

Reviewer#2

I got the opportunity to review your manuscript after revision. Yes, your article is not easy digestible. But it is well structured, it provides a clear research focus, a method and the supporting results. The topic is very interesting as well as your results. And I encourage you to continue with your research. All in all, I agree with your comments to the previous reviewers and from my side your manuscript is ready for publication. Well done!

Response:

We take this as encouragement and motivation from both reviewers, we acknowledge and highly appreciate their suggestion on the conceptual and operational framework, which are now well improved. Thanks also for the detailed comments with which the overall quality of the paper is greatly improved. Thank you very much

Reviewer #1

First, there could be a succinct explanation of the conceptual terms provided in the Introduction, and a more clearly articulated statement of the problem and rationale for the study.

Response:

We have made changes in the introduction following reviewer suggestions.

We also have:

- *deleted some sentences that are redundant (repeating the points that are already made).*
- *defined acronym when used the first time and use it throughout the paper (e.g. DG).*
- *changed some conservation areas terms into more local context with 'HK' – Hutan Konservasi'. We also identified that the word, "conservation areas" is used too many times. So we changed "conservation areas" to HK in some cases and deleted some when it was obvious we meant conservation areas.*
- *made some changes based in the purpose that wider readership can digest this paper or to avoid mis-understanding*

Reviewer #1

Second, there is room to make slight changes to the headings and structure, to space the manuscript's logical flow more effectively, and avoid the rabbit-hole scale of sub-headings.

Third, I am not sure that the figures (particularly Fig 1) are as clear as they could be - there might be merit in asking someone with Adobe Illustrator skills to reproduce these more effectively, since this is a paper that may well be read and cited for some time, and powerful graphics will support that outcome. Finally, there are still some minor issues with expression and grammar that could be addressed.

I have made specific notes on an attached file, and hope you will take these small suggestions as an encouragement to finalise the manuscript. A genuine improvement on the initial submission and a useful contribution.

Response:

Thank you very much for providing the detailed suggestions and comments in the track change file, we received most of the suggestions. Exception for the method section that reviewer suggest to include in the introduction, we think that we need to keep the method section so the reader can understand that this paper has clear method that can be replicate in the future research.

We agree with the heading and structure suggestion from reviewer, and we have addressed it with this revision. We also ask someone to re-shape our Figure 1 and Figure 2, and his contribution is added in our acknowledgement as well. We also provide graphical abstract anticipating wider readership digest this paper

Deadlock opportunism in contesting conservation areas in Indonesia,

Authors: Muhammad Alif K. Sahide, Micah R. Fisher, Ahmad Maryudi, Ahmad Dhiaulhaq, Christine Wulandari, Yeon-su Kim, Lukas Giessen

Abstract

In developing countries, conservation areas were designed for strong restrictions, protecting biodiversity and resources, and keeping people out. In Indonesia, over 18 percent of forests are designated as conservation areas. The allowable uses to these areas are extremely limited, and although there has been many policy interventions to support community and traditional uses, such efforts have always ended in a deadlock situation. This is due to the deep roots of bureaucratic politics originally defined to safeguard biodiversity, which remain deadlocked through the two major laws governing forestry and conservation areas. This deadlock has experienced a policy stand-off however, where recent permits for geothermal projects are allowed within conservation areas using the rationale that it provides an environmental service as part of global concerns for climate mitigation in Indonesia. This paper examines how a deadlock is maintained and broken through the justification of geothermal, and further explores the extent to which social forestry policies are allowed to break through the deadlock. Arguments and findings presented in this paper are drawn from content analysis, interviews, and long-term engagement among the authors observing conservation policy operationalization in Indonesia, both in Java and outside Java. Through our analysis, we propose *deadlock opportunism* as a way to highlight the processes that contest conservation areas, specifically among national actors and large scale investors that are legitimated through green and populist narratives, meanwhile hollowing out claims of community forestry. The results show that while relevant actors provide policy mechanisms for geothermal projects, they hollow out the same policy justifications in community forest management politics. Therefore, for the time being, although anticipation of breaking the deadlock through geothermal has initiated numerous policies and programs developed for social forestry, developments actually camouflage the underlying legitimacy of communities to participate in accessing lands within conservation areas.

Keywords: conservation politics; deadlock, community forestry, bureaucratic politic; geothermal; deadlock opportunism

1 Introduction

Conservation areas around the world have been politically contested due to overlapping, or often competing management objectives. One of the most frequent conflicts is between conservation and development objectives, especially those framed around meeting the needs of local communities (Yusran et al., 2017; Ma et al., 2009; Setiawan et al., 2016). While these policies are typically allocated to maintain nature protection and preservation functions, minimizing access or even completely prohibiting human activities, many countries applied zoning as a strategy to manage multiple interests within contested conservation areas. For example, certain regions are designated to accommodate both conservation and local utilization (Fearnside, 2003; Mulyana et al., 2010). However, studies show that zoning activities do not take place in a vacuum (Maryudi, 2015). The creation and decisions over access and control to

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Objectives :¶

In this study, we apply bureaucratic politics theory to examine the phenomenon of deadlock, specifically a dynamic we call "deadlock opportunism." This paper examines how a deadlock has been maintained over time in conservation areas, but that new developments legitimated through geothermal policies, presented opportunities to at least temporarily break the deadlock. Deadlock opportunism highlights the potential openings that allow the re-interpretation of some policies, while keeping them closed for others. ¶

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conservation areas are not always based on biophysical or scientific considerations. They are often results of political processes involving various actors, interests and power (Peluso, 1993; Peluso & Vandergeest, 2001; Adams & Hutton, 2017).

In Indonesia, 22.7% of all forest areas (about 27.4 million hectares) has been designated as conservation areas (MOEF, 2014). Management of these conservation areas evolved from strict preservation rules to a conservation model that allows some degree of acknowledgement of natural resource utilization to serve human needs. In the Indonesian context, Wiratno et al. (2001) argues that the terms forest preservation should be differentiated with forest conservation.¹ While preservation requires static maintenance of natural ecological structure (i.e. protection from use), conservation concerns safeguarding ecological functions (i.e. “proper” use). Therefore the conservation perspective opens up the possibility for utilization of natural resources.

In the last few decades, the vast land area under forest conservation designation in Indonesia has become a battlefield of competing interests. Political actors evaluate ‘proposals’ on conservation areas through policy negotiations to define allowable uses. Utilization arguments made in conservation areas are often supported by political actors pursuing their own interests. Conservation is thus redefined and interpreted differently by the political actors involved. In this study, we examine this conservation-utilization nexus, a politics driven by various actors and interests across several levels of government. Although there is a wide array of policy instruments being used to serve various interests, this paper focuses particular attention on the concept of deadlock and the application of ‘non-decisions.’ Historically, deadlock has been an important policy instrument because although regulations appear to allow some types of utilization in conservation areas, they are consequently hollowed out in their application.

Specifically, conservation zoning for multiple uses has been implemented in Indonesia since the 1990s, which aimed to manage multiple stakeholder interests. Law 5 of 1990, Government Regulation (PP) 68 of 1998, and a Ministerial Decree (P.56/2006) on guidelines for zoning conservation areas provided the early legal foundation for allocating special use zones within national parks. More recently, community forestry advocates and private mining companies emerged as the two main actors promoting forest utilization in conservation areas. Furthermore, as geothermal project development received greater attention and support, the Indonesian government also began experimenting with allowing sites in conservation areas under Law 21 (2014) and Ministry of Environment and Forestry (MOEF) regulation 46 (2016) (Bos & Brown, 2012). Although legally possible, utilizing natural resources in conservation areas has rarely been allowed because of the strict interpretations on conservation in Law 5/1990. The proposals for geothermal projects however, has broken the deadlock through political momentum under justifications that it provides an environmental service, helping to make the case for development in conservation areas.

Opening access for geothermal projects in conservation areas would allow what we call “liberal zoning”, which may expand the case to be made of other development possibilities. Liberal zoning may help open up opportunities for local communities to negotiate more liberal uses, for example, through permit proposals for community timber management schemes in conservation areas. Once the government allows geothermal projects in conservation areas, community forestry demands will also be

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

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made for access rights and utilization. In this paper we introduce the concept of deadlock opportunism, theorizing the mechanisms of historical non-decisions, explaining current breakthroughs as part of discursive elements observed as a comouflaging strategy for particular interests, and also highlight how deadlocks are re-applied once certain interests have been met (Sammon, 2008; Bachrach & Baratz, 1962).

To examine our hypothesizing of deadlocks, non-decisions, hollow policy, and the shift to deadlock opportunism in utilization of conservation areas, our research questions therefore examine the following:

- 1) What are the factors that have maintained deadlock politics in conservation areas in Indonesia?
- 2) How did geothermal open up the deadlock for allowable utilization in conservation areas?
- 3) To what extent has social forestry been able to succeed in making similar claims from the deadlock opening?
- 4) Who benefits and who loses from deadlock opportunism?

Overall, this paper examines how a deadlock has been maintained over time in conservation areas, but that new developments, legitimated through geothermal policies, presented opportunities to at least temporarily break the deadlock. Deadlock opportunism highlights the potential openings that allow the re-interpretation of some policies, while keeping them closed for others. The paper proceeds with a theoretical discussion of bureaucratic politics, examining the deadlock concept, and corresponding aspects of non-decision and hollow policies. In the subsequent section

2 Theoretical positioning: Bureaucratic Politics, Deadlocks, Non-decision, and Hollow Policy

2.1 Bureaucratic politics

The relationship between people and nature, in a conservation context, is highly political. It embraces issues of rights and access to land and resources, the role of the state (and increasingly non-state actors in NGOs and the private sector), and the power of scientific and other understandings of nature (Adams & Hutton, 2017). The concept of bureaucratic politics acknowledges that policy decisions are not always made by unitary, rational decision makers. For example those representing “the state” have little room for autonomous actions by individuals of high-level decision making within government agencies. This emphasizes that public policy outcomes often result from a process of bargaining among high-level decision makers (e.g. governmental actors) and/or different government agencies with varying interests, preferences, abilities and power (Durbin 2007). With this in mind, we understand that conservation areas policies in a bureaucratic politics point of view may have formal and informal mandates and objectives.² Furthermore, although agencies are formally mandated to serve the public, bureaucracies have informally created their own interests of enlarging staff and budgets, and strengthening their political influence (Krott, 2005; see also Wibowo & Giessen, 2015). However, the existence of a particular agency, with mandates and budgets also points to particular prioritization of an issue.

Ideologies related to utilization in conservation in turn determine the actions that actors undertake within the realm of administrative function and mandate. Viewpoints about conservation area management are multiple and continue to evolve. For example,

² see formal and informal interest bureaucracy in Krott (2005)

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To break the deadlock, competing interests need formal support and mandates from the bureaucracy on conservation management. From the legal-bureaucratic perspective, utilization in conservation areas needs the transfer of authority to the more production-oriented bureaucracy (add reference here?). Therefore, our main hypothesis is that although community forestry policy did not previously have a strong claim to the conservation zone because it is designated for protecting biodiversity, however, as political actors drew on arguments to support future geothermal development projects justified as providing an environmental service, that opportunities for community forestry in conservation zones will emerge under similar rationales.¶

In this study, we apply bureaucratic politics theory to examine the phenomenon of deadlock, specifically a dynamic we call “deadlock opportunism.” This paper examines how a deadlock has been maintained over time in conservation areas, but that new developments legitimated through geothermal policies, presented opportunities to at least temporarily break the deadlock. Deadlock opportunism highlights the potential openings that allow the re-interpretation of some policies, while keeping them closed for others. ¶

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while conservationists may define a conservation area as one without human interventions (Morelli, Tryjanowski, & Benedetti, 2016), politics may allow new mechanisms for utilizing reserve areas for other purposes (Stutzin, 1975). As Sahide & Giessen (2015) have raised, land use bureaucracies in Indonesia are divided into two traditional categories, i.e. the production-oriented bureaucracy and the conservation-oriented bureaucracy (also see Hirsch & Warren, 1998; Giessen, Krott, & Möllmann, 2014, Sahide & Giessen, 2015). Bureaucratic politics theory has expanded the recognition of eclecticism in public policy decision-making processes (Krott, 2005; Krott et al., 2014) including detecting the interests of conservation or production forest oriented bureaucracies at multiple levels and scrutinizing their supportive or obstructive behavior (e.g. the recentralization trend in Indonesian forest bureaucracies) (Sahide et al., 2016).

Although initially difficult to assess the growth of bureaucracy based on the convoluted indicators of budget portion and structural mandate, in this article we have assessed political influence based on the level of organisation. The signposting evident in the evolution of bureauratic offices and the priorities assigned to their function indicate varying degrees of power and influence. For example the lowest level (a task unit) within a bureaucracy will have much less power to enact and influence programs compared to the highest level (directorate general).³ Overall, our approach to identifying levels of prioritization in bureaucratic politics provides an entry point for observing power inherent in conservation bureaucracies over time (discussed in section 3.1, below).

2.2 Deadlock

We developed the 'deadlock' concept based on our reconstruction of policy cycle theory introduced by Krott (2005) in that a 'deadlock' occurs when actor(s) block the policy cycle due to particular actor interests. According to Krott (2005), a well-established policy program consists of three-phases of problem-solving elements including policy formulation, policy implementation, and policy evaluation and monitoring. We add one more element based on Yusran et al.'s (2017) research that indicates an additional post-implementation step. In this crucial additional element suggested by Yusran, decision makers have the option to enforce implemented programs or relegate it only to formal spheres of implementation without field applications and enforcement. We further describe this aspect in the discussion of hollow policies below. Therefore, we have 4 key elements in the policy cycles, which help us to identify deadlocks, non-decisions, and hollow policy. Figure 1 shows the cycle beginning with policy formulation, which determines the issues to be resolved and standardized solutions in the form of programs; second, policy implementation, which entails the practical application of formulated programs to the issues; third, policy enforcement, which assesses policy making chosen by actors to enforce, making the policy solidly implemented; and the fourth is policy evaluation and monitoring, which assesses the formulation and implementation of a program

A decision making deadlock can occur at various stages of a policy cycle. For example, a deadlock may occur due to confronted actor interests. Political actors may not follow a policy recommendation because of strong external factors (e.g. national or other sectoral interests). In this case, the deadlock can be resolved by ignoring the external agenda. As highlighted earlier by Yusran et al., (2017) and Krott (2005), a

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policy is not always implemented; it could be blocked from its formulation, implemented, or implemented without enforcement. This policy cycle (formulation – implementation – enforcement – evaluation) is often left to the discretion of the related administrative actors, whether they provide effective application of a policy or render it a hollow policy. Powerful actors throughout the cycle could therefore institute non-decisions, potentially break non-decisions, or sustain existing non-decision by creating a hollow policy to achieve their effective interests. We highlight the policy cycle utilizing Matland’s typology (1995) and include the various decisive points throughout the cycle in Figure 1 below.

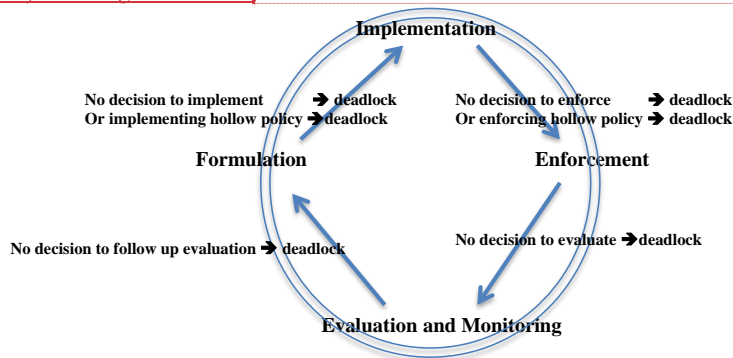


Figure 1: How non-decision power and hollow policy potentially leads to deadlock or blocking the forest policy cycle.

2.2.1 Non-decision

‘Non-decision’ is defined by Bachrach & Baratz (1963) as “the practice of limiting the scope of actual decision-making processes to ‘state’ issues by manipulating dominant community values, myths, and political institutions and procedures.” Using this definition we can appreciate that non-decisions exist as tools of power when dominant values among the most powerful actors forcefully and effectively manipulate the situation in order to prevent certain grievances from developing into full-fledged issues resulting from forcing a decision.

Wolfinger and colleagues (1968) further expand ‘non-decision’ as a notion of ‘power structures.’ Non-decisions in public decision-making therefore, are, often used interchangeably by those that hold power and influence. Power here means the ability of an actor to shape a political agenda according to its own interests, even when facing resistance from opponents or other actors (Krott et al. 2014). Weber describes it as the ‘probability that one actor within a social relationship will be in a position to carry out his own will, despite resistance’ (Weber, 1922, p. 152). In this paper, we focus on the coercive form of power as well as the (dominant) information power by looking at formal responsibilities and investigating actors basic interests shaping the conflict over conservation area in the emerging claims between community forestry and geothermal development politics.

The non-decision instrument is also rooted from non-regime studies in international relations (Singer & Giessen, 2017), which emerged from hollow policy dimensions in public policy studies. In the non-decision/hollow policy scenario, the example of negotiations with indigenous peoples represents one of the most critical areas for the long-term future of natural ecosystems in the region (Fearnside, 2003). in

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which land is seemingly related to communities but still under the bureaucratic decision making powers of the state. Therefore, in this framework, long term decisions that might emerge as populist priorities are initiated but in turn are translated as non-decisions, that are useful for some actors to exercise their power, which in this framework highlights powers of coercion and information at play. Decisions over access and control over forest areas (e.g. conservation areas) are often results of political processes involving various actors, interests and power (Peluso 1993; Peluso & Vandergeest 2001; Adams & Hutton 2007). The hollow policy, as we will explain shortly, opens up the space for a policy initiative but foregoes the responsibility of actually fulfilling such commitments.

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2.2.2 Hollow policy

In this paper we further develop the concept, dynamics, and heuristics of hollow policy, referring to the governance actions – either formal or informal – that are insubstantial, or tokenistic (add reference here). We focus on policy implementation and policy enforcement elements, based on Yusran et al.’s (2017) notion that implementation and enforcement are the key factors exposing the degree of access of a certain policy derived by actor interests. Other empirical evidence from implementation approaches can also be seen as an early measurement of further and more detailed enforcement (Kaimowitz, 2003; Wertz-kanounnikoff, 2005). We generate our own typology on hollow policy to explain what we mean, as detailed in Table 1. The table below explains the varying degrees of rules (policy-rule dimension) with the corresponding levels of implementation (enacting dimension). The combinations and degree to which the hollow policy dynamic persists helps to showcase the pathways for deadlock opportunism to allow the enactment of certain policies, while shutting off others. In the following sections we detail our methods prior to returning to the emergence of deadlock opportunism.

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Table 1 Indicators of hollow policy and management as resources of non-decision policy instrument.

I. The operational concept of hollow policy based on dynamic's of implementation and enforcement			
Policy - Rule dimension		Enacting dimension	
Code	Explanation	Code	Explanation
A1	High rules (e.g. Laws) without medium and detailed implementation rules	B1	No implementation
A2	Medium rules, or rules without strong support from basic laws	B2	Implementation without enforcement
A3	Detailed rules, without support from medium and high laws	B3	Implementation with enforcement

II. Gradation degree of hollow policy and its explanation		
No	Gradation degree	Codes' Combination
1	Non-hollow policy (toward effective policy)	
	First level	A1+B3
	Second level	A2+B3
2	Medium hollow policy	
	First level	A1+B2
	Second level	A2+B2
3	Pure hollow policy	
	First level	A1+B1
	Second level	A2+B1

2.3 Operational concept: the flow of narrative explanation

To simplify for our reader, we draw three levels of narratives to explain our finding and highlight our operational concept. Drawing from the concepts presented in earlier sections, in this paper we present our results using a conceptual framework (Figure 2). At the outset, level A flows in a circular stream in that Indonesian conservation policy growth follows a bureaucratic politics logic. By growth we mean changes from a policy of full preservation, for example, a park that has limited political articulation beyond its protection as an essential part of the national forest bureaucracy, to one that develops clear mechanisms that allows for various zoning. However, since the beginning this p It is naturally naturally and operated hollow, which lead to competing interest, then deadlock. Conservation hollow, menyebabkan competing interest means BP, lalu deadlock. Tapi hollow ini bisa jadi akar (hollow) bisa jadi akibat juga dari BP

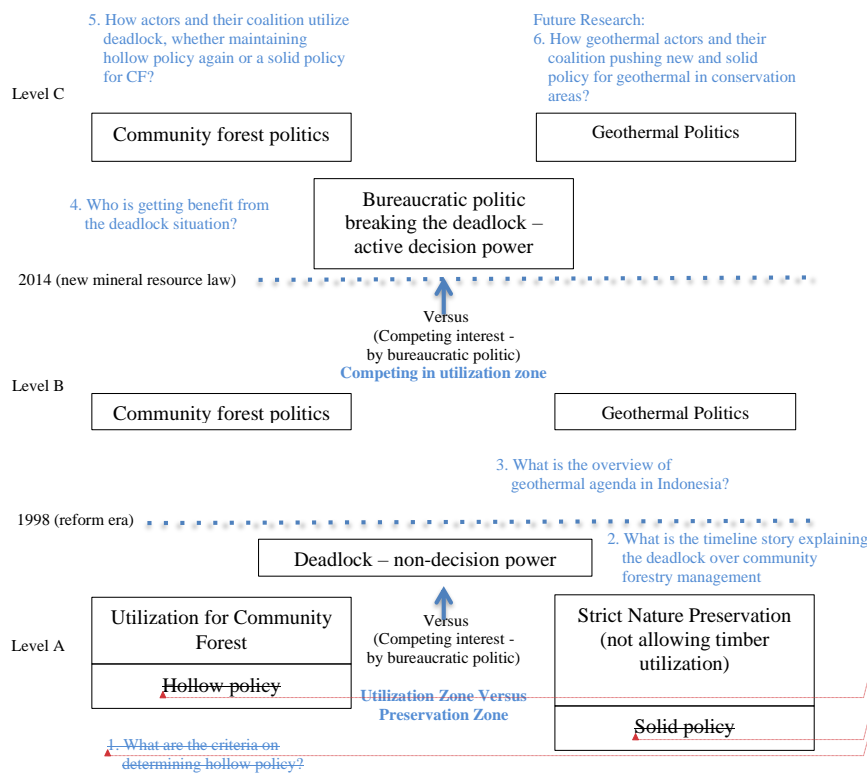


Figure 2: Theoretical and Operational Conceptual Framework

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3 Research Methods and Corresponding Results

Data collection methods used in this research include content analysis, interviews, and observations from our long-standing experiences closely observing conservation policy operationalization in Indonesia, at the national level in the Ministry of Forestry (MoFor), and regionally both in Java (third author) and outside of Java, in Sulawesi (first and second author) and Sumatera (fourth and fifth author). Direct involvement among these authors could reduce reliability. However, objectivity and validity are ensured through triangulation by our investigators that examine developments from outside the arena of Indonesian conservation (sixth and last author). Interviews and observation data are included as footnotes. Furthermore, data triangulation is also operationalized by cross-checking various supporting documents, official website information, news, and positional journals.

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3.1 Level A: History of non-decision in conservation forest politics

3.1.1 Historical description of conservation bureaucracy politics

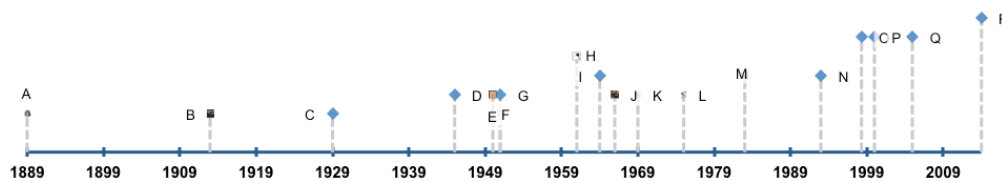


Figure 3. Time line of conservation bureaucracy in Indonesia.

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Code	Year	Bureaucracy growth momentum
A	1889	Establish natural forest park in Java (pushed by Dutch researcher)
B	1913	First Natural forest park established outside Java (Ambon)
C	1929	Appointed direct conservation unit
D	1945	Part of general task of Forest Agency, Under Ministry of Prosperity
E	1950	Fragmented into Forest Agency and Forest Parks in Indonesia
F	1951	Under Nature Protection Section
G	1951	Under Nature Protection Division
H	1961	A unit (like Directorate) under Forestry DG of Ministry of Agriculture
I	1964	As the section under division / directorate general under Ministry of Agriculture
J	1966	One section under forest development/Pembinaan hutan (Ministry of Agric)
K	1969	One section under forest protection & natural reserve (Ministry of Agric)
L	1975	Under Directorate of forest protection & natural reserve (MoA)
M	1983	Under Directorate General Forest protection & natural reserve MoFor/Departemen Kehutanan
N	1993	Sub directorate ecosystem conservation management, of Directorate Forest Agency
O	1998	Under Directorate General Forest protection & natural reserve MoFor and Plantation

P	2000	Under Directorate General Forest protection & natural reserve MoFor and Plantation
Q	2005	Under Directorate General Forest protection & natural reserve MoFor and Plantation
R	2014	Under DG nature and ecosystem conservation

Level of bureaucracy: As a **task force** (small committee unit) =1, As the **unit** responsible for specific conservation task =2, As the **section** under division of directorate general =3, As the **division/directorate** under Directorate General = 4; As the **directorate General** focusing in conservation **mix with other** issue element and directly under Ministry = 5, As the **Directorate General focusing only** on conservation issue element and directly under Ministry = 6.

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3.1.1.1 *The Dutch colonial era: The birth of a conservation tradition, as small species protection.*

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The current nature conservation strategy in Indonesia can be rooted in the approaches developed by the Dutch Colonial Government whose approaches on conservation typically aimed at protecting certain species, particularly the ones with a relatively limited range and/or with the potential for exploitation (Setyowati et al., 2008; Peluso and Vandergest, 2001). In other words, the main interest of the bureaucracy was always for economic returns (MoFor, 2005). Dutch colonial era conservation approaches were typically shaped in the form of creating conservation zones which strictly prohibited human activity, known as the 'Yellowstone model' (Dunggio & Gunawan, 2009) and backed by various legal provisions such as *Staatblad* 1941 No. 167 (*natuurbeschermings ordonnantie*) (Setyowati et al., 2008), *Agrarische Reglement* for outside Java and Madura island (Nurjaya, 2005). The empirical legacy of the Dutch colonial conservation approaches can still be found in forms of Botanical Gardens (e.g. in Bogor) and Nature Reserves in Java, Sumatra, Kalimantan, Sulawesi, and Papua (Wiratno et al., 2001; MOEF, 2005; Goss, 2011).

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Establishment of 'small' natural reserves for protecting certain species historically emerged from the expansion and influence of the biologist movement in the Dutch East Indies which influenced the Dutch East Indies Government that had previously emphasized forest management merely for economic interests (MoFor, 2005). In other words, since the beginning, 'conservation' as a land reserve of the government was promoted and shaped by interactions with non-state actors (in this case biologists) to expand argumentation that justified the expanded reach of the state. In turn, however, such justifications were easily utilized by the Dutch government to serve their interests to control resources while also projecting future land development purposes. A geologist interpretation could be formulated in similar terms. For example, the control of particular landscapes could also be justified by the potential expansion of management authority over these lands.

3.1.1.2 *Soekarno era (1945-1966)*

During the transition to independence, much of the Indonesian bureaucracy reshaped itself around its bureaucratic antecedents from the Dutch colonial state (Anderson, 1991). President Soekarno presided over an Agricultural Ministry that insisted that *Staatblad* 1941 No. 167 (*natuurbeschermings ordonnantie*) and *Agrarische Reglement* from the colonial era were still valid and re-operationalized. The colonial parks institutions evolved into a small unit within the Ministry of Prosperity during the early years of Indonesian Independence. It was part of, or under the forest research bureaucracy from a preceding era, which then changed following political transition and new interests among influential actors. However, at the outset there was no clear formal forest conservation mandate for species conservation, except for

conserving soil for protection based on PP No. 1/1951 (Nurjaya, 2005). In addition, the new Ministry of Forestry was established, taking from existing units in the Ministry of Agriculture overseen by the Dwikora Cabinet of 1964, which had particular interests to ensure that forests were managed for social prosperity (Nurjaya, 2005).

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3.1.1.3 *The New Order era (1967-1998): Defining zoning and camouflaging the timber and mining booms*

The birth of the zoning instrument

During the Soeharto era, state territorialization took place by demarcating state forest areas under the Consensus of Forest Land Use (TGHK), aimed at securing timber extraction in production forests (HP), protection forests (HL), and forest conservation areas (HPK). HPK, enforced by the conservation bureaucracy, successfully raised funds through programmatic commitments from international collaboration, and combined conservation with the bureaucracy on forest protection. Conservation areas were however, made to camouflage government interests to reserve it for future extraction. While setting aside conservation areas, the New Order camouflaged massive targets on natural resource extraction and conversion for development outside conservation areas (i.e. production forest). Environmentalists, and conservation-oriented international actors had no space to work on production forests at that time, further entrenching the protection oriented primacy of conservation forests.

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Law No. 5 (1990), and Conservation Law and PP 68 of 1998, formally mandated National Park management through a zoning system which may consist of a core zone, a utilization zone, and other zones depending on a particular justifiable necessity. These zoning categories indicate that utilization in conservation areas was thereafter made possible, expanding potential future state interests in utilizing conservation areas. Zoning categories provides a marker into the tandem relationships between the central regulating law in forestry (termed the Basic Forestry Law) and Law 6 (1967) about domestic capital, as well as Law 21 (1997) on forest concession mechanisms.

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International influence accommodating local utilization zones

Responding to pressures from the international forest conservation regime (e.g. The Convention on Biological Diversity), the New Order government sought to formally ally with, and attract international attention by expressing Indonesia's interests to kickstart development in parallel with a clear conservation agenda. The Ministry of Forestry officials at that time actively collaborated with numerous influential International actors, such as (1) the United Nations and the World Bank (FAO, UNESCO, UNEP) e.g. on national park programs, (2) Multilateral treaty organizations (Colombo Plan, OAS, EEC), (3) International NGOs (IUCN and WWF), and (4) Bilateral relationships (CIDA - Canada; DANIDA - Denmark; USAID; DGIS - Netherlands) e.g. the School of Environmental Conservation in Bogor, Indonesia (Basuki, 2015; Dunggio & Gunawan, 2009; Retno, 1998).

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With these strong international relationships and projects on conservation, numerous efforts and programs were undertaken to integrate conservation with development (Retno, 1998, Dunggio & Gunawan, 2009), especially during the period that community based natural resource management was promoted as an approach to involve local communities (also known as social forestry) (Gilmour, 2016; Zerner, 2000). Community engagement in conservation also began to take place in and around national parks, initiated by the 1993 World Commission on Protected Areas (WCPA)

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Congress held in Caracas, Venezuela in 1993 (Dunggio & Gunawan, 2009). The Congress instructed that the management of protected areas cannot only be managed by a single institution, but must also involve various stakeholders, especially people living in the area. Therefore, management approaches that included participatory elements and joint management arrangements, evolved so that forest management could include communities in conservation.

The 1980s and 1990s also show the growing influence of transnational NGO advocacy for nature and society (Brosius et al., 1998). This has contributed to development of international conservation standards like High Conservation Value (HCV) and the involvement of communities through mechanisms like Free and Prior Informed Consent (FPIC). The HCV standard was established as a management system that aims to ensure crops are used or extracted in a sustainable manner, and to maintain the socio-cultural and environmental aspects of outstanding resources. (see HCV standard in Forest Stewardship Council (2015)).

While isolating conservation forests with international projects, concomitantly, logging exports began to boom in production forests, becoming the second largest economic income generator for Indonesia after the oil and gas sector during this era (Sahide and Giessen, 2015). Government concerns revolved around facilitating the necessary infrastructure development for the timber sector (Sahide et al., 2015). The New Order era also institutionalized social programming across these development landscapes by trying to homogenize ethnic groups (Li, 2001). One example from Sumatera conservation projects also highlights the approach of conservation and community as it is different from the contemporary paradigm. The practical context in which programs were proceeded with the ‘common sense’ viewpoint is that “if there were no tigers and elephants then it was appropriate to proceed with mining.”⁴ This is different from the contemporary conservation ethos, which promotes alignment with local indigenous values on protecting local community as the rhetoric for keeping local management in forest conservation. Another example with similar narratives is poignant, in which the Trenggense community were also taken out of conservation areas in the National Park area (Purnomo et al. 2010). [This means that conservation is only a legal category of land for conserving land reserves, generally and informally retained for lucrative future development projects].

3.1.1.4 Post Soeharto era

Hollowing management responsibility in production and protection forests, while actively securing conservation forests

The post-Soeharto era created stronger institutions to manage conservation areas by increasing the profile of bureaucratic responsibilities into a singular unit under the formal platform as a Directorate General under the Ministry of Forestry. Although decentralization policies were applied across the Indonesian bureaucracy after 1998 (including in the forestry sector) the conservation bureaucracy on the other hand, became stronger and more centralized (add reference here).

After the fall of Soeharto in 1998 and the move towards decentralizing state policy, previous suppression of local communities by strong security forces (i.e. military, police) resulted in the emergence of conflicts that were previously ‘latent’ (Yusran et al., 2017). In the early reform years numerous local actors demanded and successfully contested unlimited access to the use of forest resources (Resosudarmo, 2004).

⁴ Interview with one NGO working for conservation in Sumatera in 24 October 2016

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In the early stages of the reform era in Indonesia (between 1998 - 2005), state forests had become widely contested by new policies increasing the authority of local governments (i.e. decentralization), as well as eroding rules that opened access for rural communities (Resosudarmo, 2003). There are two main actors that demanded and gained widespread access to forests at that time, which in turn led to significant deforestation. First, local communities gained access to forest products, including timber, through illegal networks, and consequently began to build in areas that were previously restricted (Purnomo et al., 2010). Strict enforcement did however continue in conservation and protection forests (Sahide & Giessen, 2015). Liberal zoning policies were negotiated in forest areas, including National Parks, which allowed for the creation of special zones or traditional zones for local community activities under the discursive shift to social forestry. In this way, community members were able to gain access to various forest products, including timber, and also allowed to build in areas that were previously restricted (Purnomo et al., 2010). This is true except for timber extraction in conservation forests.

Second, private actors also gained wider opportunities under decentralized mechanisms, particularly through the district government's authority to legally grant small-scale concession licenses in forest areas (e.g. timber concessions and mining). This authority was curbed in 2002 however, due to its relation to widespread forest and land clearance (Tacconi et al., 2004; Sahide et al., 2016). Local communities have had even less legal power in utilizing forest resources, particularly in conservation areas (Sahide and Giessen, 2015).

Along with decentralization policy, the new Basic Forestry Law (Law 41), enacted in 1999, contained clauses and formal mandates for community empowerment and people's welfare. This presented the opportunity for indigenous and local community activists to redefine clauses on community forestry. Decentralization also provided an opportunity for local governments to manage natural resources and forests without direct intervention from the central government. Moreover, the appointment of Prof. San Afri Awang as the head of the Directorate General (DG) of Planning at MOEF in 1997, who previously worked as an activist at the communication forum for community forestry (FKKM), contributed to the creation of a new DG position for Conservation Forests (Hidayat, 2008: 166).⁵ The establishment of the first formal DG-level Conservation bureaucracy has also become the vessel for the indigenous peoples movement to make claims alongside community forestry activists (Bettinger et al., 2014). The formal bureaucracy was borne due to the demands and contestation by the alliance promoting social forestry.

Conflict in the national park occurred because conservation management (like national parks) was the only institution that enforced the law (e.g. restricted public access) (see Yusran et al., 2017; Dunggio & Gunawan, 2009). This was different from production and protection forests (administered by district governments) which still can be accessed by communities despite it being against the law. The massive 'illegal' access to production and protection forests could not be hindered because of the sense of euphoria from decentralization reform after the fall of the authoritarian regime. Therefore, the district and local government neither had the management capacity nor the interests to manage the forest. Production forests therefore, were transformed by handing out mass legal timber and mining concessions, while both protection and

⁵ See book "Politik lingkungan: Pengelolaan hutan masa Orde Baru dan reformasi" page 166. Available at <https://goo.gl/4mrjE>

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production forests were flooded by unrestricted public access. We call the management responsibility at this time a hollow policy because although forests were designated as a particular type of forest with an associated set of procedures, in practice these procedures were largely ignored (Sahide et al., 2016). Changes in forest management responsibility through decentralization in Indonesia have therefore become a major contested public resource (Wulan et al., 2004; Purnomo et al., 2010). As a result, conservation forests are the only forest institutions that still maintain a high degree of functionality and management protection responsibilities, as the central government have maintained their authority in these areas.

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The intact condition of conservation forest ecosystems are often used as a strategic rationale for governments to ally with international norms. The rapid land use change occurring in Indonesia in the past two decades (Hansen et al., 2013) has foisted Indonesia into the international spotlight as a forest destroyer.

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Conservationists generally believe that stable ecological conditions would be achieved if human interventions were limited (if not fully restricted) in conservation areas. The implications of this restriction are that local communities will be increasingly marginalized if they are unable to acquire the right to utilize forest resources. It is commonly understood that the number of communities who depend on forest resources in Indonesia is very high (Mccarthy & Robinson, 2016). Therefore, the narratives of community control and conservation converge in the zonation management of conservation areas.

To maintain its control of conservation forests, the central government still has not transferred the authority on conservation forests to regional governments. Such policies were maintained even in the rapid shift to decentralization that took place since 1999.⁶ Our argument is that the current shifts in bureaucratic politics highlight the potential for challenging the uses in these conservation forest zones, but as we will show, that these openings happen in the context of full access for some, and in hollow terms for others. In the following sections we explain how the narrative of environmental services was used as justification for geothermal projects, which in turn also opened up opportunities for community forestry to contest these zones.

The role of international donor organizations

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The conservation ethos has been imprinted on programming through the activities of international programs. International efforts on linking conservation with community uses have had strong support by international actors and institutions (Brosius et al., 1998; e.g. in the Mesoamerican region as described by Harvey et al., 2008). An example is the United States Agency for International Development (USAID)’s long support (since 2007) for conservation both in policy and practice such as supporting *Model Desa Konservasi* (Antara, 2008). Since 2007, the DG Conservation of MOEF in collaboration with the USAID funded Environmental Services Program (ESP), have been developing village conservation programs in 16 conservation areas in 5 provinces, including West Java, Central Java / Yogyakarta, East Java, Aceh, and North Sumatera Utara, as well as conservation policy making processes at the local level (USAID Indonesia, 2010). Additionally, there has also been an effort in revising Indonesian Conservation law e.g. BIJAK USAID Program⁷ in collaboration

⁶ Except for a small authority for forest park (*Tahura*) allowed managing by district government

⁷ One of the important part of BIJAK-USAID scope of works is providing support to facilitate “policy communities” to review and prepare input on several policies which related to biodiversity conservation, forest managements, wildlife, and sustainable landscape

with the Working Group Conservation Policy and FKMM. Such examples show that pro conservation actors have strong alliances with community forest politics.

Furthermore, conservation has been politically perceived as a disincentive for whole forest management. Conservation is often associated with international donor aid, rather than as a business-oriented venture. Interestingly these international projects have significantly enhanced the conservation bureaucracy to work with local communities that live outside conservation forests, or those that live in the buffer zone.⁸ Community empowerment activities at sites within conservation forest areas however, are still few and far between. These examples show how the ideologies of conservation and development are defined by the programmatic aspects of international aid projects and objectives, while being reinterpreted and reshaped through government programs.

3.2 Justifying geothermal in conservation zones: Breaking the deadlock

As of 2016, there were 265 potential geothermal sites in Indonesia, with the potential to produce more than 28,000 megawatts, or equivalent to about 40% of total geothermal potential in Indonesia. However, Indonesia has only realized 5.12% of all of its geothermal potential (approximately 1,513.5 megawatts) (MOEF, 2017). Potential geothermal locations for development highlight large potential of electric power production from 17 conservation areas (Ekowisata.org, 2014) which amount to 70% of total Indonesian conservation areas (Hakim, Fauzi, & Ekayani, 2014). As of 2017, MOEF issued environmental service licenses for geothermal projects to PT. PGE-CGS, Ltd in Gunung Halimun National Park that produced 377 megawatts (MOEF, 2017). The project was approved on justifications of providing an environmental service and stipulated detailed environmental impact statements and ecosystem management plans to protect surrounding areas.

On the success of this initial project, MOEF staff responsible for overseeing geothermal development have now developed a detailed map of geothermal potential in Indonesia. In partnership with preliminary surveys by the Ministry of Energy and Mineral Resources (MOEMR) there are several conservation areas that have geothermal potential (in 6 National Parks and 33 Nature Reserves) such as Gunung Leuser National Park (NP), Kerinci Seblat NP, Bukit Barisan Selatan NP, Gunung Halimun Salak NP, Gunung Ciremai NP, and Gunung Rinjani NP. The potential areas are either located in the core or utilization zones. In Gunung Leuser NP, for example, geothermal potential is located in the core zone, while in other NPs, uncharted potential geothermal locations are in utilization zones⁹. The framework for justifying Geothermal activity in conservation areas are allowed on the premise of providing an environmental service obtained through a utilization permit articulated in PP No. 108 of 2015. Permission is only given to areas other than the jungle and core zones. The locations of many of the geothermal sites, however, are in the core zones, initiating further efforts to push the envelope of possible allowances to utilization beyond areas that were zoned for potential utilization (Mongabay, 2016b).

In 2017, MOEMR released new data indicating that geothermal distribution potential is located outside the state forest area at 145 locations with a total potential of 12,176 megawatts (see Figure 1, below). However, senior staff of MOEF are also excited about potential development possibility. MOEMR's reporting (2017) also explicitly expresses that the renewable energy potential of geothermal and the broader environmental benefits for climate mitigation provide the foundation for receiving

⁸ Interview with NGOs in Jakarta on 15 December 2016 during a workshop for revising the Indonesia conservation law

⁹ Interviews with staff at the sub-directorate of geothermal energy at MOEF in November 2016

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support from environmentally/conservation-oriented institutions, framing their arguments as broader environmental benefits that far outweigh the site-specific impacts.

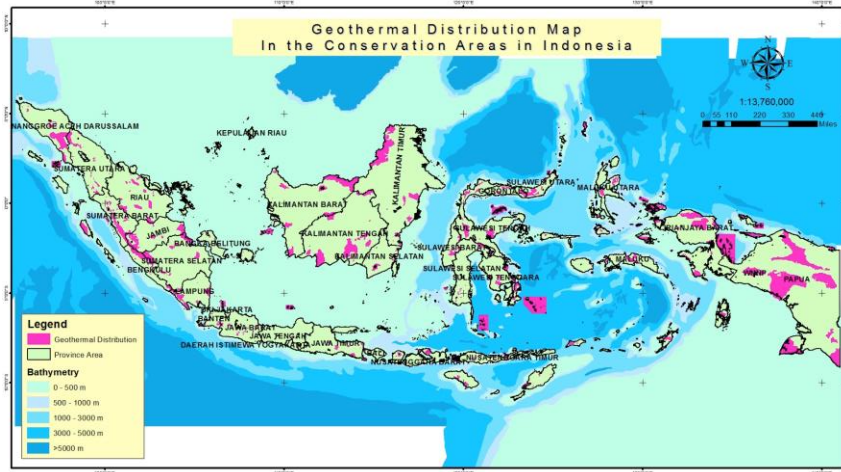


Figure 1: Map of Geothermal Potential in Conservation Areas (MoEFoI, 2016)

3.3 Utilizing the deadlock: Conservation versus liberal zoning, and its consequences

3.3.1 Re-establishing hollow policy in social forestry

As explained in previous sections, the deadlock in utilizing conservation areas remained a longstanding non-decision geared towards maintaining conservation areas. For a long time, although numerous lower level regulations often sought utilization activities in conservation areas the clash of interpretations from the umbrella laws (Law 5 / 1990, in particular) always provided overarching justification to maintain a strict preservation-oriented interpretation of conservation areas. Specifically, until geothermal politics intervened in Law 21 (2014), which was further supported through justifications in MOEF regulations, no pathways had yet existed for a clear articulation of implementing liberal zoning in conservation forests.

A deadlock policy situation had been broken by geothermal, through a combination of green narratives and powerful alliances, creating the opportunity to allow liberal utilization. This also opened up the possibility for proponents of community forestry to also make similar utilization claims in conservation areas. The government now has legal precedence to force MOEF to conduct liberal zoning in conservation forests, such proponents claim, but if they did it, then every new investment in the country which need a small conservation forest may face resistance from local population. If, for example, industrial zones in a district serve to take away community rights, local populations will likely view this as an extremely unfair practice. Such allowances for

Conflicts in Indonesia's national parks exhibit different types and levels of intensity (Yusran et al., 2017). Potential conflicts may arise between geothermal projects and local communities. For example, the case described by Hadiprasojo (2015) regarding recruitment of local employment at the Geothermal Power Plant (PLTP) run

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by Chevron Geothermal Salak (CGS). The project raised potential conflict between local communities due to jealousy over receiving differentiated treatment among different villages on employee recruitment, which resulting in uneven village development (Hadiprasojo, 2015).

In another way, pro-conservation policy can be in the opposing side of community forest practical politics, led by the simplistic conservation oriented bureaucracy. The conservation bureaucracy do not like illegal community utilizing conservation areas because they consider conservation areas the last defense of Indonesian forestry. Considering that production and protection forests have been massively attacked by illegal extraction activities, they make conservation as their last defense.

Furthermore, environmentalists are concerned that geothermal can trigger small or micro-earthquakes (Bromley & Majer, 2012). This is in line with the perception of community around a geothermal power plant in Mount Halimun Salak (i.e. PLTP-CGS) which has experienced several minor earthquakes that occurred since the geothermal project was operated (Hadiprasojo, 2015). Other questions raised, how this geothermal can affect native or local species due to environmental impacts of the PLTP operation.

The Constitutional Court, as a decision making instrument, has also played an important role in terms of legal aspects related to land authority. The Court in particular has caused significant changes in community forestry and land politics. Constitutional Court Decision 45 (2011) mandated that the state forest area should be gazetted (not only designated). Consequently, Constitutional Court case 35 (2012) mandated that the state release customary forest from the state forest category, opening up the potential to contest widespread land administered by MOEF. Furthermore, Constitutional Court decision 95 (2014) mandates that the state accommodates traditional rural activities in state forests. At the same time however, there are legal barriers in the implementation such as MOEF regulations and instruments making them unable to release territorial areas of state forests (Sahide and Giessen, 2015). Strict interpretations of indigenous communities have also pushed back against the potential 'release' of lands from the forest estate, creating new regulatory practices onerous for indigenous communities to fulfill (Fisher et al., 2017).

Community forestry politics continues to evolve in the existing bureaucratic politics to negotiate the management of community forestry with MOEF mandates. After decades of legal infighting, MOEF has finally recognized nine customary forest sites at the end of 2016 and part of presidential commitments and national development priorities, an ambitious target of 12.7 million hectares of state forest are to be allocated to communities under social forestry schemes (HUMAS SETKAB RI, 2016). Meanwhile, pressing or releasing state forest areas to become non-forest areas for community has been part of the formal political agenda through identification of the so-called land objects for agrarian reform (TORA/Tanah Objek Reformasi Agraria) that aims to redistribute 4,1 million ha of state forest for communities.

Therefore, conserving the deadlock to maintain traditional strict conservation for community while letting private actors utilize conservation forests is not possible at the moment. Therefore, the conservation bureaucracy began to open up the opportunity for both sides, but in turn, hollow regulations were created thus making it effective depends on the particular presence interests.

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3.4 Deadlock opportunism: Opening the door for geothermal and the hollowing of social forestry

Describing non-decision over community forestry management in conservation forest politics in Indonesia. Breaking the deadlock: effective policy for geothermal politics but hollowing policy for community management politics

Geothermal development and the opening up of social forestry mechanisms created dilemmas for conservation forest areas. On the one hand, geothermal projects have been accommodated through a “green” lens that sees geothermal having the potential to reduce reliance on fossil fuels and promote more sustainable development, despite it is also an invasive mining practice with a clear land footprint. On the other hand, as described above, social forestry proponents have utilized the momentum of the growing conciliations being made to communities for more equitable development. Environmental arguments were also used particularly the continuing perceptions that communities (particularly forest dwelling, traditional, and indigenous communities) are better stewards of the environment. The successes of both objectives were mobilized by multiple actors and then formally accommodated through geothermal as an ecosystem service and the aforementioned social forestry jargons.

At the end of Susilo Bambang Yudhoyono’s administration (2005-2014), non-decision situation for geothermal development had been broken by the passage of law 21 (2014). Joko Widodo, Yudhoyono’s successor and current president, also instructed (through MOEF and MOEMR) to follow up on the policy by specifically overseeing its implementation and enforcement.¹⁰ The rationale for the close monitoring of geothermal policy is also situated within an ambitious energy production target promoted by President Widodo to achieve 35,000 MW in his first term.¹¹ The target is more ambitious compared to previous administrations which committed to achieving only about 10,000 MW.

MOEF has issued regulation 46 (2016), which provides a clear guideline for geothermal development, serving as an ecosystem service venture. MOEF now only needs to revise their conservation forest zonation, especially for geothermal sites that still exist in the core zone. The ambitious target has encouraged MOEMR to find innovative development programs for new potential areas of energy development as well. MOEMR is also following up on the potential that geothermal energy can become the most promising new renewable energy development (EBT). In 2016 alone the projected progress sought to achieve 215 MW as a result of programs cultivated seven years ago (Prodaya, 2016). MOEF and MOEMR now put policy synchronization of geothermal policies on their urgent agenda.

‘Community’ is formally everywhere, but realistically nowhere.

Strong commitment to geothermal policy has not necessarily followed in step on community forest politics in conservation areas. Although there is a commitment from the government to allocate 12.7 million hectares for social forestry, including social forestry in conservation areas, these are still perceived as ‘public relation’ strategy, indicated by lack the support of the conservation bureaucracy on the ground. Table 2

¹⁰ Interview with former staff of MoEFor that directly involve with geothermal politics negotiation (Interview taken in MoEFor building in 24 October 2016)

¹¹ Formally mandated in State Medium National Plan 2015-2019 *Rencana Pembangunan Jangka Menengah Nasional (RPJMN) 2015-2019*

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below provides multiple social forestry policy instruments in conservation areas that actors provide and use to indicate that in its current form it is still a hollow policy.

Table 2. Hollow policy situation in Indonesian conservation for community management politics

Policy instrument	Hollow situation			
	Rules and mandate	Timber utilization issues	Implementing actors' treatment	Gradation degree of hollow policy*
1. Collaborative management: multiple actors collaborate with conservation bureaucracy unit to maintain conservation-based activities, ensuring community participation, and multiple actors dialogue in MOEF regulation 19 (2007)	Clear formal rule, but impossible to accommodate multiple stakeholders' interest in the management.	No clear mandate to allow community for extracting timber in conservation forest	Only work if there is strong non-state actor(s) funding meets with a showcase of collaboration interests, and the head of the conservation unit (e.g. national park) that is willing to do so	A2+B1 (Pure hollow policy)
2. Special zone: To those local community that has public infrastructure, e.g. market, electricity, road, school	Clear rule, especially after MOEF regulation 83 (2016)	Not allowed to harvest timber	Need strong commitment of implementing actors	A2+B2 (Medium hollow policy)
3. Traditional zone: To ensure traditional utilization of natural resources in the national park	Clear rule, especially after MOEF regulation 83 (2016)	Not allowed to cut the tree	Need strong commitment of implementing actors	A2+B2 (Medium hollow policy)
4. Conservation village model (MDK): Local empowerment program for those living in and around conservation forests (MOEF)	No strong rules, but strongly applied in the field and strongly mandated only for village	Timber utilization allowed only for village outside conservation area	No implementing actors inside conservation forest	A2+B3 (non hollow policy) inside conservation area, A2+B2 (medium hollow

regulation 29 2013)	outside conservation area			policy) outside conservation area,
5. Partnership in conservation forests in MOEF regulation 83 (2016)	Clear on guideline rule, but lack of basic law conservation support, and still need time to prove its affectivity	Timber utilization allowed only for villages outside conservation areas	Only work if it is a showcase of conservation working with community	A2+B2 (Medium hollow policy)
6. Ecosystem essentials – based on Government Regulation 28 (2011)	No detailed rule, especially rules regulating	No problem with this issue, but depends on authority of the conservation area	Can work if there is strong collaboration with local governments	A2+B1 (Pure hollow policy)
7. Constitutional court decision 95 (2014)	No implementing rule from the sectoral bureaucracy	Allowed to utilize timber in state forest area, however MOEF still needs to follow up with detailed regulation	Need strong bureaucracy coordination	A2+B1 (Pure hollow policy)

* The code is developed based on Table 1

Table 2 highlights all practical schemes that work inside conservation forest areas in Indonesia but there is still need for clarity over traditional logging practices in conservation forests. Meanwhile, many conservation areas are threatened by the increasing local wood demand in neighboring areas outside the conservation areas. Those schemes have also lost their meaning when it comes to practical implementation. For example, in Danau Sentarum NP, Anshari (2006) reported that a pilot collaboration projects only succeed if there are strong international donor supports behind them. Furthermore, those schemes are mostly facilitated by local communities who live outside state conservation forests, or living in buffer zone areas. Conservation village model (MDK) is a good example, whereby people who live in the Babul National Park feel jealous because assistance through the sustainable conservation village (MDK) program was given to the villages outside the National Park. However, people who live inside conservation area are in the status quo, or restricted for timber logging. MDK may indeed be directed to people who are in conservation areas, but in practice most of the program is addressed to people who are outside or at the conservation area's buffer zones.

We are not fully agree with (Mulyana et al., 2010) who argue that creation of special zones can be a solution for national park management in Indonesia. This is because, while the aforementioned policies (Table 2) formally recognize the existence of local people and allow them to utilize land, in reality the social forestry policy instruments don't actually recognize their existence. We consider this a hollow policy. Moreover, there is no strong evidence in the field that collaboration results in effective community forestry management inside conservation forest. Because of this hollow policy, some national park officers argue that conservation bureaucracy need a discretion policy to break the hollow regulation over community forest politics in conservation areas. Conflict of interest between conservation and social forestry bureaucracies in the field (e.g. national park vs Regional social forestry agency/*Balai Perhutanan Sosial dan Kemitraan Lingkungan*) has also hindered the effectiveness of social forestry implementation in the field.

Isolating (and canalizing) geothermal pressure and community forest through inside and outside conservation zoning

Through the Government Regulation (PP) 28 of 2011, the Government introduced a concept of ‘essential ecosystem area’ adjacent to nature reserve and nature conservation areas. Now, buffer zone area can be a solid form under new policy of ‘essential ecosystem’ scheme, due to its essential ecosystem characteristics¹², then liberal utilization can be applied here. Community use on timber are also allowed as long as it supports the conservation goals. This is in line with IUCN standard (category 6) which says that buffer zone like this can be allocated as utilization areas as long as it still supports conservation objectives.

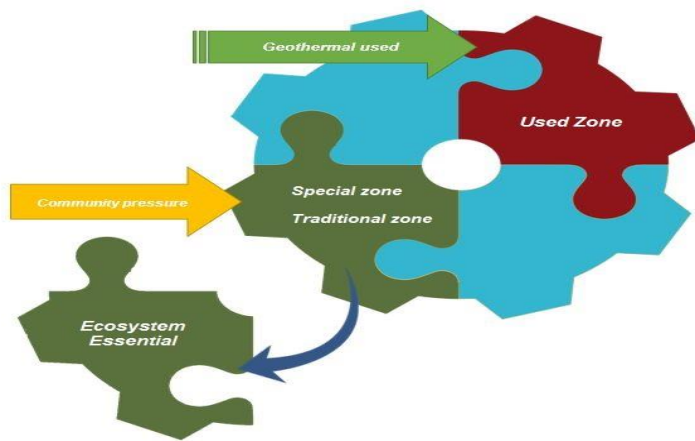


Figure 2: Isolating geothermal and community pressure in the zoning politics

¹² Essential Ecosystem Zone, based on the Government Regulation (PP) 28 of 2011, includes karst ecosystem, wetlands (lake, river, swamp, brackish area, and tidal area of not more than 6 meters), mangrove and peat lands located outside of nature reserve and natural conservation areas.

Figure 2 illustrates two main pressures of geothermal and community use which was tactically canalized and isolated under different conservation zoning. For geothermal pressure, it is easily isolated in use or utilization zone. However community forestry is likely to be located outside conservation forest, or isolating it in buffer zone area (e.g. essential ecosystem zone).

3.5 Who benefits? Utilizing the non-decision instrument as an active/useful non-decision

Table 3. Options on breaking non-decision over conservation forests in Indonesia

No	Instrument options	Entry point	Consequences	Actors who benefit from the option
1	Liberal zoning for both community forests and geothermal utilization			
		Activate the commitment for 12.7 million ha for social forestry in conservation areas	- Weakening conservation politics - Revising conservation law that provide a win-win for both community and investment	- President can use it for securing electoral votes from many people living around forests - Enhancing alliance with indigenous people
		- Geothermal entered political argumentation		
2	Status quo zoning, keeping the deadlock/blocking community management politics			
	a. Both inside and outside the conservation zones area*			
✓	Collaborative management, introduced in the zonation process	International multi-stakeholder approach like this requires strong commitment from the site level	Requires more solid and consistent rules	MOEF collecting more dominant information especially National Park selecting partners to collaborate with, and delay collaboration implementation and agenda, and select location inside or outside (buffer area) for partnership and collaboration
✓	Conservation Partnership	bureaucracy (e.g. national park management)	Many interpretations possible and subjective interpretation steered by strong coercive power	
✓	Conservation village model		Strong commitment to enforcing this scheme, especially inside conservation area	
	b. Inside conservation zonation only (special zone, traditional zone, utilization zone)			
✓	Special zone	Requires strong commitment from the site level	Employing staff to enforce zoning regulation	MoEF collecting more dominant information and coercion power especially on the demand of re-zonation and enforcing the zonation rules
✓	Utilization zone	bureaucracy (e.g. national park management)		
	c. Outside conservation zonation only (buffer zone)			
✓	Essential ecosystem area	District/provincial regulation is required as avenue for implementation of this scheme	Local government will be a key player. The option however can potentially be disincentive for economic development	MoEF collecting more dominant information on essential ecosystem (substantial, procedure)

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* Outside means village as conservation buffer area

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The conservation partnership scheme could experience the same destiny with Joint Regulation of Minister of Forestry of the Republic of Indonesia, the Minister of Public Works of the Republic of Indonesia, and the National Land Agency (NLA) of the Republic of Indonesia Number 79 Year 2014, PB.3 / MENHUT-II / 2014, 17.PRT / M / 2014, 8 / SKB / X / 2014 on Procedures for Settlement of Land Tenure inside the Forest Area. This joint regulation is indicated as a hollow policy because it is not supported by joint guidelines for implementation, i.e. only NLA has provided detailed guidelines¹³ to implement this. In 2015, however, MoEF blocked it by making it a non-decision guideline, or did not provide detailed guidelines accompanying NLA's guidelines. Furthermore, this joint regulation is strengthened by only releasing production forests, not allowing uses in the conservation areas. This narrative shows that MoEF only make community forestry as hollow regulation but strong formal indication. In this case, MoEF playing 'delay politics' to generate more dominant information by not mobilizing their coercion power, it is only using the conservation bureaucracy formal administration system.

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3.5.1 President

In previous administrations, as well as in the early years of the Joko Widodo administration, the president had only a limited ability to steer conservation bureaucratic interests. However, this changed recently due to the continuous and stable increase of coercion power of the current bureaucracy. The conservation bureaucracy has a stable structure and growing level of coercion power, e.g. an ability to determine species protection, blocking community empowerment inside conservation areas, etc.

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Because of this, in the beginning, the President could not fulfill his promise to political supporters from the indigenous rights movement (a network organization named AMAN) to re-allocate forests including conservation forests for customary communities. In addition, the President has had limited instruments to demand MOEF to treat conservation according to the president's interests, e.g. in infrastructure development to meet energy targets through an 'environmental' service like geothermal. In the Indonesian presidential system, a new President can roll back the bureaucracy through coercion power when creating the new cabinet. In Widodo's initial cabinet decisions, he took back from the then forestry ministry by restructuring and merging forest and environment bureaucracies, in which the latter was experiencing waning budget allocation. The forestry bureaucracy therefore now shares their budget with the environment and peatland bureaucracies in the current MOEF structure. The overall forestry budget has further declined as a result.

The State Forest is now totally under the control of the President, where he can impose his popular political agenda on social forestry, while making liberal investments on geothermal projects targeted by new government regulations issued at the end of 2016¹⁴. Social forestry, customary forest, and agrarian reform are all part of the presidential populist rhetoric to highlight ideas about sovereignty on aspects of forest conservation, food security, and land tenure, which is explicit in the formal

¹³ *Petunjuk Pelaksanaan Kegiatan Inventarisasi Penguasaan, Pemilikan, Penggunaan dan Pemanfaatan Tanah (IP4T) dalam Kawasan Hutan* or Implementation on Instructions Inventory Control, Ownership, Use and Utilization of Land (IP4T) in Forest Areas (NLA, 2015)

¹⁴ This new government regulation will replaced old GG 59/2007 on geothermal activities and business interests

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pronouncements of the presidential office. Meanwhile geothermal and other strategic infrastructure development interests can infiltrate conservation forests.

Meanwhile, if the President provides conservation forests for community access at this juncture, it will create visible conflict. The President can therefore force the MOEF to create liberal zoning for geothermal utilization, but if he does that, it is likely that every new investment in the country will be in conflict with local communities, who are also demanding access to the conservation forest.

Nevertheless, the President has successfully influenced MOEF to give customary forest recognition for indigenous communities over a limited area, but crucially including areas designated as conservation forests. However, the total agrarian reform for customary forests is still in a non-decision status. The total area thus far acknowledged as indigenous forests are only about 3,000 hectares, falling far short of the 7 million hectares claimed by indigenous rights actors (e.g. for recognition process see Fisher et al., 2017). Additionally, the Ministry of Agrarian Affairs and Spatial Planning still has not indicated how to follow up and administer communal and customary forest land.

On the other hand, the President has also weakened the role of the forestry bureaucracy by not including the MOEF in the specific president's national development priorities (the *Nawacita*). The president also successfully paved the way for MOEF to apply private conservation business oriented programs by including geothermal utilization as an environmental service. There are also strong indications that the President will instruct a revision of the Basic Forestry Law 41 (1999) in the near future.¹⁵ This strategy can be viewed as part of the politics of delay, or employing non-decision on the question of utilizing conservation areas, whether 'half' for community forestry and 'half' for geothermal. 'Half' for geothermal because making profit from geothermal business needs 7 years, and it is impossible to include it in his 35.000 Megawatt target.

3.5.2 The Ministry of Environment and Forestry (MOEF)

MOEF has successfully formed two distinguishable parts. First, is in the shape of MOEF as a conservation bureaucracy, led by Directorate General (DG) Conservation. Second, is MOEF as a bureaucracy focus on forest production, under the umbrella of DG Production. The MOEF conservation bureaucracy treats the zonation framework as non-decision to gain power, and achieve direct and indirect formal benefits. MOEF only has clear operations over the core and utilization zones. Traditional and special zones exhibit the characteristics of a hollow policy, even if they are more likely to provide assistance to areas outside of the conservation area or buffer zone (see section 4.3) to maintain all zonation in the MOEF conservation bureaucracy. MOEF 'sells' a conservation forest program through the international forest regimes that they can continue to maintain certain actions and continue to receive benefits from international funding, such as the MDK (the aforementioned conservation villages) getting support from USAID.

DG Conservation has become superior over time due to the utilization of non-decision tools by maintaining that original forests are the political identity of MOEF, and that DG conservation will only work with external actors – such as NGOs and

¹⁵ Observation from the Indonesian Forestry Congress showcased a speech from the Minister of Environment and Forestry mentioning that the President had requested preparations for revising the Basic Forestry Law 41 of 1999, which would allow state forest areas to be rented to businesses under the *hak guna usaha* (HGU or rights to exploit) arrangement. This HGU can become collateral for a bank loan.

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international actors – if they maintain conservation state forests. For example, involving NGO and international donors on MDK project that mostly work in buffer zone area, not in the conservation areas. On the other hand, MOEF has allowed Parliament to take the initiative on revising the conservation forest law, which indicates that conservation in the future will be conducted more on a basis of a business-oriented conservation, whereby conservation should derive benefits from conservation activities (e.g. selling charismatic species, ecotourism), which have expanded to include geothermal as an environmental service. They can use the increasingly cited terminology of applying a ‘landscape conservation’ politics approach in that conservation can enhance forest conservation while still provide ecosystem services like geothermal. A good showcase of ‘landscape conservation’ forest politics, with a new trend of international negotiation.

Meanwhile, by benefiting from creating a new bureaucracy for acquiring staff, mandate, and budget, the DG creates additional sub-directorates that expand bureaucratic decision making power, i.e. through carbon and geothermal business management under DG conservation,¹⁶ new *hak guna usaha* (HGU, business utilization rights) for renting forest areas under business units, created through the effort of revising the forestry law (Law 41 of 1999)¹⁷. MOEF use of the private geothermal argumentation in one venue reads similar to this representative quote: “geothermal is not like the coal mine, the open pit. Those [coal mines] destroy the forest, they make extract and leave behind a large hole. Meanwhile, accessing heat for energy from the Earth only create tiny holes, and does not require cutting down all [forests]” (Berita Satu, 2016a). MOEF has maintained state control over their own definition about conservation sustainability, challenging all transnational conservation standards like HCV and influencing conservation arrangement (similar with Giessen et al., 2016).

The Forestry Minister has argued that Indonesia's forest areas are vast, and indeed cover an astonishingly large percentage of the country. 120 million hectares is equivalent in size with Japan's total land area. Furthermore, the Ministry further explains the 34 million hectares of management licenses to this land area are granted dominated to corporations. A total of 34 million hectares of land is also owned by only 25 conglomerates alone (Berita Satu, 2016b). In the period 2015 - 2019, the government committed to allocate land for Social Forestry area amounting to 12.7 million hectares, and the same news source also highlighted that these arguments are made under the basis of invigorating the people's sovereignty (Berita Satu, 2016b).

National Parks can be used by MOEF for large infrastructure by using local community empowerment. One commonly observable example are roads built in the Babul National Park, generally promoted under the rhetoric of community empowerment.¹⁸ However, large special zones for communities are still not supported or are relegated to the politics of non-decision. The DG Conservation is seemingly against community management politics, but they have enough with Constitutional Court already that winning local community (e.g. releasing state forest for customary forest under Constitutional Court 35 of 2012 decision). However, DG Conservation

¹⁶ See new structure (2016) of MOEF on DG conservation structure at <http://ekowisata.org/tentang-kami/> as well as <http://ksdae.menlhk.go.id/struktur-organisasi.html>

¹⁷ Observation on the effort of revising Forestry Law (Law 41 of 1999) at MOEF (during workshop series and media analysis).

¹⁸ Observation for developing road infrastructure in the name of community empowerment, in the event of socialisation in 28 November 2016. *Pemberdayaan Masyarakat. Dalam Rangka Pemanfaatan dan Pengembangan Transportasi Terbatas di Kawasan Taman Nasional Bantimurung Bulusaraung, Kabupaten Maros, kerjasama antara Balai Taman Nasional Babul dan Balai Besar Pelakasana Jalan Nasional XIII, Makassar.*

must not become overconfident as in the past about their sole authority to conservation areas. With the space opened up by geothermal projects, the DG must now accommodate similar challenges to utilization justification from the politics of social forestry. The rational way is seemingly giving geothermal way and community forestry but making it as hollow policy (see Table 2).

To sustain non-decision on social forestry pressures, the regular replacement of the head of national park is the way for MOEF maintaining their bureaucratic interest. The Head of the National Park is very easily replaced by MOEF because the institution reports to vertical authority with a central implementing unit in the field. Every five years the staff person is replaced by someone from other conservation implementing units or other DG conservation staff. For example, during the conflict of Tallasa sub-village in Bantimurung Bulusaraung National Park since 2005, there have been 3 replacements of the head of the national park. Villagers of Cinagara located within Gunung Gede Pangrango NP complain of the regular replacements because it affects their ability to coordinate a sustained community empowerment program with NP staff (Soemarno, 2012). Hence, in this case MOEF collects more dominant information by not mobilizing their coercion power. It only uses the conservation bureaucracy formal administration system.

The seemingly unmanaged Tahura (i.e. forest park which normally established for recreation, tourism and watershed protection) by district government especially in other islands outside Java would become a strong consideration of MOEF for not approving new Tahura proposal. The MOEF realized and tried to stop this undesirable trend by blocking efforts to propose new Tahura with the argument that the Minister does not want any additional Tahura if it comes from a state forest area. The Minister additionally stated that proposal to convert non-state forest area to become Tahura is more preferable¹⁹.

3.5.3 Ministry of Energy and Mineral Resources (MOEMR)

Geothermal utilization continues to increase and the Government has set a target of additional 7,200 MW by 2025 (Prodaya, 2016). MOEMR has been actively engaged with showcasing good relations with local communities through facilitating geothermal business with local and civil society organizations (Hadiprasojo, 2015). MOEMR are supported by the geothermal practitioners who argue that if we do not start geothermal development in Indonesia right now, then the potential might be moved to another area or country in the future. MOEMR is benefiting from the fragmentation of bureaucratic arrangements in the split with MOEF because in the past there were numerous structural barriers to implementation without the administrative approval from MOEF.

3.5.4 National Park

The National park has strong coercion (complete regulation and detailed with experiences of enforcement) and incentives power (e.g. regular budget).

In a non-decision period, a lot of authority keep a hollow policy to get rid of community forest. We observed in Babul National Park that some villages that their areas designated as traditional zones, facing issue that local community need to change their old candlenut tree or making regeneration, however, the park does not allow the community to replant the old tree with the same candlenut species because it is not original conservation species. Additionally, cutting the tree in conservation forest still also a grey policy (i.e. whether it is allowed or not). Mr Patu, a villager from Labuaja

¹⁹ Ibid 20 and 21

District give a solution that the park can buy their trees (including candlenut tree), because he himself plant the trees. Again, the park did not have mechanism to buy the trees²⁰. From this story that keeping non-decision is useful for the national park to maintain their power, while limiting the community's ability to make decision over the trees that they planted.

In breaking non-decision era, National park now has chances to reinforce their zoning or making a new zonation for geothermal development, thus, they will get budget for public consultation, staff and private collaboration. In the other side, recent instrument like conservation partnership will be used to make progress on accommodating community forestry. These two distinctive tasks will be used as formal argument to gain more staffs and budget allocation in MOEF. If national park do not get bureaucratic politic from community empowerment, all community forestry instrument will be kept as hollow policy instruments.

3.5.5 Local leaders, Bupati, district forest agency, and *Tahura* managers

Local leader in Aceh is a good example that they are actively examine their interest for conservation utilization both for local conservation *Tahura*²¹ park or geothermal utilization. For example, the revision of zonation policy has been an issue in Mount Leuser National Park in Aceh, that gives way for geothermal projects (Mongabay, 2016a), which also have strong support from local parliament as well (Acehterkini, 2016).

In addition for utilizing non-decision on local *Tahura* conservation area, local leaders treat *Tahura* as a useful tools to delay the zonation. In our interview with an officer from one of the natural resources conservation agencies (BKSDA), he argues that most of *Tahura* is poorly managed especially those located outside Java²², because of District have low capacity in managing conservation forest' and there is no regular budget. District government utilize it as a showcase to show and that District Government can utilize *Tahura* for getting power over management of conservation forests²³. Our observation finding in *Tahura* Bontobahari Bulukumba show that they still do not implement the zonation due to high tension of conflict. It is observed that *Tahura Bontobahari* still struggles in mediating land claimed from local community (Radar Selatan, 2016; Rakyatku News, 2016)

All the administrative authority of the production and protection forest management at district level are transferred to the Province, effectively operationalized in 2007 (Law 23 of 2014). In this recentralization era (Sahide et al., 2016), forestry service offices at the District level has lost their authority over forest management. However, *Tahura* is used as the only schemes to claim back the district authority over state forest. There is the opportunity to retain their coercion power over the forest, by proposing *Tahura* to central government. There is a trend that some District governments propose or recommend the establishment of regional *Tahura*, after recentralized Law 23 of 2014 issued. At least there are 4 *Tahuras*' proposals that planned by some districts in western Sulawesi and South Sulawesi such as Wajo,

²⁰ Observation on the training workshop *Peningkatan Kapasitas Masyarakat pada Zona Tradisional Dusun Pattiro Desa Labuaja Kecamatan Cenrana, Kabupaten Maros . Resort Camba-STPN Wil. II Camba*, di hotel grand palace hotel Makassar, 1 November, 2016

²¹ *Tahura* or forest park is one of conservation forest units that can be managed by district or provincial governments.

²² Observation in *Tahura Abdul Latif (Sinjai)* showed massive conflict with locals, a lot of local claims and conflict unmanaged

²³ Observation from a district who propose *tahura* asking for consultation with BKSDA about their *Tahura* proposal in 19 Desember 2016, Wajo

Soppeng, Bulukumba, Mamasa. This trend also found in Sumatera Island (e.g. Tahura proposal in Mahakam Hulu).

If MOEF blocks this Tahura's proposal (as explained in section 4.3.2) than District government, would only maximize new opportunity of benefit sharing from essential ecosystem management that exist outside conservation forest, or ecotourism activity linked with conservation areas that managed by central government.

3.5.6 Large corporations and investment agency (domestic and foreign company)

Investors require land for building geothermal power plant. Numerous locations for geothermal potential are located in areas designated as conservation areas. In the past these sites were off limits due to regulatory deadlock. However, in locations outside of conservation areas large infrastructure projects are plagued by resettlement challenges. They need conservation areas spot to be sacrificed. Chevron, for example, have asked for easy geothermal investment (Berita Satu, 2016a). The company has proven that it cares about the environment in managing 200 ha from 10.000 ha concession (since 1980) and they achieve 'golden category' certificate from the Ministry of Environment in 2011. Domestic investor like PERTAMINA is also prioritized as national investor to manage geothermal projects in Indonesia. Indonesian Forestry Higher Institution network has observe the strong tendency of investment agency and ask them not to intervene the revision of Indonesian Conservation Law (TEMPO, 2017).

Foreign palm oil companies are also potential actors who will get benefit from this situation. When MOEF needs a showcase of strong national agrarian reform and social forestry program, then releasing a significant amount of illegal palm oil estates from state forest area will possibly be the case. Take Tesso Nilo as an example, a strong indication to keep national social forestry program implemented in Tesso Nilo National Park in Riau Sumatera, which is totally different with the Babul National Park. In this Tesso Nilo which is surrounding illegal palm oil involving around 2.000-4.000 smallholder farmers, MOEF tries to force a showcase of implementation of social forestry and agrarian reform (KOMPAS, 2017). This will be a huge work for NP manager following MOEF administrator instruction.

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4 Conclusion

The idea behind the use of Yellow Stone type of approach, where there is no human intervention could exist, is because political actors like it, and so that they can use it as a reserve for future use or development. The narratives of geothermal as friendly environmental services from conservation and protected forest have been actively used by political actors to impose opening non-decision for geothermal while still keeping non-decision for community management politics.

Indonesian conservation bureaucracy history (see Section 4.1.1 has clearly show that, other than suggested by modern interpretations of conservation as nature conservation, conservation areas (such as e.g. conservation forest especially in post-colonial countries) are a legal category of land for conserving land reserves, generally and informally retained for lucrative future development projects.

Liberal zoning seems to be on the verge of infiltrating the bureaucratic possibilities in conservation areas. Law 21 (2014) categorizes geothermal energy as a forest environmental service but without providing enough development for

community management politics, or in other words keeping non-decision instrument for community forests. It is proved our main hypotheses (H1) that community forest is not strong because of preserving biodiversity but it is rather a non-political decision serving as a land reserve on which political actors can draw for individual future development project. Moreover, the deadlock theory and Bureaucratic Politic theory has helped explain that there is a strong tendency on breaking the deadlock by the civil society pushing the revision on Conservation Law 5 of 1990 to open more liberal involvement of community in conservation area (National Geographic Indonesia, 2016; FKKM, 2017). All policy instruments for community forestry politics show that it is remain non-decision, indicated by a hollow policy (see Table 2). While redefining production in the policies for community forestry. Although there is no clear direction on breaking this deadlock, contesting production under community forestry schemes in conservation zones, which was not previously possible, has now become justifiable and likely. Political actors in multiple levels of government have played their roles in breaking the deadlock to allow geothermal projects while limiting such opportunity for community forestry. The community forestry situation is unlikely to improve even with the President's popularous plan to expand the forest area under community control.

Timber utilization and the willingness of conservation bureaucracy do not allow for liberal zoning for community management politics. We can say that they open for community management as the result of long pressure from civil society (i.e. community forestry activists), but this also depends on conservation unit whether they would like to open it or not. Communities can access forest resources in conservation areas, except for timber utilization, through partnership conservation at special zone and traditional zone. But this so called community zone, which is proved our second hypothesis (H2) that active non-decisions about the land use, put by powerful actors.

Our results also proved our H3 that such non-decisions can at times be reconsidered and transformed into decisions when political power structure allow for this and the resulting decisions using momentum on allowing the utilization of geothermal followed by an effort for revising the conservation law. Table 3 shows the option on breaking the non-decision and its consequences as well as actors who benefit from the option (e.g. MOEF collecting more dominant information by not mobilizing their coercion power, it is only using the conservation bureaucracy formal administration system, see section 4.3. for the detail). They tried to break the non-decision but still keep the hollow policy in either implementation or enforcement (See Table 2). In the Tahura case, this fight also includes elites at lower level (District level).

Future research

1. budget track for the bureaucuator fesearch conservation bureaucracy
2. Comparing to the growth of geothermal bureauracy

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RESPONSE TO THE REVIEWERS

Title: Deadlock opportunism in contesting conservation areas in Indonesia

Reviewer#1

The manuscript is substantially improved, and now offers a far more coherent, cogent, and useful contribution. Importantly, this paper now provides a succinct and well-articulated political ecology of social forestry in Indonesia through colonial and post-colonial periods. This is in itself a valuable piece of scholarship. The theoretical positioning is much clearer and certainly more effectively applied in the analytical process. I have some further minor suggestions that could be addressed before publication.

Reviewer#2

I got the opportunity to review your manuscript after revision. Yes, your article is not easy digestible. But it is well structured, it provides a clear research focus, a method and the supporting results.

The topic is very interesting as well as your results. And I encourage you to continue with your research.

All in all, I agree with your comments to the previous reviewers and from my side your manuscript is ready for publication. Well done!

Response:

We take this as encouragement and motivation from both reviewers, we acknowledge and highly appreciate it for making us improve our conceptual and operational framework, and even now provide us fruitful detailed comments that increase the quality of this paper.

Thank you very much

Reviewer #1

First, there could be a succinct explanation of the conceptual terms provided in the Introduction, and a more clearly articulated statement of the problem and rationale for the study.

Response:

We have made change in the introduction following reviewer suggestions, we have

- deleted some sentences that are redundant (repeating the points that are already made).*
- I defined acronym when used the first time and use it throughout the paper (e.g. DG).*
- We change some conservation areas terms into more local context with 'HK' – Hutan Konservasi'. We also identified that the word, "conservation areas" is used too many times. So we changed "conservation areas" to HK in some cases and deleted some when it was obvious we meant conservation areas.*
- We made some changes based in the purpose that wider readership can digest this paper or to avoid mis-understanding*

Second, there is room to make slight changes to the headings and structure, to space the manuscript's logical flow more effectively, and avoid the rabbit-hole scale of sub-headings.

Third, I am not sure that the figures (particularly Fig 1) are as clear as they could be - there might be merit in asking someone with Adobe Illustrator skills to reproduce these more effectively, since this is a paper that may well be read and cited for some time, and powerful graphics will support that outcome. Finally, there are still some minor issues with expression and grammar that could be addressed.

I have made specific notes on an attached file, and hope you will take these small suggestions as an encouragement to finalise the manuscript. A genuine improvement on the initial submission and a useful contribution.

Response:

Thank you very much for providing this detail suggestion and comments in the track change file, we received most of the suggestions. Exception for the method section that reviewer suggest to include in the introduction, we think that we need to keep the method section so the reader can understand that this paper has clear method that can be replicate in the future research.

We agree with the heading and structure suggestion from reviewer, and we have addressed it with this revision. We also ask someone to re-shape our Figure 1 and Figure 2, and his contribution is added in our acknowledgement as well. We also provide graphical abstract anticipating wider readership digest this paper

Deadlock opportunism in contesting conservation areas in Indonesia

Abstract

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

Keywords: conservation politics; community forestry, bureaucratic politics; geothermal; deadlock opportunism

1 Introduction

Conservation areas around the world have been politically contested due to overlapping and often competing management objectives. One of the most frequent conflicts is between conservation and development objectives, especially those framed around meeting the needs of local communities (Yusran et al., 2017; Ma et al., 2009; Setiawan et al., 2016; Fisher et al., 2017; Kane et al., 2018; Dhiaulhaq et al., 2017) While these policies are typically to maintain nature protection and preservation of ecosystem functions, they also minimize access or even completely prohibit human activities. Many countries applied zoning as a strategy to manage multiple interests within contested conservation areas, designating parts of the protected areas to accommodate both conservation and local utilization (Fearnside, 2003; Mulyana et al., 2010). Zoning activities do not take place in a vacuum (Maryudi, 2015). The creation and decisions over access and control of conservation areas are not always based on biophysical or scientific considerations. They are often results of political processes involving various actors, interests and power (Peluso, 1993; Adams & Hutton, 2017; Anderson & Jongrueck, 2017; Myers et al., 2017; Susanti & Maryudi, 2016)

In Indonesia, about 22.7% of all forest areas (about 27.4 million hectares) has been designated as conservation areas (MOEF, 2014). Rules for managing these conservation areas evolved from strict preservation to conservation that allows some degree of utilization to serve human needs. In the Indonesian context, Wiratno et al. (2001) argue that the terms ‘preservation’ and ‘conservation’ should be differentiated¹. While preservation implies static maintenance of natural ecological structure (i.e. protection from use), conservation for safeguarding ecological functions (i.e. “proper” use) opens up the possibility for utilizing natural resources.

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

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

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

Although there is a wide array of political tools being used to serve various interests, this paper focuses on two: when and why a certain policy does not progress to the next step in the policy cycles (deadlock) and ‘non-decisions’ as a tool of power politics. We also further the concept of ‘hollow (insubstantial or tokenistic) policy’ by developing its typology. Historically, creating a deadlock has been an important tool in Indonesian politics. For example, new regulations can be formulated to allow some types of utilization in conservation areas, while being consequently hollowed out meaning that they become symbiotic with little or no implementation. Theorizing the mechanisms of non-decisions can help us understand why some breakthroughs happen

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

despite of historical deadlocks. Closely examining what discursive elements in the policy discourses camouflage particular interests can highlight how deadlocks can be broken and re-applied to meet those interests, while excluding others (Sammon, 2008; Bachrach & Baratz, 1962). We propose the concept of ‘deadlock opportunism’ to understand the process of opening and closing policy windows allowing geothermal development in conservation areas in Indonesia. Our research questions are:

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

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

2 Theoretical positioning: Bureaucratic Politics, Deadlocks, Non-decision, and Hollow Policy

2.1 Bureaucratic politics

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

Ideologies related to utilization in conservation in turn determine the actions that actors undertake within the realm of administrative functions and mandates. Viewpoints about conservation area management are multiple and continue to evolve. For example, while conservationists may define conservation areas as those without

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

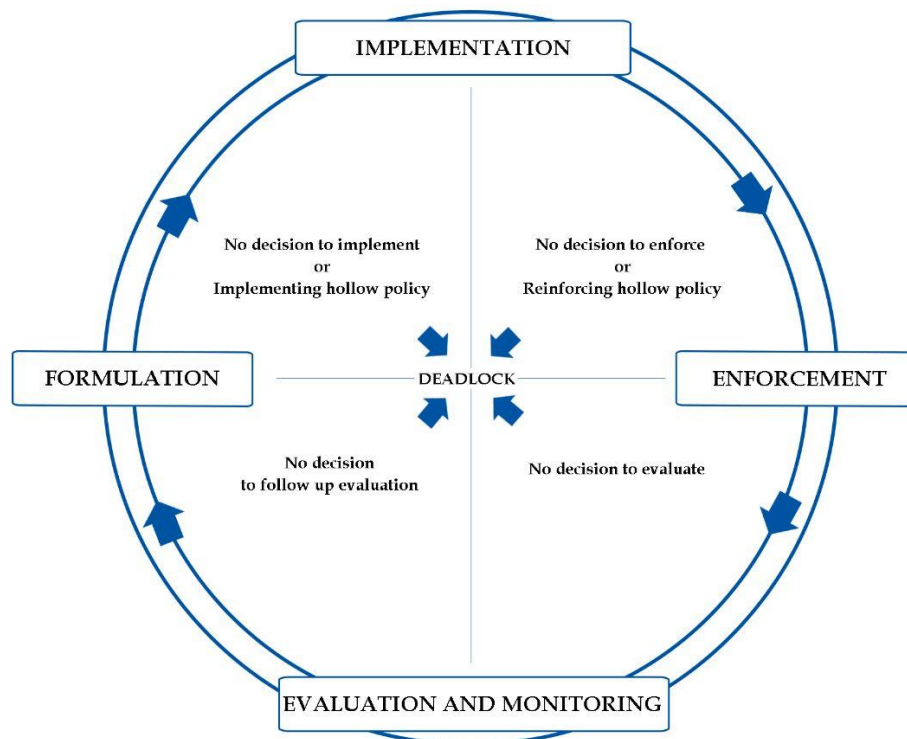
human interventions (Morelli, Tryjanowski, & Benedetti, 2016), politics may allow new mechanisms for utilizing the areas for other purposes (Stutzin, 1975). As Sahide & Giessen (2015) have described, land use bureaucracies in Indonesia can be divided into two groups by their orientations- production and conservation (also see Hirsch & Warren, 1998; Giessen, Krott, & Möllmann, 2014, Sahide & Giessen, 2015). Bureaucratic politics theory has expanded the recognition of eclecticism for studying public policy decision-making processes (Krott, 2005; Krott et al., 2014) and examining interests, orientations (for conservation or production), and behaviors of bureaucracies at multiple levels (See Sahide et al., 2016 for a critical look at the recentralization trend in Indonesian forest bureaucracies).

2.2 Deadlock

We developed the ‘deadlock’ concept based on our reconstruction of the policy cycle theory introduced by Krott (2005), in that a ‘deadlock’ occurs when an actor or actors intentionally obstruct a policy cycle due to their particular interests. According to Krott (2005), a well-established policy program consists of three phases of problem-solving: policy formulation, implementation, and evaluation/ monitoring. We add one more element based on Yusran et al.(2017) that indicates an additional post-implementation step. Yusran suggested that decision makers have the option to enforce implemented programs or relegate them only to formal spheres of implementation without field applications and enforcement. We further describe this aspect in the discussion of hollow policies below. Therefore, we have four key elements in the policy cycles, which help us to identify deadlocks, non-decisions, and hollow policy. Figure 1 shows the cycle beginning with **policy formulation**, which determines the issues to be resolved and standardized solutions in the form of programs; second, **policy implementation**, which entails the practical application of formulated programs to the issues; third, **policy enforcement**, which necessitates actors’ choice to enforce, making the policy solidly implemented; and the fourth is **policy evaluation and monitoring**, which assesses the effectiveness of the policy program to inform the next policy cycle.

Deadlocks can occur at various stages of a policy cycle. As highlighted earlier by Yusran et al. (2017) and Krott (2005), a policy could be blocked at any stage because the advancement in the policy cycle (formulation – implementation – enforcement – evaluation) is often left to the discretion of the related administrative actors. Deadlock may occur due to contradicting interests among actors. Political actors in a lower level of bureaucracy may not follow a policy recommendation from higher level (e.g. national or other sectoral interests). They can choose to provide effective application of a policy or render it as a symbolic gesture, i.e. a hollow policy. Powerful actors throughout the cycle could therefore institute non-decisions, potentially break non-decisions, or sustain existing non-decision by creating a hollow policy to meet their interests. We highlight the policy cycle utilizing Matland's typology (1995) and include the various decisive points throughout the cycle in Figure 1 below.

Figure 1: How non-decision and hollow policy potentially leads to deadlock or blocking the forest policy cycle.



2.2.1 Non-decision

‘Non-decision’ is defined by Bachrach & Baratz (1963:632) as “the practice of limiting the scope of actual decision-making processes to ‘state’ issues by manipulating dominant community values, myths, and political institutions and procedures.” Using this definition we can appreciate that non-decisions exist as a tool of power politics when dominant values among the most powerful actors forcefully and effectively manipulate the situation in order to prevent certain grievances from developing into full-fledged issues and forcing a decision.

Wolfinger et al. (1968) further expand ‘non-decision’ as a notion of ‘power structures.’ Non-decisions in public decision-making are often used by those with power and influence. Power here means the ability of an actor to shape a political agenda according to its own interests, even when facing resistance from opponents or other actors (Krott et al. 2014). In this paper, we focus on the coercive form of power as well as the (dominant) information power by looking at formal responsibilities and investigating basic interests of actors shaping the conflict over conservation area in the emerging claims between community forestry and geothermal development politics.

Seeing non-decision as a political tool is also rooted in non-regime studies of international relations (Singer & Giessen, 2017) emerged from hollow policy dimensions in public policy studies. One example of a persistent non-decision state maintained through hollow policies is negotiating long-term future of natural ecosystems with indigenous peoples (Fearnside, 2003). Indigenous lands are often seemingly relented to communities but still under bureaucratic controls of the state.

Long term decisions depend on populist priorities competing with other bureaucratic interests and their powers of coercion and information at play, which can be translated into non-decisions.

2.2.2 Hollow policy

Decisions over access and control over forest areas (e.g. conservation areas) are often results of political processes involving various actors, interests and power (Peluso 1993; Peluso & Vandergeest 2001; Adams & Hutton 2007; Anderson, 2017; Setiawan, et al., 2017; Susanti et al., 2018; Giessen & Sahide, 2017) The hollow policy opens up the space for a policy initiative but foregoes the responsibility of actually fulfilling such commitments. In this paper we further develop the concept, dynamics, and heuristics of hollow policy, referring to the governance actions – either formal or informal – that are insubstantial, or tokenistic (Krott, 2005). We focus on **policy implementation** and **policy enforcement** elements as the key factors exposing the degree of a certain policy derived by actor interests (Yusran et al.2017). Some empirical evidence from policy implementation literature can be seen as an early measurement of further and more detailed enforcement (Kaimowitz, 2003; Wertz-Kanounnikoff, 2005). We generated our own typology of hollow policy to explain what we mean, as detailed in Table 1. The table explains the varying degrees of rules (policy formulation) with the corresponding levels of implementation (policy implementation/enforcement). We divided policy levels into three: high-level, e.g. Constitutional Court ruling; medium-level, e.g. ministerial decree; low-level detailed rules, e.g. directorate general guideline; national park guideline and also level of implementation/enforcement into three: No implementation, Implementation with or without enforcement.

In the following sections we detail our methods for examining the emergence of deadlock opportunism in Indonesian politics with these indicators.

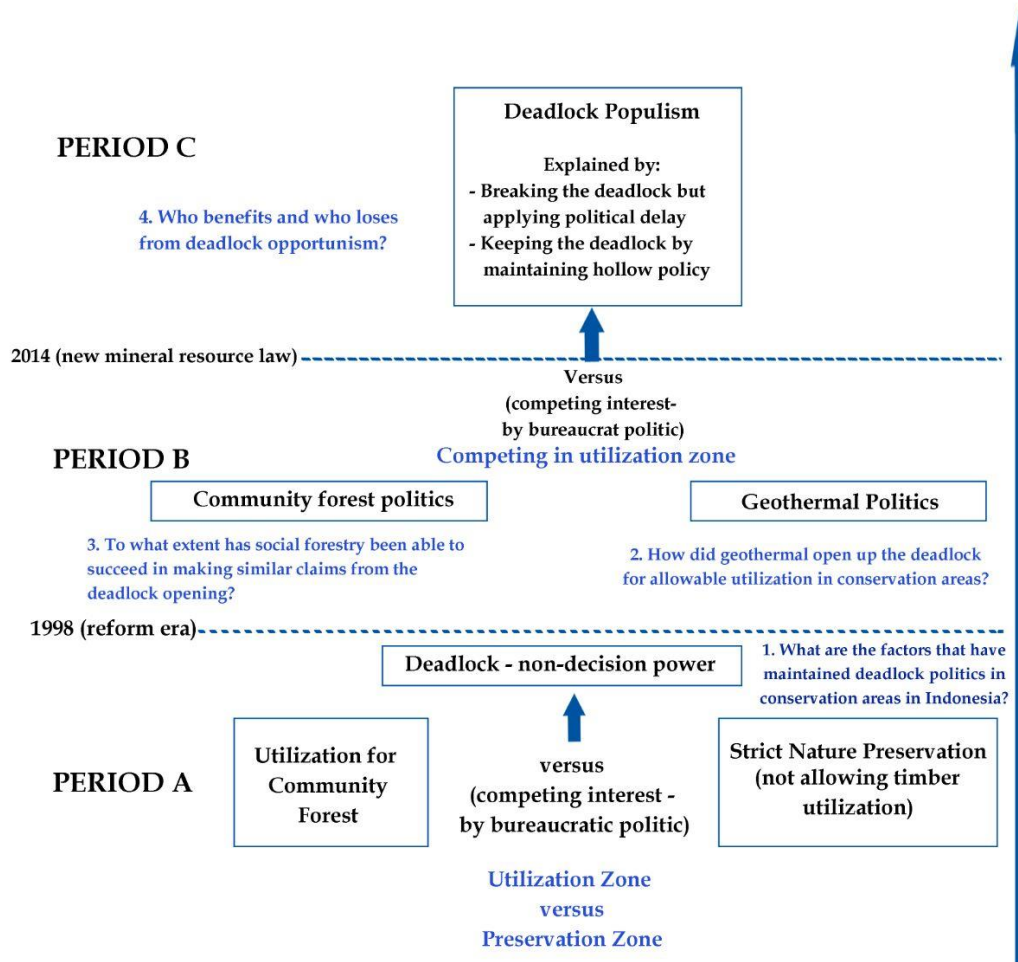
Table 1 Indicators of hollow policy and management leading to a non-decision.

I. The operational concept of hollow policy based on implementation and enforcement dynamics			
<i>Policy - Rule Formulation</i>		<i>Implementation/Enforcement</i>	
<i>Code</i>	<i>Explanation</i>	<i>Code</i>	<i>Explanation</i>
A1	High level rules (e.g. Laws) without medium level and detailed implementation rules	B1	No implementation
A2	Medium level rules, or rules without strong support from basic laws	B2	Implementation without enforcement
A3	Detailed rules, without support from medium or high level laws	B3	Implementation with enforcement
II. Gradation degree of hollow policy and its explanation			
<i>No</i>	<i>Gradation degree</i>	<i>Codes' Combination</i>	
1	Non-hollow policy (toward effective policy)		
	First level	A1+B3	
	Second level	A2+B3	
	Third level	A3+B3	
2	Medium hollow policy		
	First level	A1+B2	
	Second level	A2+B2	
	Third level	A3+B2	
3	Pure hollow policy		
	First level	A1+B1	
	Second level	A2+B1	
	Third level	A3+B1	

2.3 Operational concept: the flow of narrative explanation

To explain our findings and highlight our operational concept, we present our results using a conceptual framework depicting three periods of conservation politics in Indonesia (Figure 2). Period A (~ 1998) is the early stage of Indonesian conservation policy discourses, leading to a deadlock between competing bureaucratic interests for preservation and utilization. In Period B (1998~ 2014), bureaucracy governing national forests with limited political articulation beyond strict protection evolved into one that developed clear mechanisms that allows utilization with various zoning. In Period C (2014~), we can examine the potential consequences of deadlock opportunism, opening the avenues for conservation area utilization for social forestry schemes as well as geothermal development. We also examined where deadlocks are maintained and who are benefiting from.

Figure 2: Theoretical and Operational Conceptual Framework



3 Research Methods

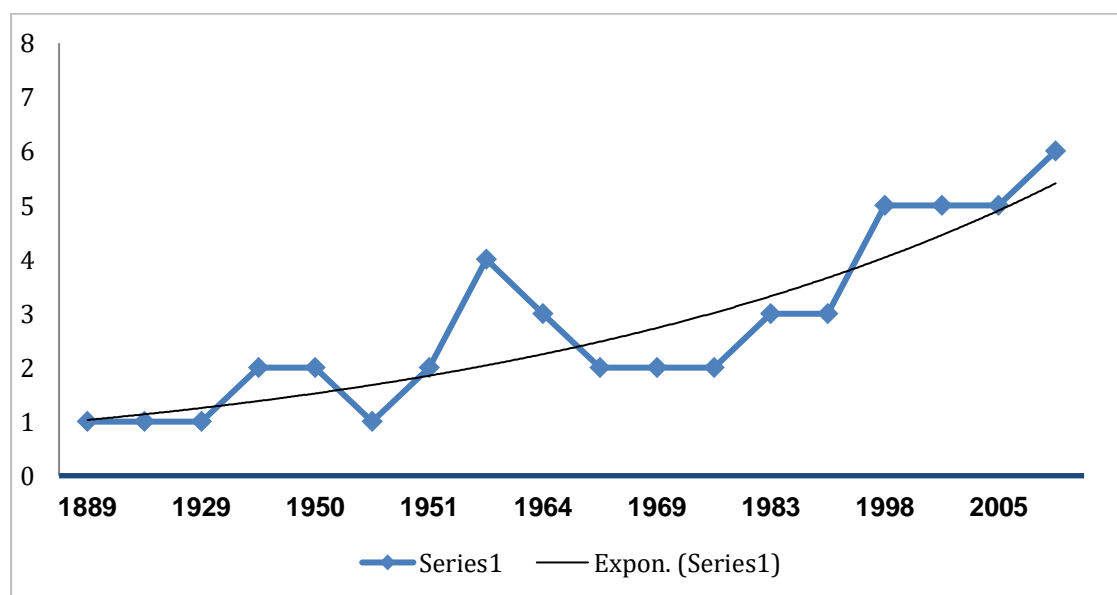
Data collection methods used in this research include content analysis, interviews, and observations from our long-standing experiences closely observing conservation policy operationalization in Indonesia, nationally at the Ministry of Forestry (MoFor)³ and regionally both in Java (third author) and outside of Java, in Sulawesi (first and second author) and Sumatera (fourth and fifth author). Direct involvement among these authors could reduce reliability. However, objectivity and validity are ensured through triangulation by our investigators that examine developments from outside the arena of Indonesian conservation (sixth and last author). Interviews and observation data are included as footnotes. Furthermore, data triangulation is also operationalized by cross-checking various supporting documents, official website information, news, and positional journals.

4 History of non-decision in conservation forest politics

4.1 Historical description of conservation bureaucracy politics

Growth of a bureaucracy is difficult to assess based on the quantitative indicators, such as budget. In this article we assess the political influence of a bureaucracy based on its level of organisational growth. Evolution of bureaucratic offices and the priorities assigned to their function indicate varying degrees of power and influence. For example the lowest level (a task unit) within a bureaucracy will have much less power and influence compared to programs in the highest level (directorate general). Overall, our approach to identify levels of prioritization in bureaucratic politics provides an entry point for observing power inherent in conservation bureaucracies over time. Figure 3 shows the exponential growth of conservation bureaucracy in Indonesia.

Figure 3. Time line of conservation bureaucracy in Indonesia.



³ We differentiate the forestry bureaucracy between the time prior to the Jokowi administration (i.e. until 2014) in which we use the terminology Ministry of Forestry (MoFor) with the period after, in which we use Ministry of Environment and Forestry (MOEF).

Level of bureaucracy: as a **task force** (small committee unit) =1, as the **unit** responsible for specific conservation task =2, as the **section** under division of directorate general = 3, as the **division/directorate** under Directorate General = 4; as the **directorate General** focusing in conservation **mix with other** issue element and directly under Ministry = 5, as the **Directorate General focusing only** on conservation issue element and directly under Ministry = 6

Cd	Year	Bureaucracy growth momentum
A	1889	Establish natural forest park in Java (pushed by Dutch researcher)
B	1913	First Natural forest park established outside Java (Ambon)
C	1929	Appointed direct conservation unit
D	1945	Part of general task of Forest Agency, Under Ministry of Prosperity
E	1950	Fragmented into Forest Agency and Forest Parks in Indonesia
F	1951	Under Nature Protection Section
G	1951	Under Nature Protection Division
H	1961	A unit (like Directorate) under Forestry DG of Ministry of Agriculture
I	1964	As the section under division / directorate general under Ministry of Agriculture
J	1966	One section under forest development/ <i>Pembinaan hutan</i> (Ministry of Agric)
K	1969	One section under forest protection & natural reserve (Ministry of Agric)
L	1975	Under Directorate of forest protection & natural reserve (MoA)
M	1983	Under Directorate General Forest protection & natural reserve MoFor/Departemen Kehutanan
N	1993	Sub directorate ecosystem conservation management, of Directorate Forest Agency
O	1998	Under Directorate General Forest protection & natural reserve MoFor and Plantation
P	2000	Under Directorate General Forest protection & natural reserve MoFor and Plantation
Q	2005	Under Directorate General Forest protection & natural reserve MoFor and Plantation
R	2014	Under DG nature and ecosystem conservation

4.1.1 The Dutch colonial era (1880-1942): The birth of a conservation tradition as small species protection.

The root for current conservation strategy in Indonesia can be traced back the Dutch Colonial period, when conservation typically meant protecting certain species, particularly the ones with a relatively limited range and/or with the potential for exploitation (Setyowati et al., 2008; Peluso and Vandergeest, 2001). Although the main interest of the conservation bureaucracy had been on generating economic returns (MoFor, 2005), influence of the biologist movement in the Dutch East Indies expanded to establish ‘small’ natural reserves for protecting certain species. In this era, conservation approaches were typically shaped in the form of creating conservation zones which strictly prohibited human activity, known as the ‘Yellowstone model’ (Dunggio & Gunawan, 2009) and backed by various legal provisions such as *Staatblad* 1941 No. 167 (*natuurbeschermings ordonnantie*) (Setyowati et al., 2008), *Agrarische Reglement* for outside Java and Madura island (Nurjaya, 2005). The legacy of the Dutch colonial conservation can still be found in forms of Botanical Gardens (e.g. in Bogor) and Nature Reserves in Java, Sumatra, Kalimantan, Sulawesi, and Papua (Wiratno et al., 2001; MOEF, 2005; Goss, 2011)

Since the beginning, ‘conservation’ in Indonesia was promoted as a land reserve of the government and shaped by interactions with non-state actors (in this case biologists). Framing conservation this way served the Dutch government well for justifying their control of resources while also projecting future land development potentials. Scientific importance of landscape interpreted by biologists or geologists was used to justify the State control of particular landscapes driving expansion of management authority over these lands.

4.1.2 Soekarno era (1945-1966)

During the transition to independence, much of the Indonesian bureaucracy reshaped itself around its bureaucratic antecedents from the Dutch colonial state (Anderson, 1991). President Soekarno presided over an Agricultural Ministry that insisted that *Staatblad* 1941 No. 167 (*natuurbeschermings ordonnantie*) and *Agrarische Reglement* from the colonial era were still valid and should be re-operationalized. The colonial institutions managing parks and natural reserves evolved into a small unit within the Ministry of Prosperity during the early years of Indonesian Independence. Conservation bureaucracy continued to evolve as part of, or under the forest research bureaucracy from a preceding era, following political transitions and new interests emerging among influential actors. However, at the outset there was no clear formal mandate for forest and species conservation, except for conserving soil based on PP No. 1/1951 (Nurjaya, 2005). Some existing units in the Ministry of Agriculture were transferred to establish the new Ministry of Forestry by the Dwikora Cabinet of 1964, which had particular interests to ensure that forests were managed for social prosperity (Nurjaya, 2005).

4.1.3 The New Order era (1967-1998): Defining zoning and camouflaging the timber and mining booms

The birth of the zoning instrument

During the Soeharto era, state territorialization took place by demarcating state forest areas under the Consensus of Forest Land Use (TGHK). The main purpose is to secure timber extraction in production forests (HP). However, TGHK also designated protection forests (HL) for safeguarding soil and watersheds, and forest conservation areas (HK) as strictly protected areas. The conservation bureaucracy enforcing HK successfully raised funds through programmatic commitments through international collaboration incorporated the bureaucracy for forest protection. HK were however, made to camouflage government interests of reserving them for future extraction. By setting aside conservation areas, the New Order was able to divert the public attention away from massive targets on natural resource extraction and conversion for development outside HK (i.e. production forest). Environmentalists and conservation-oriented international actors had no space to work on production forests at that time, further entrenching production vs. protection dichotomy and the protection-oriented primacy of conservation forests.

Law No. 5 (1990), and Conservation Law and PP 68 of 1998, formally mandated national park management through a zoning system which may consist of a core zone, a utilization zone, and other zones depending on a particular justifiable necessity. These zoning categories indicate that utilization in HK was possible, safeguarding potential future interests of the state. Zoning categories provides a marker into the tandem relationships between the central regulating law in forestry (termed the Basic Forestry Law) and Law 6 (1967) about domestic capital, as well as Law 21 (1997)

on forest concession mechanisms (Tsing, 2005; Brosius, Tsing, & Zerner, 1998). In real terms, the utilization zones for social forestry are guided by the Basic Forestry Law that was rewritten in 1999. However, the conservation bureaucracy has traditionally followed the stipulations in Law No. 5, 1990, which has a stricter interpretation of allowable uses in conservation areas. For example, the national park system, which is one of the most prominent institutions among the conservation bureaucracy, attempted to devise detailed guidelines for spatial zones such as traditional zones that allow for community uses. However, Law 5, 1999 does not allow any exception for timber extraction, even if they are part of traditional community practices, which hamstring what the national parks can do.

International influence on local utilization zones

Responding to the pressures from the international forest conservation regimes (e.g. The Convention on Biological Diversity), the New Order government sought to formally ally with, and attract international attention by expressing Indonesia's interests to kick start development in parallel with a clear conservation agenda. The Ministry of Forestry officials at that time actively collaborated with numerous influential International actors, such as (1) the United Nations and the World Bank (FAO, UNESCO, UNEP) e.g. on national park programs, (2) Multilateral treaty organizations (Colombo Plan, OAS, EEC), (3) International NGOs (IUCN and WWF), and (4) Bilateral relationships (CIDA - Canada; DANIDA - Denmark; USAID; DGIS - Netherlands e.g. the School of Environmental Conservation in Bogor, Indonesia) (Basuki, 2015; Dunggio & Gunawan, 2009; Retno, 1998).

With these strong international relationships and projects on conservation, numerous efforts and programs were undertaken to integrate conservation with development (Retno, 1998, Dunggio & Gunawan, 2009; Moeliono et al., 2017). During the period, community based natural resource management was promoted (also known as social forestry) (Gilmour, 2016; Zerner, 2000). Community engagement in conservation also began to take place in and around national parks, initiated by the 1993 World Commission on Protected Areas (WCPA) (Dunggio & Gunawan, 2009). WCPA recommended that protected areas should be managed with inputs from various stakeholders, especially people living in the area. Therefore, managing protected areas in Indonesia evolved to include participatory elements and joint management arrangement with communities.

In the 1980s and 1990s, influence of transnational NGO advocacy grew for nature and human society (Brosius et al., 1998). This has contributed to development of international conservation standards like High Conservation Value (HCV) and the involvement of communities through mechanisms like Free and Prior Informed Consent (FPIC). The HCV standard was established as a management system to ensure crops are used or extracted in a sustainable manner, and to maintain the socio-cultural and environmental aspects of outstanding resources (see HCV standard in Forest Stewardship Council (2015).

While setting aside conservation forests for international projects, concomitantly, logging exports began to boom in production forests, becoming the second largest economic income generator for Indonesia after the oil and gas sector during this era (Sahide and Giessen, 2015). Policy agenda was revolved around facilitating the necessary infrastructure development for the timber sector (Sahide et al., 2015). The New Order era also institutionalized social programming across these development landscapes by trying to homogenize ethnic groups (Li, 2001). Conservation projects in this era proceeded with the 'common sense' viewpoint is that "if there were no tigers

and elephants then it was appropriate to proceed with mining”⁴. This is different from the contemporary conservation ethos, which promotes alignments with local indigenous values and the rhetoric of keeping local management to conserve forests and local communities.

International pressures after the Suharto era shifted its attention from strict preservation to acknowledgement of local community land rights in the forest estate. In response, Indonesian government started creating different zones in HK, such as special zones to accommodate villages that were already within forest estate boundaries and traditional zones to support customary and traditional forest uses. The projects to support such communities were located in buffer zone areas (programs were called model conservation villages, MDK). While communities in buffer areas benefited from the support, other communities within conservation areas were unable to access any government support programs. Meanwhile, these communities saw large concessions in HP being given to large corporations for timber and plantation expansion during this time.

4.1.4 Post-Soeharto era (1998- 2014): *Hollowing out management responsibility in production and protection forests, while actively securing conservation forests*

Effects of Decentralization on HP, HL and HK.

Although decentralization policies were applied across the Indonesian bureaucracy in the post-Soeharto era after 1998 (including in the forestry sector), the conservation bureaucracy became stronger and more centralized (Sahide & Giessen, 2015). For example, Directorate General (DG) under the Ministry of Forestry was created as a singular unit that controls all conservation areas and raised the profile of conservation bureaucracy.

Sudden absence of previous suppression of local communities by strong security forces (i.e. military, police) resulted in the emergence of conflicts that were previously ‘latent’ (Yusran et al., 2017). In the early reform years, numerous local actors demanded and successfully acquired unlimited access to the use of forest resources (Resosudarmo, 2004). In the early stages of the reform era in Indonesia (1998 - 2005), the state forest had become widely contested by new policies that expanded the authority of local governments (i.e. decentralization), which opened access for rural communities (Resosudarmo, 2003). There were two main actors that demanded and gained widespread access to forests at that time, which in turn led to significant deforestation. First, some local communities claimed access to the state forest (Purnomo et al., 2010). While strict enforcement did continue in conservation and protection forests (Sahide & Giessen, 2015), liberal zoning policies were negotiated, such as special or traditional zones in national parks under the discursive shift to social forestry. In this way, community members in those zones were able to gain access to various forest products, including timber, and also allowed to build in areas that were previously restricted (Purnomo et al., 2010).

Second, private actors also gained wider opportunities under decentralized mechanisms, particularly through the district government’s authority to legally grant small-scale concession licenses in forest areas (e.g. timber concessions and mining). This authority was curbed in 2002 however, due to widespread forest and land clearance (Tacconi et al., 2004; Sahide et al., 2016). Local communities outside particular zoning,

⁴ Interview with one NGO working for conservation in Sumatera in 24 October 2016

became to have even less legal power in utilizing forest resources, particularly in conservation areas (Sahide and Giessen, 2015).

Along with decentralization policy, the new Basic Forestry Law (Law 41), enacted in 1999 contained clauses and formal mandates for community empowerment and people's welfare. This presented the opportunity for indigenous and local community activists to redefine terms on community forestry. Decentralization also provided an opportunity for local governments to manage natural resources and forests without direct intervention from the central government. In 1997, an activist worked at the communication forum for community forestry (FKKM), Prof. San Afri Awang was appointed as the head of the DG of Planning at MoFor, and a new DG position was created for HK (Hidayat, 2008:166). The first formal DG-level conservation bureaucracy was also a response to the indigenous peoples movement making claims alongside community forestry activists and increasing demands by the alliance promoting social forestry (Bettinger et al., 2014).

Conflicts in HK were more acute because the conservation bureaucracy in MoFor was the only institution that enforced the law (e.g. restricted public access) (see Yusran et al., 2017; Dunggio & Gunawan, 2009). HP and HL were under the jurisdiction of district governments. Massive 'illegal' access to HP and HL could not be hindered by the district government who had neither management capacity nor interests. HP was transformed by many 'small-scale' concessions for logging and mining concessions, while both HL and HP were flooded by unrestricted public access. We call the TGHK designation at this time a hollow policy. Although forests were designated as a particular type of forest to be managed with an associated set of procedures, in practice these procedures were largely ignored (Sahide et al., 2016). Changes in forest management responsibility through decentralization had become one of the most contested issues in Indonesia (Wulan et al., 2004; Purnomo et al., 2010; Maryudi, 2014). The central government have maintained their authority in HK. As a result, the conservation bureaucracy governing HK was the only forest institution that still maintained a high degree of functionality and management/protection responsibilities.

Hollow promises of community based forest management

The central government has maintained its control of conservation forests even through the rapid shift to decentralization since 1999.⁵ However, we argue here that the current shifts in bureaucratic politics are challenging the norm of conservation forest zones to allow full access for some, while remain hollow for others. We show how the narrative of environmental services was used as justification for geothermal projects, which in turn also opened up opportunities for community forestry to contest these zones.

Table 2 highlights the ways that conservation politics are being contested in the post-Soeharto era and its implications. We provide a detailed list of policy instruments that challenge utilization of conservation areas. Up to this point however, each policy instrument continues to be hollow with little or no implementation/enforcement. Although efforts for liberal zoning to allow utilization in conservation areas have been made, in reality, they have been undermined by actors' interests to maintain a non-decision state through hollow policies.

Notations for A (formulation) and B (implementation/enforcement) in the gradation column connects to our operational concept listed in Table 1. For example,

⁵ Except for a small authority for forest park (*Tahura*) managing by district government

in Constitutional Court decision 95, we provide a notation of A1 (high rules) because this is one of the strongest legal decision bodies in Indonesia. However, this can be coupled with the notation B3 (no implementation) to produce a hollow policy, if no ministerial body has developed to interpret and implement the decision. Therefore, at this juncture, we call this a pure hollow policy. If the enacting body was designated for implementation, but the policy is not enforcement, we define this as a medium hollow policy. For example, traditional zones were created to allow customary and traditional practices in conservation areas. In reality, although they have medium level of legal standing as a ministerial decree (A2, rules without strong support from basic laws), the regulation can only be implemented on paper through mapping exercises. Enforcement is not possible because enforcement would collide with stronger policies that prohibit common traditional practices such as introducing new species, traditional burning, and any timber harvesting actions. Therefore we assign (B2, implementation without enforcement) and identify the policy of traditional zones as a medium hollow policy. We have identified one instance of non-hollow policy. However, MDK policies (see Table 2, policy instrument 4) are only implemented and enforced in buffer zones outside of conservation areas. Overall, the conservation bureaucracy has continued to maintain hollow policies for utilization in conservation areas

Table 2. Hollow policies for community management in conservation areas

Policy instrument	Hollow situation			Gradation degree of hollow policy*
	Rules and mandate	Timber utilization issue	Implementing actors' treatment	
1. Collaborative management: Conservation-based activities planned/managed with community participation, and multiple actors dialogue in MOEF regulation 19 (2007)	Clear formal rule, but impossible to accommodate multiple stakeholders' interests in the management.	No clear mandate to allow community to extract timber in conservation forest	Only work if there is strong non-state actor(s) with funding to showcase collaboration interests, and the willing head of the conservation unit (e.g. national park)	A2+B1 (Pure hollow policy)
2. Special zone: To those local communities with public infrastructure, e.g. market, electricity, road, school	Clear rule, especially after MOEF regulation 83 (2016)	Not allowed to harvest timber	Need strong commitments of implementing actors	A2+B2 (Medium hollow policy)
3. Traditional zone: To ensure traditional utilization of natural resources in the national park	Clear rule, especially after MOEF regulation 83 (2016)	Not allowed to cut the tree	Need strong commitments from implementing actors	A2+B2 (Medium hollow policy)

4. Partnership in conservation forests in MOEF regulation 83 (2016)	Clear guideline rule, but lack support of basic law, and still need time to prove its effectiveness	Timber utilization allowed only for villages outside conservation areas	Only work if it is a showcase of conservation working with community	A2+B2 (Medium hollow policy)
5. Ecosystem essentials – based on Government Regulation 28 (2011)	No detailed rule, especially on regulation	Allowed, depending the conservation area authority	Can work if there is strong collaboration with local governments	A2+B1 (Pure hollow policy)
7. Constitutional court decision 95 (2014)	No implementing rule from the sectoral bureaucracy	Allowed to utilize timber in the state forest; MOEF still needs to follow up with detailed regulation	Need strong bureaucracy coordination	A3+B1 (Pure hollow policy)

* The code is developed based on Table 1

4.2 Justifying geothermal development in conservation zones: Breaking the deadlock

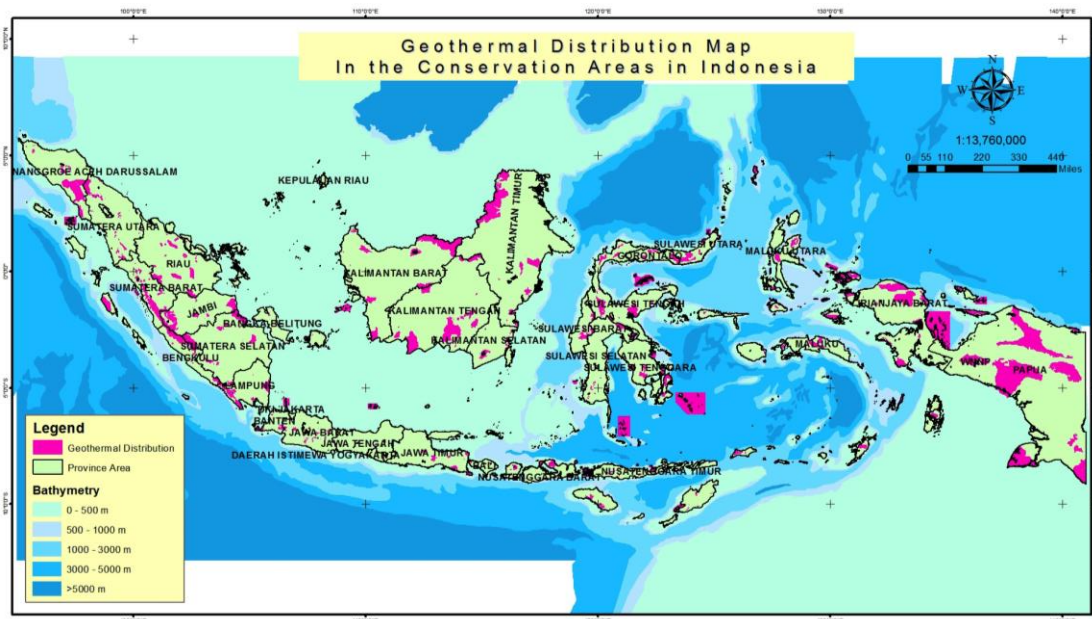
As of 2016, there were 265 potential geothermal sites identified in Indonesia, with the expected capacity to produce more than 28,000 megawatts (MW), which is equivalent to about 40% of total estimated geothermal potential in Indonesia. So far, however, Indonesia has only developed 5.12% of its geothermal potential (approximately 1,514 MW) (MOEF, 2017). Potential locations for geothermal development highlight large potential of electric power production from 17 HK (Ekowisata.org, 2014), which is 70% of all areas in HK in Indonesia (Hakim, Fauzi, & Ekayani, 2014). In 2017, MOEF approved the first geothermal development in HK by issuing environmental service licenses to PT. PGE-CGS, Ltd in Gunung Halimun national park to produce 377 MW (MOEF, 2017). The project was approved on justifications of providing an environmental service (e.g. renewable energy) and stipulated for the company to produce detailed environmental impact statements and ecosystem management plans to protect surrounding areas.

After this initial success, MOEF established a specific bureaucracy, the ‘Directorate of Environmental Services of Conservation Forests’, which oversee the ‘Sub-directorate of Geothermal Utilization and Carbon’. In other words, the bureaucratic politics and prioritization by MOEF has conflated the importance of expanding geothermal projects with the impetus for carbon mitigation, placing geothermal development firmly within the approaches to mitigate climate change. MOEF staff overseeing geothermal development have now developed a detailed map of potential locations for geothermal development in Indonesia. According to preliminary surveys by the Ministry of Energy and Mineral Resources (MOEMR), there are several conservation areas that have geothermal potential (in 6 national parks and 33 nature reserves), such as Gunung Leuser National Park (NP), Kerinci Seblat NP, Bukit Barisan Selatan NP, Gunung Halimun Salak NP, Gunung Ciremai NP, and

Gunung Rinjani NP. The potential areas are either located in the core or utilization zones. In one national park (Gunung Leuser NP), for example, the potential site is located in the core zone, while in other NPs, uncharted potential geothermal locations are expected to be in utilization zones⁶. Justifying utilization permits for geothermal development on the premise of providing an environmental service was articulated in PP No. 108 of 2015. Permits can only be issued for development in utilization zones. Many of the geothermal sites in Nature Reserves, however, are located within the core zones, initiating further efforts to push the envelope of possible utilization or to redraw the zoning boundaries (Mongabay, 2016b).

In 2017, MOEMR released new data on 145 potential sites in conservation areas for geothermal development (total 12,176 MW possible) (see Figure 4, below), which created an excitement about potential development/funding possibilities⁷. A MOEMR’s report (2017) explicitly stated that energy from the renewable sources, such as geothermal development, provides broader environmental benefits for climate mitigation, which is a foundation for attracting external supports from environmentally/conservation-oriented institutions. These arguments frame the rationale for development as benefits far outweighing the site-specific impacts.

Figure 4 Map of Geothermal Potential in Conservation Areas (MoEFor, 2016)



4.3 Re-establishing hollow policy in social forestry

As explained in previous sections, efforts to utilize conservation areas in Indonesia have mostly ended up in a deadlock, as lower-level regulations for utilization clash with the umbrella laws (Law 5, 1990, in particular), which maintained strict preservation of HK. Until geothermal politics intervened with Law 21 (2014) further supported by MOEF regulations, no clear pathways existed for articulating and implementing liberal zoning in conservation forests. Breaking a deadlock policy state

⁶ Interviews with staff at the sub-directorate of geothermal energy at MOEF in November 2016

⁷ Interview with a former senior staff at MOEF in November 2016

has been possible through a combination of green narratives and powerful alliances creating an opportunity. This also opened up a possibility for proponents of community based forest management to make similar utilization claims in conservation areas. The government now has a legal precedence that can force MOEF to liberal zoning, which created concerns for the conservation bureaucracy. The most prominent claimants in the post-New Order era are the advocacy groups for social forestry who have been seeking recognitions for indigenous communities, traditional uses, as well as those communities already residing within conservation areas.

The most obvious concern is related to the further destruction of forest areas. Many in the bureaucracy feel that if lands were handed over to local communities, rapid land conversion would take place. However, major concerns among bureaucratic actors are related to more practice aspects. It is much simpler for them to work with a few investors of geothermal energy development for the necessary assessments and paperwork where the process is more clearly defined. The locations are already mapped out, environmental impact assessments are more likely to be conducted in a professional manner, and they can reasonably expect reporting responsibilities to be fulfilled. Past experiences have proved that working on social forestry with local communities is difficult from the bureaucratic perspective. Local plans are usually drawn up by third-party intermediaries like NGOs or local universities. Once such plans are submitted and approved, the local communities often do not have the capacity to fulfill existing paperwork requirements. When multiplied by thousands of communities across Indonesia, such a challenge seems bureaucratically insurmountable. The conservation bureaucracy does not have enough staff and furthermore, is not familiar with the legal process for addressing land use conflicts in conservation areas.

Large corporations have built-in resources and technical capacity for working with local communities. For example, the geothermal power plant run by Chevron in the Gunung Halimun Salak NP were able to mobilize Corporate Social Responsibility (CSR) funds to work with local communities (Hadiprasojo, 2015). They provided employment opportunities and community development programs, and initiated small environmental rehabilitation and monitoring projects. They were also able to mobilize ad hoc funding sources to address conflicts with local communities. Overall, working with a utilization concession is much clearer and straightforward for the conservation bureaucracy, while working with communities would require substantial face-to-face interactions and directly dealing with individual conflicts. In the event of conflicts in a geothermal concession area, the conservation bureaucracy can just address the corporation and their regulatory commitments.

Advocacy groups for social forestry have grown increasingly powerful in the past decade. Policies supporting indigenous rights, social forestry, and agrarian reform have expanded legal bases for the claims to millions of hectares in the forest estate⁸, including conservation areas. The President has personally intervened in supporting local community land claims and appointed the previous head of DG of social forestry to oversee DG for conservation. Nevertheless, certain barriers to acknowledging community claims to conservation areas still persist. The politics of delay and non-decision are inherent in the rationale that emerge from Law 5, 1990 stipulating conservation utilization, which must first be resolved before any claims can be realized.

Maintaining the deadlock of strict preservation blocking community access while letting private actors utilize conservation forests became increasingly impossible. New

⁸ Interview with NGOs in Jakarta on 15 December 2016 during a workshop for revising the Indonesia conservation law

regulations began to open up the opportunity for both, but power politics of implementation/enforcement make them effectively hollow for some interests while serving others.

5 Who benefits? : Actors and institutions

5.1 President, economy, and social welfare commitments

President Widodo is often described as a populist president. Not coming from a typical aristocratic background, he came into the elected office as one of the most popular presidents in Indonesian history. The key strategy to Widodo's success is appealing to the popular sentiments among activist communities, while also supporting the broader business elites in Indonesia. He played a central role in creating the window of opportunity that led to breaking the deadlock in conservation areas. The state forest is now totally under the control of the President, where he can impose his popular political agenda on social forestry, while encouraging liberal investments on geothermal projects with new government regulations issued at the end of 2016⁹.

As Widodo came into office, he selected a prominent activist from Indonesia Corruption Watch to act as the chief of staff, especially to ensure his commitment on following up on the key national reform commitments. This appointment provided a platform for building trust with broader activist communities and addressing their concerns. He created a broad umbrella of policies to support agrarian reforms, indigenous rights, village empowerment, and others. His campaign promises for securing land rights and livelihood for the poor were articulated through the programs on reforming land rights and developing social forestry. As numerous Indonesian villages are located within or around the state forest estate, social forestry became the vehicle for securing usufruct land rights of the rural poor. At the beginning of his tenure, the MOEF sought to delay the contested claims to the state forest, especially around conservation areas. However, the president Widodo's commitments and staff interventions at the ministry made utilization more likely than ever.

Ministries coordinating economic activities (e.g. the Ministry of Energy and Mineral Resources) was able to create the opportunities that broke the deadlock of utilization in conservation areas. One of the key strategy was creating a pathway for fulfilling the renewable energy commitment of 35,000 MW. Geothermal energy was framed as providing an environmental service, while also supporting sustainable development. The President has successfully persuaded the Parliament on re-drafting energy policy to make it easier for geothermal expansion and ensure strategic development of some conservation areas.

5.2 The key line ministries (MOEF and MOEMR)

As explained earlier, MOEF's current form has evolved from its historical development (Figure 2) and consists of two distinctive elements: DG of Production and DG of Conservation. DG of Conservation has a considerable power over maintaining the political identity of MOEF and zoning is a way to create a non-decision state to server its bureaucratic interests. Although traditional and special zones are allowed on paper, they are in fact a hollow policy, without the mechanism for implementation (Table 2). The main job for DG of Conservation is 'selling' conservation to

⁹ This new government regulation replaced old GG 59/2007 on geothermal activities and business interests

international forest regimes and to receive international funding. Thus, DG of conservation is programmed to only work with external actors – such as NGOs and international actors – and maintain preservation of the state forest.

However, MOEF has allowed the Parliament to take the initiative on revising conservation forest law, which signals that conservation in the future will be more business friendly accounting additional benefits of engaging private sector. Geothermal energy as an environmental service provides an ideal justification for this. A large business venture for geothermal development can meet national development goals and also attract the notable attention to clean energy development and carbon emission reduction in Indonesia. This can help negate some of the negative attention Indonesia received in the recent year for deforestation (e.g. Hansen et al. 2013). The popularity of landscape approaches also provides a rationale for multiple uses and a basis for zoning that can maintain conservation function while also generating financial benefits.

Therefore, DG of Conservation has responded to the demand for geothermal development by transforming the bureaucracy to incorporate hybrid functions. Several strands of bureaucracies have emerged under DG of Conservation, such as the ‘Directorate of Environmental Services in Conservation Forest’, as well as the ‘Sub-directorate of Geothermal Environmental Service Utilization and Carbon’¹⁰. Creating these bureaucratic structures has expanded their role and authority, as well as additional staff, mandates, and budget. To distance themselves from the critique that geothermal development is an extractive deep mining venture, MOEF representative argue that: “geothermal development is not like the coal mine, the open pit. Those [coal mines] destroy the forest, they extract and leave behind a large hole. Meanwhile, accessing heat for energy from the Earth only create tiny holes, and does not require cutting down all [forests]” (Berita Satu, 2016). MOEF has their own definitions on conservation and sustainability to challenge transnational conservation standards such as HCV and to maintain their control over conservation areas (the process was described in Giessen et al., 2016).

Opening the policy window for potential geothermal projects has proceeded cautiously with ongoing revisions of the Conservation Law 5 / 1990, as allowing geothermal projects can intensify other actors to demand similar utilization, particularly advocates of social forestry¹¹. Backed by strong non-government interests and activists with direct channels to President Widodo, these demands might lead to additional allowable uses in conservation zones. DG of Conservation is awaiting for a clear instruction from the law, which will decide either maintaining the deadlock or addressing the complexities of allowing social forestry in conservation areas.

In the meantime, MOEMR will need to meet the ambitious target of additional 7,200 MW from renewable sources by 2025 (Prodaya, 2016). MOEMR has actively engaged in facilitating good relations between geothermal businesses and local communities, as well as with local and civil society organizations (Hadiprasojo, 2015), which reduces the complexity of negotiating with local communities directly for the bureaucracy. MOEMR are also supported by ambitious geothermal developers who argue that if active development does not immediately get underway in Indonesia, they risk losing potential investors to other countries and Indonesia will not achieve targeted climate mitigation commitments.

¹⁰ See new structure (2016) of MOEF on DG conservation structure at <http://ekowisata.org/tentang-kami/> as well as <http://ksdae.menlhk.go.id/struktur-organisasi.html>

¹¹ Based on our observations on the effort of revising Forestry Law (Law 41 of 1999) at MOEF, as well as the process on the revisions of the Conservation Law 5 / 1990 (during workshop series and media analysis).

5.3 Local leaders (national parks, sub-national governments, and civil society)

Local leaders are defined as the actors who influence local land management, which include those working in national parks, Tahura¹², provincial and district agencies, as well as influential civil society. Although the national park system is a part of DG of Conservation, leaders in these posts play an important role in negotiating policies at local sites. However, leadership of national parks are notorious for having some of the shortest tenures, generally not lasting more than two - three years in their posts¹³. Through the national park offices, MOEF can coordinate infrastructure projects, like access roads, and other small support programs for local communities under the title of local community empowerment¹⁴. National parks and other conservation unit administration are also requested for not only taking initiatives on conserving natural resources but also promoting community empowerment and increasing income from ecosystem services¹⁵.

Conflicts surrounding uses of conservation areas among local communities are often mediated by local government representatives. The main intermediary in such conflicts between communities and DG of Conservation (e.g. national park leadership) are the district heads whose constituencies are local communities. Local district heads generally tend to propose the release of enclave areas from conservation zone designation to mediate the conflicts. One exception is Tahura¹⁶ conservation areas. In these cases, the district governments seek to maintain the conservation function of the Tahura and tend to have adverse relationships with local communities by keeping them out.

5.4 Large-scale corporations

Investors require land for building geothermal power plants. Large infrastructure projects had been off limits in conservation areas due to regulatory deadlock, while they are plagued by resettlement challenges outside of conservation areas. Thus, some conservation areas may need to be sacrificed. Chevron has managed 200 ha of conservation areas out of their 10,000 ha concession (since 1980) where they achieved 'golden category' certificate from the Ministry of Environment in 2011. They did not have a problem securing geothermal investment (Berita Satu, 2016). National

¹² Tahura (*Taman Hutan Raya*) (forest park) is the only conservation unit managed under district authority

¹³ For example, during the conflict of Tallasa sub-village in Bantimurung Bulusaraung National Park the head of the national park has been replaced three times since 2005. Villagers of Cinagara located within Gunung Gede Pangrango NP complained that these replacements affected their ability to coordinate a sustained community empowerment program with NP staff (Soemarno, 2012).

¹⁴ One commonly observed example are roads built in the Babul National Park, which was generally promoted under the rhetoric of community empowerment. Our observation was made in the event of socialisation in 28 November 2016. *Pemberdayaan Masyarakat. Dalam Rangka Pemanfaatan dan Pengembangan Transportasi Terbatas di Kawasan Taman Nasional Bantimurung Bulusaraung, Kabupaten Maros, kerjasama antara Balai Taman Nasional Babul dan Balai Besar Pelaksana Jalan Nasional XIII, Makassar.*

¹⁵ An interview with the head of NP Takabonerate 19 March 2018

¹⁶ The seemingly unmanaged Tahura are common particularly in South Sulawesi province. These conservation areas were not centralized as part of Law 23/2014, but established for recreation, tourism and watershed protection by district governments, especially in outer islands outside of Java. MOEF tends to not approve new Tahura proposals in the state forest area. The Minister stated that proposal to convert non-state forest area to become Tahura is more preferable .

state-owned companies like PERTAMINA also prioritize geothermal projects in Indonesia and have close relations with parliament members, which create concerns. In one news statement (TEMPO, 2017), the Indonesian Forestry Higher Institution network requested investment agencies not to lobby or otherwise intervene the revision of the Indonesian Conservation Law.

6 Discussion and conclusion

This paper discussed how bureaucratic politics, namely the mechanism of creating deadlocks - through non-decisions and hollow policies - take shape in the context of the forestry policy cycle in Indonesia. We have described how the forest bureaucracy has evolved over time to maintain conservation zones. Deadlock opportunism showcases the friction that takes place to allow for longstanding policies in a deadlock situation, to be reinterpreted to serve particular powerful interests while being closed off to others with similar claims over the same deadlock. Table 3 highlights the conditions of deadlock opportunism in conservation zones, and discusses the implications of breaking the deadlock in different ways.

The first example in Table 3 is the liberal zoning case for both community forests and geothermal utilization. In this scenario, the policy instruments would include both revising the existing conservation law and creating new ones for supporting social forestry commitment. If this deadlock opportunism succeeds, it will weaken politics for strict preservation, but would benefit a number of powerful and not so powerful actors. In the second scenario, we provide the conditions in which deadlocks can be maintained. Although the initial opening for geothermal utilization permits are underway in conservation areas, this does not guarantee future permits will be issued in other locations. There are even some indications of geothermal permits in conservation areas already being denied. We also discuss consequences of the continued status quo of social forestry deadlocks in their preexisting conditions.

Table 3. Scenarios for deadlock opportunism in Indonesia's conservation forests

No	Policy Instrument options	Entry point	Consequences	Actors who benefit from the option
1	Liberal zoning for both community forests and geothermal utilization			
	<ul style="list-style-type: none"> Revising the conservation law to provide a win-win for both community and geothermal investment Fulfilling the commitments for social forestry in conservation areas 	<ul style="list-style-type: none"> Geothermal development and social forestry coalitions enter political argumentation to challenge conservation zones 	<ul style="list-style-type: none"> Weakening pure conservation politics (in terms of forest defense) Strengthening conservation as business. Greater local claims to access land 	<ul style="list-style-type: none"> President: for securing electoral votes from popular land reforms NGOs that support brokering management plan for community forests Large scale corporations MOEMR with expanded avenues to implement large infrastructure projects
2	Status quo zoning, keeping the deadlock			
	<ul style="list-style-type: none"> Keeping existing popular legal framework (without mechanisms), such as (1) Collaborative management, (2) Conservation Partnership, (3) Conservation village model 	<ul style="list-style-type: none"> International donors prefer multi-stakeholder approaches including social forestry Strong commitment from site level 	<ul style="list-style-type: none"> Sustaining ambiguities and inconsistent rules regarding social forestry programs in conservation areas Many interpretations possible and 	MOEF collecting more dominant information especially national parks selecting partners to collaborate with, proceed or delay collaboration implementation and agenda, and select location

<ul style="list-style-type: none"> • Keeping special zone, traditional zone as status quo (popular social forest zonation but not implemented) • Permits for geothermal business in existing sites with strong political backup, meanwhile not allowing c additional sites. CSR programs for existing sites 	bureaucracies (e.g. national park management)	subjective interpretation steered by strong coercive power in site level	inside or outside (buffer area) for partnership and collaboration
		<ul style="list-style-type: none"> • Strong conservation bureaucracy blocking new geothermal proposal. 	

All over the world, the ambiguity surrounding conservation and preservation persists often resulting in sometimes unlikely alliances, such as social forestry and geothermal development presented in this paper, which challenge the longstanding deadlock preventing utilization of conservation areas in Indonesia. The historical factors that created widespread conservation zones across Indonesia illustrates how the bureaucracy evolved to maintain a deadlock on these zones through Indonesia's development. We argue that Indonesian forestry policy has evolved with key alliances within the international forestry regime. The operational framework of deadlock opportunism developed here help us understand how deadlocks are created and how they can be broken or maintained. This paper presents thorough explanations of the actors, interests, and bureaucratic tools at work in interplays between geothermal development and social forestry for utilizing conservation areas. However, they are by no means to suggest prescriptive solutions or predetermined outcomes. We believe the concept of deadlock opportunism and the operational framework can provide new insights for understanding progress (or lack thereof) of certain policies in their lifecycles in other parts of the world.

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