



Photo: Andris Salo



## Tana' ulen

### A Vital Conservation Tradition for the Recognition of Territories of Life

Author(s):<sup>1</sup> Cristina Eghenter, with contributions from Kasmita Widodo, Yutang Bawan, Saul Jalung and Andris Salo

When the late Customary Chief of Bahau Hulu, Anye Apuy,<sup>2</sup> visited the small village of Batu Puteh in Kinabatangan, Sabah (East Malaysia), the local leaders told him: *“They took the forest from us. Do not let them do that to you, if you still have forest in your village. Forest is life.”* That was not the first time Anye Apuy had witnessed the economic, social and environmental costs of industrial oil palm plantations and logging operations, leaving behind only pockets of fragmented forests and just memories of once-thriving hunting grounds, with no significant economic gains for Indigenous peoples. He had seen a period of rampant logging along the main rivers of the interior near his village in the 1970s, and he had visited communities in Sarawak where timber concessions had encroached upon Indigenous territories. He had long realized that timber is gold, but, in his own words: “This is not the kind of gold that is good for us, I want to protect the

forest in my area, as the forest is life for Dayak people” (quoted in WWF 2012: 71).

Millions of hectares of forests, wetlands, lakes and coastal areas in Indonesia are governed by Indigenous peoples and local communities. They do so to protect and conserve natural resources and ecosystem functions and to maintain the basis of their livelihoods and food security, including their spiritual values and religious beliefs, for present and future generations. By 2020, more than 10 million hectares have been documented and registered in Indonesia by their custodians, according to the Agency for the Registration of Indigenous Territories (known as BRWA in Indonesia).<sup>3</sup>

*Tana' ulen* is a practice of forest conservation by the Dayak Kenyah Indigenous peoples who live in the upper reaches of some of the major rivers in the interior of



Borneo, along the border between Sarawak (Malaysia) and Kalimantan (Indonesia). It is a model of effective and locally rooted conservation. For the Kenyah people, conservation means caring for the forest as a source of livelihood and cultural identity, and the belief that the forest will continue to sustain the community in return. This underpins the local management approach in the traditional Indigenous territories of the Kenyah people in the current provinces of East and North Kalimantan (Eghenter et al 2003; 2018). It is also most evident in the tradition of *tana' ulen* in the territories of Bahau Hulu and Pujungan, two communities in the Malinau District in North Kalimantan, where we focus our story.

### *Tana' ulen*: Forest conservation, the Dayak Kenyah way

*Tana' ulen*, is *tana* (land) that is *m/ulen*, meaning restricted or prohibited. The forest of *tana' ulen* is old-growth or primary forest rich in biodiversity and with a high level of endemism. Dipterocarp tree species (*Shorea*) tend to dominate. Many rattan and other palm species can be found in the under storeys and the ground is covered by gingers, aroids, ferns and begonia plants. Rare and emblematic animal species like hornbills, clouded leopards (*Neofelis nebulosa*), forest cats and civet species can be found. Hundreds of bird species, deer, wild boar, and wild cattle<sup>4</sup> also

**“They took the forest from us. Do not let them do that to you, if you still have forest in your village. Forest is life.”**

Local leaders of Batu Puteh, quoted in WWF 2012

<sup>1</sup> Cristina Eghenter works with WWF Indonesia and the Working Group on ICCAs in Indonesia (WGII), the latter of which is a Member of the ICCA Consortium. She is also an Honorary member of the ICCA Consortium.

Contributors: Kasmita Widodo (BRWA and WGII), Yutang Bawan (FoMMA Pujungan), Saul Jalung (Customary Chief Pujungan), Andris Salo (FoMMA Bahau Hulu; map and photos).

<sup>2</sup> This text is dedicated to the memory of Anye Apuy. It was his leadership and vision that helped keep alive the conservation tradition of *tana' ulen* among his people and succeeded in the recognition of the customary territory by the local government in 2019.

<sup>3</sup> The Agency for the Registration of Indigenous Territories (BRWA) was set-up by the Alliance of the Indigenous Peoples of the Archipelago (AMAN); as of early 2021, its database [tanahkita.id](http://tanahkita.id) covered maps of 866 Indigenous territories covering a total of 11.1 million hectares. See chapter ‘National analysis Indonesia’ in this report.

<sup>4</sup> *Banteng* (*Bos javanicus*) are wild cattle that were once found in most parts of Southeast Asia, but are nowadays limited to small populations. These animals are grazers and browsers who can live in the forest but prefer the open grasslands which are traditionally semi-managed by local people.





## Territory of life: Tana' ulen system of ICCAs



**93,296** ha in Bahau  
Hulu; **174,291** ha in  
Pujungan



Custodians: Dayak  
Kenyah Indigenous  
peoples of Bahau Hulu  
and Pujungan



inhabit this forest. Animal parts (e.g., hornbill feathers, bear teeth and nails) are used as cultural items in traditional customs and dances—indicating the strong interconnection of biodiversity, forest and culture in the identity of Dayak Kenyah people (Eghenter 2018). *Tana' ulen* also contain plants, trees, fish and game with high livelihood values for local people. *Tana' ulen* areas are generally named after a river (e.g., *tana' ulen sungai Lutung*)<sup>5</sup>. The tradition of designating at least one *tana' ulen* area within the larger customary territory has long been practiced by the Dayak Kenyah people<sup>6</sup> and it is still observed today in every Dayak Kenyah community in the District of Malinau in North Kalimantan, Indonesia.

In general, *tana' ulen* areas are strategically located near the village so that management and control by the locals is easier. The size of a single *tana' ulen* area varies from 3,000 hectares to over 80,000 hectares. Access and

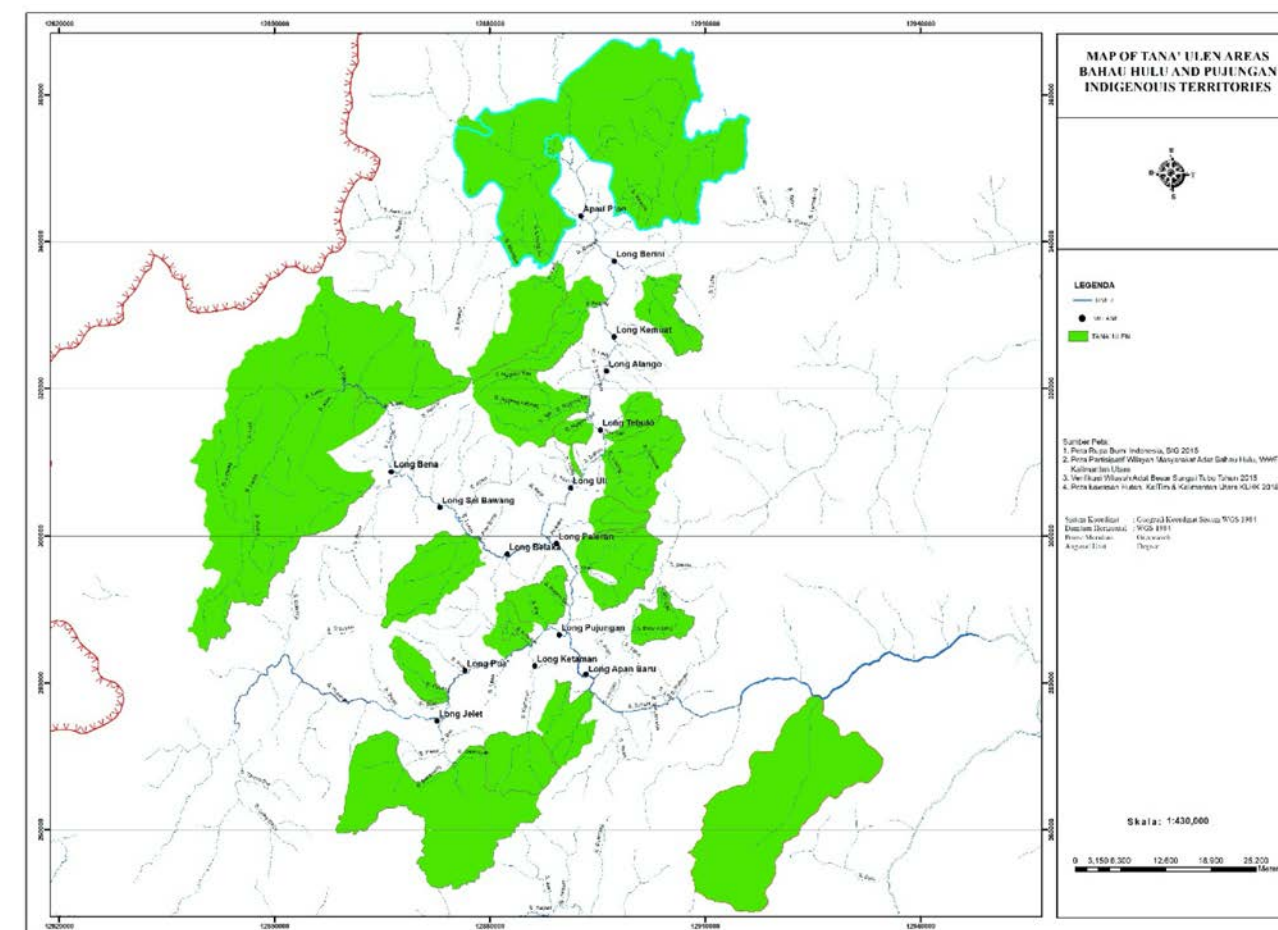
use are limited to protect the resources for long-term utilisation. They are also generally off-limits to outsiders, including sometimes nearby villagers.

*Tana' ulen* are a vital part of the governance of the broader Indigenous territories, which are known as *wilayah adat*. In a way, the *tana' ulen* represent the 'protected areas' of the Indigenous territories. The *wilayah adat* of Bahau Hulu is 321,607 ha; 93,296 ha (29 per cent) of this are *tana' ulen*, divided among the six villages along the Bahau River. The total population is 1,610. The *wilayah adat* of Pujungan is 584,866 ha, with 174,291 ha (29.8 per cent of the total) of *tana' ulen* in 9 villages along the Bahau, Pujungan and Lurah rivers. The total population is 2,155.

Historically, *tana' ulen* are also integrated into a broader territorial governance system. This is key to the future



Local people from Long Alango carrying out a biodiversity survey in the tana' ulen. Photo: © Andris Salo



Map of tana' ulen areas Bahau Hulu and Pujungan Indigenous territories. Map: Andris Salo (FoMMA Bahau Hulu)

of *tana' ulen*. The cultural and natural values are inextricably linked, and Indigenous communities are central to sustaining this system.

## Changing governance and the vitality of traditions

In the past, *tana' ulen* functioned mostly as forest reserves managed by the *paren*, or the families of the aristocratic class, on behalf of the entire community. The forest was considered a public good for which the aristocratic leaders were entrusted as managers and keepers. Recently, the governance model has undergone a profound evolution as a result of democratisation of local leadership and widespread education and schooling. While the basic regulations for the use of resources and protection of the *tana' ulen* have not changed, the decision-making and accountability have been transferred to the customary council. In Bahau Hulu and in Pujungan, *tana' ulen* areas are now under the responsibility of the customary councils. The authority is often vested jointly in the

customary chief and the head of the village. In one village, Long Alango, the customary authorities have decided to establish an additional management committee (*Badan Pengurus Tana' Ulen* or BPTU) in order to share responsibilities and strengthen the protection of the *tana' ulen*. The change is not a sign of weakening governance but rather an indication of the resilience and strength of the *tana' ulen* system adapting to changing circumstances.

Principles of conservation and sustainable use apply in the entire territory, but stricter regulations apply in *tana' ulen*. For example, the forest in *tana' ulen* may not be

<sup>5</sup> Originally *tana' ulen* might have been more appropriately called '*sungai ulen*,' that is the 'restricted river' which included the forest and watershed area of that river, always a tributary to the main river.

<sup>6</sup> Conservation traditions like *tana' ulen* have also been common among other Dayak peoples in the interior of Borneo, using other names such as *tana jaka*, *tana ang*, *tana pra*, etc.





cleared to open rice fields. Collection of economically important non-timber forest products is restricted in various ways, including:

- The time and duration of harvesting;
- tools and methods employed (e.g., *gaharu*<sup>7</sup> must be collected in the traditional way by selecting and felling only those that are infected);
- quantity and kind of animals hunted; and
- harvesting of resources on a collective basis.

Violations are prosecuted and fined according to forms of payments agreed by the customary council, either in money or heirloom items like machetes (*parang*) or *gongs*. Fines are specific to the kind of product and gravity of violations. Regulations are not fixed but discussed at special assemblies and adapted to evolving conditions. There are new regulations that require outsiders to pay a hefty fee to the village treasury for accessing the territory. Moreover, communities are now writing down customary regulations to strengthen the exercise

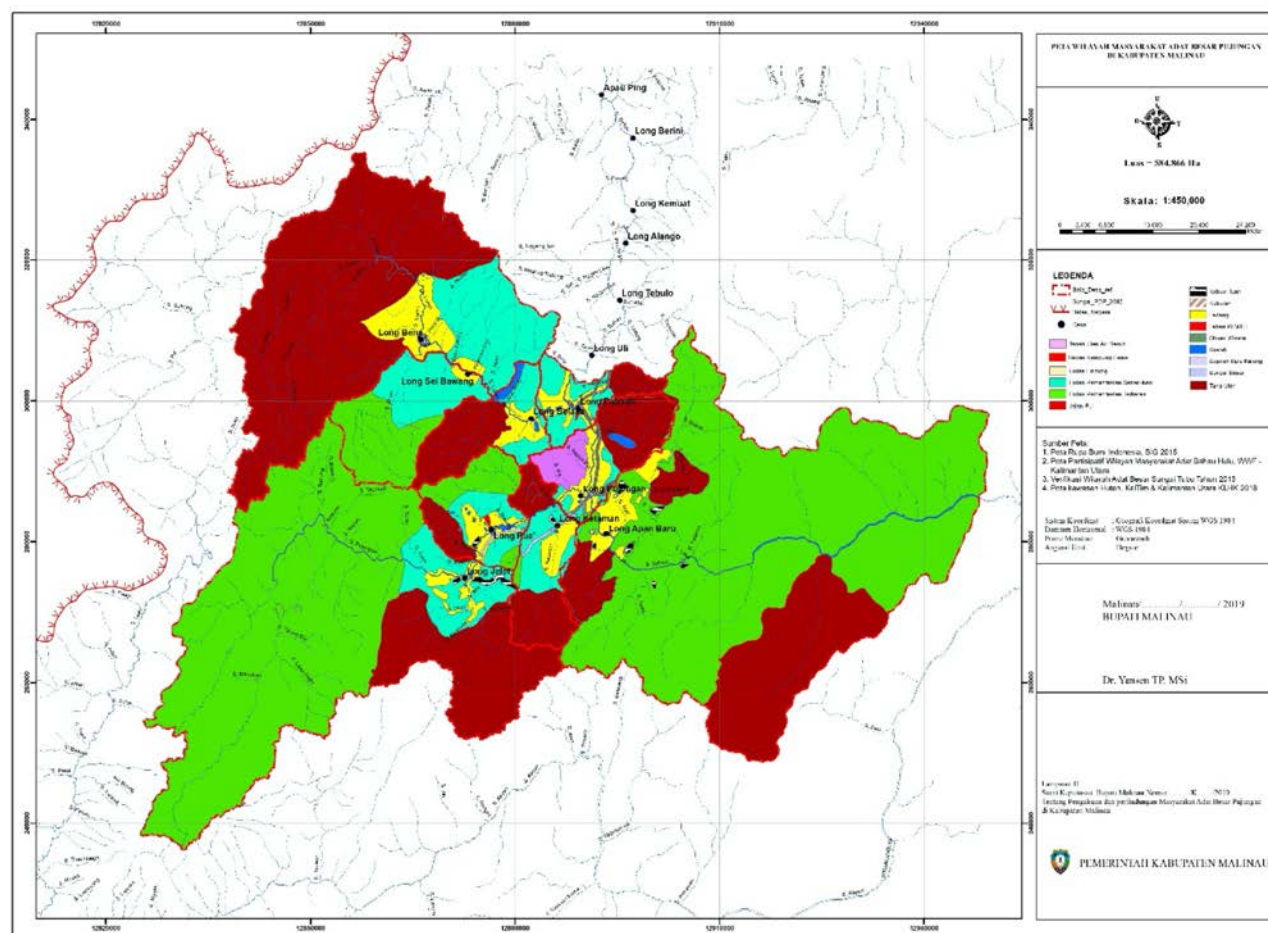
of their rights and increase enforcement and compliance by outside encroachers.

To this day, *tana' ulen* areas exhibit high levels of biodiversity. While there is no formal monitoring system used for measuring effectiveness, local people comply with the regulations by reporting to the customary council or village leadership changes in the availability of key species and the presence of outsiders they notice when they go to the forest. Depending on circumstances, they proceed to seize the *gaharu* collected and food supplies and ask encroachers to leave the area immediately.

### Why are *tana' ulen* important?

In the past, religious beliefs of Dayak Kenyah people required the organization of celebrations throughout the year to mark the agricultural cycle and other social occasions like the safe return of war parties and traders.

Land zoning map of Pujungan with *tana' ulen* areas in red. Map: Andris Salo (FoMMA Bahau Hulu)



A re-enactment of a long-standing tradition and collective action nuba ikan: catching fish in a stream using natural poison from a bark. Photo: Gamel Yutang

The village chief, and member of the aristocratic family, acted as prime host. He offered hospitality to travellers and delegations from other communities and prepared the meals for the people working in his fields. In order to fulfil his responsibilities, he and his family needed to ensure there was enough good food, especially fish and game, for the guests. This continues to be relevant today. Collective hunting and fishing are coordinated in *tana' ulen* at times like New Year's celebrations, harvest festivals and other collective ceremonies to procure abundant food safely, quickly and at low cost.

Construction timber is another important resource in *tana' ulen* (collective longhouses in the past, individual dwellings today). Equity considerations have always been factored into the governance system of a *tana' ulen*. The proceeds from harvesting of resources are divided among all with special allocations for the poorest and most vulnerable individuals of the community like widows and orphans.

### Securing appropriate recognition for vital *tana' ulen*

Over the last years, new opportunities have opened up for the recognition of collectively conserved territories and their custodians in Indonesia, while important limitations remain. In 2013, a fundamental Constitutional

Court ruling (no. 35) declared that forests traditionally conserved by local and Indigenous communities have a different status and are distinct from state forests. In 2014, a law (no. 32) on the management of small islands and coastal areas recognized the rights and roles of Indigenous and local communities in managing their traditionally conserved coastal areas. Equally important, many districts are increasingly legislating on the recognition and protection of Indigenous peoples' rights. However, the national law on Indigenous peoples and ratification of the UN Declaration on the Rights of Indigenous Peoples is still pending in parliament at the time of publication in early 2021.

The purported dilemma of conservation versus economic development directly affects Indigenous territories, especially in the form of mining, resource exploitation and land use conversion. Communities aspire to economic empowerment and investments like oil palm plantations can appear as tempting alternatives

<sup>7</sup> Aloeswood or *gaharu* is the trade name for the fragrant resinous wood from trees of the genus *Aquilaria* that have been infected by a fungus. *Gaharu* is used as incense wood in the perfume industry, and for medicinal purposes. The *gaharu* rush in Borneo started in the 1990s and saw the coming of many people from other places and provinces of Indonesia. Local customary institutions often failed to enforce exclusive control over their resources. The new *gaharu*-based economy benefited some people but also negatively affected livelihoods over the long-term (Eghenter 2005).



for local people. In many cases, the revitalization of *tana' ulen* has been used as a form of resistance against such threats to fight back timber companies and the commercial exploitation of forest products by outsiders. Other threats can come from local government infrastructure projects when planning is done without meaningfully consulting communities or respecting their most valued forest, including *tana' ulen* areas.

Under conditions of increased competition for forest resources, *tana' ulen* become a means to seek affirmation of community land rights and protect resources. In Pujungan, an old *tana' ulen* area was recently revitalized under the collective responsibility of all nine villages; two new *tana' ulen* were established for the governance of water resources in the villages of Long Pujungan and Ketaman. When strong conservation values are upheld and governance institutions are effective, the result is the sustainable and equitable use of biodiversity (see Ostrom 1999, 2008).

In 2015, following growing frustrations of communities because of slow recognition of their ancestral rights, *tana' ulen* custodians had come together at the *Tana' Ulen* Congress held in Tanjung Selor (North Kalimantan) to share their concerns and voice their demands. Customary chiefs from several Dayak communities along the Kayan

River agreed that *tana' ulen* continue to be examples of effective Indigenous conservation and sustainable use, and committed to a form of “development that in order to be sustainable needs to respect and protect our values and traditions like *tana' ulen*” (author's notes).

While communities have started drafting village regulations to ensure some minimal legal status for *tana' ulen*, efforts at the village level are not enough to assert exclusive rights over their land and forest resources. In the Malinau district, *tana' ulen* and Indigenous territories (*wilayah adat*) can now be secured through the district regulation (PERDA no. 10 of 2012) for the recognition and protection of Indigenous peoples' rights. Communities' leaders have reached out to the Agency for the Registration of Indigenous Territories (BRWA) and the Working Group on ICCAs in Indonesia (WGII)<sup>8</sup> for support with the documentation, registration and verification of their territories and traditional practices needed to obtain recognition. BRWA and WGII are also engaging with local government to build their capacity to develop standard procedures and guidelines and for setting up proper mechanisms for verification including an agency (called BPUMA) as mandated by the district regulation. The partnership of the NGOs with the communities in Bahau Hulu and Pujungan, and

the open collaboration with the local government, contributed in significant ways to the acceleration of the implementation of the local law and the first formal recognition of the Bahau Hulu Indigenous territory by the Malinau District government in September 2019.

*Tana' ulen* are the realization of economic, environmental, social and cultural rights of Indigenous Kenyah communities. Not only do they conserve a vast range of habitats, biodiversity and ecosystem functions, but they are also the basis of livelihoods for their custodians. As such, *tana' ulen* retain a central place in forest governance among the Dayak Kenyah communities (Eghenter 2018). The conservation model of *tana' ulen* will not easily disappear but needs the right support and appropriate recognition to be sustained.

The strength of Indigenous conservation initiatives depends on the existence of international and national legal instruments as much as on the vitality of the Indigenous institutions and governance mechanisms, the vigour of regulations and values of the communities themselves. This includes the cultural bond between the communities and their *tana' ulen*, but also the strength of the social and advocacy networks of which the communities are part. In the community members' own words, much depends on “*how strong and committed we are.*” Local institutions need to be strengthened through information, innovation and skill-sharing to ensure that new champions of conservation emerge and conservation practices are sustained. As Dayak Kenyah people say, the respect for their forest values is paramount to the security and resilience of the community for present and future generations: “*There is no Dayak community without forest.*”

#### References:

Eghenter, C. (with B. Sellato and Simon Devung). 2003. *Social Science Research and Conservation Management in the Interior of Borneo: Unraveling past and present interactions of people and forests* (English edition). Bogor (Indonesia): Center for International Forestry Research (CIFOR), Ford Foundation, UNESCO, and WWF Indonesia.

Eghenter, C. 2005. “Histories of Conservation or Exploitation? Case Studies from the Interior of Indonesian Borneo.” *In Histories of the Borneo Environment*. Wadley, R.L., (ed.). Leiden: KITLV Press, pp. 87-108.



**“There is  
no Dayak  
community  
without forest”**

Saying of the  
Dayak Kenyah people

Eghenter, C., 2018. **Indigenous Effective Area-based Conservation Measures: Conservation Practices among the Dayak Kenyah of North Kalimantan**. PARKS (June).

Farvar, M. T., G. Borrini-Feyerabend, J. Campese, T. Jaeger, H. Jonas and S. Stevens. 2018. **Whose ‘Inclusive Conservation’?** Policy Brief of the ICCA Consortium No. 5. Tehran: ICCA Consortium and Cenesta.

Ostrom, E. 1999. *Self-Governance and Forest Resources. Occasional paper No. 20*. Bogor, Indonesia: CIFOR.

Ostrom, E. 2008. *Design Principles of Robust Property-Rights Institutions: What Have We Learned*. Workshop in Political Theory and Policy Analysis, Indiana University, and Center for the Study of Institutional Diversity, Arizona State University.

WWF, 2012. **The Human Heart of Borneo**. WWF Indonesia and Heart of Borneo Initiative.

<sup>8</sup> Ten member organizations are part of **Working Group on ICCAs in Indonesia**: AMAN, BRWA, WALHI, NTFP-EP, SAWIT WATCH, WWF Indonesia, HUMA, JKPP, Pusaka. The Working Group on ICCAs in Indonesia has been a Member of the ICCA Consortium since 2015.

Traditional fishing  
with nets.  
Photo: Andris Salo





## About this report

This chapter is part of the Territories of Life: 2021 Report, composed of local, national, regional and global analyses of territories and areas conserved by Indigenous peoples and local communities (sometimes abbreviated as “ICCAs” or “territories of life”). The report is part of an ongoing process to develop the knowledge base on territories of life in support of Indigenous peoples’ and local communities’ self-determined priorities. It is produced by the **ICCA Consortium with the support of several partners**.

ICCA Consortium. 2021. Territories of Life: 2021 Report. ICCA Consortium: worldwide.  
Available at: **[report.territoriesoflife.org](https://report.territoriesoflife.org)**.

## About the ICCA Consortium

The ICCA Consortium is a global non-profit association dedicated to supporting Indigenous peoples and local communities who are governing and conserving their collective lands, waters and territories. Its organisational Members and individual Honorary members in more than 80 countries are undertaking collective actions at the local, national, regional and international levels across several thematic streams, including documenting, sustaining and defending territories of life, as well as youth and intergenerational relations.

Learn more about the ICCA Consortium at  
**[www.iccaconsortium.org](https://www.iccaconsortium.org)**



**The ICCA  
Consortium**

