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Forest Company's Strategy to Manage Conflict with Land Speculator Derived by Relocation of Indonesian Capital to East Kalimantan: Case Study in a National Forest Plantation PT Inhutanii Batu Ampar, Indonesia

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Abstract:

After the Indonesian President announced the relocation of Indonesian Capital to East Kalimantan Province, many land speculator came to claim land surrounding the area of the new Indonesian capital, including at the concession area of forest based company. The objectives of the study were: (1) to explore the motivation of the land speculator to claim land; (2) to study the strategy that undertaken by company to move out the land speculators from forest concession area; and (3) to evaluate the response of the land speculator over the measures that undertaken by company. Research was conducted in December 2018 to march 2019 in a National Forest Company PT. Inhutani I. Data were collected from 5 key persons mostly the management level of the company, and 75 respondents of land speculators. A descriptive qualitative data anlysis was used for data analysis. Research results showed that motivation to claim land were and to grow with perennial plants. Most of the land speculant were the Kenyah Dayak people. The speculants came not only from surrounding areas but also from remote villages. Forest company has already taken strategies to move out land speculator from forest concession area that acceptable for people without any incident. In this case, the company invited reliable parties such as Customary Institution (Lembaga Adat Dayak Kenyah Kalimantan Timur) to mediate different concern to get a solution. The speculants' response were positive and feeling satisfactory to the measures taken by company beacuse of participative approach.

Keywords: Kalimantan, Dayak, Adat, Capital, speculant

1. Introduction

In August 2019, the Indonesian President Joko Widodo announced on National Television that the Indonesian Capital will move from megalopolis of Jakarta to the sparsely populated island of Kalimantan Borneo, which is home to some of the world's greatest tropical rainforests. The relocation of Capital is necessary because of some reasons: the burden on Jakarta is too heavy, problems of pollution and traffic congestion, Jakarta suffers from severe subsidence, which makes the coastal city extremely vulnerable to rising sea levels, sinking 10-20cm per year – one of the fastest rates in the world. The burden Jakarta is holding right now is too heavy as the center of governance, business, finance, trade and services.

The relocation aims to ease the pressure on Jakarta by moving its administrative functions about 1,000km to Kalimantan, which is the Indonesian portion of the island of Borneo which is also shared with Malaysia and Brunei. Jakarta will continue to be a commercial and financial center, and the majority of its nearly 10 million residents are likely to stay in Jakarta.

East Kalimantan was selected because the new Capital would be built as a smart, green city on state land near the existing urban centers of Balikpapan and Samarinda Cities and has promised the environmental impact will be positive. East Kalimantan can fulfill almost all of the criteria for the new Capital such as huge area, infrastructure (two International Airport that connected by Highway, and geographically safe from natural disaster such as earthquake and volcanic eruption.

Since the announcement of Capital relocation, land-speculators influx to the surrounding area of the center point of the new Indonesia capital, competing for claiming and encroach land including area of the forest concession PT. Inhutanil. The exact numbers of the land speculators were difficult to calculate because they spread and claimed land anywhere, they considered that the plot of the land could be claimed. According to a reliable informant, the Head of Farmer Group Saau Buaq¹, it is estimated 2,500-3,000 land speculators came and claimed land in this area.

Therefore, the company should take conducive strategies to move out the land occupants without incident using an acceptable way to avoid the escalation of conflict because of the massive occupation of land.

¹ Galatia, 50 years old, also a Teacher at Senior High School

The objectives of the study were: (1) to explore the activities and motivation of the land speculators to claim and occupy land inside forest concession area; (2) to study the measures and strategy that undertaken by company to move out the land speculators from forest concession area; (3) to evaluate the response of the land speculators over the measures that undertaken by company.

2. Methodology

2.1. Research Site

Research was conducted in a National Forest Plantation Concession PT. Inhutanil located in East Kalimantan Province, covering area of 708,430 ha (Ginoga, 2020). This concession was selected because it covers huge area and most of the land speculators claiming land inside this concession. Another reason was because they considered that this area would be quite strategic and good price in the future. The forest concession just located around 25-30 km from the center of the new Capital.



Figure 1: The Location of the New Capital (Red-Round)

2.2. Sampling and Data Resources

Data were collected through primary and secondary sources. Primary data were collected by individual interview with respondents using a set of questionnaires. Respondents were the people who came, claimed and even cleared the land inside the area of PT. Inhutani concession. Based on actual field condition, respondent sampling that considered the most appropriate method was Accidental Sampling or Convenience Sampling. This method is a type of nonprobability sampling in which the population selected is easily accessible to the researcher; available subjects are simply entered into the study without any attempt at randomization. The numbers of selected respondents were 75 persons.

Data and information from company PT. Inhutani I were collected through in-depth interview with Company Management, documents and ground-check that guided by Company Management.

2.3. Data Analysis

This research is a qualitative research which is more holistic and often involves a rich collection of data from various sources to gain a deeper understanding of individual participants, including their opinions, perspectives, and attitudes and data analysis that used was descriptive qualitative analysis. Qualitative Data Analysis (QDA) involves the process and procedures for analyzing data and providing some level of understanding, explanation, and interpretation of patterns and themes in textual data.

Being use this analysis, observation and survey tools are often used to gather data (Gall, Gall and Borg, 2007) consisted of two main steps: (1) Content analysis. This refers to the process of categorizing verbal or behavioral data to classify, summarize and tabulate the data; (2) narrative analysis. This method involves the reformulation of stories presented by respondents taking into account context of each case and different experiences of each respondent. In other words, narrative analysis is the revision of primary qualitative data by researcher.

3. Results and Discussion

3.1. Profile of the Research Site

PT. Inhutanil is a National forest-based Company, and one of the biggest forest-based Company in Indonesia. It was established in 1973 and covers concession area of 708,430 ha and provides jobs for hundreds of employees. Its core businesses are logging, industrial forest plantation, rubber plantation, timber processing and forest-based tourism service (Ginoga, 2020).

Concession area of this company is directly border with the areas that allocated for the relocation of Indonesian Capital. The strategic location has attracted many people came and to claim land.

The Vision of the company is, 'towards green forestry industry with non-timber businesses diversification on equal working-unit basis'. Under this Vision, the company is strictly protecting the area from any activities that not support the Vision, including forest-land occupation by speculators.

3.2. Characteristic of Population and Respondents

Population in this research is all people or land-speculators that came and claimed land inside the Company concession area since November 2019. The exact number of the land-speculator was difficult to identify because some reasons: they came individually or in small group of 5-10 people and Farmer Group *Saaubuaq* didn't have detail information, they claimed land in diverse different plots and broad area. After they cleared some plots of land and put their label of names on the claimed land, some people returned home because they felt that he/she already owned a plot of land. For a purpose to show other people that a certain land had already owned by someone, some people even put their name on the rubber tree which is can degrade the quality of the rubber.

Some respondents were growing some species of fruits such as durian, mango, oil palm, rubber to show their claim of the land.

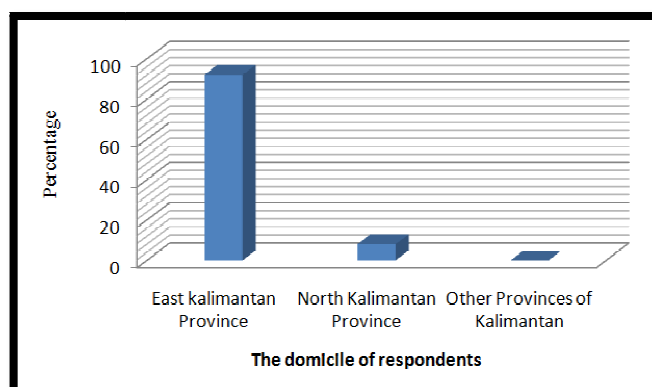


Figure 2: The Domicile of the Respondents

Figure 2 above shows that 92% of the respondents were domicile in East Kalimantan Province, the same province with the new Capital. However, it is surprisingly that 8% of the respondents were the people from North Kalimantan Province, some 600 km away from the new location of the Indonesian Capital. They used cars to come to this location in some groups of 5-6 people. We investigated that those who came away from North Kalimantan were the relatives of the land speculators from East Kalimantan Province. They were informed by their relative of East Kalimantan so that they could claim bigger size of land in the same area.

During the field observation, we also found that most of the land speculators outside of the respondents were also dominated by the KenyahDayak ethnic. Actually, other non-Dayak ethnics were also tried to compete to claim land in the same area, but the Dayak more dominant. In terms of livelihood, we found that most of them were shifting cultivation farmers, similar with Inoue (2000) who identified that livelihood of the most of the KenyahDayak were farmers.

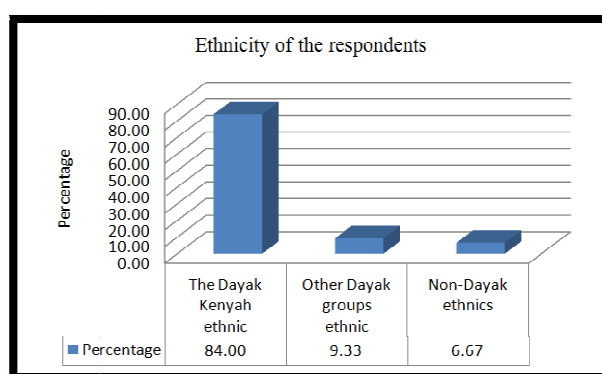


Figure 3: Ethnicity of respondents

From the aspect of ethnicity, Figure 3 above shows that 84% of the Respondents were the Kenyah Dayak ethnics. It means that the land speculators were dominated by the Kenyah Dayak ethnic. The ethnicity of the rest of respondents were other Dayak groups (9,33%) such as the Tonyooi Benuaq, Bahau and 6,67% non-Dayak people such as Bugisness, Javaness, Banjares and Kutai.

The reasons why they so motivated to claim land were as follows: (1) they learned from the Indonesian government Transmigration Program of 1970s in which million on people were moved from populated area Java Island to Kalimantan Island, and now they enjoying the high price of certified land that they got from government in basin and around cities area through that Program, while the Kenyah Dayak people didn't get anything. They considered this was a

discrimination of treatment to local people by government; (2) they wanted to have land surrounding the cities so that they will grow cash-crops to make money for the study of children; (3) the relocation of Indonesia capital was the most important motivation to claim land. By claiming and own lands surrounding the new Capital area, they expected that the land price would increase in the near future; (4) by having some plots of land nearby to the new Capital they would have strategic place to run business; (5) they wanted to show the well-known Kenyah Dayak culture especially the traditional dances (*kancet*), crafts and daily live to the world, so that they need land for settlement and for farming surrounding the new capital. In order to accommodate this issue and to promote the Dayak culture, the Kenyah Dayak in particular, in June 2020 PT. Inhutani I already allocated appropriate location to build Dayak Customary Hall (*Lamin Adat*) nearby the Field Office in Bangkirai site. The purposes of the Lamin Adat are for show room for many items of the Kenyah Dayak handy-crafts and to perform the Dayak traditional Dances (*tari-tarian*).

According to Imangand Kueng (2005), Kenyah Dayak is the indigenous people of East and North Kalimantan, and earlier, until 1970 and most them lived in isolated area in the upper rivers. But since 1970an and 1980an, most of them moved to down rivers in order to get better access to health, education and economy.

Linguistically, Dayak ethnics are classified in 5 groups, one of which is the 'Kayan- Kenyah group' including the Kenyah people. Sub-ethnics Bahau, Modang, Aoheng are included in this classification (Inoue, 1999). Other linguistic classifications according to (Devung, 2001) are Barito Timur, Barito-Mahakam, Apo Duat and Rejang-Baram. From such classifications, it is obvious that the Kenyah included to Apau Kayan or Kayan Kenyah group.

The number of sub-ethnics of Kenyah is varies. Riwtut (1958) and Ukur (1991) point out that Kenyah consists of 24 sub-ethnics, and Soriente (2003) states that the Kenyah consists of 36 'variants' includes those in Sarawak. In East Kalimantan itself, the East Kalimantan Dayak Union (PDKT = *Persekutuan Dayak Kalimantan Timur*) classified the Kenyah into 22 sub-ethnics. In term of number, Ngindra (1992) states that the number of Kenyah in East Kalimantan is 40,000 people, Lahang, *et al* (2000) estimated at 50,000, while Imang and Kueng (2005) calculated at least 60,000. The updated number of the Kenyah Dayak of East Kalimantan in 2019 was estimated at 85,000 people.

3.2. Chronology and Process of Claiming Land

Before we describe the process of claiming land, it is important to know why the land so valuable for the people. Regarding this issue, Bodreaux (2013) describe that in order to address land-related conflict, it is essential to correctly identify the roles played by land in the conflict. What factors create vulnerability to land conflict, heighten unproductive competition, and exacerbate tension?

Since the Indonesian President JokoWidodo announced that Indonesian Capital in Jakarta would relocate around 1,000 km away to East Kalimantan Island in August 2019, people of East Kalimantan responded in different ways, but mostly very curious of where the center-point of the new Capital. One month later, The President announced that the new Indonesian Capital would be located in two Districts inn East Kalimantan Province: PenajamPaser Utara (the center zone of) and KutaiKartanegara for development-expansion zone. Since then, people came from many places and different direction to claim land surrounding the area, including in the forest concession of PT. Inhutani I.

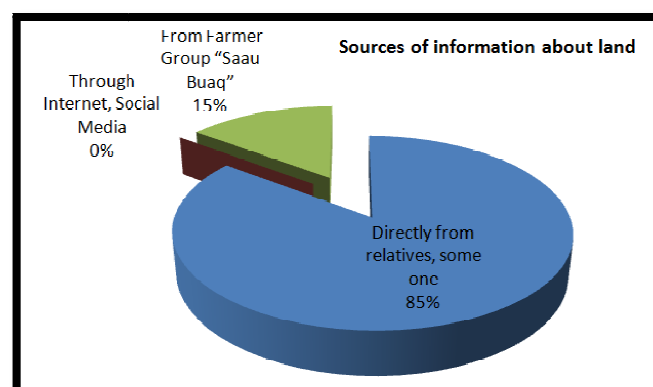


Figure 4: Source of Information about Land to Claim

People responses to the relocation were various depending on their concern. The fastest response of the people to the relocation of Capital was to claim land because this the way for them to have access and to get benefit from the capital relocation. By having land surrounding the new capital, they expect to run a new business or they can sell their land to businessmen or developers.

It is interesting to know how the people got information about the land because earlier most of them were living away from the area. Based on interview with respondents, it was identified that 85% of respondents got information about land from their friends and relatives. The ways they got information related land were direct from relative or friend and by phone. They said that they shared information about opportunity to claim land a bit secretly because they worry of severe competition in the field. Some 15% of respondents got information from the Farmer Group 'SaauBuag' This farmer group was established shortly after the Indonesian President announced the relocation of Indonesian capital to East Kalimantan. The founders considered that the legal way to organize people and to claim land was through a farmer group. The way the land speculators to claim a plot land as follows: (1) put their names on any big tree or even on rubber tree that planted by company to show that this plot of land already claimed by someone. The size of one plot of land usually 50

m x 100 m and 100 m x 100 (one ha); (2) to build a small and simple hut (*pondok*) in the land as the confirmation that this land is in progress of clearing/slashing; (3) to grow some species of fruits or other perennial plants as the signs of ownership. They also speculated that they will get compensation based on population of fruits they already grew when someone or government would take over the land.

3.3. Motivation to Claim Land

Under the euphoria of the relocation, people of East Kalimantan Province in particular and also from North Kalimantan Province competed to claim some plots land that considered could be owned in the future. Their motivation to claim lands were various, but mostly want to claim land first. The main concern in their mind '*if I am not the first one to claim this land, other people would claim it before me*'.

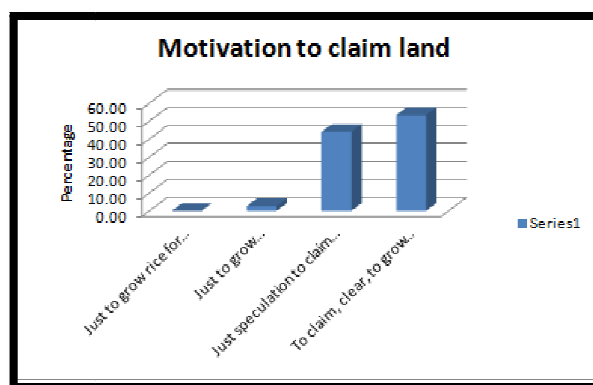


Figure 5: Motivations to Claim Land

Motivation to claim land as shown Figure 5 indicates that the most important motivation (53% of respondents) was to claim and clear the land so that they can grow some species of plants or fruits instead of crops. Some respondents also shared repeated their past experiences in other places especially in coal mining or oil palm plantation concessions that the more they grow plant the much they got cash compensation from the companies. That's why some people tried to grow fruits and perennial crops in their claimed land by the expectation to make much money. In such case, they refused to move from their claimed land without compensation from company which may cause conflict.

3.4. Measures Taken by Company to Solve Land Dispute

In this study, we used term of 'land dispute' instead of 'land conflict'. Land dispute involves conflicting claims to rights in land by two or more parties, focused on a particular piece of land, which can be addressed within the existing legal framework. Land disputes may or may not reflect some broader conflict over land (Bruce, 2013).

As already described above that after the announcement of relocation Indonesian Capital to East Kalimantan Province, people from elsewhere were competing for land that considered valuable in relation to the development of new Capital. Under the influx of land speculators inside the concession area of PT. Inhutani I, the Company Management should take solution that considered acceptable for speculators to avoid escalation of conflicts. Management of the forest concession company surely realized that emotional tension of the speculators may increase if they take inappropriate measures. Land-related issues figure into many violent disputes around the world (Bruce and Brodeaux, 2013)

We identified that the strategy taken by company to solve the problem was actually a combination of strategies that provided by Gibbons, Timothy, Cristoff, Balkhi (...) as follows

- **Immediately address the conflict.** One month after the announcement of the relocation of Indonesian Capital to East Kalimantan Province, some people already claim and clear some plots of land inside forest concession of PT. Inhutani I. The land claim caused double impact because they cleared land illegally and some people cleared land in highly strict zones such has buffer zone, conservation zone, and core zone of rubber plantation. Some people also burnt the land for land clearing which is highly prohibited by Law in industrial forest company. Therefore, company immediately address the conflict in a conducive way as follows: (1) put some Warning Signs (*papanperingatan*) in the area to warn them that they are clearing land in prohibited zones, (2) deployed Law Enforcement Task (*Gakum = Penegakan Hukum*) consisted of Court Officers, Forestry Office and Police to ask them to move from the area and not make any fire in the area, (3) actively monitoring and evaluate if there any new comers that may come in the same location or claiming land in other location to protect the massive coming of land speculator.
- **Validate everyone's feelings.** In this matter, company questioned some land speculators about the reason they come to claim land, who informed them about the plot of land, do they know that the land is belong to forest company and not an abandoned land, and do they will leave the land after they know the status of the land. Forest Company also investigated if there any mastermind behind the massive speculator to claim land.
- **Have a group discussion.** After the management of the company knew the massive claim over their concession area, they actively investigate the party or person and even institution that considered can represent the land speculators. Once they found the representative, company communicate with the ethnic and representative of the land speculators Leaders (*Kepala Adat or Ketua Kerukunan*). They wanted to listen to each person, and find a place

to reach a resolution, and then talk about ideas to ensure it doesn't happen in the future. In this case, the company held some formal and informal meetings, both at office and outside office in an informal way.

- *Get to the root of the problem.* Company initiates a constructive dialogue to discover the actual problem and from then to seek solution. The Company realized that if they not take appropriate and quick action, they will face bigger problem. So that, company initiated early dialogue with the people and followed with a meeting with representative of the people through the Kenyah Dayak Customary Institution (=Lembaga Adat Dayak Kenyah) of East Kalimantan Province. The purpose of the meeting was to discuss what is happening and to seek for solution.
- *Consult a neutral mediator.* Company brought this land conflict to the conflict resolution experts who help to identify the root cause, resolve the argument and prevent future conflicts. In this aspect, the company tried to identify and find someone or any ethnic-based organization that considered can represent the land speculators to be a mediator. The company identified the key-persons and organization that considered neutral mediator, as mentioned above *Lembaga Adat Dayak Kenyah*. For the next mediation, the company developed intensive discussion and negotiation to achieve acceptable solution for both sides.
- *Establish goals for both parties.* To set a goal that pertains to each person and to know what to say and how to handle the situation effectively. In order to have an effective way to move the land speculators, the company established goal for both parties as follows: (1) informed the people that they are clearing land that belongs to concession of forest company; (2) it is prohibited to clear land and to grow anything other than forestry purpose because it is not allowed by forestry law ; (3) company will look for participative alternative with the people and will develop a synergic and mutual-symbiotic with people so that both parties would have beneficial solution. In this case, company did just not ask people to move from the prohibited area but also provided solution that may accepted by the land speculators.
- *Create a signed conflict resolution plan and find agreement.* in this aspect, both groups (company and land speculators) had time to state their concerns they might have and also the reason and explanation. After both parties have stated their concern, it opened way to resolve the conflict. Both parties also demonstrated their willingness to seek out common ground and build a relationship and trust elements.
- *Talk together.* Company set up a time and place to talk for an extended span. From January to June 2020, the company had been initiated some meeting with the leaders of *Lembaga Adat Dayak Kenyah*, both individually and in a formal meeting to find for solution. During the meeting, each party had adequate time to say what other party needs to hear. Focus on the problem.

3.5. Response of Respondents to Measures Taken and Alternative Solution

After the four months of investigation, discussion, dialogues and meeting with land speculators, forest company could identify and formulated the problem, and came to some conclusion and alternative solutions: (1) most of the land speculators are the Kenyah Dayak people, the indigenous people of Kalimantan Island; (2) the land speculators have strong motivation because they had lesson-learn from the past government transmigration program in which local people didn't get any benefit from the land like the new-comers from outside Kalimantan Island; (3) the land speculators were really wanted to improve their economic life by clear some plot of lands nearby a city so that they could sell their agricultural products; (4) they are very interesting to integrate their agricultural area with cultural tourism and natural-forest tourism. This area is considered very suitable because it located near the new Indonesian Capital and also has virgin and secondary forests to conserve, to be part of the tourism object. The Kenyah Dayak people has very impressive and well-known traditional dance and costumes; (5) as for alternative solution, the company offered along-term scheme of cooperation in maintain the rubber plantation. Through this scheme, the company provided opportunity for the people to maintain (*memelihara-membersihkan*), to harvest (*menores*) and to enrich (*memperkaya*) the existing rubber plantation (the core business of PT. Inhutani I). Under this scheme, the harvested rubber would be sold to company at a beneficial price. Some around 320 ha was in progress to allocate for around 120 people that involved in this scheme. They really expect that company would enclave this area for Other Utilization Area (*Area Penggunaan Lain/APL*) through *Tora (Tanah Objek Reforma Agraria)* Program by the Ministry of Environment and Forestry (KemenLHK) and Ministry of Agrarian (ATR).

The company also supports the scheme by providing representative shelters, harvest tools and technical supports. This cooperation already provided in written document or Decree (*SK =Surat Keputusan*) by the Management.

For the purpose of mid-term and long-term socio-economic improvement of the people who included in the above Scheme, the people really need

In order to know the response of the people to the measures that taken by company during dispute among people and company, and also people's response to alternative solution provided by Company, a survey was conducted and the result shown on Graphic below.

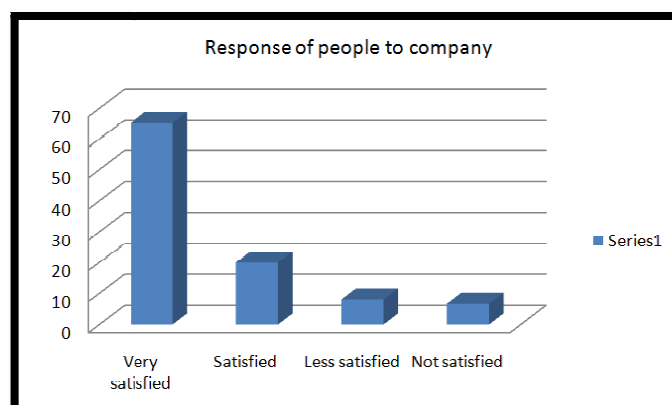


Figure 6

Figure 6 above shows that 65% of respondents were very satisfied with the measures and solution undertaken by the company to overcome problem of land claim by speculators.

4. Conclusion and Recommendation

4.1. Conclusion

- Land claim by speculators was going on a bit massive due to expectation to own land nearby the new Capital. Their motivation was almost similar to claim land and to grow with perennial plants. Most of the land speculators were the Kenyah Dayak people. The land people came not only from surrounding areas but also from upper rivers, remote villages and even from neighbor North Kalimantan Province of around 600 km away.
- Forest company PT. Inhutani I has already taken appropriate measures and strategies to move out land speculator from forest concession area that acceptable for people without any incident. In this case, the company invited reliable parties such as Customary Institution (*Lembaga Adat Dayak Kenyah Kalimantan Timur*) to mediate different concern to get a solution.
- Regarding response to measures taken by company to move land speculators from the prohibited area, their response was positive and feeling satisfactory to the measures taken by company. The reasons were the company used consultative way to move out the land speculators other than forced way, and company also provided alternative scheme for future livelihood.

4.2. Recommendation

- It is recommended that the company keep active communication with the people and advise them on the regulation of the company
- It is strongly recommended that the company will enclave some part of the concession for people through TORA Program so that they can also benefit from the forest and land and also got benefit from the development of the new Indonesian Capital

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